

MUHLENBERG

COLLEGE

**TRUSTEES HANDBOOK
FOR
MANAGERS***

March 2006

*** This is a partial synopsis of Trustee policies and is subject to change by Trustee action.**

MANAGEMENT PERSONNEL AND POLICY HANDBOOK

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Muhlenberg College

Trustees' Handbook For Managers

A Selection of Policies and Procedures of Muhlenberg College

1. INTRODUCTION

The policies codified in this Trustees' Handbook for Managers have been derived from policies and procedures adopted by the Muhlenberg College Board of Trustees and/or approved by the President. The Handbook is intended to serve as a useful source of information for managers relating to professional responsibilities, personnel policies, procedures and privileges. The term "manager" as used in this Handbook refers to all salaried exempt personnel except teaching faculty.

Final authority within the corporation of Muhlenberg College to establish, modify, suspend, or discontinue personnel policies and procedures is vested in the Board of Trustees as guided by the Charter and bylaws of the College.

Every effort has been made to insure accuracy in the policy summaries, statements and conditions herein described as of the date of this Handbook and the Human Resources Office will endeavor to keep the information contained herein current. However, subsequent revisions to Muhlenberg College policies and/or procedures may supersede those found in this Handbook. Copies of the Handbook, as well as new and/or revised policy statements not included or covered in this Handbook may be obtained from the Human Resources Office. All managers are urged to keep their copies of this Handbook current by adding supplements and revised new pages upon receipt and promptly deleting outdated materials.

This Handbook is not a contract of employment. Employment at Muhlenberg College is at will and none of the policies or benefits described herein create any contractual obligations between a manager and the College. Employment may be terminated by the employee or the College at any time without notice or cause. No representative of the College has the authority to enter into a contrary agreement except the President. Any such agreement must be in writing and signed by the President or his or her designee and the employee.

The College reserves the right to change, add or, interpret, withdraw, or make exceptions to, at its sole discretion, any of the policies, procedures and benefits in the Handbook. In case of any disparity or conflict between the provisions of the Handbook and the policies and procedures instituted by the Board of Trustees, the latter shall prevail.

Anne W. Speck
Vice President, Human Resources

2. COLLEGE GOVERNANCE

2.1 Statement on Governance

Muhlenberg College is a private liberal arts college incorporated under the laws of the Commonwealth of Pennsylvania. It is affiliated with the Northeastern Pennsylvania Synod, the Southeastern Pennsylvania Synod and the Slovak Zion Synod of the Evangelical Lutheran Church in America. Ultimate responsibility for operation of the College rests in the Board of Trustees. The College operates under a charter granted it by the Commonwealth of Pennsylvania and under bylaws adopted by the Board of Trustees as amended from time to time. Copies of the Muhlenberg College Charter and Bylaws are available in the President's Office.

2.2 Board of Trustees

2.2.1 Composition

The Board of Trustees consists of a maximum of forty (40) elected Trustees in addition to the President of the College and the Bishops of the supporting Synods who shall be members of the Board ex officio. The "Supporting Synods" are the Northeastern Pennsylvania Synod of the Evangelical Lutheran Church of America (ELCA), the Southeastern Pennsylvania Synod of the Evangelical Lutheran Church in America and the Slovak Zion Synod of the Evangelical Lutheran Church in America.

Details on the composition of the Board are available in the Muhlenberg College Fact Book.

2.2.2 Responsibilities

The Board of Trustees shall represent and shall have full power to act for the College in the exercise of all its rights, duties, privileges and powers.

2.3 College Organization

2.3.1 President

The President of the College is the chief executive officer of the College and the official advisor to the Board of Trustees and the Executive Committee. The President is the direct representative of the Board of Trustees in implementing the policies of the Board and is responsible for reporting to the Board on the general welfare and progress of the College.

The President is responsible for all aspects of the life of the College including, but not limited to, academic, curricular and extra-curricular affairs, the religious life of the College, Faculty, fund raising, and College relations. To meet these responsibilities, the President, with the approval of the Board of Trustees, appoints officers who are responsible for duties as assigned by the President. The Board of Trustees may appoint an interim president if the President is unable to fulfill the duties of the President due or absence or disability.

The President is elected by and responsible only to the Board of Trustees for the discharge of his or her duties, and serves in continuing appointment at the pleasure of the Board subject to existing contract commitments. The President is an ex officio voting member of all College committees and an ex officio, nonvoting member of all Faculty committees.

2.3.2 Senior Staff Organizational Chart

Board of Trustees

President

President's Senior Staff

1. Provost
 2. Dean of Students
 3. Chaplain
 4. Dean of Admission and Financial Aid
 5. Chief Business Officer and Treasurer of the College
 6. Vice President for Development and Alumni Relations
 7. Vice President for Public Relations
-
1. Academic programs, policies and curriculum; academic records; faculty recruitment, development, evaluation, promotion and tenure review; academic department budgets; academic advising, counseling, skills and support services; career development and placement; pre-health advising; dean's list and honors programs; summer advising and orientation; academic probation; library; multicultural affairs; Institute for Jewish-Christian Understanding; The Wescoe School; and education abroad programs.
 2. Residential services; student counseling; health services; Judicial Board; student government; student activities; athletics and fitness programs; campus safety and security; fraternities and sororities; community service programs; summer conferences; deputy president; Seegers Union including events calendar, food services.
 3. Campus religious life; Chapel Christian worship; coordinate efforts with Roman Catholic and Jewish ministry affiliates; Opening Convocation.
 4. Enrollment projections; admissions and recruitment; student financial aid; school and campus visitation programs.
 5. Endowment policy and performance; financial planning; asset management; business affairs; payroll; receivables; purchasing; budget preparation and monitoring; property acquisition; risk management; Human Resources; information and technology services; general services; added responsibility in facilities and plant operations.

6. Gifts and grants; prospect research; capital campaign; planned giving; annual giving; alumni relations; corporate and foundation relations.
7. Media and community relations; campus-wide and public events (i.e., commencement); publications; advertising; radio station; Board of Associates; Women's Auxiliary; bookstore.

2.4 General Regulations

The organization provides the means by which the divisions and departments cooperate in the development and fulfillment of policies and programs relevant to their distinct and common purposes.

The primary responsibility of the President's Staff and department heads is to exercise professional leadership in developing and maintaining and other programs which fulfill the higher education mission of the College most effectively.

The President's Staff and department heads assume major responsibilities for the recruitment and evaluation of employees and for employee development; for preparing and submitting departmental budget allocations and requests, and for supervising budget expenditures; for preparing and fulfilling policies and programs which fulfill the mission of the College in light of strategic planning goals.

2.5 Classification of Manager

The term "manager" in this Handbook refers to all salaried exempt personnel except teaching faculty.

Management positions are classified and serve as a reference in hiring, salary, and staff development. The classification is defined by position rather than by individual. The classification of a position is related to the prerequisite education and experience necessary, the creativity and judgment required and the complexity, supervisory span of control, scope, impact and autonomy reflected in the position.

3. MANAGEMENT APPOINTMENT AND RELATED PERSONNEL MATTERS

3.1 Appointment to the Management Staff

All appointments to the management staff are approved by the President of the College. Appointments are made in consideration of institutional and departmental requirements. Recommendations are made to the President by the appropriate President's Senior Staff Member following consultation with the department heads concerned.

3.1.1 Recruitment Procedures

The responsibility for recruiting new managers is coordinated by the Vice President of Human Resources. The appropriate member of the President's Senior Staff is responsible for the selection and nomination of new managers to the President.

3.1.1.1 Equal Opportunity

Muhlenberg College does not discriminate against any person based on age, color, disability, gender, gender identity, national or ethnic origin, race, religion, sexual orientation, veteran status, or any other basis protected by applicable federal, state or local laws. This policy applies to employment, personnel decisions and all other activities and programs of the College.

3.1.2 Terms of Appointment

Terms of appointment are indicated in a letter of appointment from the President. Salary, benefits, and assignments (or any subsequent changes in assignments), and effective date of appointment are stated.

3.1.3 Position Descriptions

A position description for each management position, prepared by the Human Resources Office in cooperation with the supervisor and the appropriate senior officer, is retained in the Human Resources Office. This description is issued or revised whenever a vacancy occurs or a new position is authorized, or if the nature of the position changes in a material way. It is a major component of the search and selection process and is an important reference in orientation, training and appraisal.

3.2 Performance Appraisal

The President will approve criteria to serve as a guide in appraising and discussing the performance of managers. Periodic performance appraisal is to encourage constant, consistent and relevant professional dialogue, measure professional performance and development, provide recognition of performance, encourage supervisors to provide coaching and support as needed, and facilitate planning.

Each manager receives a written appraisal consistent with the calendar for appraisals. Elements of performance generally include criteria such as planning and, decision making, interpersonal relationships, job knowledge, communication skills, initiative, adaptability, and continuous improvement.

For new managers, a formal appraisal may be completed after six months, and annually thereafter.

A position description for each manager position, prepared by the Vice President of Human Resources in cooperation with the supervisor and the appropriate senior officer, is retained in the Human Resources Office. This description is issued or revised whenever a vacancy occurs or a new position is authorized, or if the nature of the position changes in a material way. It is a major component of the search and selection process and is an important reference in orientation, training and appraisal.

An annual Performance Appraisal Report, completed by the manager and the appropriate supervisor, is submitted to the appropriate senior officer according to each year's published schedule. Dialogue relative to work performance is encouraged between employees and supervisors on a frequent basis beyond annual appraisal.

The comments of the individual being appraised are both welcome and important. Discussions provide supervisors with the opportunity to review strengths and weaknesses and to establish with the staff member both personal and professional goals and strategies for the short and long term.

3.3 Commitment to the Goals of the College

Each manager is expected to exhibit values consistent with the traditions of Muhlenberg College as a church-related liberal arts institution. This does not require uniform subscription to any particular belief, pattern of worship, or lifestyle. It does mean a respect for persons who differ, a readiness to engage open-mindedly in a corporate search for truth, and attentiveness to the role of values in the educational task.

The professional behavior of each manager should evidence a demonstrated concern for the growth of students and employees as whole persons, as social, moral, and religious as well as intellectual beings.

A more complete statement of goals can be found in the Charter and Bylaws of the College.

3.4 Termination of Appointment

Termination of an appointment is guided by the employment-at-will doctrine. Under this doctrine, the employment relationship may be terminated at any time for any or no reason by either the employer or the employee.

When economic conditions make it necessary to reduce staff, the College will retain those employees who, in the judgment of the President, are most essential to the fulfillment of the College's mission.

3.5 Resignation

Notification of resignation by a member of the management staff should be made in writing to the President of the College. Reasonable notice is expected.

3.6 Retirement

Official retirement status requires attainment of at least age 60 and completion of a minimum of ten years of active service. Employees who leave the College with official retirement status are entitled to retiree benefits subject to eligibility guidelines as specified in section 5.17. Requests for retirement status must be submitted in writing at least 30 days in advance of the effective retirement date.

3.7 Personnel Records

Personnel records are maintained in the Human Resources Office. When there is a change in status (name, address, phone, marital status, new dependents, etc.), employees are urged to contact the Human Resources Office to ensure the accuracy of their official personnel file. Other offices are notified as needed by the Human Resources Office.

When outside sources (such as prospective employers, credit card companies or mortgage lending institutions) request information about the work record of an employee, the Human Resources Office normally discloses only the dates of employment and job title(s). Additional information is supplied only if a written disclosure consent form, bearing the signature of the employee, is received.

The Vice President of Human Resources will review an employee's personnel file with the employee if requested. An employee has the right to access most of the material in his or her file. However, at the discretion of the Vice President of Human Resources, certain portions of the file (such as letters of reference) may be withheld.

The College may permit access to employee personnel files pursuant to lawful requests of federal, state or local agencies relevant to bona fide investigations, hearings or court action. Individuals whose files are opened will be notified in writing of such actions by the Human Resources Office.

4. MANAGER RESPONSIBILITIES

4.1 Code of Conduct

The College as a whole, and each employee as an individual, has an obligation to maintain the highest ethical standards in all the associations and activities that take place on behalf of the College. A high degree of personal responsibility, integrity and exercise of good judgment on the part of College employees is needed. It is essential that all College employees conduct College business in a manner that will withstand the sharpest scrutiny. The following are considered to be in conflict with acceptable ethical standards, or a violation of trust:

- a. For a College employee to make unauthorized use of any College resources, including the services of College employees, for his or her own personal benefit
- b. For a College employee to make unauthorized use of the institutional

letterhead, e.g., for other than official College business

- c. For a College employee to fail to comply strictly with any rules, regulations or standards applicable to the College
- d. For a College employee, without proper authority, to give or release any information or data of a confidential nature, secured through one's position with the College, to a person not authorized to receive such information
- e. For a College employee or family member to accept from or supply to any organization or person doing or seeking to do business with the College, a loan or a gift of favor of more than nominal value
- f. For a College employee knowingly to withhold or falsify disclosure of any potential conflict of interest as required by College policy, or to act in a manner contrary to the best interest of the College as a result of such conflict.

Violations of this Code of Conduct could result in termination of employment.

4.1.1 Conflict of Interest Policy

Managers must avoid conflicts of interest, or appearances of conflict, between their own personal or professional interests and the interests of the College. A conflict of interest may occur if a manager: (1) has an existing or potential interest, financial or non-financial, which may impair (or which may appear to impair) the individual's independent judgment when performing College responsibilities, or (2) receives or may receive a material, financial, or other benefit from knowledge of confidential or proprietary College information. In addition, a conflict may occur if either of these situations exists involving a member of the immediate family or household of a manager, or an organization with which the manager or family member has significant management, ownership, or material association.

If a manager believes that he or she is involved in a matter or is engaged in an activity in which a conflict of interest may exist, the individual must promptly and fully disclose the conflict to the appropriate member of the President's Senior Staff, refrain from further participation in the matter until the question is resolved, and follow any directions given by the College concerning the matter. Violations of this Conflict of Interest Policy may result in discipline up to and including termination of employment.

4.1.2 Policy on Electronic Communication and Information Access

The Policy on Electronic Communication and Information Access approved in July 2000 and updated in November 2005 is located in Appendix D. Violations of these policies should be reported to either the Provost, the Dean of Students, the Vice President of Human Resources, or the Director of Campus Safety and Security.

4.2 Problem Resolution and Complaint Procedures

Any manager who believes that his or her rights have been violated under Muhlenberg College announced rules, regulations and policies approved by the President and/or the Board of Trustees may follow the procedures as outlined in the Problem Resolution and Complaint Procedures for Non-Faculty Personnel. Guidance regarding employee rights and copies of the Problem Resolution and Complaint Procedures are available through the Human Resources Office.

4.3 Policy Statement on Discriminatory Harassment

It is the policy of Muhlenberg College to provide an environment free from any form of sexual or discriminatory harassment. This policy applies to all College full and part-time employees, including management, staff, faculty, and support personnel and to all College students, contractors and consultants. All who work at the College are responsible for ensuring that the work and academic environment is free from discriminatory practices, including sexual harassment.

Specifically, the College expressly prohibits any form of unlawful harassment of its employees or students based on age, color, disability, gender, gender identity, national or ethnic origin, race, religion, sexual orientation, veteran status or any other basis protected by applicable federal, state or local laws. Sexual and other forms of discriminatory harassment are unacceptable conduct, whether on the College's premises or in other College related activities and settings, and will not be tolerated by the College. Discriminatory harassment in the workplace is also prohibited by law.

For more information, refer to Appendix F.

4.4 Americans With Disabilities Act

The College does not discriminate against qualified individuals with disabilities in regard to any employment practices, terms, conditions or privileges of employment. This includes:

application	evaluations	promotion
assignments	hiring	termination
benefits	layoff/recall	testing
compensation	leave	training
disciplinary action	medical examinations	

The College will provide reasonable accommodation to any qualified individual with a disability under the provisions of the Americans With Disabilities Act. Any employee or applicant who believes they have been denied equal opportunity based upon their status as a qualified individual with a disability should immediately report this to the Vice President of Human Resources, third floor of the Haas College Center.

4.5 Hazardous Materials Policy

The College, in its efforts to comply with federal, state, and local legislation, requires the cooperation of professional staff in the storage, use, and disposal of hazardous materials and in maintaining laboratory safety. Material safety data sheets (MSDS) are available for review and employee and student "right to know" policies and procedures are in effect. The Director of Campus Safety and Security has oversight responsibility for this program and is assisted by the Chemical Hygiene Officer and designated faculty and/or staff.

4.6 Alcoholic Beverages Policy

The Alcoholic Beverages Policy concerning on-campus events involving faculty/ and staff, approved on March 15, 1991, is located in Appendix B. The appropriate Vice Presidents or Deans oversee the application of these policies as they pertain to personnel in their units.

4.7 Attendance at College ceremonies.

All full-time managers are invited to participate in the college ceremonies scheduled throughout the academic year, particularly the Opening Convocation, the Honors Convocation, the Baccalaureate Service, and Commencement. Academic regalia, as needed for these occasions, may be rented through the Muhlenberg bookstore.

4.8 Work Load and Schedule

The normal work week for a member of management is 40 hours consisting of five eight-hour days. However, due to the nature of an manager 's responsibilities, it is not

possible to define a work week, recognizing that each week will develop a different pattern demanding evening hours and weekends from time to time. The 40-hour work week should be considered the minimum standard for all managers.

Each manager is expected to keep hours which will, when considered in the aggregate, reflect his or her concern for the diligent performance of the special needs of the job and which will relate favorably to support staff employees who are assigned more rigid hours.

4.9 Absences

In case of absence due to illness, College business or other matters including vacation periods, employees are required to report their absence, ahead of time when possible, to their supervisor. Regarding extended absences, see section 5.6, Leaves of Absence.

4.9.1 Emergency College Closings

As a general policy, the College will remain open and fully operational during snow storms and other emergencies. Any need for closure of offices will be determined by the President according to College policy.

Individual office closings require the approval of the President. Management personnel should be prepared to continue office business whenever support staff employees may have been excused from responsibilities.

4.10 Supplemental Employment

Since appointments to the management staff require a full-time commitment to assigned duties and responsibilities, the College expects that obligations to the College will assume absolute priority in the manager's professional life. Acceptance of part-time employment elsewhere must be consonant with these obligations. Any part-time employment requiring a substantial time commitment is subject to the review and approval of the appropriate supervisor and must be consistent with the Code of Conduct (Section 4.1).

5. SALARIES AND BENEFITS

The Human Resources Office is responsible for disseminating information on all benefits and for processing benefit enrollments. While it is expected that the benefit program will be continued indefinitely, Muhlenberg College reserves the right to interpret, modify or discontinue part or all of the program at any time. Employees will be notified of such changes as they occur.

5.1 Management Calendar

Management appointments on a continuing basis normally become effective September 1. Details of the appointment letter will further specify full-time or part-time status of the position.

5.2 Salary Payments

5.2.1 Full-time Employees

Salary payments are made in 12 monthly installments on the 20th of each month beginning in September. If the 20th falls on a Saturday, this pay will be received on the 19th. If the 20th falls on a Sunday, this pay will be received on the 21st. Checks may be picked up at the Controller's office on payday. Checks not called for one hour before the offices close for the day will be mailed to the home address.

Employees may make arrangements with the Controller for direct deposit of pay to any bank on the Automated Clearing House (ACH) system. Such deposits are available on pay day.

5.2.2 Part-time or Temporary Employees

Salary payments will be paid monthly during the actual period of employment. Should a person be appointed to management responsibility with arrangements having been made on an hourly basis, pay will be received on a bi-weekly basis based on time sheets presented to the Human Resources Office.

5.3 Salary Deductions

New employees of the College must complete a W-4, "Employee's Withholding Exemption Certificate", in the Human Resources Office. A new W-4 certificate may be filed at any time. Withholding is required from salary payments for Federal income Tax, Social Security, state income tax, and an annual \$10.00 City of Allentown Occupational Privilege Tax. The latter is levied regardless of one's place of residence and is deducted from the first check of the new year, or from the first salary payment if employment begins after the first of the year.

Voluntary deductions may be made for an employee's share of group health insurance premiums on either a pre-tax or post-tax basis. Also, voluntary deductions may be made for pledged contributions to United Way, or the College's Development programs, etc. Salary reduction contributions for pre-tax supplemental contributions to the TIAA retirement program may be arranged in the Human Resources Office (see section 5.8.1).

5.4 Vacations

Full-time managers earn vacation at the rate of two days of vacation per month of employment (except for the last month of the work year) for a maximum of 22 days of vacation each year. Full-time managers on 9, 10 or 11-month assignments are eligible for vacation on this same basis for a maximum of 16, 18 and 20 days respectively.

Vacation eligibility must be used in the year in which it is earned. Managers are expected to plan for adequate vacation periods and are urged to use their yearly vacation and not lose it needlessly. Vacation time is reported monthly by each manager to his or her unit's assistant/secretary for record keeping.

The College will, under normal circumstances, pay a departing manager for unused, accumulated vacation at the time of separation from employment. The College reserves the right to require managers to take accumulated vacation time prior to separation.

5.5 Holidays

Offices are closed in observance of the following holidays: Good Friday, Memorial Day, Independence Day; two days for Thanksgiving; Christmas Day, New Years Day, and three other days during the Christmas/New Year's Break. Special arrangements are made to provide limited office coverage on Martin Luther King Jr. Day, Labor Day, and Easter Monday. Full-time, year-round employees are paid for a total of 12 holidays.

Offices listed below are expected to provide services as indicated. President's Staff members, in consultation with supervisory personnel in each of their units, will designate those managers and staff associates who will provide coverage.

OFFICE	LABOR DAY	MARTIN LUTHER KING, JR. DAY	EASTER MONDAY
Academic Departments	OPEN	OPEN	CLOSED
Academic Support	OPEN	OPEN	CLOSED
Admission	CLOSED	OPEN	OPEN
Art Gallery	CLOSED EVERY SUNDAY, MONDAY, TUESDAY		
Bookstore	OPEN	OPEN	CLOSED
Campus Safety	OPEN	OPEN	OPEN
Career Develop.	OPEN	OPEN	CLOSED
Controller	OPEN	OPEN	OPEN
Counseling Services	OPEN	OPEN	CLOSED
Dean of Students	OPEN	OPEN	OPEN
Development Offices	CLOSED	CLOSED	OPEN
Financial Aid	OPEN	OPEN	OPEN
Human Resources	CLOSED	OPEN	CLOSED
Life Sports Center	OPEN	OPEN	OPEN
Mail Room	OPEN	OPEN	OPEN
Media Services	OPEN	OPEN	OPEN
Office of Information Technology	OPEN	OPEN	OPEN
Plant Operations	CLOSED	OPEN	CLOSED
President's Office	OPEN	OPEN	OPEN
Print Shop	OPEN	OPEN	CLOSED
Provost's Office	OPEN	OPEN	CLOSED
Public Relations	CLOSED	OPEN	CLOSED
Purchasing	CLOSED	CLOSED	OPEN
Registrar	OPEN	OPEN	OPEN
Residential Services	OPEN	OPEN	OPEN
Seegers Union	OPEN	OPEN	OPEN
Student Health Services	OPEN	OPEN	OPEN
The Wescoe School	OPEN	OPEN	OPEN
Treasurer	CLOSED	CLOSED	OPEN
Trexler Library	OPEN	OPEN	OPEN 6 P.M.-1 A.M.

5.6 Leaves

Except for leaves which are required by the Family and Medical Leave Act of 1993, (5 USCA 6381 et seq.) leaves of absence shall be granted at the discretion of the President upon recommendation of the President's Senior Staff and upon written application by the individual. Normally, leaves of absence shall be without salary.

During an unpaid leave of absence, an employee's coverage in appropriate benefit plans may be continued if the employee pays the entire cost of such benefits.

Leave of Absence application forms are available in the Human Resources Office.

5.6.1 Sick Leave

For full-time managers, full salary may be paid for the first two weeks of an extended absence, regardless of the manager's length of service to the College. Following this two-week period, full salary may be continued for the number of working days that have been accumulated under the College's sick leave program.

Under the College's sick leave program, full-time managers accumulate paid sick leave for use during extended absences due to injury or illness. Accrual is at the rate of five days for each full or partial year of service to the College to a maximum of 130 working days. Sick leave is paid at full salary.

No payments will be made for accumulated sick leave at retirement or separation from employment.

5.6.2 Disability

Disability occurs when illness or injury, not compensable under Workers Compensation, prevents the employee from continuing to work. The Human Resources Office administers the disability program of the College.

Occasional daily absences of managers, due to illness or injury, are fully paid. Records for the reference of the senior supervisor are kept by the assistant or secretary in the unit and are submitted to the Human Resources Office quarterly.

5.6.2.1 Short-Term Disability

Payment under the Short-Term Disability policy, which takes affect when sick leave has been exhausted, is 60% of the individual's current salary base to a maximum of \$3,000 per month (see 5.6.1). All Short-term disabilities are also considered Family and Medical Leaves of Absence (see Appendix C) by the College.

The College will discontinue payment of salary under the Short-Term Disability policy when eligibility to the Long-Term Disability policy begins (six months from the onset of disability). See Section 5.6.2.3 for details of the Long Term Disability plan.

This program is administered by the Human Resources Office which will secure verification of disability from the employee's personal physician. Confirmation of the disability by a physician of the College's choice may be required by the College.

Other benefits (health insurance, life insurance, pension contributions, etc.) will remain in force during a short-term disability absence as if the employee were in active service. The College continues these benefits for the entire month when short-term disability payment is paid for any portion of the month. Employee contributions to benefit plans, where applicable, will also continue during any paid short-term disability as if the employee were in active service.

The employee may continue to participate in appropriate benefit programs at his or her own expense should an unpaid leave of absence (including child care) be granted following a paid short-term disability absence.

5.6.2.2 Maternity Leaves

Maternity leaves are granted in accordance with the Family and Medical Leave Act of 1993 and with the College's short term disabilities policy. The disability period for a maternity leave is determined by the attending physician's certification and is often six weeks following the date of delivery. Also see Section 5.6.3 for information regarding Family and Child Care Leaves.

5.6.2.3 Long-Term Total Disability

Total disability occurs when illness or injury, not compensable under Workers Compensation, prevents an employee from continuing to work.

After one year of employment at the College, persons who are employed at least 24 hours weekly or 1248 hours per year are covered by total disability insurance. The College pays the entire premium for this insurance.

Benefits begin on the first of the month following six consecutive months of total disability and continue during such disability. Certain age restrictions apply.

A monthly income benefit, an annuity premium benefit equal to the amount being paid to a TIAA-CREF retirement plan at the time of disability, and payment of premiums for continuation of existing group life insurance coverage is included for eligible employees.

5.6.3 Child and Family Care Leave

Family and Child Care Leaves are granted in accordance with the Family and Medical Leave Act of 1993 (see Appendix C). Family and Child Care Leaves may be requested by an employee of either sex.

5.6.4 Family and Medical Leave

The Family and Medical Leave Act of 1993 requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons. Muhlenberg College employees are eligible if they have been employed with the College for at least one year and for at least 1,250 hours over the previous 12 months (see Appendix C).

5.6.5 Bereavement Leave

When a death occurs in your family, you may receive time off with pay within the limits stated below. Such time is not charged against any other accrual and is considered bereavement leave.

Death of spouse, child or parent	4 days
Death of brother or sister	3 days
Death of an aunt, uncle, grandparent or grandchild	2 days
Death of father-, mother-, brother-, sister-, son-, daughter- or grandparent-in-law	1 day

5.7 Social Security Payments

The College matches each employee's contribution to Social Security. The Social Security contribution by the employee is paid through payroll deduction.

5.8 TIAA-CREF Retirement Annuity Plan

All regular full-time employees working at least 1,000 hours per year shall be enrolled in the Teachers Insurance and Annuity Association (TIAA) retirement program on the first day of the month following the completion of two years of full-time service. This preliminary service period is waived for any new employee who, at the time of employment at Muhlenberg, has a fully vested annuity contract that is in force and to which the previous employer is contributing.

Under the College retirement plan, the College makes contributions to individual TIAA-CREF retirement annuity contracts for each eligible employee. No employee contribution is required. Employees receive information from the Human Resources Office regarding the annuity contract applications they must complete when they become eligible to participate. Descriptive materials on the retirement program may be secured from the Human Resources Office.

5.8.1 TIAA-CREF Supplemental Retirement Annuity Program

Under a salary reduction agreement made through the Human Resources Office, in accord with section 403b of the Internal Revenue code, employees may, from the time of employment, request that the College reduce their salary on a monthly schedule and purchase supplemental annuities from Teachers Insurance and Annuity Association.

5.9 Group Life Insurance Plan

All full-time employees who work at least 24 hours per week or 1248 hours per year are enrolled in the group life insurance program on the first day of the month which coincides with or next follows 12 months of employment. Muhlenberg College pays the entire premium for this insurance, the benefits of which are based upon the employee's current salary and age.

5.10 Group Health Insurance

Employees who work full-time may choose to enroll themselves and/or eligible family members or a qualified domestic partner in any of the health insurance plans offered by the College. The program is voluntary with the College paying approximately 80% of premium costs for the selected plan and the employee paying the balance through payroll deduction.

Employees who do not need health insurance sign a waiver indicating they have coverage through another plan.

Enrollment in health insurance must occur within 30 days of employment. After that, an open enrollment period is held each year, with changes and new enrollments taking effect January first, the College's anniversary date with each carrier. More information is available in the Human Resources Office.

5.11 Dental Insurance

Dental insurance is available to all employees, dependents and a qualified domestic partner. The plan provides coverage for preventive care and simple restorations (fillings) for adults and children. The plan also provides access to discounts on periodontal, endodontic and orthodontic services. The full cost is paid by the employee through payroll deduction.

Initial enrollment is available for 30 days after employment. After that, an open enrollment period is held each year with enrollments taking effect January 1.

5.12 Workers' Compensation

All employees of the College are covered by Workers' Compensation, which pays for covered medical expenses incurred from accidents or illnesses that are job related. Any accident at the place of work must be reported promptly to the Department of Campus Safety, the Human Resources Office and the supervisor. An employee's failure to submit accident reports promptly may result in denial of a claim to benefits or delay in the payment of benefits.

The College uses a panel of physicians and other health care providers for all work related injuries. Employees must select a physician or other health care provider from the panel for treatment. In order to have medical treatment paid by the College's insurer, the employee must continue to visit the physician or other health care provider for 90 days, if treatment is needed, from the date of the first visit.

5.13 College Tuition Support

Tuition scholarship programs are intended to provide the means for the dependent children of eligible employees to attain an undergraduate college education. These programs also provide employees of the College and their spouses the opportunity for self-improvement. All support is limited to undergraduate courses. Details of the scholarship programs and eligibility criteria are available in the Human Resources Office.

5.14 Travel Accident Insurance

Effective upon employment, a "principal sum" indemnity for death or specified personal injuries while away from home on a business trip for the College is provided for all managers.

5.15 Relocation Allowance

The College provides a relocation allowance for newly employed managers if they are coming to the Allentown vicinity from out of town. The amount available is based on mileage according to a schedule established by the Treasurer of the College. Reimbursement of costs up to the maximum allowance is made on the basis of submitted expense receipts after a new manager arrives on campus.

5.16 Death Benefit

If a full-time manager should die before retirement, the College provides a death benefit in addition to group life insurance. The amount of the benefit is based on length of service.

If the manager has been continuously employed for less than one year at the time of death, the amount is equal to two weeks of current salary and is in addition to what has been earned. If the manager has been employed for one to five years of continuous service, the amount is equal to one month of current salary. If the manager has been continuously employed for five or more years, the amount is to equal two months of current salary.

Payment is to be made to the surviving spouse of the manager or to the contingent beneficiary(ies) named on the College's group life insurance contract. Such payment is not considered to be taxable income either by the State of Pennsylvania or the Internal Revenue Service and no withholding shall take place on the entire amount.

5.17 Post-retirement Benefits

With regard to the post-retirement benefit program, Muhlenberg College reserves the right to change, modify, or discontinue the program or eligibility requirements, and will provide appropriate notification in case of any such change.

5.17.1 Group Life Insurance

An employee retiring, subsequent to November 30, 1983, at age 60 or older and who has been employed by the College for at least ten consecutive years, will be carried by the College on group life insurance coverage according to the schedule in effect at the time of retirement.

5.17.2 Retiree Health Insurance Premium Reimbursement Plan

The Retiree Health Insurance Reimbursement Plan applies to all full-time employees hired prior to July 1, 1994. Any such employee retiring at age 60 or older who has been employed by the College for at least ten years, and his or her spouse, will be eligible for the College's Retiree Health Insurance Premium Reimbursement Plan during their respective lifetimes. The College will reimburse health insurance premiums paid by the retiree/spouse to a set maximum dollar amount. At the request of the retiree/spouse, these payments will be made as frequently as quarterly. Reimbursement requests must be submitted in writing, with proof of premium

payment provided. In no case will the reimbursement exceed the actual cost of the health insurance purchased by the retiree/spouse.

5.17.3 Tuition Scholarships for Dependents

Retired employees retain the tuition scholarship benefit for dependents as indicated in section 5.13. Complete eligibility guidelines for tuition scholarship benefits are available from the Human Resources Office.

6. SUPPORT SERVICE RESOURCES

6.1 Office of Information Technology

All members of management staff have access to mainframe computing resources through either his or her department or through the Office of Information Technology. In addition, there are a number of microcomputers located in various offices, classrooms and laboratory facilities. Policies on Computer Access, Duplication of Copyrighted System, and Privacy of Data are available from the Office of Information Technology.

6.2 The College Library

The Harry C. Trexler Library has an on-line catalog, collection development programs and a full-time staff. The Library's mission is to:

1. acquire, preserve and make available for use a collection of recorded knowledge supporting the Colleges' curricular goals;
2. teach students and assist faculty to find and use our Libraries' resources, and information resources elsewhere; and
3. foster and encourage learning and scholarship.

6.2.1 Circulation Privileges

Employees may borrow library materials by charging them on their library cards at the circulation desk. Materials are circulated for an average of three weeks with renewal privileges if the material has not been recalled.

These privileges are also extended to one individual who resides with a College employee. These privileges are extended with the understanding that, as with family members, the College employee is responsible for the actions of this individual relating to these privileges, including actions taken by this individual when he/she is

visiting the campus, whether or not the individual is accompanied by the employee. The employee agrees to notify the Human Resources Office and reclaim the Library card immediately should the individual no longer reside with the employee.

6.2.2 Instructional Services

Reference service is available at the reference desk during library hours.

6.2.3 Other Library Information

Other library information may be secured regarding acquisition of materials, reserve collection, LVAIC resources and interlibrary loans, and inter-institutional affiliations by consulting the Faculty Handbook.

6.3 Campus Safety and Security

The College endeavors to provide a safe and secure environment for its students and employees. Managers are asked to report any incidents which may indicate criminal activity to the Campus Safety and Security Office. Crime statistics are reported regularly and are accessible to employees and students. Campus Safety and Security also handles fire emergencies, entry to locked buildings and transport of workers injured on the job.

6.4 Professional Travel

Funds for travel are made available on a departmental basis by the Vice Presidents. Each department head decides how best to use available funds.

Expenses must be itemized and receipts furnished for food, transportation, lodging and similar expenses. Proper requisition forms are available from the Controller.

If family members accompany employees on business trips, their expenses are strictly the responsibility of the employee; the College will not reimburse employees for the expenses of family members that travel with them.

Reservations for air travel on College business must be made through the College's travel company. See the department secretary for details.

6.5 Photocopying & Duplicating Services

Authorized College work may be photocopied without charge on machines conveniently placed throughout the campus. College related work volume is recorded on departmental copier keys or on tally sheets provided near each machine.

Personal photocopying may be done at \$.10/copy at the machines located in the Print Shop lobby, in Seegers Union lobby, and in the Trexler Library.

The Print Shop handles all requests for multilith reproduction and photocopying. Request forms, which may be obtained in the Print Shop, should be attached to all originals. As much time as possible should be allowed for the completion of the work.

6.6 Media Services

Media Services provides audio-visual equipment for instructional use, including tape recorders, projector and video recorders. Managers may make arrangements for use of media services and equipment for College purposes by calling x3459.

7. CAMPUS SERVICES

7.1 Office Hours

The offices of the College are open from 8:00 a.m. to 5:00 p.m. During the summer months, office hours may be changed at the direction of the President.

7.2 Athletic Facilities

Employees and their families with valid ID cards are entitled to use the facilities of the Life Sports Center, including the gymnasium, Field House, racquetball courts, the weight-training room and the swimming pool. Hours of operation are posted by the Athletic Office. During the academic year, use of the racquetball courts and the swimming pool by employees is restricted to certain hours.

These privileges are also extended to one individual who resides with a College employee. These privileges are extended with the understanding that, as with family members, the College employee is responsible for the actions of this individual relating to these privileges, including actions taken by this individual when he/she is visiting the campus, whether or not the individual is accompanied by the employee. The employee agrees to notify the Human Resources Office and reclaim the Life Sports Center pass immediately should the individual no longer reside with the employee.

7.3 Blood Bank

Any employee is eligible to become a member of the blood insurance program. This insurance covers all blood products provided to employees and their family members through the Miller-Keystone Blood Center. Employees and family members are encouraged to donate at one of the facilities of the Center and/or at one of the mobile blood units scheduled on campus each year. However, contribution of blood is not required for this coverage.

7.4 Bookstore

The College-operated bookstore is located on the lower level of Seegers Union. It handles the sale of all textbooks and other reading and classroom materials required by students. Computer hardware and software are offered at educationally discounted prices. A wide variety of other items is also available for sale. Upon presentation of a Muhlenberg College ID card, employees receive a 10% discount on most purchases. (Food items, magazines and special sale items are ineligible for this discount.) Postage stamps are available at cost and a fee-for-service facsimile machine is available for personal use.

7.5 Office Supplies

Provision has been made by the Director of Purchasing for securing budgeted supplies and office equipment by requisition. Appropriate forms are available from the Purchasing Office.

7.6 Office Equipment

Equipment items are those defined as being of a capital nature with a useful life of at least several years. Funds must be included in annual departmental budgets to cover costs. Department heads must approve all requests and present them to the Director of Purchasing who assists in the selection of items and in determining the best sources of supply.

7.7 Public Relations Office

Anyone receiving a phone call at the College from a reporter should alert Public Relations at extension 3230.

In addition, managers are encouraged to contact the Public Relations Office about their professional and community activities so that a news release can be prepared and issued to the appropriate news media. Newsworthy activities include professional publications, presentations of papers, election to officer positions or boards of professional and civic organizations, and in particular, interesting and/or exceptional work with students.

The Public Relations Office provides services for production of brochures, programs or fliers for college-sponsored events, and coordinates special events, including Commencement.

7.8 Dining Facilities

The General's Quarters and The Garden Room are open to all employees.

7.9 Emergency Medical Services

If you are injured on the job, you should visit the College Health Center during office hours, or contact the Campus Safety and Security office (Emergency Ext 3110, Non-emergency Ext 3112). If necessary, you will be transported to an appropriate medical facility. For all work-related injuries, an accident report must be completed promptly to ensure eligibility to the Worker's Compensation insurance provided by the College. Under normal circumstances, the Health Center is available only for the health needs of students. Exceptions to this are work-related injuries as noted above and services related to the Employee Wellness Program (such as influenza shots, blood tests, etc.).

The College uses a panel of physicians and other health care providers for all work related injuries. Employees must select a physician or other health care provider from

the panel for treatment. In order to have medical treatment paid by the College's insurer, the employee must continue to visit the physician or other health care provider for 90 days, if treatment is needed, from the date of the first visit.

7.10 Identification Cards

The Office of the Director of Seegers Union issues identification cards to all employees and members of their family for the purpose of admission privileges to local College athletic contests and other College events. Arrangements for making application and for the taking of pictures are processed through the Human Resources Office. Upon separation from employment, all ID cards must be returned to Human Resources.

7.11 Mail Service

U.S. Mail is delivered each weekday. Information regarding the receipt and mailing of packages can be obtained from the mail clerks. The College assumes the cost of mailing materials which relate to the operation of the College; personal mail must be paid for by the sender.

7.11.1 Intracampus Mail

Intracampus mail is delivered to each department daily. Special intracampus mail envelopes for this purpose may be obtained from the Print Shop.

7.12 Parking

Limited parking space is available to employees. Human Resources provides vehicle information registration forms for new employees and the Campus Safety Office provides a parking tag free of charge for authorized vehicle(s) with a designation of a campus parking location. Improperly parked or unregistered vehicles are subject to ticketing and fines.

7.13 Seegers Union

Reservations for space and special meals in Seegers Union must be completed by filling out reservation slips either in person at the Seegers Union office or by mail with a reservation request form.

7.14 Student Employees

College offices may apply to the Financial Aid office for the service of one or more students who have applied for campus employment.

Time sheets for each student must be kept and approved by the supervisor and forwarded to the Controller.

Students are also available for departmental service on a part-time hourly pay basis, provided funds for this purpose have been included in departmental budgets. The selection of students is made by the supervisor and pay is determined by a scale published and supervised by the Director of Financial Aid.

Each department is responsible for time-keeping and must submit reports to the Controller at the end of each pay period; payments are made to students through the Controller's Office.

7.15 Student Services

Managers may wish to refer students to the Chaplain, the Director of Student Health, the Dean of Student Affairs, or the Associate Director of Counseling for special counseling.

The Career Development and Placement office assists in finding part-time or summer work for students and arranges workshops, seminars, and interviews for students. Specialists in health and/or drug and alcohol problems are provided in the Student Health Services Office.

The office of Academic Support Services coordinates assistance for students through tutoring, study skills seminars and individual academic counseling. This office also coordinates assistance for students who have special needs or disabilities.

7.16 Telephone Service

The telephone in your office is on the College's Meridian Telephone system. This system services all College-owned buildings in West Allentown. Voicemail service is included, and is accessible from off the campus. The College switchboard is open 24-hours a day. Calls made to the College switchboard (484) 664-3100 are answered by dispatchers in the Campus Security Department.

7.16.1 Toll Calls

Business calls are charged to individual departments. Directors are responsible for the review of all College telephone bills on a monthly basis. Personal calls are the responsibility of the caller and charges are to be paid to the College cashier.

7.16.2 Facsimile Service

A facsimile machine is available in the Business Office, Ground floor of the College Center, for work-related facsimiles. For personal use, a facsimile machine is available in the College bookstore.

7.17 Use of College Facilities

Employees wishing to use rooms or other group facilities on the campus must contact the office of the Director of Seegers Union. A calendar of reservations is maintained there for special use allocation of space throughout the College.

7.18 Use of College Vehicles

Several vehicles are available for use on College business. Reservations must be made through the Supervisor of Grounds as far in advance as possible.

7.19 College Keys

All managers are issued keys appropriate to their needs for access to the buildings and offices where they work. Managers are personally responsible for safeguarding all keys issued to them by the College, including access card keys used for certain buildings and offices. Should your keys be lost or stolen, immediately report the circumstances of the loss to the Campus Security and Safety Office. They will conduct the appropriate investigations and arrange for replacement of locks or reprogramming of security systems as appropriate. Upon termination, all College issued keys are to be returned to the supervisor.

8. ORGANIZATIONS AND ACTIVITIES

8.1 Faculty Club

Managers are eligible to become members of the Muhlenberg College Faculty Club, with facilities at 325 North 23rd Street. The Faculty Club hosts many College affairs, including holiday, spring recess, and end-of-the-year functions. Dues are payable on a semester or yearly basis.

8.2 Muhlenberg College Alumni Association

By provision in the constitution of the Alumni Association, members of the management staff, whether or not they have matriculated as students at the College, are deemed members of the Alumni Association. They are not only welcome but are urged to attend any alumni meetings or alumni social affairs.

8.3 Woman's Auxiliary

All women members of management staff and wives of managers are invited to join the Woman's Auxiliary of Muhlenberg College. Founded in 1915 to further the interests of the College, the organization has contributed hundreds of thousands of dollars for campus projects. Meetings are held regularly throughout the academic year.

8.4 Cultural Events Programs

Most cultural Events on campus are open to the public free of charge. For those events for which admission is charged, Muhlenberg employees and employees from other LVAIC colleges often receive a discount upon presentation of a valid identification card.

APPENDIX A

MUHLENBERG COLLEGE

Drug-Free Workplace Policy Statement

Effective March 18, 1989, the federal Drug-Free Workplace Act of 1988 required Muhlenberg College and other employers who contract with, or receive grants from, federal agencies to certify that certain requirements are met for providing a drug-free workplace. In addition, the Drug-Free Schools and Communities Act of 1986, as amended, requires that institutions of higher education receiving federal funds or financial assistance certify that they have adopted and implemented a drug prevention program.

In conformity with these acts, Muhlenberg College has adopted the following policy:

Section I – General Policy Statement

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited at Muhlenberg College. Any employee or student violating this rule will experience disciplinary action. The College reserves the right to contact both state and federal offices charged with enforcing state and federal laws.

Section II – College Employees

Any employee violating this rule will experience disciplinary action which could include termination of employment.

One or more of the following sanctions will be imposed for violation of these rules:

- a. Required counseling and participation in a drug abuse assistance or rehabilitation program, the cost to be paid by the employee.
- b. Required counseling and suspension from work. Any subsequent violation will result in suspension from employment for a period to be determined at the time of suspension.
- c. Dismissal from employment.

As a condition of employment, employees must abide by the terms of these requirements and must report to the Human Resources Office, no later than five days after the conviction, that he or she has been convicted or has pleaded guilty or nole contendre (no contest) under a criminal drug statute for conduct in the workplace.

Student Health Services and the Human Resources Office staff will conduct awareness programs to inform employees of the dangers of drug abuse; the College's drug free workplace policy, available drug counseling, rehabilitation and other employee referral programs, and the penalties/sanctions that may be imposed on employees for drug abuse violations.

The College will notify the appropriate government contracting or granting agency within 10 days after receiving notice of an employee's criminal drug statute conviction for conduct in the workplace. Within 30 days, an employee so convicted will be subjected to sanctions as stated above.

The College does not sponsor a formal employee assistance program. However, the Associate Director of Counseling, the Drug and Alcohol Specialist and the Human Resources Office are prepared to confidentially handle referrals to appropriate programs for employees who seek assistance with drug and alcohol counseling and rehabilitation. Additionally, each of the health plans offered by the College to full-time employees provides a benefit for the treatment of drug abuse in a participating substance abuse treatment facility.

Section III – Students

A student who violates the general policy statement of Section I will experience disciplinary actions up to and including expulsion.

One of more of the following sanctions will be imposed for violation of these rules:

- a. Required counseling and participation in a drug assistance program or rehabilitation program, at the expense of the student.
- b. Disciplinary probation, suspension, or expulsion as determined under the Social Judicial System of the College and as outlined in the College Student Handbook.

Attention is called to the Policy on Use of Drugs in the Muhlenberg College Student Handbook.

Effective September, 1989, court judges are permitted to suspend a student's eligibility for federal aid for one year if the student is convicted once of drug possession. For subsequent convictions, eligibility may be denied for up to five years. By declaring themselves addicts and entering a long-term treatment program, students can lessen penalties. Students convicted of drug dealings are subject to more severe sanctions.

The Department of Education requires student recipients of Pell grants to sign drug-free certifications.

The Student Health Center and Dean of Students Staff periodically conduct drug free awareness programs to inform students of the dangers of drug abuse, and provide information about the College's drug free workplace policy, any available drug counseling, rehabilitation, and other assistance programs, and the penalties/sanctions that may be imposed on students for drug abuse violations.

The College will notify the appropriate government contracting or granting agency within 10 days after receiving notice of a student's criminal drug statute conviction for conduct on campus. Within 30 days, a student so convicted will be subject to sanctions as stated above.

The College does not sponsor a formal assistance program for students. However, the Dean of Students, the Associate Director of Counseling, and the Drug and Alcohol Specialist are prepared to confidentially refer students to outside programs as they seek assistance with drug counseling and rehabilitation.

APPENDIX B

MUHLENBERG COLLEGE

Alcohol Policy Faculty/Managers/Staff On-Campus

I. Introduction

This policy recognized the College's traditional commitment to its constituents' social autonomy, but clearly delineates the consequences of failing to recognize one's social responsibilities in exercising that autonomy. The policy neither condemns nor condones the legal, appropriate consumption of alcoholic beverages in any campus social context. It does however, recognize the College's responsibility to support and encourage persons in its community who seek to maintain a dynamic social climate in which alcohol use is not a primary focus.

The policy also recognized the responsibility and liability placed on individuals and organizations by Pennsylvania Act 31 (July 1988). Along with reiterating the parameters of legal consumption of alcohol established by prior legislation, Act 31 calls attention to the responsibility and liability of social hosts (individuals and organizations). It introduces a new term, pertinent to making alcohol beverages available. This term, "furnish," has been legally defined in the following manner: "to supply, give or provide to, or allow a minor to possess on premises or property owned or controlled by the person charged."

The legislation goes beyond the issue of underage drinking, dealing more with the area of responsibility and liability for those individuals and groups hosting functions at which alcohol is available. Such functions include but are not limited to Faculty Club events, departmental socials, development receptions, faculty/staff dinners and parties.

It should be noted that members of the College community who host outside group/personal events on campus are to follow the alcohol policy for "off-campus groups using Muhlenberg's facilities." Copies of this document are available through offices of the President's Senior Staff Members.

The following principles and regulations reflect these issues.

II. Principles and Procedures

1. Members of the College community must view the use of alcohol as a social convention which as a known potential for abuse. As a matter of policy, neither the College, as an institution, nor the constituent members of its community should tolerate or encourage any disorderly or unruly behavior that is alcohol induced.
2. Members of the College community must be alert to the propensity of alcohol to induce dependency, particularly in circumstances of repeated abuse. In recognition of the serious nature of alcohol abuse, and of the social disruption which it tends to cause, the College pledges itself to provide and to promote alcohol counseling and education programs.
3. Persons are no less accountable for personal behavior which is alcohol induced than they are when acting without the influence of alcohol. Any behavior resulting in the infringement of freedom, privacy, or property rights of others will be met with appropriate sanctions.
4. The campus should not be viewed as a sanctuary where members of the College community are protected from law enforcement activities. Wherever they are, on or off campus, individuals who violate the laws of the City of Allentown, the Commonwealth of Pennsylvania and of the United States risk action by appropriate city, state and federal authorities.
5. In engaging in the use of alcoholic beverages, one must acknowledge his/her responsibilities, not only on campus, but also beyond campus. The responsible use of alcohol requires knowledge of and compliance with current Pennsylvania and federal statutes regulation such use. A brief summary of some of the present laws are appended to this document.

III. Regulations

Members of the College community are responsible for compliance with the provisions of all city, Commonwealth and federal laws concerning consumption, purchase, and possession of alcohol. The College has established the following regulations governing the use of alcoholic beverages.

1. Members of the College community are welcome to bring social guests onto campus. Each person who does so, however, is responsible for the conduct of those guests, and for informing him/her of the College's Alcohol Policy and of the appropriate city, Commonwealth and federal laws governing alcohol use.
2. All social functions at the College at which alcoholic beverages are to be provided or distributed, must be approved in advance in writing by the vice president or dean responsible for the sponsoring group.
3. A member of the sponsoring group must be designated at the function's representative. This person will be the liaison with the appropriate vice president's or dean's office and will be the contact person during the actual function.
4. The following require special consideration by the vice president, dean, or designee who is responsible for the sponsoring group:
 - a. devices containing five or more gallons of beer;
 - b. a closing time beyond 2:00 a.m.;
 - c. an outdoor location, including tailgating activities.
5. In accordance with the laws of the City of Allentown, no open containers of alcohol are allowed in open public areas.
6. No one shall be permitted to sell alcoholic beverages or tickets for alcoholic beverages or raffle alcoholic beverages as prizes, or to engage in any activities including but not limited to the sale of admission tickets, which may reasonably be construed as a sale or an indirect sale of such beverages.
7. No social function involving alcohol use shall be permitted unless suitable non-alcoholic alternatives and food, in adequate amounts, are also provided.

8. All functions must comply with occupancy regulations.
9. The consumption of alcoholic beverages at College athletic events is prohibited.
10. If the participants at a particular social function include individuals under the age of 21 years, the following steps must be taken:
 - a. A certified trained server must be in charge of dispensing alcoholic beverages in accordance to the laws of the Commonwealth of Pennsylvania and the policies and regulations of Muhlenberg College. A list of such individuals will be available in the Office of the Dean of Students. The cost of these services will be the responsibility of the function's sponsor.
 - a.i. Certified trained servers who violate the alcohol policy will be may also lead to suspension subject to the College's social judicial process. Conviction of such violations of the serving certification.
 - b. A member of the College's Safety and Security staff must also be present. This individual will assist the sponsoring group with the monitoring of activities to assure their compliance with Commonwealth and federal law and College policy and regulation. The cost of these services will be the responsibility of the function's sponsor.

IV. General Notes

These regulations and procedural responsibilities are in force throughout the calendar year.

Noncompliance with any of these regulations during an actual event will result in the cessation of the function.

An Advisory Committee, comprised of student, faculty and staff representatives, will meet periodically to evaluate the effectiveness of the Alcohol Policy and consider appropriate modifications to it, as internal experience and external legislation dictate.

Students are governed by the College Student Alcohol Policy found in the student handbook.

APPENDIX C

MUHLENBERG COLLEGE

Family and Medical Leave Act (FMLA) Leave Policy

1. A Muhlenberg College employee is eligible to request an unpaid FMLA leave of up to 12 weeks if he/she has been employed by the College for at least twelve (12) months and has worked at least 1250 hours during the twelve (12) month period immediately preceding the leave.
2. Subject to the requirements described in this policy, an eligible employee may request and will be granted up to twelve (12) workweeks of unpaid FMLA leave during any twelve (12) month period for any one or more of the following reasons:
 - a. the birth and care of a newborn child;
 - b. the placement of a child for adoption or foster care and care of the newly placed child in the employee's home;
 - c. the care of the employee's spouse, child, or parent with a serious health condition; or;
 - d. the employee's serious health condition which renders him/her unable to perform one or more of the essential functions of his/her position.
3. For purposes of calculating the amount of FMLA leave an eligible employee may request, the term "during any twelve (12) month period" means a rolling twelve (12) month period measured backward from the date requested leave will be used.
4. The taking of a FMLA leave shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced; however, nothing in this policy shall entitle any employee to the accrual of any seniority or additional employment benefits during the period of the leave.
5. Unless one of the exceptions in the law applies, an employee who takes an FMLA leave for the intended purpose of the leave shall be entitled, on timely return from the leave and completion of all required documentation, to be restored to the position of employment held when the leave

commenced or to an equivalent position with equivalent employment benefits, pay and other terms and conditions.

6. At the election of the eligible employee, any group health plan will be maintained for the duration of an FMLA leave and at the level and under conditions coverage would have been provided if the employee had continued in employment for the duration of the leave. The employee will be responsible for paying his/her share of the premium. While on an unpaid FMLA leave, the employee will be responsible for paying this part of the premium by submitting payment to the Human Resources Office on or before each regular payday. The College may recover its share of the premiums for maintaining coverage for the employee under such group health plan during the period of an FMLA leave if the employee fails to return to work (or returns but fails to stay 30 calendar days) for reasons other than the continuation or onset of a serious health condition entitling the employee to FMLA leave or other circumstances beyond the employee's control. Certification of inability to return to work may be required.
7. An employee may substitute accrued vacation leave and may substitute accrued sick leave (paid) for any unpaid FMLA leave, as permitted by the FMLA regulations. Upon exhaustion of the above-described accrued paid leave, the remainder of any FMLA leave will be unpaid. In no case will the combination of paid and unpaid leave used for an FMLA purpose exceed twelve (12) workweeks in any twelve (12) month period as defined herein.
8. FMLA leave for the birth/care of a child or for the placement of a child for adoption or foster care must be taken within the twelve (12) month period which starts on the date of such birth or placement. Regardless of when such leave begins, it will end no later than the end of the twelve (12) month period. Unless specifically permitted, FMLA leave for these purposes cannot be taken on an intermittent or reduced leave schedule.
9. An eligible employee who foresees that she/he will require a leave for the birth/care of a child, or for adoption or foster care placement, must notify the Human Resources Office in writing not less than thirty (30) calendar day in advance of the start date of the leave. If not foreseeable, the employee must provide as much written notice as is practicable under the circumstances, generally within two (2) working days of learning of the need for leave.
10. An eligible employee who foresee that she/he will require a leave of absence due to planned medical treatment for herself/himself or for her/his spouse,

child or parent, must notify the Human Resources Office in writing as early as possible so that the absence can be scheduled at a time least disruptive to the College's operations. Such notice should be at least thirty (30) calendar days in advance of the start of leave, unless impracticable, in which case the employee must provide written notice as early as circumstances permit, generally within two (2) working days of learning of the need for leave.

11. If the requested leave is to care for a spouse, child or parent who has a serious health condition, the employee will be required to file with the Human Resources Office in a timely manner a health care provider's statement that the employee is needed to care for the son, daughter, spouse or parent and an estimate of the amount of time that the employee is needed for such care.
12. If the requested leave is because of a serious health condition of the employee which renders her/him unable to perform one or more of the essential functions of her/his position, the employee may be required to file with the Human Resources Office a health care provider's statement as allowed by the FMLA.
13. Subject to the limitations and certifications allowed by the FMLA, leaves taken for a serious health condition may be taken intermittently or on a reduced leave schedule when medically necessary, provided a health care provider certifies the expected duration and schedule of such leave and provided further that where such leave is foreseeable based upon planned medical treatment the employee attempt to schedule the leave so as not to disrupt operations of his/her department. The employee may be required or may elect to transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave than the employee's regular position.
14. An employee on an approved leave under this policy must inform the Human Resources Office every thirty (30) days regarding her/his status and intent to return to work upon conclusion of the leave. An employee may also be required to submit a fitness-for-duty certification before returning to work.
15. In any case where there is reason to doubt the validity for the health care provider's statement or certification for leaves taken for a serious health

condition, the College may, at its expense, require second and third opinions, as specified by the FMLA, to resolve the issue.

16. The provisions of this policy are intended to comply with the Family and Medical Leave Act of 1993, and any terms used from the FMLA will be as defined in the Act or the U.S. Department of Labor (“DOL”) regulations. To the extent that this policy is ambiguous or contradicts the Act or DOL regulations, the language of the Act or regulations will prevail.

APPENDIX D

MUHLENBERG COLLEGE

Policy on Electronic Communication and Information Access

Approved July 2000

Last Updated November 2005

The electronic communication System at Muhlenberg College is to be used primarily for purposes consistent with carrying out the College's educational mission. Examples of this System include, but are not limited to, the central computing facilities, the campus-wide network, local-area networks, attached computers and printers, stored programs and data, electronic mail, newsgroups, access to the Internet, the College telephone facilities including voice mail, departmental networks, campus cctv, and the public computing facilities and related services, including Trexler Library computers. (Note: Above defines System, for subsequent use in the policy).

This policy applies to all Users of this System (including resources owned, leased by, subscribed to, or managed by Muhlenberg College), including but not limited to faculty and visiting faculty, staff, managers, students, guests of the management team, and external organizations and individuals accessing external services, such as the Internet and Library systems, via Muhlenberg's electronic communication system. **(Note: Above defines User, for subsequent use in the policy).**

By using this System, Users agree to the guidelines contained herein.

Electronic mail and Internet may be used for personal communication, but this may not take priority over intended business and academic uses. Priority for using this System will always be given to members of the College community. Because the College cannot guarantee the privacy of messages or documents stored on the System or transmitted through the System or through the Internet, use of the System for sending confidential or private personal information is discouraged. Users should be aware that electronic mail communications and voice mail communications can be a potential source of evidence in the process of attorney discovery in discrimination lawsuits or other litigation. **(Note: Voice Mail should be treated same as e-mail).**

Users of the College's System should not disclose their passwords to others. Documents or information stored in the System should not be accessed by anyone other than the author or recipient, or by the College, as stated below.

General policy requirements applicable to the use of the System are as follows:

1. Offensive, harassing, defamatory, or otherwise inappropriate communication via the System is prohibited. (**Note: Above would address use of Instant Messenger and other non-e-mail transmissions**).
2. Use of the System is subject to all legal and College prohibitions against discrimination and harassment based on age, color, disability, gender, gender identity, national or ethnic origin, race, religion, sexual orientation, veteran status, or any other basis protected by applicable federal, state or local laws.
3. Obscene, objectionable or other offensive material, including material that may be interpreted as harassment by others, may not be viewed, downloaded, printed or transmitted via the System in public spaces.
4. System users are liable for any action or negligence that directly or indirectly results in adverse effects upon the System or its Users. The execution of computer programs intended to gain unauthorized access to, or make unauthorized use of, the System is prohibited. Users must abide by the terms of all software licensing agreements and copyright laws. Also, Users are prohibited from downloading software onto any Library or Computer Lab computer unless given prior approval by the Director of the Office of Information Technology or the Library Director.
5. Users of the System are obligated to respect the rights of others, the intellectual rights and the intellectual property rights of others when using these resources. Duplicating and/or distributing information, recordings, or images in violation of applicable copyright laws is not permitted.
6. Unless granted proper authority, Users are forbidden to access, transmit or release any information or data of a confidential nature, secured through their position with the College, to a person not authorized to receive such information. Further, the Family Educational Rights and Privacy Act (FERPA) mandates that certain types of student information may not be disclosed and/or distributed to unauthorized persons. This includes information transmitted and stored on the electronic mail system. Additional

information relative to the provisions of FERPA is available from the Dean of Students or the Registrar.

7. College policy prohibits acts that are wasteful of System resources. Examples include, but are not limited to: sending or forwarding chain letters; sending mass electronic mailings not directly pertinent to College business; creating unnecessary multiple jobs or processes; excessive uploading or downloading of large files, or, creating unnecessary output or printed material.
8. The College System may not be used for personal financial gain, inappropriate or illegal activity of any kind. Users may not download to, install upon, create links to, or otherwise place on the System any data or program which consists of any advertisements for commercial enterprises, without prior approval.
9. The campus electronic mail system exists primarily to facilitate business communications between individuals and specific groups. To the extent that there is excessive use of "Everyone Group" messages (or similar mass mailings) to numbers of individuals who, given a choice, would choose not to receive them, the effectiveness of the System is compromised. Such messages must be restricted to campus emergencies and urgent operational messages, notification of campus meetings and events, and notification of College-sponsored events or other events off-campus, which relate to the College's educational goals. Messages such as notice of lost and found articles, promotion of political causes, and listing of personal sale items should not be sent via the campus e-mail system. The ON CAMPUS faculty/staff newsletter and the campus MESSAGE BOARD are appropriate vehicles for lost and found and for sale items.
10. As is common in business and other organizations, it is the College's current practice that all information stored on this System, including the content of the electronic mail system and the content of the voice mail system, is normally copied daily to digital tape to provide a back-up copy in the event original records are damaged. These tapes are stored in a secure area where they are considered confidential and are retained for a period of four weeks. This means that electronic mail messages and voice mail messages deleted by an individual user subsequent to the College's daily backups may be retained for this period of time. After the four-week period the tapes are normally re-used. The College may change these and other operational

practices from time to time. (**Note: Voice Mail should be treated same as e-mail**).

The College is the owner and administrator of this System. The College may exercise the right to access information stored on the System for business purposes such as retrieving College business-related information, troubleshooting problems, responding to complaints of misuse, and in order to comply with legal and regulatory interests. Where practical, efforts will be made to obtain express consent from the individual employee or student whose information is to be accessed. It is for these and other reasons that the College cannot guarantee the privacy of messages or documents stored on, or transmitted through the System.

Violations of these policies should be reported either to the Provost, the Dean of Students, the Vice President of Human Resources, or the Director of Campus Safety and Security. Violations could result in penalties imposed upon the User of the System. These penalties could include disabling of the User's account(s), student suspension, student expulsion, employee suspension or termination, termination of access to the System, or liability for expenses incurred by wasteful usage (see point 4 under policy requirements).

The College maintains the right to monitor network use and discipline users, including faculty, staff members, managers and students, in accordance with human resource and electronic communication policy guidelines.

Note on Muhlenberg web pages (7/00): Under normal circumstances, links to commercial web sites that advertise and/or promote retail products are generally not allowed.

Any organization that is officially recognized by the Dean of Students' Office is eligible for its own listserv distribution list, effective Spring 2002. OIT is available for problems and issues arising with the technology, and is available to train officers to start up and maintain the list serve, but the sole responsibility for maintenance and updating information rests with the individual organizations and its officers.

APPENDIX E
MUHLENBERG COLLEGE
PROBLEM RESOLUTION & COMPLAINT PROCEDURES
FOR NON-FACULTY PERSONNEL
(Amended November 2005)

A complaint is defined as the claim of an employee (the “complainant”) that s/he has been adversely affected by a breach or violation of the announced rules, regulations, and policies of Muhlenberg College as approved by the President and/or the Board of Trustees. The procedures set forth below provide both informal and formal mechanisms for resolving complaints. They are designed to ensure consistency and fairness in the College’s relations with its employees. No employee’s status within the College will be adversely affected because s/he utilizes these procedures.

These procedures may be invoked by any non-faculty employee who believes that s/he has been adversely affected by an action that violates Muhlenberg College’s rules, regulations, or policies, including Muhlenberg College’s policy against discrimination in employment based on age, color, disability, gender, gender identity, national or ethnic origin, race, religion, sexual orientation, veteran status, or any other basis protected by applicable federal, state or local laws. Because employment at Muhlenberg College is at-will, termination decisions may be challenged under these procedures only where they are believed to be in violation of Muhlenberg College’s rules, regulations, or policies, including Muhlenberg College’s policy against discrimination in employment based on age, color, disability, gender, gender identity, national or ethnic origin, race, religion, sexual orientation, veteran status, or any other basis protected by applicable federal, state or local laws. Further information regarding sexual harassment may be found in the “Policy Statement on Discriminatory Harassment” available from the Human Resources Office.

The policy of Muhlenberg College is to encourage employees to report promptly any perceived violation of rules, regulations, or policies, including discriminatory action. The College will endeavor to promptly investigate and resolve complaints in an equitable manner.

Under ordinary circumstances, it is expected that a complaint, formal or informal, will be asserted within one month of the perceived violation or discriminatory action. Any complaint not presented within this time period shall be deemed to have been waived. While it is preferable, it is not necessary that informal complaint procedures be utilized prior to the initiation of formal complaint procedures by a complainant.

The investigation of employee's complaints will be handled in a confidential manner by Muhlenberg College. Muhlenberg College, in turn, expects that during and following the investigation of any employee complaint, all individuals involved in the investigation will respect the confidentiality of the process and the privacy of others. Any individual who intentionally breaches the confidentiality of this process and/or violates the privacy interest of others will be subject to disciplinary action.

INFORMAL COMPLAINT PROCEDURES

Relationships between people in the workplace involve occasional problems. In most instances all parties will benefit if problems can be resolved promptly, in an atmosphere that encourages cooperative efforts toward an amicable resolution, and without resort to formal complaint procedures. For this reason employees are urged to identify problems and to seek resolution in an informal manner whenever possible.

Unless the problem arises from the action of the complainant's supervisor **and** the complainant reasonably believes discussions with his/her supervisor would be futile, initial consultation between the complainant and his/her supervisor is appropriate and expected. If the supervisor is involved in the alleged violation **and** the complainant reasonably believes discussions with his/her supervisor would be futile, the complainant should consult that person's supervisor or the Vice President of Human Resources.

A variety of approaches may be pursued by the complainant and/or the supervisor, at the option of the complainant, in an effort to resolve the matter. These approaches include but are not limited to the following:

- a. The complainant may seek, within a one-month period, to resolve the matter directly with the individual(s) whose actions prompted the complaint (the "respondent"). If the complainant does so, the respondent shall within 7 days, respond to the complainant's concerns in an effort to clarify, interpret, and/or offer a resolution to the matter. Depending upon the circumstances, a written response from the respondent may be appropriate.

- b. The complainant may seek the intervention of his/her supervisor or, where circumstances warrant, the next highest college supervisor, in resolving the complaint. If s/he does, the supervisor shall, within 7 days, explore the matter and respond to the complainant in an effort to clarify, interpret and/or offer a resolution to the matter. Depending upon the circumstances, a written response from the supervisor may be appropriate.
- c. The complainant, with the approval of the respondent, may seek the advice and counsel of a third party, whom both parties trust, to explore possible resolutions to the matter.

Should the complaint be resolved during the informal process, the complainant or other interested party may ask that Vice President of Human Resources maintain a confidential record of the complaint and its resolution.

FORMAL COMPLAINT PROCEDURES

Muhlenberg College has established formal complaint procedures that may be invoked if a complaint remains unresolved following the use of informal complaint procedures, or if the complainant elects to forego the benefits of the informal complaint process. The formal procedure begins when the complainant presents his/her complaint, in writing, to the Vice President of Human Resources. The matter will be considered a formal complaint upon receipt of the complaint in writing by the Vice President of Human Resources.

The Content of the Complaint

Although no particular format is required, the complainant shall provide the following information in writing to the Vice President:

1. Descriptive statement of facts and circumstances that provide the basis for the complaint, including the identity of any person(s) involved or with knowledge of facts or circumstances underlying the complaint.
2. Date(s) of the incidents and time period of the complaint.
3. Descriptions of attempts, if any were made, to resolve the complaint on an informal basis and the results of those attempts.
4. Signature of the employee and the date of the complaint.

The Review Board

The Vice President of Human Resources will select a Review Board to review the matter within 14 days of receipt of the written complaint. The Review Board shall

consist of four impartial members chosen from the college administration. The method of selection shall be as follows:

One member shall be recommended by the complainant and one member by the respondent – both to be approved by the Vice President of Human Resources. The remaining two persons will be selected by the Vice President of Human Resources.

During the selection process, both the complainant and the respondent may disapprove the selection of one of the persons chosen and request that another person be recommended by the individual who completed the initial selection. No member of the Review Board will be selected for the purpose of serving as an advocate, nor will any member serve as an advocate during the review process. Review Board members will be selected to exercise independent judgment on the issues presented in the case. The Board will name one of its members as chair.

Should the case involve sexual harassment, the Vice President of Human Resources shall guarantee an equal membership of males and females on the Review Board.

All meetings of the Review Board will be private and their deliberations will be confidential; only those persons authorized by the Board may attend, although it is generally to be expected that individuals requested to appear on behalf of an affected party will be heard. Decisions and recommendations of the Review Board will normally be made by consensus rather than by majority vote.

The Role of the Review Board

Ten days prior to the date set for the Review Board meeting, written notice of the time, place, and purpose of the Review Board meeting should be given to the complainant and the respondent.

At the same time, the respondent should also be given notice of the formal complaint filed against him/her, his/her right to have a person of his/her choosing present at the hearing as an observer, and his/her rights at the hearing. There shall be no right for any party to have counsel at the hearing.

The Review Board will conduct the hearing and examine witnesses and documents in the order and manner deemed appropriate by the chair. However, the complainant and the respondent also have the right to call and examine the witnesses, introduce written evidence, cross examine any witness regarding any

relevant matter, and make opening statements and summations either orally or in writing.

The complainant may be required by the Review Board to be present at the hearing. The complainant's failure to appear upon request of the Review Board may waive all rights under the complaint procedures.

A record shall be kept of the hearing and shall include all exhibits offered and at least a summary of the testimony taken. The manner of creating the record shall be within the discretion of the chair of the Review Board. A tape recording shall be an acceptable means of keeping a record.

The Review Board may obtain expert advice as it deems necessary.

The Review Board's hearing will not be conducted strictly according to rules of evidence or procedures applicable in courts of law; the chair of the Review Board shall make determination as to the actual procedures to be used at the hearing and the relevance of certain matters. Any relevant matter upon which responsible persons customarily rely in the conduct of serious matters may be considered. The burden of proof shall be on the complainant.

Within 21 days of reviewing the facts of the case, the Review Board shall provide to the Vice President of Human Resources its written findings and recommendations on the issues raised. It will list its recommended actions and state the rationale for its recommendations.

The Role of the Vice President of Human Resources

Within 21 days of receipt of the Review Board's recommendations, the Vice President of Human Resources will consider the Review Board's recommendations and will make a written determination of the issues and the actions to be taken. S/he will provide copies of his/her written determination to the complainant, respondent, and the Review Board.

Final Resolution and Appeals

A complaint will be considered resolved if neither the complainant nor the respondent requests further consideration and review within a period of 7 days following receipt of the Vice President's determination.

Appeals may be requested in writing through the Vice President of Human Resources to the President of the College. Such written appeals shall be transmitted immediately to the President for review and determination.

The Authority and the Role of the President

The President, or his/her designee, shall review the recommendations of the Review Board and the determination of the Vice President and, within 14 days, provide to the complainant and the respondent his/her written determination of the matter. Written determinations of the President of the College, or his/her designee, shall be regarded as final.

No Penalty for the Complaint

There will be no discrimination, and/or penalty, against any employee for his/her part in the presentation of a complaint.

Records

Appropriate arrangements shall be made in the Human Resources Office for the retention of records of actions that are the result of formal complaint procedures involving non-faculty employees. Tape recordings of Review Board proceedings may be made, but a written transcript will not be made unless the complainant or respondent secures the services of a court reporter and pays the cost thereof. All documentation/evidence that is gathered pursuant to the filing of a formal complaint will be kept in a confidential file and released to appropriate persons only on an "as needed" basis.

Additional Time

Although the need for expediency is demonstrated through stated timetables, it is understood that additional time may become necessary at any stage of the formal process. Requests for additional time should be presented to the Vice President of Human Resources. Any such requests shall be communicated by the Vice President of Human Resources to the complainant or respondent.

Amendments

These procedures may be amended by the President in consultation with the Executive Committee of the Board of Trustees.

APPENDIX F

MUHLENBERG COLLEGE

POLICY STATEMENT ON DISCRIMINATORY HARASSMENT

Prohibition of Sexual and Discriminatory Harassment

It is the policy of Muhlenberg College to provide an environment free from any form of sexual or discriminatory harassment. This policy applies to all College full and part-time employees, including management, staff, faculty, and support personnel and to all College students, contractors and consultants. All who work at the College are responsible for ensuring that the work and academic environment is free from discriminatory practices, including sexual harassment.

Specifically, the College expressly prohibits any form of unlawful harassment of its employees or students based on age, color, disability, gender, gender identity, national or ethnic origin, race, religion, sexual orientation, veteran status or any other basis protected by applicable federal, state or local laws. Sexual and other forms of discriminatory harassment are unacceptable conduct, whether on the College's premises or in other College related activities and settings, and will not be tolerated by the College. Discriminatory harassment in the workplace is also prohibited by law.

Definition and Examples of Sexual and Discriminatory Harassment

For the purpose of this policy, the term "sexual harassment" includes any unwelcome or unwanted sexual attention, sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature or other offensive behavior directed toward an employee or student because of or on account of his or her gender or gender identity, whether by a person of the opposite or same gender, when:

1. submission to or rejection of such conduct by an individual is used as a basis or factor in decisions affecting the terms or conditions of employment or education of any individual; **or**
2. submission to or rejection of such conduct by an individual is used either explicitly or implicitly as a basis for academic or employment decisions affecting that individual; **or**
3. such conduct has the purpose or effect of unreasonably interfering with an individual's academic or professional performance; **or**
4. such conduct creates an intimidating, hostile or offensive academic, employment, educational or living environment.

Examples of the types of conduct that constitute sexual harassment include, but are not limited to: threatening adverse employment or academic actions if sexual

favors are not granted; unwanted and unnecessary physical contact; demands for sexual favors in exchange for favorable treatment or continued employment; display of pornographic material; excessively offensive remarks, including unwelcome graphic or suggestive comments about an individual's body, appearance or dress, obscene jokes or other inappropriate use of sexually explicit or offensive language; the display in the workplace of sexually suggestive objects or pictures which create an intimidating or hostile work environment; and other unwelcome and unwanted conduct of a sexual nature, such as leering, name calling and sexual innuendoes.

Examples of the types of conduct, when done in isolation, that generally will not constitute sexual harassment include, but are not limited to: simple teasing, offhand comments, and joking which does not include sexual innuendo.

For purposes of this policy, "discriminatory harassment" includes any unwelcome or unwanted attention, and other verbal, visual, or physical conduct or other form of offensive behavior directed toward an employee because of or on account of his or her race, color, religion, national origin, age, disability, gender, gender identity, sexual orientation, veteran status, (or such conduct or behavior that may be offensive on the basis of race, color, religion, national origin, age, disability, gender, gender identity, sexual orientation, or veteran status and to which an employee may be exposed, directly or indirectly) when:

1. submission to or rejection of such conduct by an individual is used as a basis or factor in decisions affecting the terms or conditions of employment of any individual; **or**
2. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's work performance; **or**
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance; **or**

4. such conduct creates an intimidating, hostile or offensive work environment.

Examples of the types of conduct that constitute discriminatory harassment include, but are not limited to: any form of discriminatory treatment based on race, color, religion, national origin, age, disability, gender, gender identity, sexual orientation, veteran status; communication or display of offensive material capable of a stereotypical or discriminatory meaning; offensive remarks containing stereotypical or discriminatory references, including unwelcome comments about

an individual's body, appearance, manner, speech or dress capable of a stereotypical or discriminatory meaning; racial, religious, ethnic or other stereotypical or discriminatory jokes or other inappropriate use of racial, religious, ethnic or other discriminatory language capable of a stereotypical or discriminatory meaning; the display in the workplace of objects, drawings or pictures which create an intimidating or hostile work environment; and other unwelcome and unwanted conduct of a stereotypical or discriminatory nature, such as name calling and racial, religious or ethnic innuendoes.

Coverage

This policy covers all College students and employees without exception. The College will not tolerate, condone, or allow discriminatory harassment, whether engaged in by faculty, students, fellow employees, supervisors, managers, customers, vendors or other non-employees who conduct business with the College. The College encourages the reporting of all incidents of harassment, regardless of who the offender may be.

Open-Door Complaint Procedure

The College encourages individuals who are being unlawfully harassed to firmly and promptly notify the offender that his or her behavior is unwelcome. In the event that such informal, direct communication between individuals is either ineffective or too difficult, the following steps should be followed in reporting a discriminatory harassment complaint.

Anyone who feels that he or she has been subjected to harassment in violation of this policy, or has been retaliated against for making a report of discriminatory harassment or for providing information concerning an act of discriminatory harassment shall promptly report the incident, either verbally or in writing. A faculty or staff member should report matters of alleged discriminatory harassment directly to the Vice President of Human Resources or the Provost. In addition, a student may report matters of alleged discriminatory harassment directly to the Dean of Students.

All reports of discriminatory harassment will be documented in writing by the person receiving the complaint and signed by the complainant. The full and complete cooperation of the complainant is vitally necessary for the prompt and effective investigation and remediation of all harassment, discrimination or retaliation complaints.

The Vice President of Human Resources, the Provost, and the Dean of Students or other senior management official, will investigate all allegations of discriminatory harassment in as thorough, prompt, and confidential a manner as is reasonably

possible. The College will undertake all investigations with due regard to the privacy of all parties involved consistent with a thorough and appropriate investigation. Where necessary, the College will engage a lawyer or consultant to investigate the complaint and provide guidance in handling the matter.

Resolving the Complaint

Upon completing the investigation of a discriminatory harassment complaint, the College will communicate its findings and intended action to the complainant and to the alleged harasser.

If the College determines after an investigation that there is no substantial basis to conclude that there has been discriminatory harassment in violation of this policy, the College will inform the complainant and the accused.

If the College determines after an investigation that there is a substantial basis to conclude that there has been discriminatory harassment in violation of this policy, appropriate disciplinary action will be taken, commensurate with the College's judgment as to the seriousness of the particular offense, up to and including termination of employment or expulsion from the College. Although penalties may differ for students and employees, disciplinary action may include one or more of the following: a verbal and written reprimand; referral to counseling; withholding of a promotion; reassignment; temporary suspension without pay; suspension from classes and student activities; financial penalties; and termination or expulsion.

The College's ability to discipline a non-employee harasser is limited by the degree of control, if any, that the College has over the alleged harasser. Any employee or student who has been subjected to employment or academic related discriminatory harassment by a non-employee should file a complaint.

Retaliation Prohibited

The College will not retaliate against an individual who makes a report of discriminatory harassment or provides information concerning an act of discriminatory harassment, nor permit any other employee or student to do so. Retaliation is a serious violation of this policy. Any acts of retaliation or threatened retaliation should be reported immediately. Any person found to have retaliated against another individual for reporting discriminatory harassment will be subject to appropriate sanctions, including all of the same disciplinary actions noted above for discriminatory harassment offenders.

