# Employee Policy & Procedure Manual – Employment

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MESSIAH COLLEGE OFFICE OF HUMAN RESOURCES AND COMPLIANCE
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1.01 **NON-DISCRIMINATION IN EMPLOYMENT**

*(Owner: Office of Human Resources & Compliance; Last Reviewed: 10/17/18; Last Updated: 10/17/18)*

Messiah College’s strategic plan calls for the creation of a diverse and inclusive workforce in order to deliver the promise of Messiah’s educational mission in the twenty-first century. A critical step in this direction is to make every appropriate effort to recruit and hire an inclusive faculty, staff and administration that reflects diversity.

In accordance with federal and state laws regarding non-discrimination (including Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975), Messiah College does not discriminate on the basis of age, race, color, sex, national or ethnic origin, disability, or veteran’s status in the recruitment and admission of students, the recruitment and employment of faculty and staff, or the operation of any of its programs. Consistent with our nondiscrimination statement, the College does not tolerate abuse or harassment of employees, students or other individuals associated with the College. All employees are to abide by this policy in order to provide a work environment free from discrimination. The College does not tolerate harassment by vendors, contractors or guests.

Decisions relating to employment opportunities shall be influenced by the pervasively religious nature of the College (a religious educational institution) which has its roots in a religious tradition and which operates in a manner specifically consistent with the Statements of Faith, Foundational Values, Educational Objectives, and Community Covenant of Messiah College, all of which appear in the publication entitled *Essential Commitments*.

Individuals who feel they have experienced unlawful discrimination should notify the Vice President for Human Resources and Compliance, who is the College official responsible for issues involving non-discrimination and equal opportunity. In addition, employees concerned about harassment and/or discrimination may contact Human Resources and should be aware of the College’s grievance procedures found in Section 1.18 of this manual. The Office of Human Resources and Compliance is located in the Old Main Building and can be reached at extension 5300.

1.02 **PRE-EMPLOYMENT CRIMINAL HISTORY RECORD CHECKS**

*(Owner: Office of Human Resources & Compliance; Last Reviewed: 3/9/15; Last Updated: 3/9/15)*
In compliance with Pennsylvania Act 153 of 2014, all new employees in higher education who work in Pennsylvania, regardless of place of residence, are required to have the following background checks prior to the start of employment:

- FBI Cogent Fingerprint Check
- Child Abuse Clearance
- Pennsylvania State Police Check

These clearances must be less than 3 months old. All new hires are required to submit the original clearances to Human Resources on or before their first day of work. This policy applies to all employees, including faculty and adjunct faculty.

Any offer of employment is contingent upon the applicant providing all three (3) completed clearances with no restrictions for employment. If an applicant fails to provide all three (3) completed clearances, any offer of employment will be withdrawn and the applicant will not be employed. An applicant who fails to disclose a felony or misdemeanor conviction on his or her employment application may be discharged from employment for falsification of the application.

For employees who reside AND work for the College outside of Pennsylvania (e.g., online teaching faculty), the College will require a criminal history record check in conjunction with an employment offer. Any offer of employment prior to completion of a criminal history record check will be subject to receipt of a report which is satisfactory to the College.

Consistent with Pennsylvania law, Messiah College may consider felony and misdemeanor convictions in deciding whether or not to employ an applicant. A conviction may be considered to the extent to which it relates to the applicant’s suitability for employment in the position for which he or she has applied. If a criminal history background check is likely to preclude employment, the candidate will be notified and invited to both provide an explanation and examine the report.

The College may not release criminal conviction information to any third party except as required by law.

1.03 **Obligation to Report Criminal Charges**

*(Owner: Office of Human Resources & Compliance; Last Reviewed: 3/9/15; Last Updated: 3/9/15)*
Pennsylvania State Regulation 6344.3 of Act 153 requires employees to self-report any arrest or conviction within 72 hours of its occurrence (inclusive of weekends/holidays) to the Office of Human Resources & Compliance. Failure to comply with this requirement will result in disciplinary action up to, and including, termination of employment.

1.04 EMPLOYMENT CLASSIFICATIONS

(Owner: Office of Human Resources & Compliance; Last Reviewed: 7/31/18; Last Updated: 7/31/18)

For purposes of clarity and uniformity in employment policies, College employees are classified as teaching faculty, administrative employees, or staff employees. These classifications pertain to the employment relationship between the employee and the College and do not relate to their particular roles or to distinctions made for governance purposes. An employee within any of these classifications may be either full-time or part-time, as outlined below.

**Full-time Employee** – an employee who is regularly scheduled to work between 1560 and 2080 hours per fiscal year.

**Part-time Employee** – an employee who is regularly scheduled to work between 1000 and 1559 hours per fiscal year. The assignment is generally capped at a maximum of 1400 hours.

**Limited-hour Employee** – an employee who is regularly scheduled to work less than 1000 hours per fiscal year in a continuing seasonal, academic year or annual assignment. Assistant athletic coaches are included in this category. The assignment is generally capped at a maximum of 900 hours.

**Temporary Employee** – an employee that works less than 1000 hours per fiscal year and is not employed in a regular, continuing assignment. The length of the work period may vary, but will generally involve a more limited schedule. The assignment is generally capped at a maximum of 900 hours.

1.04.01 Teaching Faculty (Exempt)

Teaching faculty are salaried personnel and include those defined in the Community of Educators Handbook as Instructor, Assistant Professor, Associate Professor, and Professor. Also included among teaching faculty are those defined in the Community of Educators...
Handbook as Lecturer, Senior Lecturer, Adjunct, Visiting Professor, and Scholar/Artist-in-Residence.

1.04.02 **Administrative Employees (Exempt)**

Administrative employees are salaried personnel who are paid based upon an annualized base salary and are considered to be "exempt" employees (i.e., are not subject to the provisions of federal and state laws which regulate wages and hours) because of the nature of their work.

1.04.03 **Staff Employees (Non-Exempt)**

Staff employees are personnel (other than students) who are paid on an hourly basis and are considered to be "non-exempt" employees (i.e., are subject to the provisions of federal and state laws which regulate wages and hours).

1.04.04 **Graduate Assistants**

Graduate Assistants are actively enrolled at Messiah College in a graduate program and are working in a defined assistantship program through the College. Graduate Assistants are classified as student employees. Graduate students working in a job assignment outside of the assistantship program are student employees but are not classified as Graduate Assistants.

1.04.05 **Student Employees**

Student employees are personnel who are generally paid on an hourly basis and are generally considered to be “non-exempt” employees (i.e., are subject to the provisions of federal and state laws which regulate wages and hours). Student employees must be enrolled at Messiah College on at least a half-time basis unless in their final semester prior to graduation.

1.04.06 **Interns**
Interns may include individuals either in an educational program through Messiah College or an educational program for another institution. Any intern performing duties at Messiah College must meet the following criteria:

- The individual is currently in an educational program or, in certain cases (e.g., for licensure), has just graduated from an educational program
- The assignment is a one-time event and will not be an ongoing assignment
- Consistent with federal and state wage laws, interns may be unpaid only if the internship is for credit or is for licensure requirements. Otherwise payment is required.

1.04.07 Volunteers

Individuals may, at times and at the suggestion of the College or the individual, desire to perform volunteer work at the College without expectation for compensation or other benefits. To qualify as a volunteer, the following conditions must be met:

- Volunteers cannot receive an honorarium, stipend payment, gift card or similar item that is paid from Messiah funds.
- A volunteer is either a “volunteer” or “paid work” position. “Volu-work” positions are not allowed.
- A position cannot be filled with a volunteer if the position is currently, or has been previously, a paid position.
- A volunteer should not displace other employees performing a similar assignment
- A volunteer may provide service in a one-time or repetitive assignment, but there should be a defined cap in the amount of volunteer hours. Volunteers may not provide service of a full-time assignment
- A volunteer may attend an established appreciation event for other employees in the respective department(s)

Current employees may, at times, wish to volunteer additional services to the College for special activities, events, and similar items. Employees may be considered as providing an unpaid volunteer service if:
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- The additional services are NOT closely related to the employee's regular work assignment
- The additional services were NOT required by the supervisor or another College employee
- The employee is paid for any volunteering time that falls during normal working hours and is NOT required to make up time lost during the employee's regular work day for the volunteer assignment

Volunteers who have lived and worked in Pennsylvania for the past ten (10) consecutive years are required to provide the Pennsylvania Access to Criminal History (PATCH) criminal history record clearances. All other volunteers must provide current copies of the three-phase background check as outlined in Section 1.02.

1.04.08 **Independent Contractors**

Independent contractors are **NOT** employees of the College. Requests to hire individuals as independent contractors must be processed in advance of any work opportunity or offer. Hiring managers seeking to contract with an independent contractor must work with their appropriate Vice President or Provost and Purchasing. The Office of Human Resources and Compliance will partner with Purchasing, as necessary, in confirming a contractor’s eligibility for work.

Please see a sample Independent Contractor Agreement template to assist in developing an agreement. For further assistance in evaluating classification as an employee or independent, please review the Payroll vs. OneSource Payment Chart or contact Procurement or the Office of Human Resources & Compliance for assistance.

Independent contractors are required to have a completed background check prior to the start of any work.

1.05 **EMPLOYMENT RELATIONSHIP**

*(Owner: Office of Human Resources & Compliance; Last Reviewed: 10/8/14; Last Updated: 10/8/14)*

Employment of administrative and staff employees is on an "at will" basis and for no definite period. Employment may, regardless of the time and manner of payment of wages,
be terminated at any time with or without cause or notice by either the College or the employee. Any wage figures provided to an employee in the initial confirmation letter or in any annual or monthly terms are stated for the employee's convenience and do not create an employment contract for any specific period of time.

All teaching faculty are employed on a contractual basis as outlined in the Community of Educators Handbook.

1.06 **EMPLOYEE PERSONNEL FILE**

(Owner: Office of Human Resources & Compliance; Last Review: 12/10/14; Last Updated: 12/10/14)

The Office of Human Resources and Compliance maintains personnel files on all employees of the College. Employees may request to review the contents of their personnel file during regular office hours. Additionally, supervisors and other designated personnel with the right to access personnel files may request to review. Requests to review personnel files must be submitted to the Office of Human Resources & Compliance via the Personnel File Review form. An appointment will be scheduled for the review and a Human Resources representative must be present during the review.

Pre-employment documents and any documents submitted in confidence will not be made available to the employee/reviewer. Other personnel file items including, but not limited to, performance appraisals, disciplinary items, contracts, letters of appointment, and similar items will be available to the employee/reviewer for viewing only. Copying will not be permitted, except as permissible or required by law, but the employee/reviewer will be permitted to make handwritten notes from the file. At no time will the file, or any portion of the file, be permitted to be removed from the Office of Human Resources & Compliance.

Questions or concerns regarding the accuracy of the information maintained in the file should be directed to the Vice President for Human Resources & Compliance. The employee may request to place a written disagreement in the personnel file, which will be attached with the document(s) in question.

1.07 **LETTERS OF APPOINTMENT**
Upon hiring, a letter is issued to staff and administrative employees confirming the employee’s job title, job band, and initial hourly wage or annual salary. In subsequent years, letters of appointment for staff and administrative employees are issued when deemed appropriate. By accepting a letter of appointment, an employee agrees to abide by the College’s policies and procedures and also indicates affirmation and support of the Statements of Faith and other named foundational statements of the College, including the Community Covenant.

The College reserves the right to preserve the employment-at-will relationship. The letter of appointment is intended to confirm the terms of employment and is not intended to be a contract or promise which binds either the College or the employee to continue the employment relationship for any period of time or which limits the right of the College or the employee to terminate the employment relationship at any time for any reason.

Policies relative to contracts for teaching faculty are stated in the Community of Educators Handbook.

1.08 **Probationary Employment Period**

The probationary employment period is a time when a supervisor evaluates the employee against the performance requirements of the position. The initial new hire probationary period for all administrative and staff employees is defined as the first 90 calendar days of employment. Although not held to the same restriction for leave and benefits, administrative and staff employees who change jobs will be subject to a 90-day probationary period in their new assignment. The College may extend the probationary period as necessary for appropriate evaluation.

Employment may be terminated by the College at any time without warning prior to the end of the probationary period. If employment expectations are being met as of the end of the probationary period, employment may continue until terminated by either party in accordance with the termination policies of the College. However, successful completion of the probationary period does not confer the right to employment of any specific duration.

1.09 **Performance Appraisals**
The purpose of the formal appraisal is to promote a culture of achievement and accomplishment among employees and to provide specific feedback regarding work quality and performance. It is also intended to provide an open discussion between the supervisor and employee regarding job responsibilities and expectations for future responsibilities.

Staff and administrative employees receive a performance review upon completion of their 90-day probationary period and thereafter a full performance appraisal is conducted annually by the supervisor.

Information regarding the evaluation of teaching faculty is contained in the sections of the Community of Educators Handbook dealing with Faculty Evaluation and Term Tenure.

1.10 **PROGRESSIVE DISCIPLINE**

In the event an employee’s behavior or job performance fails to meet with expectations, the College endeavors to use a progressive discipline process whereby employees are made aware of the problem and given a reasonable opportunity to take corrective action. The College reserves the right to shorten the progressive discipline process, up to and including termination of employment, for temporary employees, interns, employees during their probationary employment period, and for all employees in situations involving egregious behavior.

Below are the guidelines for the progressive discipline process. They are established to ensure fair, consistent and equal treatment throughout the College:

**Step 1:** The first time a minor breach in employee behavior or performance occurs, a verbal warning to the employee is usually sufficient. The supervisor and employee shall meet in private to discuss the employee's performance/conduct and expectations for improvement. The conversation shall include guidelines to follow for changing behavior or improving performance. A record that the conversation occurred shall be sent to Human Resources.

**Step 2:** If the employee's performance/conduct continues to be unsatisfactory, the supervisor needs to schedule a second meeting to review the situation, cite specific examples of problem performance/behavior and provide the employee with a written
warning indicating that the employee’s performance/behavior must show immediate and sustained improvement. The employee should also be given the chance to respond to statements made concerning the inappropriate behavior or poor performance. The written warning will be provided to the employee and a copy of the warning and the employee’s response will be forwarded to Human Resources.

**Step 3:** If, in spite of documented warnings, the employee fails to make the necessary changes in behavior/performance or if there is another occurrence of problem behavior, the supervisor should place the employee on probation.

Prior to placing the employee on probation, the supervisor shall meet with Human Resources to discuss the conditions which warranted the reprimands, the procedures followed to date and the format of the probation document. If deemed appropriate, the supervisor shall then meet with the employee to review the probation with emphasis placed on the seriousness of the situation, including the fact that failure to demonstrate immediate and sustained improvement may result in termination of employment. A copy of the probation document will be provided to the employee, and a copy will be forwarded to Human Resources for inclusion in the employee's personnel file.

An employee’s progress and improvement should be clearly indicated in subsequent performance appraisal.

If the employee has not shown adequate improvement, if the terms of the probation are violated, or if a separate occurrence of inappropriate behavior occurs during probation, the employee will be subject to termination. Before proceeding with a termination, supervisors and managers must meet with the Vice President for Human Resources and Compliance.

1.10.01 **Suspension**

The College reserves the right to suspend an employee with or without pay in response to a serious situation or the need to investigate a complaint. An employee may receive a disciplinary suspension without prior notice, counseling, or warning when the violation is so serious that immediate disciplinary action is warranted.

If a supervisor wishes to impose a suspension, the division Vice President or Provost must first contact the Office of Human Resources.

1.11 **Termination of Employment**
Administrative and staff employees are employed at will and either the College or the employee may end the employment relationship at any time.

Faculty employment is regulated by contract and procedures related to ending the employment relationship of teaching faculty due to resignation or non-renewal of contract are stated in the Community of Educators Handbook except that the policy for willful misconduct applies to all employees including teaching faculty.

All departing employees (including faculty) must promptly return all property of Messiah College, including, but not limited to, keys, identification card, Visa purchasing cards, and media equipment (cell phones, laptops, iPads, library materials). These must be surrendered to the appropriate supervisor on or before the employee's last day of employment.

1.11.01 **Termination Policies for Administrative & Staff Employees**

An involuntary termination of employment, to include layoffs due to restructuring, is a management-initiated dismissal. Termination may be for any reason (i.e., misconduct, tardiness, absenteeism, unsatisfactory performance, etc.). It is the College’s policy to ensure that employee terminations are handled in a respectful manner, and where appropriate, only after the employee has failed to demonstrate improvement via the progressive discipline process. While in some cases progressive discipline should be used to correct a behavior/performance problem and thereby avoid termination, certain types of employee misconduct are so severe that one incident of misconduct will result in immediate dismissal without prior use of progressive discipline.

Before any action is taken to terminate the employment of an employee, the employee’s supervisor must review the situation with Human Resources and the appropriate Vice President or Provost. It is Human Resources’ responsibility to review the situation and determine if dismissal is warranted. If Human Resources confirms moving forward with a termination, it is the supervisor's responsibility to coordinate with Human Resources to ensure that the termination is handled appropriately.

1.11.02 **Willful Misconduct**

The policy prohibiting willful misconduct applies to all employees including, but not limited to, administrative, staff, and instructional employees as well as term-tenured faculty. All employees of the College are expected to refrain from willful misconduct and,
in failing to do so, are subject to disciplinary action, including termination of employment. All employees terminated for willful misconduct are not eligible to receive severance or continuance of benefits of any kind.

Examples of willful misconduct include, but are not limited to the following:

a. Insubordination
b. Neglect of duty
c. Dishonesty of any kind
d. Fighting or threats of violence
e. Theft, attempted theft or willful destruction of College property
f. Sabotage
g. Falsification of payroll, employment, or other College records or information
h. Unapproved absence of three consecutive days
i. Harassment, and/or retaliation (or threat of retaliation) for reporting harassment and/or misconduct
j. Using College IT equipment/infrastructure in a manner that is not in compliance with the ethical and moral standards of the College
k. Intentional violation of the principles embodied in the "Community Covenant"
l. Serious violation of Messiah College policies
m. Material breach of the terms contained in one's letter of appointment, contract or employment agreement
n. Other serious wrongdoing, including that which may harm persons or property
o. Failure to follow established safety protocols and procedures, including failure to report a crime
p. Failure to self-report arrests or convictions

This list is not intended to be exhaustive, but rather to be illustrative of the sorts of serious misconduct which may subject an employee to disciplinary action, including termination of employment.

1.11.03  **Termination Due To Unsatisfactory Work Performance**

The procedure for terminating an administrative or staff employee due to unsatisfactory work performance shall be the progressive disciplinary process.

1.11.04  **Resignation**

Administrative and staff employees who wish to resign are asked to give a minimum of two weeks advance notice. Whenever possible, more advance notice is preferable. The
resignation date indicated by the employee is to be the last day physically working on campus. Sick, personal, and vacation time and holidays may not be used to extend employment beyond the last physical day on campus. Resignations by staff and administrative employees shall be submitted in writing to the immediate supervisor and a completed Notice of Resignation form shall be filed with Human Resources. A Payroll Change Form should be completed by the Supervisor and forwarded to Human Resources.

Policies related to the faculty resignation process are stated in the Community of Educator’s Handbook.

Any employee who was full time at time of resignation who is returning to employment in any capacity with less than a 26-week break in service must be communicated to the Office of Human Resources & Compliance prior to any job offer.

1.11.05 Retirement

As required by law, the College does not set a mandatory retirement age. However, for purposes of establishing eligibility for College benefits which accrue only to those with "retired" status, an employee is considered to be retired from Messiah College if he or she is at least 60 years of age and has voluntarily terminated employment after at least 10 years of full-time employment.

An employee who is at least 62 years of age when retiring from service at the College may return to work immediately in any capacity without a waiting period. An employee who is under 62 years of age, however, may not return to work at the College, even if in a reduced capacity (e.g., adjunct faculty, part-time staff, or temporary employee), for a period of twelve (12) months or attainment of age 62, whichever comes first.

Regardless of age, any employee who was full time at time of retirement who is returning to employment in any capacity with less than a 26-week break in service must be communicated to the Office of Human Resources & Compliance prior to any job offer.

College-administered retirement benefits shall include the following:

a. Upon request, the College will assist in arranging financial counseling.

b. A retired employee will receive a specially-endorsed identification card which will enable the use of the College library, receipt of an employee discount for selected musical and cultural events, and admission to regular-season College sports events.
c. An employee who retires prior to the age of Medicare eligibility will be allowed to continue to participate in the College's medical insurance program until he or she reaches the age of Medicare eligibility. This participation will be on the same basis (e.g. subject to the same co-pay requirements, plan availability, etc.) as that of continuing College employees.

If the employee dies the spouse remains eligible for coverage under the College’s medical plan until the date on which the deceased employee would have become eligible for Medicare.

d. A retired employee will be allowed to audit a total of 4 credit hours of undergraduate academic coursework per semester without charge on a space-available basis.

1.11.06 Recognition of Employees Who Terminate Employment or Retire

The College may acknowledge the services of individuals who retire, with 10 years or more of service, through special recognition at the annual Service Awards and Recognition Event. Expenses for this event are covered by the College.

The College does not cover the cost of retirement and farewell events for employees with less than 5 years of service. Events for employees with more than 5 years of service require approval by the Vice President or Provost of that area before College funds may be used.

Total event expenses for employees with more than 5 years of service will be relative to the event, number of attendees and divisional resources available and approved by the Vice President/Provost for such purposes. Institutional funds may be used to serve light refreshments at such events. As a guideline, total expenses should not exceed per person limits specified in the Expenditure Policy (5.3G) for travel related business meals (Breakfast $10, Lunch $15, Dinner $25).

On some occasions employees may wish to recognize termination of employment or retirement of a colleague by hosting a separate event in the person's honor. The cost of such events should be covered by those in attendance.

1.12 Promotion and Transfer Policy and Procedures

(Owner: Office of Human Resources & Compliance; Last Reviewed: 3/9/15; Last Updated: 3/9/15)

Messiah College promotes or transfers administrative and staff employees into vacant positions when qualified employees are available, interested, and deemed suitable in all
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respects and when it is determined that the promotion or transfer is in the best interest of the department and the College. Employee eligibility for promotion and/or transfer will be determined by the requirements of the new job. In addition, to be considered for positions outside of the employee’s current division, administrative employees must have held their current position for at least 12 months, and staff employees must have held their current position for at least 6 months. All employees must have a satisfactory performance record and have no disciplinary actions during the same period in order to transfer or receive a promotion.

1.12.01 Transfer

When an employee fills a vacant position that is within the same compensation band and job classification as his/her current position, it is considered a transfer. A transfer is viewed as a lateral move for an employee and as such typically involves the opportunity to learn a new position, but no additional compensation. An employee may initiate a transfer by applying for a vacant position per our established application process outlined on our website: https://jobs.messiah.edu. At times, the College will initiate the transfers of employees between departments and facilities to meet specified work requirements and reassignment of work requirements. This is managed by the Division Vice President or Provost.

Human Resources will complete a compensation analysis and will review the analysis with the hiring manager to determine the appropriate salary for the position and whether the employee should also be eligible for any cost-of-living adjustment (COLA) increase. Human Resources will communicate to the employee any salary change and the employee’s subsequent status as it relates to any COLA increase.

Occasionally, an employee will transfer to a job that is lower in band and job classification than the employee’s current position. When this happens, the difference in positions and scope of responsibility will be reviewed with the hiring manager. An appropriate base salary will be determined by Human Resources based upon the new position and the employee’s length of service; however, an employee cannot be guaranteed and should not assume that his/her compensation will not go down as a result of taking a lower level position.

All employees who transfer into new positions are subject to a probationary employment period during which the supervisor evaluates the employee and the performance requirements of the position. The probationary period for all administrative and staff
employees is defined as the first 90 calendar days in the new position. The College may extend the probationary period as necessary for appropriate evaluation.

Employment may be terminated by the College at any time without warning prior to the end of the probationary period. If employment expectations are being met as of the end of the probationary period, employment may continue until terminated by either party in accordance with the termination policies of the College. However, successful completion of the probationary period does not confer the right to employment of any specific duration.

1.12.02 **Promotion**

Promotions occur either when an employee fills a vacant higher-level position or when an employee’s position is re-evaluated because of a significant increase in the position’s level of required technical expertise, experience, leadership, management expertise and accountability. Promotions, unlike transfers, involve an adjustment in the employee’s band and an increase in salary where funds are available and changes warrant as much. Promotions are made on the basis of the employee’s suitability for higher level work and the job requirements, not seniority.

All employees who are promoted into new positions are subject to a probationary employment period during which the supervisor evaluates the employee and the performance requirements of the new position. The probationary period for all administrative and staff employees is defined as the first 90 calendar days in the new position. The College may extend the probationary period as necessary for appropriate evaluation. Successful completion of the probationary period does not confer the right to employment of any specific duration.

The College recognizes that the responsibilities and requirements of a higher-level position may not prove suitable to a particular employee as determined by the performance results of the promoted employee. In the event a promotion assignment is found unsuitable by either the employee or by the College, consideration will be given to allowing the promoted employee to return to a former or comparable position for which the employee possesses demonstrated skills, knowledge, ability, and interest. If no such position is available, the promoted employee may be subject to termination with the opportunity to be rehired at a later time.

When an employee has been selected to fill a vacant higher-level position, any salary adjustment will become effective when the employee moves into the vacant position. Human Resources will complete a compensation analysis based upon years of job-specific experience, education, and specific qualifications, as well as internal pay relationships. All
promotional increases are subject to availability of funding. Human Resources will review the analysis with the hiring manager to determine the appropriate salary for the position and whether the employee should also be eligible for any cost-of-living adjustment (COLA) increase. Human Resources will communicate to the employee any salary change and the employee’s subsequent status as it relates to any COLA increase.

When a promotion involves moving an administrative or staff employee to a higher band or grade because the nature of that employee’s position has changed, the responsible Director will clearly identify how the duties and responsibilities of the position will be changed permanently, materially, and significantly. An employee must meet the minimum qualifications of the band in order to be reclassified into the higher band. Human Resources and the Division Vice President or Provost will review the information to confirm that the promotion is warranted and to determine an appropriate rate of compensation.

In the event that a Division Vice President or Provost wishes to implement a promotion that cannot be accommodated within the current salary budget for the division and wishes to reallocate funding from the divisional operational budget (non-salary), the Vice President or Provost presents a proposal for the promotion to the President for approval. If funding from reallocating budget is not available, a recommendation for the promotion must be submitted to President’s Cabinet.

1.13 **TELECOMMUTING POLICY**

*(Owner: Office of Human Resources & Compliance; Last Reviewed: 3/9/15; Last Updated: 3/9/15)*

Messiah College considers telecommuting to be a viable alternative work arrangement in certain circumstances which, when properly implemented and administered, benefits both the College and the employee. The College defines telecommuting as "a work arrangement in which some part of the regularly scheduled work is performed at an off-campus worksite such as the home, on the road, or in an office space near home." Telecommuting is not an alternative work arrangement which is available to teaching faculty.

Telecommuting is a voluntary work alternative (unless specifically stated as a condition of employment) that may be appropriate for some employees and some jobs. It is not an entitlement; it is not a college-wide benefit; and it in no way changes the basic terms and conditions of employment with Messiah College. All College employees, including telecommuters, are subject to the College's policies and procedures.
Prior to a supervisor or department communicating a commitment for a telecommuting agreement, the supervisor/department must seek approval from the Division Vice President or Provost and Human Resources. A completed Telecommuting Agreement form must accompany any approval.

Complete guidelines describing the availability and restrictions of telecommuting may be obtained in the Office of Human Resources.

1.14 **Potential Employee Conflict of Interest**

*Owner: Office of Human Resources & Compliance; Last Reviewed: 6/8/15; Last Updated: 7/2/15*

An employee of the College shall be considered to have a conflict of interest if he or she has existing or potential financial or other interests which impair or might reasonably appear to impair the employee's independent judgment in the discharge of duties to the College. The following standards shall be followed in business or contractual transactions of the College in which employees are personally involved:

There shall be full disclosure by the employee to his or her supervisor of potential conflicts of interest. It shall be the responsibility of the employee to report annually financial benefits of material amount (i.e., exceeding $250) including any free or discounted services received by the employee as a result of his or her employment by the College.

No compensation shall be paid to College personnel or consultants on a commission basis for services in fund raising, student recruitment, or similar activities.

Personnel of the College who carry out personal cultivation of prospects or who are involved in the purchase of goods and services shall not receive material financial benefit from such activities. Fees received as executor in the administration of estates, personal gifts of goods, gift-in-kind, real estate, or cash received as a bequest or during a prospect's lifetime shall be returned as gifts to the College. This restriction shall not apply if such fees or gifts are received by a College employee from the estate of a person related to him/her by blood or marriage or from a relative during the relative's lifetime. Minor personal gifts or special consideration with a retail value of less than $250 may be accepted in consultation with direct superiors if acceptance is determined by them not to be detrimental to the best interests of the College. At no time shall an employee of the College advance in his or her professional relationships a personal interest in conflict with the work of the institution.
Failure to abide by the conflict of interest policy shall be cause for disciplinary action which may include termination of employment. The decision of the President as to alleged conflicts of interest shall be final.

1.14.01 **Conflict of Interest with Federal Funding**

In addition to complying with the Messiah College conflict of interest policy, employees who receive funding support from a federal government agency for research and/or scholarship activities agree to abide by the funding agency’s conflict of interest policy. If the College’s policy and the funding agency’s policy differ, the more stringent of the two would apply (example, dollar values).

It is the responsibility of the principal investigator, co-principal investigators/co-project directors, and any other person at the College who is responsible for the design, conduct, or reporting of research or educational activities funded or proposed for funding to determine the funding agency’s conflict of interest policy for compliance. The Messiah College Grant’s Office should be contacted to aid in obtaining the most current policy. The Grants Office will keep copies of the conflict of interest policies of funding agencies on file for funding support received.

Investigators or other responsible persons are required to have provided all required financial disclosures at the time the proposal is submitted to the funding agency and those financial disclosures must be updated during the period of the award, either on an annual basis, or as new reportable significant financial interests are obtained. If the funding agency doesn’t have a conflict of interest disclosure statement which must be used for this purpose, the Grants Office will provide a “Conflict of Interest Disclosure Statement” which must be completed, signed and returned to the Grants Office before any proposal may be submitted. This same form must be re-submitted annually throughout the time of the grant award.

Within 60 days of the disclosure, the President shall have final determination on whether a conflict of interest exists, and what conditions or restrictions, if any, should be imposed by the institution to manage, reduce or eliminate such conflict of interest. Examples of conditions or restrictions that might be imposed to manage a financial conflict of interest include, but are not limited to:

- Public disclosure of financial conflicts of interest (e.g., when presenting or publishing the research);
• For research projects involving human subjects research, disclosure of financial conflicts of interest directly to participants;
• Appointment of an independent monitor capable of taking measures to protect the design, conduct, and reporting of the research against bias resulting from the financial conflict of interest;
• Modification of the research plan;
• Change of personnel or personnel responsibilities, or disqualification of personnel from participation in all or a portion of the research;
• Reduction or elimination of the financial interest (e.g., sale of an equity interest); or
• Severance of relationships that create financial conflicts.

If it is determined that imposing conditions or restrictions would be either ineffective or inequitable, and that the potential negative impacts that may arise from a significant financial interest are outweighed by interests of scientific progress, technology transfer, or the public health and welfare, then the research may be allowed to go forward without such conditions or restrictions.

All required reports regarding the conflict of interest will be submitted to the funding agency prior to expenditure of any funds under an award. [For example, the Public Health Service (PHS) requires the College to report to the PHS Awarding Component the existence of a conflicting interest (but not the nature of the interest or other details) found by the College and assure that the interest has been managed, reduced or eliminated. National Science Foundation (NSF) only requires the College to report conflicts that cannot be satisfactorily managed, reduced, or eliminated.]

Collaborators/subrecipients/subcontractors from other organizations must either comply with this policy or provide a certification that their organizations are in compliance with Federal policies regarding investigator significant financial interest disclosure and that their portion of the project is in compliance with their institutional policies.

The Grants Office will maintain records of all financial disclosures and of all actions taken to resolve conflicts of interest for at least three years beyond the termination or completion of the grant to which they relate, or until the resolution of any funding agency action involving those records, whichever is longer.
1.14.02 **National Science Foundation**

NSF’s Conflict of Interest policy requires that each investigator disclose to a responsible representative of the institution all significant financial interests of the investigator (including those of the investigator’s spouse and dependent children) (i) that would reasonably appear to be affected by the research or educational activities funded or proposed for funding by NSF; or (ii) in entities whose financial interests would reasonably appear to be affected by such activities.

The term “investigator” means the principal investigator, co-principal investigators/co-project directors, and any other person at the institution who is responsible for the design, conduct, or reporting of research or educational activities funded or proposed for funding by NSF.

The term “significant financial interest” means anything of monetary value, including, but not limited to, salary or other payments for services (e.g., consulting fees or honoraria); equity interest (e.g., stocks, stock options or other ownership interests); and intellectual property rights (e.g., patents, copyrights and royalties from such rights). The term does not include:

- salary, royalties or other remuneration from the applicant institution;
- any ownership interests in the institution, if the institution is an applicant under the Small Business Innovation Research Program or Small Business Technology Transfer Program;
- income from seminars, lectures, or teaching engagements sponsored by public or non-profit entities;
- income from service on advisory committees or review panels for public or nonprofit entities;
- an equity interest that, when aggregated for the investigator and the investigator’s spouse and dependent children, meets both of the following tests: does not exceed $10,000 in value as determined through reference to public prices or other reasonable measures of fair market value, and does not represent more than a 5% ownership interest in any single entity; or
salary, royalties or other payments that, when aggregated for the investigator and the investigator’s spouse and dependent children, are not expected to exceed $10,000 during the twelve-month period.

1.14.03 Public Health Service (U.S. Department of Health and Human Services, includes National Institutes of Health and Centers for Disease Control and Prevention)

An Investigator's significant financial interest is related to PHS-funded research when the College, through its designated official(s), reasonably determines that the significant financial interest: could be affected by the PHS-funded research; or is in an entity whose financial interest could be affected by the research.

A financial conflict of interest exists when the College, through its designated official(s), reasonably determines that the significant financial interest could directly and significantly affect the design, conduct, or reporting of the PHS-funded research.

PHS’s Conflict of Interest policy requires each Investigator who is

- planning to participate in the PHS-funded research disclose to the College’s designated official(s) the Investigator's significant financial interests (and those of the Investigator's spouse and dependent children) no later than the time of application for PHS-funded research;
- participating in the PHS-funded research to submit an updated disclosure of significant financial interests at least annually, in accordance with the specific time period prescribed by the College, during the period of the award (such disclosure shall include any information that was not disclosed initially to the College, and shall include updated information regarding any previously disclosed significant financial interest); and
- participating in the PHS-funded research to submit an updated disclosure of significant financial interests within thirty days of discovering or acquiring a new significant financial interest.

The term “investigator” means the principal investigator, co-principal investigators/co-project directors, and any other person at the institution who is responsible for the design,
conduct, or reporting of research or educational activities funded or proposed for funding by NSF.

The term “significant financial interest” means anything of monetary value, including but not limited to, salary or other payments for services (e.g. consulting fees or honoraria); equity interests (e.g., stocks, stock options or other ownership interests); and intellectual property rights (e.g., patents, copyrights and royalties from such rights).” The term does not include the following types of financial interests:

- salary, royalties, or other remuneration paid by the College to the Investigator if the Investigator is currently employed or otherwise appointed by the College, including intellectual property rights assigned to the College and agreements to share in royalties related to such rights;
- income from investment vehicles, such as mutual funds and retirement accounts, as long as the Investigator does not directly control the investment decisions made in these vehicles;
- income from seminars, lectures, or teaching engagements sponsored by a Federal, state, or local government agency, an Institution of higher education, an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education; or
- income from service on advisory committees or review panels for a Federal, state, or local government agency, an Institution of higher education, an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education.

1.15 **OUTSIDE EMPLOYMENT**

*(Owner: Office of Human Resources & Compliance; Last Reviewed: 10/8/14; Last Updated: 10/8/14)*

College employment shall be the principal vocation of full-time employees. However, an administrative, teaching faculty, or staff employee may engage in outside employment subject to the following conditions:

a. Outside employment may not interfere with efficient performance of the employee's job duties and responsibilities to the College.
b. Outside employment may not conflict with the interests and/or stated ethical standards of the College.
c. College facilities and equipment may not be used for outside employment.
d. Questions regarding application of this policy should be directed to the appropriate Vice President, Provost, or Dean.
e. Failure to abide by this policy shall be cause for disciplinary action which may include termination of employment.

1.16 **POLICY PROHIBITING HARASSMENT AND MISCONDUCT**

*(Owner: Office of Human Resources & Compliance; Last Reviewed: 10/13/17; Last Updated: 10/13/17)*

As an expression of our Christian values, Messiah College is committed to creating an atmosphere of dignity and respect for all people by fostering a learning, living, and working environment free from harassment and/or misconduct.

Likewise, Messiah College takes seriously its responsibilities under state and federal law to actively prohibit harassment and/or misconduct and address complaints of harassment and/or misconduct promptly.

As defined in the Equal Employment Opportunity Commission’s regulations, the following conduct constitutes harassment:

1. Inappropriate disrespectful and/or demeaning conduct that has the purpose or effect of substantially interfering with an individual's academic or work performance and is so severe and pervasive that it creates an intimidating, hostile or offensive environment

2. Unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education, (2) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting an individual.

*Whether intentional or unintentional, any such conduct will be considered a violation of human dignity, addressing the expectation of consent on all interpersonal conduct and communication, including the opportunity to express consent or lack thereof.*
As such, harassing behavior in any manner or form, including misconduct, by anyone in the College community is expressly prohibited. This includes harassment and/or misconduct of or by individuals not directly affiliated with the College, e.g. contractors, vendors, visitors. This policy also applies to harassment and/or misconduct off-site or after normal business hours in College related settings, including but not limited to business trips, athletic events, conferences, and College related social events.

**Reporting.** All employees and all students are responsible for maintaining an environment free of harassment and/or misconduct. Individuals who believe that they have been subjected to or witnessed harassing behavior and/or misconduct are encouraged to report the matter. There are options for reporting harassment and/or misconduct:

1. An employee can speak to his/her supervisor or division executive.
2. An employee can speak to an HR representative or the Title IX Coordinator.
3. An employee can report the incident anonymously through our “Silent Witness” program.

The following link outlines reporting options: [http://www.messiah.edu/i_need_to_report](http://www.messiah.edu/i_need_to_report).

The authorization of, cover-up or participation in any act of harassment and/or misconduct of any kind is strictly forbidden. Failure to abide by this policy shall be cause for disciplinary action which may include termination of employment.

**Retaliation.** Retaliation against an individual who complains of harassment and/or misconduct is strictly prohibited. There will be no adverse action against any individual for reporting what he/she believes is an incident of harassment and/or misconduct, or for participating in or cooperating with an investigation of an alleged incident. The College’s commitment to address complaints related to harassment and/or misconduct should not be viewed as license for individuals to engage in unfounded, frivolous or vindictive actions that are not made in “good faith.” Such behavior is a violation of the intent of this policy.

**Forms of Misconduct.**

Examples of willful misconduct include, but are not limited to the following:

a. Insubordination
b. Neglect of duty
c. Dishonesty of any kind
d. Fighting or threats of violence
Employee Policy & Procedure Manual – Employment

- Theft, attempted theft or willful destruction of College property
- Sabotage
- Falsification of payroll, employment, or other College records or information
- Unapproved absence of three consecutive days
- Harassment, and/or retaliation (or threat of retaliation) for reporting harassment and/or misconduct
- Using College IT equipment/infrastructure in a manner that is not in compliance with the ethical and moral standards of the College
- Intentional violation of the principles embodied in the "Community Covenant"
- Serious violation of Messiah College policies
- Material breach of the terms contained in one's letter of appointment, contract or employment agreement
- Other serious wrongdoing, including that which may harm persons or property
- Failure to follow established safety protocols and procedures, including failure to report a crime
- Failure to self-report arrests or convictions

This list is not intended to be exhaustive, but rather to be illustrative of the sorts of serious misconduct which may subject an employee to disciplinary action, including termination of employment.

**Forms of Harassment.** Harassment generally takes one of two forms: "quid pro quo" harassment, in which the harasser makes sexual favors or tolerance of unwelcome behavior a condition of the victim’s success in some way; or "hostile environment" harassment, in which the overtly sexual nature or derogatory nature (based on such things as one's race, religion, disability, sexual orientation, gender, etc.) of conversations, pictures, humor and/or activities taking place in an academic or work environment makes it difficult for students and employees to concentrate on their work/studies. Harassment often makes the victim feel devalued, uncomfortable, unwelcome, intimidated, or afraid to speak or choose freely. Examples of harassing behavior include (but are not limited to) the following:

1. Offensive insults, slurs, remarks, pranks or language meant to disgrace another based on such things as one’s race, religion, disability, sexual orientation, gender, etc.
2. Offensive and demeaning images based on such things as one’s race, religion, disability, sexual orientation, gender, etc.
3. Aggressive or hostile behavior or taunts based on such things as one’s race, religion, disability, sexual orientation, gender, etc.
Employee Policy & Procedure Manual – Employment

4. Using digital media, including instant messaging, blogs, websites, e-mails, chat rooms, and cell phones to threaten and/or humiliate (Cyber-harassment).
5. Verbal harassment disguised as humor.
6. Obscene gestures and suggestive remarks about a person’s body, clothing or sexual activities.
7. Physical aggression or intimidation including even subtle contact like pinching or patting.
8. Sexual innuendos or sexually suggestive charged language that an individual finds offensive or demeaning.
9. Racially charged language that an individual finds offensive or demeaning.
10. Pressure for sexual activity
11. Offensive graffiti
12. Policies, behavior, attitudes, and practices related to personal characteristics of an individual or group that have the purpose or effect of creating an intimidating, offensive, isolating, and/or degrading environment for that individual or group. This includes (but is not limited to) the use of images, language, or actions that foster, condition, or tolerate discrimination based on skin color, race, culture, religion, disability, gender, personal choices and/or national or ethnic origin.

Unwanted, offensive and/or culturally insensitive conduct, language, or images do not have to be directed at a specific individual in order to create an atmosphere that is intimidating or offensive to an individual. It is important to note that harassment may take place in an academic, residential or work setting.

**Intent and Effect.** Harassment is unwelcome behavior that is either intended to harass or has the effect of harassing by abusing the dignity of an individual or creating an intimidating, offensive, or coercive environment. Behavior that was not intended to be harassing can be perceived as harassing.

**Power.** Harassment most often occurs between people of unequal power: when such a power differential exists (e.g., such as a physically larger person over a smaller one, a supervisor over a subordinate employee, a faculty member over a student), the victim is not in a position to freely object, resist, or give fully free consent. However, harassment can
also occur where no formal power differential exists, if the behavior is unwanted by, or offensive to, the victim.

**Educational Activities.** In order to cultivate a creative learning environment, Messiah College encourages free inquiry and expression within the bounds of our Christian commitments. Members of the community have the right to hold and defend a variety of viewpoints within an educational setting. For educational purposes required readings(s), educational activities (videos, projects, discussions, etc.), music, drama or art may include historical information that portrays groups or individuals in a pejorative fashion. Educators carry responsibility for directing these activities with care and sensitivity.

**Same-Sex Harassment.** Both males and females are protected by law from sexual harassment. Moreover, the law prohibits sexual harassment regardless of the sex of the harasser; i.e., even if the harasser and the person harassed are members of the same sex.

1.17 **TITLE IX**

*(Owner: Office of Human Resources & Compliance; Last Reviewed: 10/13/17; Last Updated: 10/13/17)*

Messiah College is committed to providing an environment free from discrimination, and provides many resources to students, faculty and staff to address concerns relating to discrimination. One of those resources is our Title IX program. Title IX of the Education Amendments of 1972 protects people from discrimination on the basis of sex/gender, (this includes sexual misconduct) in educational access, programs and activities.

Students have specific rights under Title IX: [http://www.messiah.edu/download/downloads/id/1247/Title_IX_Card.pdf](http://www.messiah.edu/download/downloads/id/1247/Title_IX_Card.pdf)

Amanda Coffey, Vice President for Human Resources & Compliance, oversees and provides leadership for the College’s Sexual Misconduct and Interpersonal Violence program. The Sexual Misconduct and Interpersonal Violence program is designed to provide education and training campus-wide on gender discrimination and sexual misconduct as well as provide members of the College community with resources and support for complaint resolution. The Sexual Misconduct and Interpersonal Violence program is made up of administrators who, along with Amanda, carry out investigations, resolve complaints, address compliance-related responsibilities and process appropriate reporting. Specifically:

- Cindy Burger, Director of Campus Safety, is responsible for investigating complaints of sexual misconduct or assault. She also works closely with Amanda in
tracking and monitoring incidents and is responsible for ensuring that any crime, including sexual misconduct, is reported appropriately.

Ext 7272
cburger@messiah.edu

• Doug Wood, Associate Dean of Students, is responsible for victim support and student education. He works closely with Amanda to ensure that the College responds effectively to each complaint and addresses concerns related to gender-based discrimination.

Ext 5239
dwood@messiah.edu

• Brooke Good, Head Field Hockey Coach, is responsible for athletics compliance and athlete education. Amy Brooke is responsible for ensuring appropriate athletics reporting.

Ext 7359
good@messiah.edu

Together, these coordinators play an integral role in carrying out the College’s commitment to provide a positive learning, teaching and working environment for the entire community.

If you have a concern related to misconduct, interpersonal violence and discrimination, including harassment or assault on the basis of sex/gender, please contact Amanda Coffey, Vice President of Human Resources & Compliance (acoffey@messiah.edu), the Office of Human Resources & Compliance at ext. 5300 or one of the coordinators listed above.

To view Messiah College’s full Title IX, Sexual Misconduct, and Violence Policy and to learn more about the resources and reporting options available, please visit https://www.messiah.edu/download/downloads/id/4729/Interpersonal_Violence_Sexual_Misconduct_Policy.pdf.

For emergency situations, please contact Campus Safety at ext. 6565 or dial 911

1.18  GRIEVANCE PROCEDURES

(Owner: Office of Human Resources & Compliance; Last Reviewed: 7/5/18; Last Updated: 7/5/18)

In foundational documents that outline the College’s mission, college-wide educational objectives, foundational values, and strategic plan, the College has affirmed that reconciliation across lines of racial and cultural division as well as behavior respectful of gender is central to our identity as a Christian institution. We seek to create a welcoming community which is characterized by the Biblical vision for justice, respect, inclusiveness, diversity, and shalom. Therefore, Messiah College deplores all incidents of harassment,
misconduct, intimidation, violence and discrimination. Any act of harassment, misconduct, intimidation, violence or discrimination, whether it be committed intentionally or unintentionally, by employees of the College or students, is contrary to the ideals of Christian ethics, Christian community, and our educational mission.

This means that the College will respond promptly and firmly to reported incidents in ways that are educational and redemptive and that encourage both personal responsibility and reconciliation within the community. It should be noted that incidents of sexual misconduct or interpersonal violence are not typically addressed through an informal process. See Sexual Misconduct Policy: http://www.messiah.edu/download/downloads/id/4729/Interpersonal_Violence_Sexual_Misconduct_Policy.pdf. Unless the complainant requests an informal process, reports of sexual misconduct are considered egregious and addressed through the formal process. In such incidences, the complainant is not required to meet with or “work things out” with the respondent.

Once made aware of a grievance, Messiah College is committed to commence an appropriate investigation of the allegations. As such, a grievance procedure has been established for the benefit and use of all.

1.18.01 Informal Resolution Process

Since many complaints and disputes can be settled in conversation between the people involved, employees are encouraged to begin the resolution process by speaking with their immediate supervisors. Supervisors are expected to facilitate an earnest effort to resolve these issues as promptly as possible.

If an individual considers it to be more appropriate, a conversation may be scheduled with the department head, the division executive or with a representative from Human Resources instead of the supervisor.

If a supervisor or manager becomes aware that harassment and/or misconduct is occurring, either from personal observation or as a result of an individual coming forward, the supervisor or manager needs to respond immediately and contact the Office of Human Resources for guidance in managing the situation.

The Office of Human Resources can assist in guiding the process in several ways:
1. gather the input and support of appropriate College resources related to the situation (such as those with applicable expertise, i.e., the Special Assistant to the President and Provost for Diversity Affairs, the Director of Disability Services, the Provost, etc.);
2. recommend appropriate options for addressing the matter;
3. assist in identifying problematic behavior;
4. facilitate conversations;
5. and, monitor agreed upon resolution process.

This process typically leads to an informal resolution (such as a meeting to make the offending party aware of the impact of his/her actions and establishing an appropriate resolution).

1.18.02 **Formal Resolution Process - Second Step for Unresolved Issues or First Step for Egregious Issues**

If the problem is not resolved by the process above or if a situation is egregious, an individual who feels harassed or retaliated against may initiate the formal complaint process by filing a complaint with Human Resources and providing sufficient details so as to allow the Vice President of Human Resources and Compliance to determine if the harassment and/or misconduct policies may have been violated. The complaint form is located at:


1. The complainant needs to provide a grievance statement, background information, and the requested resolution.
   a. The investigation may include interviewing individuals other than the complainant and the respondent. Discretion in how information is handled is paramount throughout the process. Every reasonable effort will be made to protect the privacy of all parties. However, strict confidentiality cannot be guaranteed due to the necessity for investigation and fact-finding. Beyond that, any individual who wrongfully discusses or discloses confidential information will be subject to disciplinary action.
   b. Should any individual refuse or fail to cooperate fully with an investigation, he or she may be subject to disciplinary action, which may include suspension or termination of employment.
2. The Vice President for Human Resources and Compliance is responsible for reviewing the situation and will partner with specific resources (such as community
experts, i.e., the Special Assistant to the President and Provost for Diversity Affairs, the Director of Disability Services, the Provost, etc.) in determining if an investigation is warranted.

3. If warranted, Human Resources is responsible for the following:
   a. establishing an appropriate timeline and relevant investigatory partner(s) for processing the grievance
   b. reviewing the anticipated schedule and interview agenda with the resource representative(s) and investigatory partner(s)
   c. organizing, implementing, and/or partnering in an appropriate investigation
   Please note: Those who conduct the investigation should be without a conflict of interest and anyone with a conflict of interest will be removed from the investigation.
   d. Ensuring all parties have been provided with documentation of the grievance process, rights, and complaint
   e. interviewing persons believed to have relevant information, or facilitating interviews by appropriate investigatory partner(s)
   f. reviewing findings with the appropriate investigatory partner(s), VP/Provost, and resource representative
   g. rendering or reviewing a written decision and resolution recommendation in conjunction with investigatory partner(s)
   h. closing and retaining the investigation file

4. Human Resources will ensure that both the complainant and the respondent are notified that they may request to have a colleague present for support. No party or participant in the grievance process shall be accompanied by legal counsel at any meeting held for the purpose of resolving the grievance. The final written decision will reflect either a determination that the allegations were unwarranted or that the allegations have merit thereby requiring resolution. Determination of responsibility will be made based upon a preponderance of credible evidence (defined as where it is more likely than not that the respondent is responsible for the alleged violation). In such situations, the written decision will include the terms of the prescribed resolution including any disciplinary action deemed appropriate. The appropriate action will depend on the following factors: (i) the severity, frequency and pervasiveness of the conduct; (ii) prior complaints made by the complainant; (iii) prior complaints made against the respondent; and (iv) the quality of the evidence (first-hand knowledge, credible corroboration etc.).

5. If the investigation is inconclusive or it is determined that there has been no harassment, misconduct or violation of policy, but some potentially problematic conduct is revealed, preventative action may be taken. Copies of the decision will
be shared with all parties as well as all parties’ supervisors and the appropriate Vice President or Provost.

6. If either the complainant or the respondent is not satisfied with the decision and wishes to pursue the matter further, he/she may prepare a written summary of the concerns and request that the Grievance Review Board review the matter. This request should be made through the Vice President of Human Resources and Compliance who will convene a special session of the Grievance Review Board. The Grievance Review Board is appointed by the President. Typically three (3) will serve at a hearing.

Membership includes at least one faculty member and at least one staff/hourly employee. In the event that the grievance is against a member of the Grievance Board or in any way connected to a member of the Grievance Board (spousal relationship, mentor relationship, etc.), an alternate Board member shall stand in replacement of the Board member with a conflict of interest.

7. The Grievance Board, after a full review of the facts (which may include a review of the written summary of the problem, interviews with the people involved, and further investigation if necessary), will inform the individuals involved of its decision and any recommendations. The decision of the Grievance Board will be final. Absent a procedural error or new evidence, the determination of responsibility cannot be overturned.

8. The final written decision by the Grievance Board will reflect either a determination that the allegations were unwarranted or the terms of the prescribed resolution including any disciplinary action deemed appropriate. The appropriate action will depend on the following factors: (i) The severity, frequency and pervasiveness of the conduct; (ii) Prior complaints made by the complainant; (iii) Prior complaints made against the respondent; (iv) The quality of the evidence (first-hand knowledge, credible corroboration etc.). If the investigation is inconclusive or it is determined that there has been no harassment, discrimination and/or misconduct in violation of this Policy, but some potentially problematic conduct is revealed, preventative action may be taken.

9. Copies of the decision will be shared with both parties as well as both parties’ supervisors and the appropriate Vice President or Provost.

The grievance and appeals process can also be viewed here.
The College holds a high view of marriage as befits an institution of higher education committed to reflecting biblical perspectives in all areas of life. When employees experience marriage difficulties they are encouraged to seek appropriate professional counsel either outside of the college community or through the college pastor or counseling center.

1.20 **AMOROUS RELATIONSHIPS**

(Owner: Office of Human Resources & Compliance; Last Reviewed: 10/8/14; Last Updated: 6/28/12)

Amorous relationships between employees and students are prohibited, and amorous relationships between supervisors and employees are prohibited. As such, no employee shall engage in an amorous relationship with a student. Likewise, no employee shall engage in an amorous relationship with another employee over whom he/she has any authority, power of evaluation or advisement. An exception to this policy may be with respect to an existing amorous relationship which pre-dates the employees’ or student’s affiliation with the College.

Failure to abide by this policy will be cause for disciplinary action which may include termination of employment.

1.21 **NEPOTISM**

(Owner: Office of Human Resources & Compliance; Last Reviewed: 10/8/14; Last Updated: 10/8/14)

In the appointment of faculty, staff and administrative employees, Messiah College seeks those individuals most qualified to perform teaching, research and service obligations. From time to time, implementation of this policy has resulted in members of the same family or household being appointed to the faculty, staff and/or administration, when it has been clearly established that both individuals were the best qualified candidates for the positions they sought. The College recognizes the sensitive nature of having family members employed by the same employer. The College prohibits situations where an employee/relative can directly influence another employee/relative's career, pay, or employment status to avoid the possibility of favoritism or conflicts of interest.

Any relative hired by the College must meet all selection standards, fulfill all job qualifications and requirements, and be consistent with equal opportunity policies and practices. All employment decisions involving the possibility of nepotism are to be reviewed and approved by the appropriate Vice President or Provost, together with the Vice President for Human Resources and Compliance, prior to any offer of employment.
The appropriate Vice President or Provost shall take steps to assure that a relative within a department or within the faculty as a whole does not influence hiring, evaluation or employment status of a family member.

To avoid conflict of interest or the appearance of conflict of interest, the definition of relative/relationship which is covered by this policy should be interpreted very broadly. Employees must inform the Office of Human Resources of potential or existing situations involving the employment of family members. All employees are encouraged to disclose the facts if there is any doubt rather than fail to disclose in cases where a relationship exists or existed in the past.

This policy applies to new hires and employees who are eligible for transfer or promotion.

1.22 **CONFIDENTIALITY**

*(Owner: Office of Human Resources & Compliance; Last Reviewed: 10/8/14; Last Updated: Unknown)*

In the normal course of business, many College employees will have occasion to maintain or come in contact with confidential records relative to applicants, students, parents, donors, other employees, vendors, etc. Employees are expected to practice discretion and care in discussing confidential matters and must observe confidentiality standards specific to information maintained within the employee's work area. Employees are prohibited from disclosing confidential information to other employees or students except for those employees who have a legitimate need-to-know. In all instances, employees must act in accordance with applicable, FERPA (Family Educational Right to Privacy Act), HIPPA (Health Insurance Privacy and Portability Act), GLB (Gramm Leach Bliley Act), and Red Flags regulations under the Sarbanes-Oxley Act. Any disclosure of confidential information to unauthorized persons will be considered a sufficient cause for discipline including possible termination of employment.

1.23 **EMPLOYEE ALCOHOL USAGE POLICY**

*(Owner: Office of Human Resources & Compliance; Last Reviewed: 10/8/14; Last Updated: Unknown)*

Messiah College prohibits the possession or consumption of alcohol by employees on property owned or controlled by the College with the exception of personal residences not used for student housing. Employees are prohibited from consuming alcohol with students or furnishing alcohol to students. Employees are expected to exercise professional discretion and judgment as to use of alcohol when on College business or in other business or social settings.
1.24 **TOBACCO-FREE WORKPLACE**

*(Owner: Office of Human Resources & Compliance; Last Reviewed: 10/8/14; Last Updated: 3/3/14)*

Messiah College is dedicated to providing a healthy, comfortable and productive work environment for our employees. It is a tobacco-free environment. Smoking and the use of tobacco in any form is, therefore, prohibited in, on, or about all College-owned or leased buildings, grounds and property and College vehicles, whether or not on campus. In addition, those individuals who are issued College uniforms shall refrain from the use of tobacco products while wearing these uniforms. The use of e-cigarettes or any non-FDA approved nicotine delivery system is also prohibited.

The College requires visitors and contractors to comply with the **Tobacco-Free Workplace** policy.

All employees share in the responsibility for adhering to and enforcing the policy. Any problems should be brought to the attention of the appropriate supervisor and handled through the normal chain of command. Employees who violate this policy will be subject to the same disciplinary actions that accompany infractions of other College rules, which disciplinary actions may include termination of employment.

1.25 **DRUG-FREE WORKPLACE**

*(Owner: Office of Human Resources & Compliance; Last Reviewed: 5/7/18; Last Updated: 5/7/18)*

In compliance with the Drug-Free Schools and Campuses Act, Messiah College is committed to maintaining a healthy work environment. Accordingly, the College prohibits the manufacture, possession, use or distribution of illegal drugs by all employees.

Messiah College prohibits the possession or consumption of alcohol by employees as stated in its Employee Alcohol Usage Policy.

The health risks associated with the use of illegal drugs and the abuse of alcohol are significant. The College desires and is prepared to help employees who have a drug or alcohol related problem. Employees seeking assistance will be provided with access to substance abuse programs, community resources for assessment and treatment, and counseling.
Sanctions for violation of this policy may range from written reprimand to termination of employment, although counseling or treatment may first be directed. The College may also involve local law enforcement officials when appropriate.

1.25.01 Medical Marijuana

In April of 2016, Pennsylvania became the latest state to legalize the use of medical marijuana. However, because the Federal government has not legalized marijuana, it remains a banned substance under federal law. Messiah College receives federal funding through such things as student financial aid. To avoid losing federal funding, Messiah College must prohibit all marijuana use, including medical marijuana. Therefore, if you have a physician’s certification for medical marijuana, it is important that you promptly disclose that information to the Benefits Manager for Human Resources & Compliance so that we can discuss how to proceed. Employees with a medical marijuana certification must provide documentation of a medical condition as well as the physician’s certification information to discuss possible accommodations. Please be assured that your medical information is protected by HIPAA and kept as confidential. Further, marijuana use while on campus, either with or without a certification, is prohibited under any circumstances. Employees found in possession, and/or using, and or distributing marijuana while on campus, even with a medical marijuana certification card, will be subject to disciplinary action including termination and may have additional legal consequences.

1.26 Weapon-Free Workplace

(Owner: Office of Human Resources & Compliance; Last Reviewed: 10/8/14; Last Updated: Unknown)

To ensure that Messiah College maintains a workplace safe and free of violence for all employees, the College prohibits the possession or use of weapons on College property. A license to carry the weapon does not supersede the College policy. Any employee in violation of this policy will be subject to prompt disciplinary action, up to and including termination. All members of the community are subject to this provision, including contract and temporary employees, and visitors on College Property.

“College Property” is defined as all college-owned or leased buildings and surrounding areas such as sidewalks, walkways, driveways and parking lots under the college’s ownership or control. This policy applies to all vehicles that come onto college property.
Weapons include, but are not limited to, firearms, explosives, knives, pellet or BB guns, tasers, stun guns, wooden or metal batons, bows and arrows (sharpened or hunting tips) and other weapons that might be considered dangerous or that could cause harm. In addition, sports equipment derived from or similar to weapons such as baseball bats, fencing swords, bows & arrows, javelins, paint ball guns should be confined to sports facilities for their use or kept locked in a personal vehicle.

Messiah College reserves the right at any time to contact law enforcement authorities if there are reasonable grounds to believe that an employee or a visitor has a weapon on College property.

1.27 **ABSENCE FROM WORK**

*(Owner: Office of Human Resources & Compliance; Last Reviewed: 10/8/14; Last Updated: 10/8/14)*

All employees are expected to maintain consistent and reliable attendance. Administrative and staff employees who find it necessary to be absent due to illness or urgent personal circumstances are required to notify their immediate supervisor or his/her designee prior to their scheduled work time. Employees who are absent in three or more consecutive days or who have frequent absences may be required to present a doctor's excuse for the dates in question. Excessive absenteeism may be subject to disciplinary action.

Absences of three or more consecutive working days or frequent absences, whether for illness or injury of the employee, the employee's dependent child, spouse or parent, must be reported to the Office of Human Resources & Compliance. The absence will be evaluated in light of the College's Short Term Disability Policy and the Family Medical Leave Policy. This applies to all College employees.

Teaching faculty members should follow procedures described in the Community of Educators Handbook.

1.28 **JURY DUTY**

*(Owner: Office of Human Resources & Compliance; Last Reviewed: 10/8/14; Last Updated: Unknown)*

Employees who are required to serve as jury members must present a court voucher to their supervisors. The employee will continue to be paid the normal straight-time hours for those regularly-scheduled hours missed due to jury duty. Jury duty time will be included in the
weekly overtime calculation for hourly employees. Monies earned from the court for jury
duty pay--both wages and mileage reimbursement--may be kept by the employee.

The College does not pay for time off due to jury duty for temporary/occasional or student
employees.

1.29 **SUBPOENA**

*(Owner: Office of Human Resources & Compliance; Last Reviewed: 11/3/14; Last Updated: 11/3/14)*

Paid time off for court appearances will be granted when an employee is required to appear
in court as a witness, but is not a party to the action. The employee must furnish
verification of the subpoena or summons prior to his or her appearance.

Once excused by the court, employees are expected to report to work in accordance with
their regular work day.

Employees appearing in court for personal purposes must use personal or vacation time, if
available, or unpaid personal leave.

1.30 **USE OF COLLEGE EQUIPMENT AND FACILITIES**

*(Owner: Office of Human Resources & Compliance; Last Reviewed: 11/3/14; Last Updated: 11/3/14)*

The College prohibits the borrowing of College-owned equipment, materials or facilities
for personal use, including, but not limited to, personal use for outside employment or
independent business/volunteer interests. Exceptions to this policy will be made only with
prior written approval of the appropriate Vice President or Provost. The borrower assumes
the responsibility for injury to themselves or others and/or damage to the equipment.

Employees found in violation of this policy may be subject to disciplinary action and/or
termination of employment.

1.31 **COMPUTING ACCESS POLICY**

*(Owner: Information Technology Services; Last Reviewed: 3/9/15; Last Updated: 3/9/15)*

All employees are expected to abide by the College's Computing Access Policy.
1.32 **EMPLOYEE SOCIAL MEDIA POLICY**

*(Owner: Office of Marketing and Communications; Last Reviewed: 3/9/15; Last Updated: 3/9/15)*

Messiah College recognizes that social media is a relevant means of communication that is worthy of employees' thoughtful, purposeful engagement to promote the College and its people, programs and priorities.

Employees are encouraged to utilize social media in a way that supports the work and mission of Messiah College and are reminded that all content they create is expected to reflect the ethical, moral and professional standards of Messiah College. Employees are expected to refrain from overuse of personal social media channels while working.

When using social media, Messiah College expects employees to use respectful communication and sound professional judgment. Because everything posted in social media is instantly and permanently public, employees should review and implement Messiah's best practices for social media.

This policy recognizes that some college programs and departments (i.e. the nursing department) require their students and employees to additionally adhere to more specific social media usage protocols to honor the privacy or professional requirements of their particular field or governing/accreditation body. Employees unsure of whether their department has such a social media policy should consult with their supervisor or department head.

1.33 **PUBLIC EXPRESSIONS POLICY**

*(Owner: Office of the Dean of Students; Last Reviewed: 09/xx/2018; Last Updated: 09/xx/2018)*

**Definition of public expression**

Freedom of expression is encouraged at Messiah College. However, in order to ensure an atmosphere in which open communication can occur without disrupting the academic mission or the daily functions of the College, this policy shall govern all forms of public expression activity on Messiah College property, defined for this purpose as including activities such as, but not limited to: campus meetings and forums; public assembly and demonstrations; public speeches; and the distribution and/or posting of written materials or other forms of communication carried out in connection with these activities.

**Definition of members of the on-campus college community**
For the purpose of this policy, “members of the on-campus college community” are defined as currently enrolled students, currently employed members of the faculty, administration and staff, and current trustees.

**Definition of visitors**

Individuals who do not belong to any of the above identified groups are considered campus visitors.

**Public expression by members of the on-campus college community**

Messiah College affords all members of the on-campus college community with substantial privileges with respect to freedom of public expression on Messiah College property. As a private college, this privilege, however, is subject to reasonable restrictions and regulations of time, place and manner as described below, so that the activities do not intrude upon or interfere with the academic mission and daily functions of the College, or with other rights of members of the on-campus college community as defined by College policies.

**Note:** These policies and guidelines refer to non-educational activities on college property and not to the conduct of academic or co-curricular activities that are governed by their own college policies and standards. These policies do not refer to other officially approved college events that must follow established campus event protocols.

**Procedures for public expression activities by members of the on-campus college community**

1. Members of the on-campus college community must apply to the Office of the Dean of Students at least five business days prior to their requested date of activity. Office hours are between the hours of 8 a.m. and 5 p.m. Monday through Friday. The form is available from the Office of the Dean of Students.

2. The dean of students has two business days in which to act on a request and communicate a decision to the person or organization making the request. Decisions will take into account both any special circumstances that may relate to college activities and/or the burden the requested activity may place on the College’s safety and administrative staffs.
3. Public expression activities are authorized to occur only at one or more of the following locations as assigned by the dean of students (dependent on availability):

**Outdoor locations**
- Larsen Student Union patio
- Brick courtyard area outside of Kline, Jordan and Frey Halls

**Indoor locations**
- Designated common area inside the Larsen Student Union
- Eisenhower Campus Center Commons (lobby outside of the Falcon, Career Center and Campus Store)

*Note: if an indoor location is approved by the Dean of Students Office, the event organizer must then reserve the space through the Office of Conference and Event Services.*

4. The number of occasions on which specific individuals or groups will be permitted to engage in public expression activities will be limited to three times during an academic year.

5. The total number of people engaging in public expression activities at any one location on campus may be limited by the dean of students according to concerns related to space capacity, safety or potential disruption of the College’s other daily activities.

6. Any signs, placards or banners that are displayed must be respectful, may not use profanity or other defaming language, and in general must be in the spirit and meet the standards related to the treatment of others as described in the College’s Community Covenant.

7. No microphones, bullhorns or other amplification devices may be used.

8. No sidewalks or building accesses may be blocked, nor may normal College operations be impeded.

9. Physical or verbal harassment of members of the College community, or public expression activities outside of the hours or locations for which permission has been granted, will be cause for the immediate revocation of privilege for those involved.

10. Any act of disorderly conduct or the failure to respect any of the above procedures will result in appropriate intervention by authorized campus personnel.
Public expression activities by campus visitors

As a private college, Messiah College’s policy is that visitors do not share the same privileges and rights as members of the on-campus college community to participate in public expression activities on Messiah College property. Thus, campus visitors who wish to engage in public expression activities are subject to the following restrictions.

- Specifically, campus visitors are not permitted to be involved in public expression on College property except as invited participants at official, approved College events, and in a manner consistent with the intent of the event as determined by officials of the College. Furthermore, visitors’ presence on campus is not merely contingent upon their compliance with standards maintained by the College, and as such, visitors may be asked to leave the campus at any time by an authorized official of the College.

- Visitors may not engage in activities which hinder or obstruct approved public expression or affect the College’s ability to provide an educational environment for its members.

- Visitors acting in violation of this policy and/or the related guidelines or failing to accept the directions of authorized College authorities will be required to leave campus and may be referred to the local public authorities in the event of violations of applicable laws. Any police arrests and criminal charges are separate from judicial actions at Messiah College.

1.34 INTELLECTUAL PROPERTY

(Owner: Office of the Provost; Last Reviewed: 11/19/09; Last Updated: 11/19/09)

(Related Policy: Community of Educators Handbook, Section 6.23)

1.34.01 Purpose/Goal Statement

Messiah College seeks to foster the creation of original works by its faculty, staff, and students, both individually and in cooperation with internal and external partners, and will provide a supportive climate to that effort. The goal of this policy is to promote an academic environment in which creative efforts are encouraged and rewarded, while retaining for the College reasonable ownership rights in, access to, and use of the intellectual property for whose creation the College has contracted or provided substantial
assistance. This policy is intended to delineate the ownership rights of such original works, including those that are protected under applicable United States patent and copyright law.

1.34.02 Applicability

This policy applies to all intellectual property currently in process or hereafter created with the facilities and/or resources of Messiah College. Further, it applies to intellectual property created by any person (faculty, staff, administration) employed in any capacity by Messiah College, and any student who creates work on behalf of the College, unless a written agreement exists to the contrary. In the event the created work is funded in part or in whole by a federal grant, contract, or cooperative agreement, relevant governmental regulations regarding property rights will apply.

1.34.03 Definitions

1. **Compensation:** Compensation includes direct and indirect compensation, whether lump sum or continuing royalties. Net compensation is compensation less all expenses incurred in developing or protecting the intellectual property, including but not limited to attorney fees and costs for filing and prosecuting a patent application.

2. **Creator:** "Creator" means any person who originates intellectual property as defined below. Creators may include faculty, administrators, staff, or students of Messiah College, whether working with other College employees or outside third parties, such as federal or state agencies, corporations, or non-profit agencies, and may include independent contractors or consultants who create intellectual property on behalf of the College.

3. **Intellectual Property:** “Intellectual property” includes both tangible and intangible property and comprises ideas, inventions, processes, discoveries, unique materials, works or authorship, and other creative or artistic works. In general, intellectual property is created when something new has been conceived and developed or when a non-obvious result, which can be applied to some useful purpose, has been discovered using existing knowledge. Owners and holders of intellectual property rights are protected by law (e.g., patents, copyrights, trademarks, and trade secrets) against infringement or unauthorized use by another. Intellectual property includes the following categories:

   1. **Copyrights:** Federal law defines the term "copyright" as that bundle of rights that protect original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. "Works of authorship" include, but are not
limited to, the following: literary works; musical works, including any accompanying words; dramatic works, including any accompanying music; pantomimes and choreographic works; pictorial, graphic, and sculptural works (photographs, prints, diagrams, models, and technical drawings); motion pictures and other audiovisual works; sound recordings; architectural works; and computer software. "Tangible media" include, but are not limited to, books, periodicals, manuscripts, audio recordings, films, tapes, and disks.

Copyright protection exists as soon as the created work has been “fixed in a tangible means of expression.” No copyright notice or registration is needed to obtain copyright protection. Copyright protection provides the owner with the exclusive right to reproduce the copyrighted work, prepare new versions (derivative works), publicly distribute the copyrighted work, perform the copyrighted work publicly, and display the work publicly.

A work that was created (fixed in tangible form for the first time) on or after January 1, 1978, is automatically protected from the moment of its creation and is ordinarily given a term enduring for the author’s life plus an additional 70 years after the author’s death. For works made for hire, the duration of copyright will be 95 years from publication or 120 years from creation, whichever is shorter.

2. **Distance Learning Courseware:** Distance learning courseware means any software, textual, or visual materials that are packaged together for delivery as a course in which a fee is charged in exchange for credit and where the instructor and students are not necessarily in each other’s physical presence for the delivery of the course. There is no limitation on the location of the materials, e.g., on CD or on the World Wide Web, and the credit earned may be for continuing education, for employee advancement, or for credit at an educational institution.

3. **Patents:** A “patent” for an invention is the grant by the United States Patent and Trademark Office of a property right to the inventor. Generally, the term of a new patent is 20 years from the date on which the application for the patent is filed in the United States. U.S. patent grants are effective only within the United States, U.S. territories, and U.S. possessions.

The right conferred by the patent grant is “the right to exclude others from making, using, offering for sale, or selling” the invention in the United States or “importing” the invention into the United States. What is granted is
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not the right to make, use, offer for sale, sell or import, but the right to exclude others from making, using, offering for sale, selling or importing the invention. Once a patent is issued, the patentee must enforce the patent without aid of the USPTO.

Any person who “invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent.” These classes of subject matter taken together include practically everything that is made by man and the processes for making the products.

A patent cannot be obtained upon a mere idea or suggestion. A complete description of the actual machine or other subject matter for which a patent is sought is required.

4. **Trademarks:** A “trademark” is a word, phrase, symbol, or design that identifies and distinguishes the source of the goods of one party from those of others.

5. **Trade Secrets:** A “trade secret” is any formula, pattern, device, process, tool, mechanism, compound, etc., of value to its creator, which is not protected by a patent and is not known or accessible to others. As long as it is kept secret, the owner may obtain a great deal of commercial benefit. However, trade secrets do not have the same level of legal protection as patents and copyrights.

1.34.04 **Ownership Rights**

Principles governing ownership of all intellectual property created by Messiah College faculty, administrators, staff, and students are specified in this section. Ownership is the critical issue for the dissemination of intellectual property and the distribution of rewards relating to its creation. The application of these principles shall be consistent with the use of Messiah College resources, shall always protect its legal status as a nonprofit institution, and shall never violate any laws of the United States or the Commonwealth of Pennsylvania.

1.34.04.01 **Traditional Academic Rights**

a. **Faculty Rights**

All faculty members retain intellectual property rights to instructional materials and scholarly works created at their own initiative with customary College resources,
except insofar as the faculty member may voluntarily choose to transfer such rights. “Customary College resources” are those resources commonly provided or made available to faculty. They include, for example, ordinary use of resources such as the library, one's office, laboratories, general computational facilities or equipment, secretarial and administrative support staff, and supplies.

Examples of faculty-owned works created at faculty members' own initiative with customary College resources may include lecture notes, transparencies, case examples, textbooks, interactive textbooks, other works of nonfiction or novels, software, electronic course materials developed to enhance instruction in traditional classes, CD-ROMs, articles, books, literary works, poems, musical compositions, dramatic works, visual works of art, motion pictures and other similar audio-visual work, sound recordings, and other creations regardless of the media in which the works are produced or the forms of dissemination (e.g., print or electronic), novel creations, processes, or isolates of scientific research (including creation of novel genetic constructs (i.e. plasmids or recombinant products), strains (through genetic recombinant or traditional breeding means), cell lines, mutant isolates, and materials and substances and the processes by which they were made).

Faculty members are required to prepare syllabi, assignments, tests, and other instructional materials and courseware for use in classroom instruction as a function of their employment contracts with Messiah College. No additional royalty or other remuneration is owed by Messiah College for the creation of these materials. These materials remain the property of the faculty author. However, the College shall have a non-exclusive, royalty-free, perpetual license to use the work for non-profit internal instructional, educational, and administrative purposes as long as such use does not significantly diminish compensation that the creator would receive from sales. In all such uses, however, the original authors must be explicitly credited along with the dates of creation, insofar as the original authors and dates are known. Creators have the right to have their name removed from such material upon request. A faculty member or any other employee will retain exclusive rights to any audio visual recordings of the employee, unless agreed upon otherwise.

Faculty members are encouraged to share their instructional materials and courseware with their Messiah College colleagues for internal instructional, educational, and administrative purposes. When publishing scholarly works, faculty creators are encouraged to provide rights for use for the College community.
b. Student Rights
A student retains exclusive intellectual property rights to any work she/he creates with the following exceptions:

1. If a student is employed by the College to produce a specific work (e.g. artwork or software), rights to the work belong to the College unless specifically agreed otherwise.

2. If a student participates in an ongoing research project initiated by the College or an employee, the College and/or employee have exclusive rights to the specific project and products of such research (including any novel creations, discoveries, processes, or isolates). This principle shall apply even if that ongoing project or closely-related work occurs apart from the College (e.g. at another institution or corporation). Working in an ongoing project typically requires significant collaborations with the persons leading the project and other students involved in the project. Consequently, it becomes practically impossible to assign ownership to contributions of any student or group of students. In some cases, specific work or product can reasonably be considered the product of a particular individual or group of individuals. Upon request, Messiah College will allow royalty-free use, development, and marketing of that product by the students as long as such pursuits do not conflict with the purpose of the ongoing project or stated purposes of the College.

3. If a faculty member significantly exceeds his/her normal employment responsibility in helping the student produce the work in question, the apportionment of rights to such collaborative work is the responsibility of the faculty member to negotiate with the student.

In all cases, Messiah College shall have a non-exclusive, royalty-free, perpetual license to use the work for internal instructional, educational, and administrative purposes.

Student, faculty member, and College representative claimants must mutually agree to the apportionment of shared rights or submit the apportionment to arbitration (see Section 8). Final shared rights agreements must comply with apportionment guidelines provided in Section 6.4 and be based on which party processes, promotes, and markets the intellectual property.

1.34.04 Other Employee Rights
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Other employees not covered previously, including but not limited to staff and administrative employees, own intellectual property when it is unrelated to the employee’s
job responsibilities (not within the scope of their employment) and the employee made no more than incidental use of College resources in its creation or by agreement with the College that the project has been released to the creator.

Works related to an employee’s job responsibilities (within the scope of their employment) that make significant use of College funds, resources, or facilities, even if he or she is not specifically requested to create them, will belong to the College. A copyright work is related to job responsibilities if it is the kind of work an employee is employed to do and the work is done, at least in part, for use at work by the creator, other employees, the College, or clients of the College.

Works that are unrelated to job responsibilities remain the property of the employee and are covered in Section 4.8. If an ownership question exists in the mind of the creator about a potential project or work, it may be best to pursue an independent project agreement (Section 4.8) or an individual project agreement (Section 4.6) prior to the creation of the work.

1.34.04 Work-for-Hire

Materials written, created, produced or otherwise generated “for hire” are defined as inventions, creations, manuscripts, or other works or things of commercial value which are created by persons, including but not limited to faculty, staff, and administrative employees, who are engaged by the College specifically to create such materials or are released from other College responsibilities in order to create materials at the initiative of the College.

Works for hire shall include intellectual property created as a specific requirement of employment or as an assigned College duty that may be included in a written job description or an employment agreement. For example, computer software developed by an ITS employee for departmental or campus-wide use is owned by Messiah College.

Works for hire are the exclusive property of the College unless otherwise agreed or stated to the contrary in this policy.

Faculty-created instructional materials or courseware developed to supplement course instruction (Section 4.1.a. above) are not regarded as works for hire. Thus, the College does not claim ownership of such work merely because it requires faculty members to teach courses as part of their regular responsibilities. The College shall have a non-exclusive, royalty-free, perpetual license to use the work for non-profit internal instructional,
educational, and administrative purposes. Similarly, the College does not claim ownership of faculty-initiated scholarly works based merely on general expectations that faculty members will publish such works.

The College may claim exclusive ownership of instructional materials or courseware, including online course materials, when the College has specifically contracted for the development of such materials and compensated faculty-creators (e.g., with additional financial compensation, release time, etc.) for such work. Online courses are those offered by the College by electronic means (satellite, streaming video, Web-based text, CD-ROM, etc.) for distribution to students on or off campus. In the event the creator leaves the employment of Messiah College for any reason, the College shall retain a non-exclusive, royalty-free, perpetual license to use the work for non-profit instructional, educational, and administrative purposes, and the creator shall retain all other rights.

1.34.04 Joint Works

The College may assert co-ownership of intellectual property with the individual creator if the creator has made extraordinary use of College resources in the creation of the work.

“Extraordinary use” includes utilization of College laboratories or special instrumentation outside of the expected use deriving from regular teaching and professional activities; dedicated assistance by College employees; special financial assistance beyond sabbatical leaves, faculty development grants or monies obtained through other ordinary competitive processes; or extensive use of shared facilities.

If the College determines that intellectual property has been created through extraordinary use of its resources, it may reasonably request reimbursement for any unusual financial or technical support, possibly in the form of compensation from future royalties. The College will consider whether an assertion of co-ownership of the copyright or patent has a detrimental impact on the free inquiry of faculty, staff or students before making such assertion. The College may also decide to modify or forego its rights to such works. Any agreement between the College and the individual creator must be in writing.

The individual creator shall retain the right to take credit for creative contribution to the work, to reproduce the work for his or her instructional purposes, and to incorporate the work in future scholarly works produced by the creator.

1.34.05 Sponsored Project Agreements
The College may enter Sponsored Project Agreements including contracts and grants between the College and external sponsors such as corporations, government agencies or foundations. The ownership of intellectual property created as a result of specific sponsored projects shall be subject to the terms of these agreements. Any College employee working on a project under such an agreement shall be notified in advance of the terms of ownership in the agreement for any intellectual property they may create while working on the project.

1.34.04 Individual Project Agreements

The College may enter agreements with individual members of the faculty, administration, staff, or students with respect to specific projects. The ownership of intellectual property created as a result of such an agreement shall be subject to the negotiated terms of the agreement.

1.34.04 Consulting Agreements

The ownership of intellectual property created by Messiah College faculty, staff, or administrators who are consulting with external entities (corporations, businesses, government agencies, foundations, etc.) without making significant use of College funds, resources, facilities, or time is determined by the terms of the consulting agreement.

1.34.04 Independent Projects

Any intellectual property created by a College employee that is not part of its creator’s employment responsibilities and that is developed on his/her own time without making significant use of College funds, resources, or facilities shall be owned by the creator.

1.34.05 Disclosure and Procedural Requirements

The creator of any intellectual property that is or might be owned by the College under this policy is required to make prompt written disclosure of the work to the Provost, and to execute any documents deemed necessary to perfect legal rights in the College and to enable the College to file patent applications and applications for copyright registration when appropriate. The Provost will acknowledge receipt of the disclosure and will determine on a timely basis if the College wishes to assert a claim of co-ownership.

Messiah College reserves the right to pursue, or not pursue, any available legal protection for intellectual property disclosed to it under this policy for which it has ownership rights. If Messiah College chooses to pursue legal protection, it will bear all costs associated with doing so. If Messiah College chooses not to pursue legal protection, it may, in its
discretion, release its rights to the creator. Likewise, if Messiah College has not initiated legal protection within two months after disclosure of a created work to the College, the College will permit the creator to seek such protection. In this case, the creator will be assigned ownership of the intellectual property and bear all costs associated with obtaining legal protection.

No one may use the College’s name, logo or word mark for any private or commercial purpose, including marketing and promotion, without the written permission of the Executive Director of Marketing and Communications.

1.34.06 Distribution of Revenues

All revenues derived from College-owned intellectual property or creative works will be received and administered by the Office of the Provost. For each specific piece of intellectual property owned by the College, costs incurred in the process of perfecting, transferring, and protecting College rights to the property paid by the College will first be deducted from the gross income available before distribution. An accurate accounting of all such costs shall be made available to the creator upon request. The distribution of net proceeds (income less all costs including legal protection, promotion, marketing, or patent administration services) that is received from College-owned intellectual properties shall be shared equally between the creator and the College unless there has been a prior agreement to do otherwise. The College and/or creator may, in appropriate circumstances, take equity positions in companies licensed to market or use intellectual property.

1.34.07 Administration of Policy

The Provost of Messiah College has the legal authority on behalf of Messiah College to oversee administration of this policy, including clarification of requirements of the policy, revisions to the policy, evaluation of patentability or other forms of protection, filing of patents and copyright applications, licensing activities, and execution of legal contracts or agreements as necessitated by the terms of this policy.

1.34.08 Dispute Resolution

Either the creator of the intellectual property or Messiah College can initiate arbitration of a disagreement regarding intellectual property rights. A request must be written and submitted to the Provost, who must schedule a meeting of all parties within 30 days to seek resolution to the dispute. Any dispute that cannot be settled through informal discussion shall be submitted to the Intellectual Property Review Board (IPRB).
The IPRB will consist of the Provost (chair); Dean of the School of the faculty member/student or the Vice President or division head for any other employee; Chair of the Community of Educators; two ranked faculty members selected by the Ranked Faculty Affairs Committee; and the Vice President for Finance and Planning. The IPRB may elect to conduct a hearing into the matter and/or make a decision based upon a written record, provided that all parties to the dispute are given an opportunity to present evidence and arguments in support of their respective positions. Each party shall provide the other party with a copy of any written materials submitted to the IPRB simultaneously with submission of such materials to the IPRB. Any hearing will be conducted following the procedures set forth by the IPRB or promulgated by the Provost. If the dispute involves a student, he/she may be assisted by an advisor of his or her choice who is a member of the College community. The advisor may attend the hearing, but may not speak or otherwise participate in the hearing. Because this is a College governance procedure and not a legal proceeding, attorneys may not serve as advisors. The IPRB will decide the question presented. The decision of the IPRB is final.

1.35 Whistleblower Policy

(Owner: Office of Human Resources & Compliance; Last Reviewed: 11/3/14; Last Updated: 9/22/10)

1.35.01 Section 1: Policy Statement

a. The College has a responsibility to investigate allegations of improper activities and to report actions taken in response to such allegations.
b. All members of the Messiah College community are encouraged to report improper activities. Any person who makes such a report is deemed a whistleblower and shall be granted certain rights and protections as defined in the Policy.

1.35.02 Section 2: Definitions

a. A Whistleblower is defined as an employee of Messiah College who reports what he or she believes to be an improper activity or potential improper activity.
b. Improper Activities include fraudulent or dishonest conduct or violations of law occurring at or related to work at Messiah College.
c. Fraudulent or dishonest conduct is defined as a deliberate act, or failure to act, with the intent to obtain unauthorized benefit from the College. Examples of such conduct include, but are not limited to:
   i. Forgery or alteration of any documents
   ii. Unauthorized alteration or manipulation of electronic files
iii. Fraudulent financial reporting
iv. Pursuit of a benefit or advantage in violation of the College’s Conflict of Interest Policy
v. Misappropriation or misuse of College resources, including cash and investments, supplies, and other tangible assets.
vi. Authorization or receipt of compensation for services not received or not performed or hours not worked

1.35.03 Section 3: Whistleblower Protections

a. It is unlawful for any employer to “discharge, threaten, discriminate, or otherwise discriminate or retaliate” against employees in terms of compensation or in terms of condition of employment because the employee has made, or is about to make, a good faith report to the employer or to an “appropriate authority” about an instance of “wrongdoing or waste”. Likewise, it is unlawful for an employer to discriminate or retaliate against an employee because he or she has been requested by an appropriate authority to participate in an investigation, hearing, or inquiry regarding the employer’s alleged wrongdoing or waste.

b. Insofar as possible, the identity of the whistleblower will remain confidential. However the whistleblower’s identity may have to be disclosed in order to conduct a thorough investigation, ensure compliance with the law, or provide the accused individuals with their legal rights of defense.

c. Any whistleblower who believes that he/she is being retaliated against should contact the Vice President for Human Resources and Compliance immediately.

d. The right of a whistleblower for protection against retaliation does not include immunity from investigation of alleged wrongdoing by the whistleblower.

e. Any whistleblower who knowingly furnishes false allegations may be subject to disciplinary actions.

1.35.04 Section 4: Whistleblower Procedures

a. Any employee who reasonably believes that an improper activity may have occurred must immediately inform his or her supervisor. If the employee suspects that his or her supervisor committed the improper activity, then he or she must immediately inform the supervisor’s superior. If the employee feels uncomfortable reporting any activity to his or her supervisors, or if the activity involves the President, he or she may report the improper activity to the Vice President for
Human Resources and Compliance. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures.

b. All supervisors should carefully handle allegations of improper activities in order to avoid:
   i. Premature notice to persons suspected of improper activities and/or disclosure of such suspected conduct to others not involved in the investigation
   ii. Violations of whistleblower protections
   iii. Baseless allegations

c. A supervisor who is informed of suspected improper activities should notify his or her direct Supervisor, Dean, area Vice President, or the Office of Human Resources and Compliance. They should not contact the suspected person nor discuss the matter with any other person other than in the course of the official investigation and resolution thereof.

d. Once the Vice President or Dean is aware of any suspected improper activities, he or she should contact Human Resources for assistance with assessing the allegations to determine if they have merit, conducting an investigation to reach a conclusion on whether the improper activity occurred, and taking appropriate actions. Individuals involved in the investigation and resolution process may consult with appropriate persons, but should not disclose suspected conduct to those not involved in the investigation or those who do not have a need to know.

e. The College’s legal counsel and Vice President for Human Resources and Compliance will serve as a resource throughout the investigation and handling of the matter. The vice president/dean will prepare a report summarizing the suspected improper activity, the investigation, the conclusion, and the actions taken, and Human Resources will retain such record for the purpose of documenting resolution of reported alleged improper activity.

f. Parties without a direct supervisor such as College guests or vendors should report concerns to the Department of Safety. The Department of Safety will be responsible for coordinating a response with appropriate parties. If the concern is related to the Department of Safety, the concern should be reported to the Vice President for Human Resources and Compliance.

g. Reports of alleged improper activity and the results of investigations of the allegations shall be retained by the Vice President for Human Resources and Compliance. A summary will be provided annually to the Audit Committee of the Board of Trustees.
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a. Employees with any questions regarding the Policy should contact the Vice President for Human Resources and Compliance.
b. The Office of Human Resources and Compliance will educate all employees on this policy. Required educational activities include presentation of the policy in new employee orientation and management training activities, and providing access to the policy on the College’s website.
c. Human Resources is responsible for reviewing and recommending changes to the Policy.

1.36 SAFETY

(Owner: Office of Human Resources & Compliance; Last Reviewed: 11/3/14; Last Updated: 11/3/14)

Employees are required to follow all established safety policies and procedures and to cooperate with safety and security personnel of the College. Copies of the College’s environmental, health and safety policies and programs are documented and available on the College’s website and via the College’s MC Square portal.

All employees are responsible for their own safety and the safety of others (co-workers, students, and visitors to campus). Employees must comply with safety practices relating to their work and can contribute to the safety of all by:

a. Reporting any unsafe or unhealthy conditions or practices to their supervisor.
b. Reporting crimes or suspicious activity to the Department of Safety.
c. Reporting all on-the-job accidents/injuries to their supervisor and completing an incident report form.
d. Seeking treatment in the event of a work-related accident/injury requiring immediate attention. Treatment must be provided by one of the medical providers on the Physician Panel provided by the College’s Workers Compensation insurance carrier. This list is available in various locations throughout campus and from the Office of Human Resources.

1.37 POLICY & PRACTICE FOR UNCOVERED DOOR WINDOWS

(Owner: Office of Human Resources & Compliance; Last Reviewed: 11/27/16; Last Updated: 10/30/17; Approved by College Council on 9/8/16)
Policy: For safety, security, and institutional and personal liability purposes, the default or typical condition of all office and workspace door windows will be clear and free of any covering.

The college recognizes that employees may occasionally need to temporarily cover their windows. Windows may never be covered when another person is present in employee offices. Temporary window coverings may be used only as long as needed and then promptly removed.

The offices listed below are not subject to the above policy and may have their door windows permanently covered:

- Counseling offices in the Counseling Center, located in the Engle Health Center
- Health rooms in the Engle Health Center
- The College Pastor in the College Ministries Office
- The employee meeting space in the Office of Human Resources

Practice: If the window on the door of the office or area to which you have been assigned is covered, and the covering was not installed nor approved by the college, please fully remove all covering and maintain the area according to the policy above.

If you supervise students, please provide them with guidance on complying with this policy.

Questions or concerns should be directed to the Director of Safety and Administrative Services (imaynard@messiah.edu) and/or the Vice President for Human Resources & Compliance (acooffey@messiah.edu).

Rationale: Windows on doors have been identified as a safety best practice and prudent course of action for all professionals who meet individually with students. Likewise, in the event of a building evacuation, windows on doors allow the Department of Safety to more quickly assess occupancy. In light of these concerns, the College has been working steadily to install windows on doors throughout campus. Covering the window obviously negates the safety features of having a window. Our insurance broker has expressed concern that we do not have a policy prohibiting covered door windows and has noted that a significant number of employees do, in fact, cover the windows on their doors. The insurance
company clearly expressed that they reserve the right to limit professional liability coverage for employees who cover door windows.

**Frequently Asked Questions:**

1. **What does “uncovered” mean?**
   An uncovered window means nothing on the window. This includes decals and stickers.

2. **I sometimes need to attend to brief personal matters in my office, such as changing before working out.**
   It’s acceptable to very briefly cover the window while you address a personal issue as long as the covering is removed promptly.

3. **As an employee, I am required to be accessible to students or other employees but sometimes need an uninterrupted workspace to complete professional responsibilities. Is this included in portion of the policy allowing windows to be temporarily covered?**
   Yes. It is recognized that the occasional need for a workspace buffer may arise. In keeping with the policy, such coverings should be temporary in nature and removed promptly as soon as the task is completed.

4. **Not all doors have windows. If this is such an important element of safety, why don’t all doors have windows?**
   The College has been in the process of installing windows on doors across campus for over a year. This takes time to do so and while a great number of windows have been installed, not every door is complete. However, the College is working toward addressing every door for which this safety feature is appropriate. Please note, not all doors on campus can accommodate a window. The College is the process of determining which doors are impacted and the best way to address those situations.

   In addition, windows are not appropriate for offices that provide medical and/or counseling services.

5. **My supervisor already requires that windows on doors remain uncovered. Since this is just now becoming College policy, was my supervisor wrong to require this?**
   No. Supervisors are well within their rights to require employees to maintain clear and accessible door windows. Implementing a College policy simply means that the
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expectation for uncovered door windows will be uniformly communicated and implemented across campus.

6. What happens if windows are covered when the employee is out of the office?
   Per the policy, windows should be uncovered promptly upon completion of the work that necessitated the temporary covering. Therefore, windows should not be covered when the employee is out of the office. The College reserves the right to key into the office and remove a covering that has been left up when the employee is not in the office.

7. Does this policy apply to student workspaces?
   Yes.

1.38 CHILDREN IN THE WORKPLACE

(Owner: Office of Human Resources & Compliance; Last Reviewed: 11/3/14; Last Updated: Unknown)

Children of employees are normally not present at an employee's workplace (e.g., office, classroom, shop, etc.) during an employee's work hours or when the College is in normal operations (8:00 a.m. to 5:00 p.m.). Emergency and occasional visits are welcome as long as they are not too frequent or for an extended period of time when the employee is on duty. It is the employee's responsibility to see that the child is appropriately supervised, does not interfere with anyone's work, and is not disruptive. Supervisors or department heads should be notified concerning children who need to be on campus more frequently or who become disruptive to other employees.

1.39 COMPENSATION, WORK SCHEDULE AND PAYCHECKS.

(Owners: Office of Human Resources & Compliance, Payroll Office; Last Reviewed: 7/1/15; Last Updated 7/1/15)

1.39.01 Wage Determination

Messiah College strives to maintain fair and competitive wage and salary ranges. Annually, the College conducts or participates in numerous wage and salary surveys with similar colleges, with colleges and universities in the local, regional and national labor markets and other employers in our local, regional or national market. Staff and administrative wage and salary ranges are established based on the requirements and responsibilities of the position, internal peer banding, and data obtained from the external benchmarking sources.
Salary ranges and associated steps for all faculty ranks are established by the Office of the Provost.

1.39.02 Payroll Deductions

By law the College must withhold the following taxes, where applicable: FICA (Social Security and Medicare), federal, state, state unemployment, local, and local services. The amount of federal income tax withheld is based on the allowances declared by the employee on his/her W-4 form. Employees are required to complete a Form W-4 and a Residency Certification Form upon starting employment or when requesting a change in tax withholding. Employees are also required to complete a Residency Certification Form, along with an Employee Personal Information Change Form, when reporting a change of address.

Other payroll deductions processed through payroll include, but are not limited to, employee benefits, mandatory garnishments, College-related charitable gifts, and non-cash taxable compensation for items such as moving expenses and personal use of a company car.

Changes in deductions can be made by contacting the Payroll Office. Changes in benefits can be made by contacting the Benefits Manager.

1.39.03 Recording Leave Time

Information on the accrual, earning, usage, balance and recording of vacation, sick, and personal leave time is documented in the leave benefits sections of this manual. Employees taking vacation, sick, or personal leave time on any regularly-scheduled day may report only a total of worked and leave hours that is equivalent to the employee's regularly-scheduled number of hours for that day. For example, an employee with a normal schedule of 8:00 - 5:00 cannot begin work at 7:30 and record leave time through 5:00. Instead, the employee should reduce the leave time recorded to be equivalent to the additional time worked.

1.39.04 Staff Time Sheets

Federal law requires that positions covered under the Fair Labor Standards Act (FLSA) have accurate records of hours worked. Therefore, staff employees are required to complete time sheets and submit them to the appropriate supervisor for signature and routing to payroll, following the established, communicated payroll deadlines. Reported time should be rounded to the nearest quarter-hour interval (i.e., :15, :30, :45, :00). It is the supervisor's
ultimate responsibility to ensure that all time sheets are submitted to the Payroll Office on time to be included in the regularly-scheduled payroll.

1.39.05 **Administrative Leave Reports**

Administrative employees are required to complete a monthly record of vacation, sick, and/or personal leave time taken for each scheduled work month and submit the report to the Payroll Office. Employees must submit a leave report even if no time off was taken during a given month. Leave reports are due in the Payroll Office no later than the 15th of the following month.

1.39.06 **Reporting Hours Worked**

Non-exempt employees are subject to the provisions of federal and state laws which regulate wages and hours. Federal and state wage laws require that non-exempt employees be paid for all hours worked; hours worked beyond 40 hours/week are considered overtime hours and are compensated accordingly. In addition, College policy requires that non-exempt employees report the time they work on time sheets provided by the Payroll Office. Time worked includes any time not fully relieved of work responsibilities during, or outside of, the employee’s regular work day. Non-exempt employees must report—and be paid for—all time worked, including but not limited to:

- Any additional time worked even if it was not approved
- Additional time worked from home or other remote locations
- Additional hours spent attending employer-required training and education

Supervisors are responsible for monitoring extra hours worked, including any overtime. Supervisors who fail to ensure that extra hours worked are paid appropriately are subject to employment discipline. Employees working unapproved hours may be subject to disciplinary action. Failure to comply with wage laws by a non-exempt employee not reporting time worked or a supervisor not requiring a non-exempt employee to report time worked can result in disciplinary actions up to, and including, termination of employment.

Exempt employees (including salaried administrative and faculty employees) are not subject to the provisions of federal and state laws which regulate overtime.

1.39.07 **Compensation for Overtime**
1.39.07 Cash Overtime Payment

A rate of time-and-one-half will apply to all hours worked by hourly (non-exempt) employees in excess of 40 hours during the Sunday to Saturday work week. Holidays and closed days scheduled within the established work week will be considered days worked for the purpose of computing overtime. Vacation, sick and personal days, as well as funeral leave, taken at the employee's request are not considered days worked for the purpose of computing overtime. In addition to straight pay for regularly-scheduled hours, the daily overtime rate of time-and-one-half will be paid for work performed by essential hourly employees (and any non-essential hourly employees who are deemed essential in order to address the College emergency) on any scheduled holiday listed in the Benefits section of this manual and for emergency closings as outlined in the Emergency Closing Procedures section of this manual.

Weekly hours worked, for calculating additional overtime, will include actual hours worked--rather than the regularly-scheduled hours--for any holiday or closed day. For example, an hourly employee normally scheduled for 8 hours on a holiday who works 10 hours will receive overtime on the 10 hours worked, and will have only the 10 hours actually worked included in the total weekly hours calculation for additional weekly overtime.

1.39.07 Compensatory Time

Under certain circumstances, the Fair Labor Standards Act (FLSA) permits an employer to compensate an employee for overtime hours by allowing compensatory time off in lieu of cash payment.

a. Hourly (non-exempt) Employees. The College will only authorize the use of compensatory time off for hourly (non-exempt) employees if applied within the same work week. Overtime hours will be compensated on a cash basis for hourly employees if compensatory time cannot fall within the same work week.

b. Salaried (exempt) Employees. Compensatory time is not customarily granted to salaried employees, but may be authorized under extreme circumstances at the discretion of the department supervisor.

1.39.08 Additional Compensation Payments

Payments for additional compensation (including stipends, honorariums, bonuses and similar items) should not be paid in full until the work, for which the compensation is being
paid, has been completed. If the work extends over a longer period of time (e.g., more than a one-month period), partial payments may be made over multiple pays at the discretion of the hiring department, with the final payment not being paid until the work has been completed. For hourly staff (non-exempt) employees, payments must correspond to the time the work is performed unless the payment is in addition to regular payment for the hours worked.

1.39.09 **Honorarium Payments**

An honorarium payment is a payment given to an individual as a token of appreciation for services for which fees are not legally or traditionally required. To be considered an honorarium, the service performed must be voluntarily completed by the employee and should typically be outside the scope of the employee's normal job duties. Honorariums may include, but are not limited to, such items as: guest lecturing, performing (e.g., voice or instrumental) at a special event, participating in an educational event (e.g., work at a college-hosted conference), and other similar items.

All honorarium payments for individuals already employed by the College must be processed via Payroll, even if the payment would otherwise qualify to be paid via Accounts Payable. Honorariums payments for individuals NOT employed by the College should be processed via Accounts Payable, OR if under $75, can be paid via a gift of appreciation. Work performed by students that would typically qualify as honorariums, should be processed by Payroll via the submission of the Request for Student Single Payment form. All honorarium-type work paid to students will be charged to the standard student payroll account.

Honorarium payments should not be paid in full until the event/activity has been completed.

1.39.10 **Break in Service**

A break in service from the College shall occur when an employee is no longer employed by the College for a period of 12 or more consecutive months, due to resignation, retirement, discharge, layoff, or other reasons during which a break in service may occur.

Employees hired after a break in service of 12 or more consecutive months will not retain their seniority and shall begin employment seniority effective the date of the subsequent hiring.
1.39.10 Change in Employment Status Relative to Benefits

Employees who change from part-time or limited-hour to full-time status shall maintain seniority and gain additional benefits associated with full-time employment unless identified otherwise in such policies as the Employee Dependent/Spouse Educational Assistance policy.

Employees who change from full-time to part-time or limited-hour status shall maintain seniority but forfeit full-time benefits for part-time benefits.

1.39.11 Human Resources and Payroll Processing Deadlines

(Owner: Offices of Human Resources / Payroll; Last Reviewed: 10/3/16; Last Updated: 10/3/16)

All required payroll items must be received in the Office of Human Resources and the Payroll Office in a timely fashion in order to be processed and included on the appropriate payroll. This is critical to meet payroll processing deadlines, comply with legal pay and tax reporting requirements, maintain employee satisfaction, and avoid additional, unscheduled work for Human Resources, Payroll, and related departments.

To aid in this process, the Office of Human Resources and the Payroll Office have established deadlines and guidelines in order to assure completion of the payroll process in a timely and reasonable fashion, which can be reviewed at: http://www.messiah.edu/download/downloads/id/2700/Payroll_Processing_Deadline_Policy.pdf

1.39.12 Pay Dates

(Owner: Payroll Office; Last Review: 11/3/14; Last Updated: 1/29/10)

Payroll for administrative and faculty employees is processed and direct deposited on a semi-monthly basis (the 15th and 30th of each month). Payroll for staff and temporary employees is processed and direct deposited on a bi-weekly basis (every other Thursday). Students are paid on a modified bi-weekly schedule by check or by direct deposit.

In the event of a pay date occurring on a weekend or holiday, pay will be deposited/available as of the last business day PRIOR TO the weekend or holiday.

1.39.13 Breaks
A designated meal break of at least 30 minutes, but generally not to exceed 60 minutes, must be provided to staff (including temporary hourly) employees who work six or more consecutive hours in a work day as well as for minors age 14 through 17 who work five or more consecutive hours in a work day. A meal break will be unpaid time only if the employee is released from all work during this break period. Staff/Minor employees must be fully relieved of all work responsibilities and may NOT perform any work function during the meal break period. Employees are encouraged, but are not required, to leave their immediate work area if necessary to assure full release from work responsibilities. Administrative employees are not required to take a designated meal break.

A morning and afternoon break limited to 15 minutes each is allowed. Employees must be paid for this break and, therefore, may continue to perform impromptu work responsibilities, as needed, during this break period. Break times may be scheduled by the department/supervisor or may be taken at the employee’s discretion as approved by the supervisor. Breaks are forfeited if not used at the approved times. Break times should be staggered to maintain coverage within the designated work area.

Employees may not elect to reduce the scheduled work day by opting out of meal or other break periods. Limited exceptions may be granted, but only with supervisor approval.

1.39.14 Travel

For purposes of this policy, travel time does not include daily commute time between home and work in the course of a normal workday. Daily commute time between home and work is not work time and is not compensable.

Faculty and administrative employees who are exempt from overtime requirements are not required to track or report travel time for payroll purposes.

Staff (non-exempt) employees who travel to other locations are subject to hours reporting and compensation as outlined below.

**Same-Day Travel to an Off-Campus Location**
Travel directly between home and an off-campus location is work time and is compensable. For employees traveling to the College prior to travel to the off-campus location, the time spent traveling between College and the off-campus location is work time. In both cases, departments should exclude from work time any time the employee would normally spend or actually spends commuting between home and the College.

Travel between campuses during the workday is always considered work time.

**Overnight Travel to an Off-Campus Location**

All travel time as a passenger or driver is considered work time whether within the employee’s normal work schedule or outside of the employee’s normal work schedule. Travel includes, but is not limited to, automobile, bus, plane, train, and similar modes of transportation. Departments may deduct the time the employee would normally spend commuting to the College from this work time.

**Time at an Off-Campus Location**

In the course of same-day or overnight travel, the employee will be involved in meetings, trainings, meals, and business-related events as well as having waiting time and personal free time. All time in meetings, trainings and similar items is work time and must be paid. For meals and business-related events, work time is based upon whether the meal or event is mandatory or voluntary. If mandatory or if the employee performs work during the meal or event, it is work time. If an employee chooses to attend a meal or event voluntarily and does not perform work, it is not work time.

Additionally, employees will have time off during the day. Free time before or after the day’s meetings and events is not work time and should not be reported. However short breaks between meetings and events is not to be considered free time and should be reported as work time.