



**MILLSAPS**  

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**COLLEGE**

**Handbook for Staff Employees**

**Department of Human Resources**

February 2021

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## Welcome

Welcome to Millsaps College! You are now a member of one of the finest colleges in the country, and I am sure you will add to the strength and vitality of the institution. Millsaps is a place where all members of the faculty and staff are dedicated to fostering an environment in which students can realize their true potential in a respectful and inclusive community. We strive to live into our core purposes on a daily basis, and we invite you to embrace those purposes as stated in our Mission Statement: “Millsaps College is dedicated to academic excellence, open inquiry and free expression, the exploration of faith to inform vocation, and the innovative shaping of the social, economic, and cultural progress of our region.”

We are pleased to provide you with this Employee Handbook, which outlines the personnel policies and procedures for the College. It is our intention to assure employees fair and equal treatment. Please feel free to discuss any questions you have regarding this handbook, or any policy, with your supervisor or the office of Human Resources.

We hope you will find your employment experience a satisfying one and that you will enjoy being a part of this dynamic college community. We are delighted that you decided to join us.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Pearigen". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dr. Robert Pearigen  
President of Millsaps College

The provisions contained in this *Handbook* do not constitute an employment contract or guarantee employment for any specific duration. It is a guideline that provides current policies, practices, and procedures for staff members' information. The College reserves the right to change, amend, or terminate any and all of its policies, practices, and procedures in whole or in part at any time with or without notice. Staff members are expected to follow the rules and regulations of the College, including changes in those rules and regulations made during the course of their employment. Furthermore, with the approval of the President and in consultation with the Vice President for Finance and Administration, additional, more specific guidelines may be set in different departments of the College, which reflect the unique responsibilities of those particular departments.

The Office of Human Resources is responsible for maintaining and updating the *Staff Handbook*. New policies or changes to existing policies will be effective when approved and will be incorporated in the *Handbook* when it is updated or reissued. Particular matters involving the interpretation of a policy shall be referred to the Director of Human Resources.

## **1.00 Millsaps College**

### **1.1 Millsaps Purpose**

Millsaps College is a community founded on trust in disciplined learning as a key to a rewarding life.

In keeping with its character as a liberal arts college and its historic role in the mission of the United Methodist Church, Millsaps seeks to provide a learning environment which increases knowledge, deepens understanding of faith, and inspires the development of mature citizens with the intellectual capacities, ethical principles, and sense of responsibility that are needed for leadership in all sectors of society.

The programs of the College are designed to promote independent and critical thinking; individual and collaborative problem solving; creativity, sensitivity, and tolerance; the power to inform and challenge others; and an expanded appreciation of humanity and the universe.

### **1.2 Vision Statement**

Building on its motto, *Ad Excellentiam*, its strong heritage of social justice, freedom of thought, and reflection on life's most important questions, and its central location in the capital city of Mississippi, Millsaps engages students in a transformative learning and leadership experience that results in personal and intellectual growth, commitment to good citizenship in our global society, and a desire to succeed and make a difference in every community they touch.

### **1.3 Mission Statement**

Millsaps College is dedicated to academic excellence, open inquiry and free expression, the exploration of faith to inform vocation, and the innovative shaping of the social, economic, and cultural progress of our region.

Millsaps College celebrates its connection with the United Methodist Church. The College embodies the spirit of John Wesley, founder of the Methodist tradition, in its emphases on scholarly inquiry, academic freedom, and spiritual growth. Millsaps College is a church-related institution, welcoming people from all religious traditions or no religious tradition, and committed to equipping all people for a meaningful life of service to others.

## **2.00 Employment**

### **2.1 Equal Opportunity Statement**

It is the policy of the Millsaps College to provide an educational and work environment in which thought, creativity, and growth are stimulated, and in which individuals are free to realize their full potential through equal opportunity. The College should be a place of work and study for students, faculty, and staff, which is free of all forms of discrimination, including harassment and retaliation.

Millsaps College expressly prohibits any form of workplace harassment on the basis of race, sex, color, age, national origin, religion, gender, sexual orientation, gender identity or expression, genetic information, marital or parental status, disability, and veteran status. Such prohibition extends to any form of retaliation against individuals who raise issues of discrimination. Improper interference with the ability of other employees to perform their expected job duties is absolutely not tolerated. It is the responsibility of Millsaps College to investigate and resolve all allegations of discrimination.

This policy will be followed in recruiting, hiring, determination of pay, promotions, college-sponsored training programs, transfers, layoffs, returns from layoff, demotions, terminations, social and recreational programs, use of College facilities, fringe benefits, and treatment as individuals. It is to be implemented throughout the campus and is the responsibility of all departments and all personnel, supervisory and non-supervisory.

### **2.2 At-Will Employment**

Employment at Millsaps College is on an at-will basis unless otherwise stated in a written individual employment agreement signed by the President of the college.

This means that either the employee or the College may terminate the employment relationship at any time, for any reason, with or without notice.

Nothing in this employee handbook is intended to or creates an employment agreement, express or implied. Nothing contained in this or any other document provided to the employee should be construed as an agreement that employment or any benefit will be continued for any period of time. In addition, no college representative is authorized to modify this policy for any employee or to enter into any agreement, oral or written, that changes the at-will relationship.

Any salary figures provided to an employee in annual or monthly terms are stated for the sake of convenience or to facilitate comparisons and are not intended to, and do not, create an employment contract for any specific period of time.

Nothing in this statement is intended to interfere with, restrain, or prevent concerted activity as protected by the National Labor Relations Act. Such activity includes employee communications regarding wages, hours, or other terms or conditions of employment. Millsaps College employees have the right to engage in or refrain from such activities.

## **2.3 Sexual Harassment**

### **POLICY STATEMENT**

It is the policy of Millsaps College to promote a cooperative work and academic environment in which there exists mutual respect for all College students, faculty, and staff. Sexual harassment is inconsistent with this objective and contrary to the College policy of equal employment and academic opportunity without regard to age, sex, sexual orientation, gender identity or expression, alienage or citizenship, religion, race, color, national or ethnic origin, disability, and veteran or marital status. Sexual harassment is illegal under Federal and State, and will not be tolerated within the College.

The College will disseminate this policy and take other steps to educate the College community about sexual harassment. The College will follow established procedures to ensure that investigations of allegations of sexual harassment are conducted in a manner that is prompt, fair, thorough, and as confidential as possible under the circumstances, and that appropriate corrective and/or disciplinary action is taken as warranted by the circumstances when sexual harassment is determined to have occurred. Members of the College community who believe themselves to be aggrieved under this policy are strongly encouraged to report the allegations of sexual harassment as promptly as possible. Delay in making a complaint of sexual harassment may make it more difficult for the college to investigate the allegations.

### **PROHIBITED CONDUCT**

It is a violation of the College policy for any member of the Millsaps community to engage in sexual harassment or to retaliate against any member of the Millsaps community for raising an allegation of sexual harassment, for filing a complaint alleging sexual harassment, or for participating in any proceeding to determine if sexual harassment has occurred.

### **DEFINITION**

Unwanted and unsolicited sexual advances, requests for sexual favors, and other deliberate or repeated communication of a sexual nature, whether spoken, written, physical or pictorial, shall constitute sexual harassment when:

- Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, academic status or participation in College-sponsored activities;
- Rejection of such conduct is used as the basis, implicitly or explicitly, for imposing adverse terms and conditions of employment, academic status or participation in College-sponsored events; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working or learning environment.

Sexual Harassment can occur between individuals of different sexes or of the same sex. Although sexual harassment most often exploits a relationship between individuals of unequal power (such as between faculty/staff member and student, supervisor and employee, or tenured

and untenured faculty members), it may also occur between individuals of equal power (such as between fellow students or co-workers), or in some circumstances even where it appears that the harasser has less power than the individual harassed (for example, a student sexually harassing a faculty member). A lack of intent to harass may be relevant to, but will not be determinative of whether sexual harassment has occurred.

### **Examples of Sexual Harassment**

Sexual harassment may take different forms. Using a person's response to a request for sexual favors as a basis for an academic or employment decision is one form of sexual harassment. Examples of this type of sexual harassment (known as quid pro quo harassment) include, but are not limited to, the following:

- requesting or demanding sexual favors in exchange for employment or academic opportunities (such as hiring, promotions, grades, or recommendations);
- submitting unfair or inaccurate job or academic evaluations or grades, or denying training, promotion, or access to any other employment or academic opportunity, because sexual advances have been rejected.

Other types of unwelcome conduct of a sexual nature can also constitute sexual harassment, if sufficiently severe or pervasive that the target does find, and a reasonable person would find, that an intimidating, hostile, offensive or abusive work or academic environment has been created. Examples of this kind of sexual harassment (known as hostile environment harassment) include, but are not limited to, the following:

- sexual comments, teasing, or jokes;
- sexual slurs, demeaning epithets, derogatory statements, or other verbal abuse;
- graphic or sexually suggestive comments about an individual's attire or body;
- inquiries or discussions about sexual activities
- pressure to accept social invitations, to meet privately, to date, or to have sexual relations;
- sexually suggestive letters or other written materials;
- sexual touching, brushing up against another in a sexual manner, graphic or sexually suggestive gestures, cornering, pinching, grabbing, kissing, or fondling;
- coerced sexual intercourse or sexual assault.

### **FALSE AND MALICIOUS ACCUSATIONS**

Members of the College community who make false and malicious complaints of sexual harassment, as opposed to complaints which, even if erroneous, are made in good faith, will be subject to disciplinary action.

### **RESPONSIBILITIES OF SUPERVISORS AND MANAGERS**

Sexual harassment is illegal. It is behavior that is perceived as offensive. It is important for supervisors and managers to understand their responsibilities and obligations under this policy.

Supervisors and managers:

- Are responsible for acting to prevent sexual harassment by all available means. This includes, but is not limited to, communicating the College's policy on sexual harassment as needed to student, employees, customers, vendors, and other visitors that may interact with students and employees; providing counseling and training to increase awareness of College policies and procedures regarding sexual harassment; expressing strong disapproval of inappropriate behavior; and taking prompt action to correct and sanction inappropriate behaviors.
- Are responsible for the actions of subordinate employees with regard to sexual harassment when they have knowledge or reasonably should have known about inappropriate conduct and fail to take immediate corrective action. Supervisors and managers may be exempted from personal liability if they take immediate action, which may include referring the matter to their superior or the Director of Human Resources.
- Are responsible for any employment action or decision regarding an individual when these actions or decisions can be shown to be a result of sexual favors that were granted or denied by the individual(s) effected.
- Are responsible for acts of sexual harassment against employees by nonemployees if they have knowledge or reasonably should have been known about offensive conduct and failed to take action.

Managers should contact the Director of Human Resources as soon as possible after being made aware of a complaint, and provide any written documentation.

## **IMPLEMENTATION**

The President of the College, through the Director of Human Resources is responsible for the dissemination of this policy. The Director will work closely with the Vice Presidents and the Deans, who have responsibility for the implementation of the policy.

Each dean, director, department chair, administrative officer or other person with supervisory responsibility is to cooperate with the Director of Human Resources in the dissemination of this policy within his or her area of responsibility. These persons will also be responsible for referring grievances to the Director of Human Resources when sexual harassment or reprisal for reporting sexual harassment is alleged to have occurred.

## **2.4 Americans with Disabilities Act (ADA) Compliance**

### **Nondiscrimination Against and Accommodation of Individuals with Disabilities (ADA)**

Millsaps College is committed to equal opportunity and access for people with disabilities who may need reasonable accommodations to have equally effective opportunities to privileges in employment, consistent with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), and applicable state and local laws. This policy is intended to help the College implement reasonable accommodations for known physical and mental impairments of otherwise

qualified individuals that do not pose an undue hardship, change the essential functions of the job or fundamentally alter the College's programs and services. Millsaps will make reasonable accommodation determinations for any individual with a documented disability on a case-by-case basis.

### **Procedure for Requesting an Accommodation**

The Director of Human Resources will coordinate requests for reasonable accommodations, which is a measure that enables an individual to perform essential job functions or to receive equal benefits, privileges, or terms and conditions of the application process of employment. While it is the individual's responsibility to request a reasonable accommodation, all faculty and staff aware of such a request should either contact the Director of Human Resources or advise the individual to do so. The individual will be requested to make such a request in writing, and should expect the Director to contact him or her to discuss. Individuals who believe that they require an accommodation must provide in writing the following information:

Identify themselves as a person with a disability.

Identify the nature of the accommodation desired.

Provide adequate documentation of the disability and the desired accommodation.

The Director of Human Resources and appropriate management representatives will determine the feasibility of the requested accommodation. Some factors to be taken into consideration are, but are not limited to: the cost and nature of the accommodation, outside funding, the College's overall financial resources and organization, the availability of tax credits and deductions, and the accommodation's impact on the operation of the department, including its impact on the ability of other employees to perform their duties and on the College's ability to conduct business.

The Director of Human Resources will inform the employee of the college's decision on the accommodation request. The accommodation shall be reviewed annually or in the event of a change to the status of the employee. Members of the staff may appeal such decision to the appropriate Vice-President over the department in which they work.

## **2.5 Background & Credit Reports**

Millsaps requires that a background check be conducted for all positions after a conditional offer of employment has been made. Some positions will also require a credit check and Motor Vehicle Report. Current employees may also be subjected to the same requirements prior to a promotion or transfer. Millsaps certifies that all information obtained in these reports will be used for employment purposes only. All checks are done in compliance with the provisions of the Fair Credit Reporting Act as amended, 15 U.S.C. 1682et.Seq. (FCRA) and relevant state laws.

## 3.0 Policies and Guidelines

### 3.1 Employment Classification

In order to determine eligibility for benefits and overtime status and to ensure compliance with federal and state laws and regulations, Millsaps College classifies its employees as shown below. Millsaps may review or change employee classifications at any time.

**Exempt-** Exempt employees are paid on a salaried basis and are not eligible to receive overtime pay.

**Nonexempt-** Nonexempt employees are paid on an hourly basis and are eligible to receive overtime pay for hours worked in excess of 40 in a workweek.

**Regular, Full-Time-** Employees who are not in a temporary status and work a minimum of 30 hours weekly and maintain continuous employment status. Generally, these employees are eligible for the full-time benefits package and are subject to the terms, conditions, and limitations of each benefit program.

**Regular, Part-Time-** Employees who are not in a temporary status and who are regularly scheduled to work fewer than 30 hours weekly, but at least 20 hours weekly, and who maintain continuous employment status. Part-time employees are eligible for some of the benefits offered by the college and are subject to the terms, conditions, and limitations of each benefits program.

**Temporary, Full-Time-** Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work the college's full-time schedule for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status.

**Temporary, Part-Time-** Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work fewer than 30 hours weekly for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status.

**Former Employee-** If a former employee is re-hired by Millsaps College in the same or in a different position, the employee will be considered a new employee and any waiting periods for benefits will start over according to benefit plan documents and/or college policy.

**Retired Staff Member** – Any staff member who is age 55 or greater and has 25 or more years of continuous service, or has any combination of age greater than 56 and years of service totaling 80 or greater.

## **3.2 Introductory Period**

Each new staff employee, in his or her first regular appointment at the College, will be required to serve a ninety-day introductory period that includes training and evaluation. The purpose of the introductory period is to establish that the employee can successfully perform the duties and responsibilities of the position. During the introductory period the immediate supervisor will discuss with the staff member his or her progress and provide on-going feedback to encourage success.

Employment may be terminated at any time during the introductory period. Near the end of the initial ninety-day introductory period, a Performance Evaluation form will be completed by the supervisor and reviewed with the staff member. At this time, the supervisor may recommend that the staff member be placed on regular status, that the introductory period for the staff member be extended, or that the staff member's employment be terminated.

Completion of the introductory period does not guarantee continued employment and does not change the at will nature of the employment relationship.

Vacation and sick leave accrue for eligible employees during this time, but may not be taken until satisfactory completion of the probationary period.

## **3.3 Confidentiality**

As the result of your employment with the College, you may acquire and have access to confidential information belonging to the College of special and unique value. This includes such matters as the College's personnel information, procedures, financial information and projections, records, donor and prospect names and analysis, as well as any other information specific to the College. Any information, which is disclosed to the public by the College, shall not be deemed confidential information.

As a condition of employment, you must and hereby do agree that all such information is the exclusive property of the College, and you will not at any time disclose to anyone, except in the responsible exercise of your job, any such information whether or not it has been designated specifically as "confidential." Signing a separate confidentiality agreement further clarifying this policy at the College's request is also a condition of your continued employment with the College.

If you are ever unsure of your obligations under this policy, it is your responsibility to consult with your supervisor for clarification.

## **3.4 Work Week and Hours of Work**

The standard workweek is from Sunday 12:00 a.m. until Saturday 11:59 p.m. and generally consists of 40 work hours. Individual work schedules may vary depending on the needs of each department.

## **3.5 Pay Periods and Pay Date**

Depending upon your job classification, you may be paid on either a biweekly or a monthly basis.

- Biweekly- Biweekly employees are paid every two weeks. The pay period is for two weeks, beginning on a Sunday and ending on a Saturday.
- Monthly- Salaried employees are paid monthly on the last working day of the month. The pay period begins on the first calendar day of the month and ends on the last calendar day of the month.

If payday falls on a federal holiday, employees will receive their paycheck on the preceding workday. Paychecks are directly deposited into your checking and/or savings accounts

### **3.6 Time Records and Overtime**

- **Time Records**- All nonexempt employees are required to complete accurate weekly time reports showing all time actually worked. These records are required by governmental regulations and are used to calculate regular and overtime pay. At the end of each week, the employee and his or her supervisor must sign the time sheet attesting to its correctness before forwarding it to the Payroll department.
- **Overtime**- When required due to the needs of the business, you may be asked to work overtime. Overtime is actual hours worked in excess of 40 in a single workweek. Nonexempt employees will be paid overtime compensation at the rate of one and one half their regular rate of pay for all hours over 40 actually worked in a single workweek. Paid leave, such as holiday, sick leave, vacation, administrative holidays, personal days, bereavement time, and jury duty, etc. does not apply toward work time. Overtime should be worked only when essential to the effective operation of the area involved and then only with the prior approval of the immediate supervisor.

The College does not provide compensatory time when salaried (exempt) staff members' duties require them to work outside their normal work schedule.

### **3.7 Performance Evaluation and Appraisal**

Performance reviews are an opportunity for the staff member and supervisor to review the employee's performance in relation to the needs of the job and department. They provide a process to promote communication and provide useful feedback about job performance, to facilitate better working relationships, to provide a historical record of performance and to contribute to professional development.

New employees receive a performance review at the end of their probationary period. The principal purpose of the initial review serves as an important check-point for employees on their progress. It provides an opportunity to receive feedback on initial performance, reinforcing the things that are going well and giving them a chance to make changes early to meet expectations. Ultimately, this review sets the employee up for success in the annual performance review process.

After completing their probationary period, staff members typically receive a performance review annually. The specific time may vary, depending on the work cycle of a particular department. The performance review will include a written document appropriate to the position and a discussion with the supervisor regarding expectations, areas of strength and opportunities for improvement and goal setting for the upcoming cycle.

### **3.8 Leaving College Employment**

#### **Termination/Resignation**

When terminating the employment of a staff member who is past the probationary period, the College will attempt to give notice of at least two weeks. In those cases where, because of the circumstances of the particular situation, the College elects to dismiss a staff employee immediately, the employee will typically be paid two weeks wages plus any accumulated vacation leave.

A staff employee resigning from employment with the College is expected to give written notification to his/her supervisor at least two weeks prior to the last day of work. If such notice is not given, the College may withhold payment for accumulated vacation leave.

The employee, prior to leaving employment, must return all uniforms, keys, ID cards, materials, equipment, and other property of the College.

Departing employees should call Human Resources to schedule an exit interview. All voluntary and required deductions will be withheld from an employee's final payroll check. An employee leaving Millsaps College must pay all outstanding charges in full. The last day of work is considered the last day of employment in determining benefit eligibility.

In accordance with the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA), employees who are participating in the college's health insurance plan may be eligible to continue health insurance coverage. See section 4.19 COBRA for more information. Human Resources will deliver a Benefit Status Letter to the departing employee.

#### **Deceased Employee**

In the event of the death of an employee or covered dependent, Human Resources should be notified as soon as possible. Human Resources and Payroll staff can provide assistance in securing College-sponsored benefits and final compensation. There are several steps in completing this process such as obtaining the necessary legal documents and completion of claim forms.

### **3.9 Personnel Records**

It is the policy of the College to maintain personnel records and information for each employee and past employee. The College attempts to balance each individual's right to privacy with the College's need to obtain, use and retain employment information. The purpose of this policy is to provide guidelines for employees to view the contents of their personnel files. It should be noted that personnel files maintained in Human Resource are the official employment record of an employee and are the

property of Millsaps and cannot be duplicated without explicit authority from the Director of Human Resources.

### **Personnel File Contents**

- 1) Personnel records are to contain information which is needed by the College to conduct its business or which is required by federal, state or local law. This information normally will include but will not necessarily be limited to the following:
  - a. Application forms
  - b. Payroll information including federal payroll deduction information
  - c. Performance appraisals
  - d. Disciplinary records
  - e. Attendance and tardiness records.
- 2) The information contained in each personnel record will be obtained directly from the employee or the employee's supervisor.
- 3) Employees have a responsibility to keep their personnel records up to date and are to notify Human Resources in writing of any changes in the following: name; address; telephone number; marital status (for benefits and tax withholding purposes only); number of dependents, addresses and telephone numbers of dependents and spouse or former spouse (for insurance purposes only); beneficiary designations for any of the College's insurance, disability or retirement programs; and persons to be notified in case of emergency.

In addition, employees who have a change in the number of dependents or marital status should complete a new Form W-4 for income tax withholding purposes within ten days of the change if the change results in an increase or a decrease in the number of dependents.

### **Employee Viewing of Personnel Records**

- 1) Employees are permitted to inspect their own personnel records. A written or verbal request to do so should be directed to the Human Resource Department. Human Resources will then schedule a time for inspection. Requests to have material copied from the individual's file will be accomplished as expeditiously as possible. However, depending on the volume of copies to be made this may not always be done at the same time as the employee views his/her file.
- 2) Employees who, after inspecting their personnel files, feel that any material is inaccurate or irrelevant may submit a written statement of disagreement in the file.
- 3) Employees are prohibited from inspecting any personnel files except their own, unless they have a legitimate managerial need to know the information in other employee files. Examples of individuals who may have a legitimate need to inspect personnel records include the President, the Director of Human Resources or a designated assistant, and the respective Department Head who supervises the employee.
- 4) Employees are to refer all requests from outside the College for personnel information concerning applicants, employees and former employees to the Human Resource Department. With proper authorization from the employee, HR may verify wage and salary information and release the following information without first obtaining the consent of the individual involved:
  - a. Employment dates

- b. Position held
- c. Location of job.

### **3.10 Ethical Use Policy**

The primary aim of the College in providing information and technology resources is to support the educational, instructional, and administrative endeavors of the faculty, staff and students of the College. It is the intent of the College that all technology resources will be used in accordance with established policies of the College and with any and all local, state, and federal laws, and/or guidelines governing the use of technology and its component parts. Implicit in this is the expectation that all faculty, staff and students will utilize the technology resources of the College so as not to waste them, abuse them, or interfere with or cause harm to other individuals, institutions, or companies. As is the case with most community resources or facilities, users are expected to balance their own needs against the needs and expectations of other users.

As an academic community, the faculty, students, and staff of Millsaps College honor intellectual property, respect the privacy of data, and recognize the rights of others. Individuals who access College computing resources incur the responsibility to use those resources in an ethical manner. This policy (or electronic code of ethics) requires all computing activities performed on College equipment to be legal and ethical. The policy is based on adherence to U.S. copyright laws and respect for intellectual labor and creativity as vital elements of the academic enterprise.

Abuse of computing privileges is subject to disciplinary action which may include the loss of computing privileges and other disciplinary sanctions. Flagrant student offenses may be reported to the Honor Council, faculty offenses to the Provost, and staff offenses to the Director of Human Resources. An abuser of the College's computing resources may also be liable for civil or criminal prosecution. It should be understood that nothing in these guidelines precludes enforcement under the laws and regulation of the State of Mississippi, any municipality or county therein, and/or the United States of America.

**Introduction/Background**– Millsaps College recognizes the role of information and technology in the academic community and in the larger society. It is the policy of the College to provide all faculty, staff and students with access to a variety of technology resources and to provide opportunities for all members of the College community to learn to utilize these resources effectively and efficiently. Resources include but are not limited to individual computers, servers, storage devices, media, and personal mobile devices such as phones and tablets, as well as the information, messages, files, and/or data stored on them, and the network systems through which information transmission occurs. Physical access to classrooms, labs, offices, server rooms, equipment closets, underground conduit accesses, wireless access points and the like constitute IT resources covered by this policy. In return, the College expects that technology will be used in legally and ethically appropriate ways, consistent with the Mission Statement of the College. This document explains and defines policies for use of technology resources of the College.

**Purpose** – To govern access to College technologies, copyright material, electronic mail operation, and internet use.

## **Policy Statement**

### **Access to College Technologies**

The electronic resources and technologies of the College are intended for the use of faculty, staff and students of the College. Use of such resources is limited to these members of the College community. Authorized users are assigned user accounts and passwords by the Department of Information Technology Services (helpdesk@millsaps.edu). Individuals may only use accounts, files, software, and computer resources that are assigned to them under their user accounts. Individual members of the College community are expected to take all reasonable precautions to prevent unauthorized access to files and data and any other unauthorized usage within and outside the College.

It shall be considered a violation of this policy and/or of the Millsaps Honor Code to:

- Use someone else's password or log in to someone else's account without authorization, except as may be required for management of system resources.
- Attempt to gain access to computing privileges or resources for which you are not authorized or via means not authorized.
- Give others access (via password or other means) to computing resources to which they are not entitled.
- Use a system for unauthorized purposes, such as advertising for a commercial organization or running a business.
- Read, execute, modify, or delete any file belonging to someone else without explicit permission from the owner, even if the file is unprotected.
- Deliberately destroy, damage, or deface hardware (including, but not limited to system unit, monitor, keyboard, mouse, printer, and cabling).
- Deliberately introduce worms, viruses, or other software which is designed to damage or destroy software (including, but not limited to applications, operating system, files, etc).
- Move or install hardware or software without authorization.
- Create, display or transmit harassing, libelous, or threatening messages or materials on the College's computer equipment.
- Attempt to crash a system or exploit weaknesses in security.
- Make unauthorized copies of software that is copyrighted.
- Misuse technology resources in any way that materially impacts on the efficacy of use for others.
- Modify technology resources, utilities, and/or configurations, or change the restrictions associated with accounts, or attempt to breach any technology resources security system, with or without malicious intent.

The appropriate system administrator may remove or alter as necessary user files that threaten to interfere with the operation of the system or as needed for system maintenance. The system administrator should make every effort to notify the user prior to such action to give the user opportunity to remove such files him/herself. It is recognized that there may be special cases where the threat to the efficacy of system resources is so immediate that prior notification is not possible.

## **Copyright**

Copyright law protects published material unless it has been placed in the public domain. The owner of a copyright holds exclusive right to the reproduction and distribution of the copyrighted work. Duplication of any copyrighted material is prohibited unless specifically allowed by a license agreement. Unauthorized copying of copyrighted material is illegal and punishable under federal law.

Respect for the intellectual work and property of others has traditionally been essential to the mission of educational institutions. As members of the academic community, we value the free exchange of ideas. Just as we do not tolerate plagiarism, we do not condone the unauthorized copying or distribution of protected materials, including software, media, and code.

Only authorized personnel may sign license agreements. Questions about site licenses should be directed to the Information Technology helpdesk.

Illegal copies of copyrighted software material may not be created or used on College equipment, including the LAN.

Individuals are expected to report any violations of this policy and/or problems with the security of any technology resources to the Department of Information Technology Services ([helpdesk@millsaps.edu](mailto:helpdesk@millsaps.edu)).

Users should assume all materials on the web are copyrighted unless there is a waiver or disclaimer that is clearly stated by the owner. Copyrighted works on a web page cannot be used without express permission of the copyright owner. Copyright works may include: artwork, articles, cartoons, photographs, music, videos, films, and graphics scanned or used from published works or web sites. It is illegal under Federal law (Title 17 of the US Code, and more recently the Digital Millennium Copyright Act, 105 PL 304) to distribute copyrighted media without a license to do so from the copyright holder. Furthermore, it is a violation of College policy to use the campus network for illegal activities, or in ways that consume capacity and services needed for instruction, research, and other core purposes.

Shareware, or "user-supported" software, is copyrighted software that the developer encourages you to copy and distribute to others. This permission is explicitly stated in the documentation or displayed on the computer screen. The developer of shareware generally asks for a small donation or registration fee if you like the software and plan to use it. By registering, you may receive further documentation, updates, and enhancements. You are also supporting future software development.

Public Domain Software is that software that has been dedicated by the authors to the public domain, which means that the software is not subject to any copyright restrictions. It can be copied and shared freely. Before copying or distributing software that is not explicitly in the public domain, check with the Department of Information Technology Services ([helpdesk@millsaps.edu](mailto:helpdesk@millsaps.edu)).

## **Electronic Mail**

As an academic institution, the College honors the principles of individual privacy. These principles extend to privacy of electronic communication. It is expected that individuals who are given access to College computing resources will be responsible in the ethical use of those resources.

### **A. General Policies**

The following guidelines express the essence of the usage policies for electronic mail. Those who violate any of these policies may be subject to disciplinary action through existing structures for faculty, students, and staff.

It is a violation of the Millsaps College Computer Usage Policies for Electronic Mail to:

- Forge a signature on electronic mail without consent.
- Send abusive or threatening mail to harass an individual. This includes, but is not limited to sexual, ethnic, religious, racial, sexual orientation, gender-based or other harassment. Threats to personal safety will be reported to Campus Police.
- Send or forward chain letters and/or use the e-mail system for personal advertisements, commercial, political, or solicitation purposes.
- Deliberately flood a user's mailbox with mail.
- Send mail that is deliberately designed to interfere with proper mail delivery and access.
- Attempt to gain access to another person's mail files without his/her consent.
- Deliberately or repeatedly introduce a worm or virus into the College's network environment.

### **B. Guidelines for Operators, Postmasters, Systems Administrators**

Computer systems automatically forward all undeliverable mail to the designated "postmaster." This is a standard feature of mail systems in order to provide the equivalent of the "dead letter" office. When possible, the postmaster will forward mail (from the dead letter office) to one or both of the involved parties.

It is a violation of the Millsaps College Policies for Electronic Mail to:

- Access more of the undelivered mail message body than is necessary to perform postmaster responsibilities.
- Retain, forward, or discuss undelivered mail with others.
- Include the message body of mail in statistical analysis. As part of system management, certain programs may gather statistics on mail usage. These statistics may include the address of the sender, the recipient, length of the message, and date.
- Read, forward, or discuss backup mail files.
- Mail files may be copied as a routine aspect of system backups. This is an automatic process that does not involve any human reading of the files copied. Furthermore, some backups are archived for long-term storage. Such practices are NOT considered a violation of privacy.
- Even with proper permission, messages contained within files shall only be read to the extent needed to assist the user involved.

If a system administrator or postmaster of the Millsaps College System, in the performance of normal duties, comes upon messages whose content are clearly illegal, the computer usage policies extend the right and responsibility to report these messages to the appropriate campus committee or to the Campus Police. Examples might include messages containing illegally obtained credit card numbers, telephone authorization codes, grade reports, criminal conspiracy, or similar items. Such items might be discovered as part of user consultation, dead-letter processing, or other tasks. Random mail browsing of electronic or voice communications shall always be in violation of the Millsaps College Electronic Mail Computer Usage Policies and is never authorized.

### **C. Privacy**

The College will seek to provide a reasonable amount of privacy of electronic mail messages. However, e-mail users should be aware that there is no such thing as a fully confidential e-mail transmission. Sensitive, private messages should not be sent via e-mail. Moreover, violations of the College computer usage policies may jeopardize the guarantee of privacy. Behaviors that violate these stated expectations regarding email communication will be adjudicated through the relevant and appropriate conduct processes of the College. A person's user-name and e-mail address are considered to be directory information that can be given to other individuals. Student directory information can be withheld by contacting the Academic Records Office. Employee directory information can be withheld by contacting Human Resources. User-names and e-mail addresses will not be distributed for purposes of mass mailing or advertising.

### **Internet**

The College provides access to the Internet for faculty, staff and students of the College to further its educational goals and to facilitate the instructional and administrative process. Individuals accessing the Internet through College resources are expected to do so in a responsible and ethical manner and to conform to all established policies. Inappropriate use includes, but is not limited to commercial activities; creating, displaying, or transmitting threatening, obscene, or harassing language and/or materials; cyberbullying (unwanted, aggressive, or potentially demeaning behavior through the use of technology which is often but not necessarily repeated and tends to occur where a power imbalance exists or is perceived to exist); copyright and licensing violations; violation of personal privacy; and acts in violation of federal or state laws. Behaviors that violate these stated expectations regarding the Internet will be adjudicated through the relevant and appropriate conduct processes of the College.

### **Disclaimers**

By using Millsaps College computing and network resources, each user implicitly accepts all stipulations in this policy and accepts full responsibility for his or her use and/or misuse of these resources. The College considers each user to be ultimately responsible for his or her actions, and does not accept liability for the individual. Furthermore, although a reasonable and conscientious effort is made to backup critical data on College resources for disaster recovery purposes, each user is ultimately responsible for backing up his or her own personal data.

### **3.11 Sexual Harassment & Title IX Policy and Procedures**

Millsaps College strives to create and maintain a work environment in which people are treated with dignity, decency and respect. The environment at the college should be characterized by mutual trust and the absence of intimidation, oppression and exploitation. Employees should be able to work and learn in a safe, yet stimulating atmosphere. The accomplishment of this goal is essential to our mission. For that reason, Millsaps will not tolerate sexual misconduct of any kind of sex or gender discrimination. Through enforcement of this policy and by education of employees, the College will seek to prevent, correct and discipline behavior that violates this policy.

It is the policy of Millsaps College to comply with Title IX of the Education Amendments of 1972, which prohibits discrimination (including sexual harassment and sexual misconduct) based on sex in the College's educational programs and activities. Title IX also prohibits retaliation for asserting such claims of discrimination.

This policy applies to all members of Millsaps College community, and includes, but is not limited to: staff, faculty, students, applicants for College employment and academic admission, vendors, contractors, and third parties. All employees, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension or termination of employment.

Sexual misconduct is a broad term encompassing any unwelcome behavior of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation. Sexual misconduct can be committed by a person of any gender, and it can occur between people of the same or different gender.

Sexual misconduct may vary in its severity and consists of a range of behavior or attempted behavior. It can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship.

Sexual misconduct includes, but is not limited to, the following examples of prohibited conduct as further defined below:

- 1) Sexual assault;
- 2) Sexual harassment;
- 3) Sexual exploitation;
- 4) Sexual intimidation.

Sexual harassment is defined as an attempt to coerce an unwilling person into a sexual relationship, or to subject a person to unwanted sexual attention, or to punish a refusal to comply, or to create a sexually intimidating, hostile, or offensive working or educational environment. Sexual harassment is understood to include a wide range of behaviors, from the actual coercing of sexual relations to the unwelcome emphasizing of sexual identity. This definition will be interpreted and applied consistent with accepted standards of mature behavior, academic freedom, and freedom of expression.

Examples of discrimination, misconduct, and harassment may include:

- Refusing to hire or promote someone because of the person's sex
- Demoting or terminating someone because of the person's sex

- Jokes or epithets about a person's sex
- Teasing or practical jokes directed at a person based on his or her sex
- Displaying or circulating written materials or pictures that degrade a person's sex
- Verbal abuse or insults about, directed at, or made in the presence of an individual or group of individuals based on his or her sex
- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that is sufficiently severe, persistent, or pervasive

Individuals who believe they have been subjected to sexual misconduct may obtain redress through the established informal and formal procedures of the College. Such complaints will be responded to promptly and equitably. The right to confidentiality of all members of the academic community will be respected in both informal and formal procedures, insofar as possible. This policy explicitly prohibits retaliation against individuals for bringing complaints of sexual misconduct. An individual found to have engaged in sexual misconduct is subject to disciplinary action for violations of this policy, consistent with existing procedures.

## **Complaint Overview**

All reports describing conduct that is inconsistent with these policies will receive a prompt and thorough response. Complaints about violations of these policies will be handled discreetly, with facts made available only to those who need to know to investigate and resolve the matter.

Millsaps has designated Title IX Coordinators to resolve complaints and address issues of gender-based discrimination and sexual misconduct. The College has additional resources on sexual misconduct available. In addition, questions regarding Title IX may also be referred to the Department of Education's Office of Civil Rights.

If a complaint of discrimination or misconduct governed by this policy is found to be supported by a preponderance of the evidence, appropriate corrective action will follow, up to and including separation of the offending party from the College, consistent with College procedure. The College may also address other inappropriate conduct, if substantiated, even if no Title IX violation is found.

## **Your Responsibilities**

All members of the College community are responsible for creating a working, learning and living environment that is free of discrimination and harassment, including sexual harassment. You may contact one of the individuals listed under "Title IX Coordinators," if any of the following occurs:

1. You believe you have been subjected to conduct or comments that may violate these policies;
2. You believe you have been retaliated against in violation of these policies; or
3. You hold a supervisory, managerial, or teaching position and have been told about or witnessed conduct that you think may violate these policies.

## **Vendors, Contractors, and Third Parties**

The College's policies on discrimination and misconduct apply to the conduct of vendors, contractors and third parties. If a member of the College community believes that he or she has been subjected to conduct by a vendor, contractor or third party that violates these policies, the community member should contact one of the individuals listed under "Title IX Coordinators." The College will respond as appropriate, given the nature of its relationship to the vendor, contractor or third party.

## **Academic Freedom**

While Millsaps College is committed to upholding the principles of academic freedom and shared governance, freedom of speech, discrimination and harassment identified in this policy are neither legally protected expression nor the proper exercise of academic freedom.

If you believe you have been discriminated against or harassed:

Contact a Title IX Coordinator or submit an online complaint. Don't blame yourself.

Don't delay reporting a problem.

Consider keeping a written, dated record of events.

If you witness or become aware of possible discriminatory or harassing conduct by others:

Contact a Title IX Coordinator or report the behavior to Human Resources.

## **Complaint Resolution Guideline**

Individuals reporting discrimination or sexual misconduct shall be informed by the Title IX Coordinators about options for resolving potential violations of the policies prohibiting discrimination or sexual misconduct, which include informal dispute resolution and/or the formal investigation procedure.

### **Informal Resolution**

In many instances, counseling, advice, or informal discussion may be useful in resolving concerns about allegations of discrimination prohibited by Title IX. Complainants who wish to resolve their concerns informally should bring them to the attention of the Title IX Coordinators.

In working to resolve the matter, the Title IX Coordinators ordinarily will interview the complainant and, as appropriate, others who may have knowledge of the facts underlying the complaint. At any point, including while the informal process is ongoing or afterward, the complainant may elect to end the informal process in favor of filing a formal complaint.

Although Millsaps welcomes informal resolution of complaints when appropriate, it will not use mediation between a complainant and alleged perpetrator or any other informal resolution mechanism to resolve complaints pertaining to non-consensual sexual contact or non-consensual sexual penetration.

### **Investigation**

Complainants who are considering bringing a formal complaint may at any time meet with the Title IX Coordinators, who will discuss the matter and describe the formal complaint process. Alternatively, a complainant may choose to submit a written complaint to the Title IX Coordinators.

Investigation will commence as soon as practicable following receipt of the complaint by the Title IX Coordinator, generally within one week. Investigations will be conducted as expeditiously as possible and are usually completed within 60 days, though this may vary based on the availability of witnesses, the scope of the investigation, or unforeseen circumstances.

During an investigation, the complainant (the person filing the complaint) will have the opportunity to describe his or her allegations and present supporting witnesses or other evidence. The respondent (the person complained about) will have the opportunity to respond to each allegation and present supporting witnesses or other evidence. The investigator will review evidence presented and will meet with additional witnesses identified by the complainant, the respondent, or third parties, as determined appropriate by the investigator. All parties involved in the investigation are expected to cooperate and provide truthful information throughout the investigation process.

Any participant in an investigation who has a complaint regarding the conduct of the investigator or who believes the investigator has a conflict of interest should contact one of the individuals listed under “Title IX Coordinators” who has not been involved in the investigation of complainant’s report and who shall take appropriate actions to address the issue in a prompt and equitable manner.

### **Support Person/Legal Counsel**

During the investigation process, both the complainant and the respondent may ask a non-attorney support person from the College community to accompany him or her. The support person must be a member of the Millsaps community (faculty, staff, or student), cannot be a family member, and cannot be a potential witness in the matter, or another complainant or respondent in the same or a related matter. Since investigations are internal College proceedings, the persons involved may not have legal counsel present at any interview during the investigation. The support person does not serve as an advocate on behalf of the complainant or respondent, and he or she must agree to maintain the confidentiality of the investigative process. Witnesses and others involved in an investigation are not entitled to have a support person accompany them to interviews.

### **Confidentiality**

The purpose of the Millsaps Policy on Discrimination and Harassment is to provide the College community with a positive working and educational environment that is free of discrimination and harassment. Complaints of discrimination or harassment will be investigated in a manner that is consistent with this goal. All participants in an investigation will be advised that they should keep the complaint and the investigation confidential.

Millsaps cannot promise total confidentiality in its handling of discrimination and harassment complaints. Millsaps makes every reasonable effort to handle inquiries, complaints, and related proceedings in a manner that protects the privacy of all parties. Each situation is reviewed as discreetly as possible, with information shared only with those who need to know about it in order to investigate and resolve the problem.

In certain circumstances, the College may be able to address discrimination or harassment concerns and stop problematic behavior without revealing to the alleged respondent the identity of the person who complained and/or the individuals involved in the investigation. However, this is not possible in every matter, as situations may require the disclosure of the complainant’s identity in order to fully investigate the matter and/or to enable the respondent the ability to fully respond to the allegations against him or her.

Throughout its proceedings, Millsaps will be sensitive to the feelings and situation of the alleged victim and/or reporter of discrimination or harassment. Nevertheless, the College has a compelling

interest to address all allegations of discrimination or harassment brought to its attention. Millsaps reserves the right to take appropriate action in such circumstances, even in cases when the complainant is reluctant to proceed.

### **Retaliation is Strictly Prohibited**

Millsaps prohibits retaliation against anyone for inquiring about suspected breaches of Millsaps policy, registering a complaint pursuant to its policies, assisting another in making a complaint, or participating in an investigation under its policies. Retaliation is a serious violation that can subject the offender to sanctions, regardless of whether there is a finding that a complaint of discrimination or harassment has merit. Anyone experiencing any conduct that he or she believes to be retaliatory should report it immediately to one of the individuals listed in “Title IX Coordinators.”

### **Resolution**

At the conclusion of an investigation, the investigator will determine whether the evidence establishes, by a preponderance of the evidence (i.e., more likely than not), that a violation of the Policy on Discrimination and Harassment has occurred. The investigator will provide his or her conclusions and any recommended actions to the appropriate College office. For staff, the appropriate office is the Office of Human Resources in collaboration with the respondent’s manager(s). For faculty, the appropriate office is the Provost and Dean of the College. Such office will, in consultation with the Office of Human Resources when appropriate, make a decision concerning the resolution of the complaint—including the allegations of Title IX violations and, potentially, allegations of other inappropriate conduct—and any corrective actions that will be imposed. The complainant and the respondent will be notified in writing of the outcome of the investigation upon its conclusion.

When a violation of the Policy on Discrimination and Harassment is found, the College’s response is based on several factors, including the severity of the conduct, and a goal to prevent problems from recurring. In addition, the College may recommend steps to address the effects of the conduct on the complainant and others. Violators of the policy will be subject to disciplinary action in accordance with relevant College policies and/or procedures and other requirements set forth in the Staff Handbook, Faculty Handbook, or Student Handbook.

### **Appeals**

The Respondent and Complainant may request an appeal of the decision rendered by the Adjudicator. Disagreement with the finding or corrective action is not, by itself, grounds for appeals. The three grounds upon which an appeal of the decision or sanctions may be made are:

- 1) The party believes a procedural error occurred, which the party feels may change or affect the outcome of the decision;
- 2) The party has substantive new evidence that was not available to the investigator or the parties at the time of the hearing and that may change the outcome of the decision;
- 3) The party feels that the severity of the sanction is inappropriate given the details of the case.

The request for an appeal, including the grounds upon which the request is based, should be submitted in writing to the appropriate Appeals Officer (as identified in the outcome letter) within five (5) business days following the date on the outcome letter.

The decision will be issued within a reasonable period of time, generally no longer than ninety (90) days after receipt of the appeal.

### 3.12 Drug Free Workplace

No employee engaged in work of or for the College shall unlawfully manufacture, distribute, dispense, solicit, possess or use on or in the workplace any illicit drugs or alcohol. Illicit drugs include, but are not limited to, any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance, as defined in federal and state statutes.

“Workplace” is defined to mean the site for the performance of work of or for the College. This includes any College building or any College premises; any College-owned vehicle or any other College-approved vehicle used to transport students to and from College or College activities or for any other purpose; and off College property during any College-sponsored or College-approved activity, event or function.

As a condition of employment with the College, each employee who is engaged in the performance of work of or for the College shall notify his or her supervisor of convictions under any criminal statute pertaining to illicit drugs or alcohol for a violation occurring in the workplace as defined above. Such notification shall be provided no later than five days after such conviction.

As a condition of employment with the College, each employee who is engaged in the performance of work of or for the College shall abide by the terms of this policy. An employee who violates the terms of this policy will be subject to appropriate disciplinary sanctions, which could include nonrenewal, suspension, or termination of employment; referral for prosecution; or completion of an appropriate rehabilitation program.

### 3.13 Employee-Student Relationships

**Purpose:** When individuals involved in a consensual romantic, sexual, or dating relationship are in positions of unequal power at the College, there is potential for conflict of interest, favoritism, and exploitation. In order to protect the integrity of the College’s academic and work environment, this policy outlines limitations on consensual romantic or sexual relationships between faculty, staff, and students at Millsaps College.

**Policy Statement:** Millsaps College seeks to maintain a professional work and educational environment. Actions of faculty and staff members that are unprofessional, or appear to be unprofessional, are inconsistent with the College’s educational mission. It is essential that those in a position of authority do not abuse, nor appear to abuse, the power with which they are entrusted.

Faculty and staff members exercise power over students, whether by teaching, grading, evaluating, or making recommendations for their further studies, their future employment, or in an employment relationship. Romantic, dating, or sexual relationships between faculty and/or staff members, with students are impermissible when the faculty and staff members have professional responsibility for the student. Voluntary consent by the student in such a relationship is suspect, given the fundamental nature of the relationship. Moreover, other students may be affected by such behavior because it places

the faculty or staff member in a position to favor or advance one student's interest to the potential detriment of other students.

Accordingly, all faculty and staff members are discouraged from engaging in romantic, dating, or sexual relationships with students, and are expressly prohibited from engaging in such relationships in circumstances in which they exercise power or influence over a student. Faculty and staff members who violate this policy will be subject to disciplinary procedures, up to and including possible termination.

As used in this policy, the terms “faculty” or “faculty member” include all those who teach at the College and other instructional personnel, including fellows, adjunct faculty, and graduate students with teaching responsibilities. Staff includes all those who work for the College and who may supervise or direct the work of students and/or student employees, or serve in an academic/administrative role.

### **3.14 Emergency or Inclement Weather Closing**

It is the policy of the college to remain open to ensure continuity of services to students, faculty, staff and administrators. However, during inclement weather or other emergencies (e.g. natural disasters, major utility failure, or other reason), the safety of the Millsaps community will be the highest priority.

#### **Overview**

This policy is intended to ensure that essential College facilities and functions remain operational during emergency or inclement weather closures without jeopardizing the safety of employees. This policy applies to all regular benefit eligible employees.

An emergency or inclement weather closure is an event that is predicated on unsafe conditions outside the control of Millsaps, and is done so with consideration of the safety of employees and students and to keep them from experiencing undue hardship in getting to work or class.

#### **Policy Details**

In the event of an emergency or serious weather conditions that affects College operations, the Emergency Management Team may deem it necessary to officially close Millsaps or delay normal reporting times. The inclement weather policy is in effect seven days a week.

Announcements related to a closure, or to have an early release or delayed opening, will be made as soon as possible and communicated to students, faculty, and staff via Major Alert and email. Information will also be posted to the College website. Managers should also work to notify their teams via telephone or text message as soon as possible. If it is not possible to specify an opening time, but it is expected that Millsaps will open at some point during the day, an announcement to this effect will be made. Local radio, and television stations will also be notified, although there may be delays in the on-air announcements.

Managers should be flexible regarding their employees’ report times, as weather conditions near the employee’s home may necessitate late arrival or the employee’s inability to report for the day.

Employees who have previously scheduled leave, such as vacation or sick during a College closure, will be considered on vacation or sick and the absence will be charged to leave time accordingly.

## **Essential Services**

Certain essential services are required to be maintained in any closing. The employees involved in these essential services are excused from work only with the specific authorization of their supervisors regardless of official closure announcement. The supervisor should make clear beforehand who are essential employees in emergencies, what their obligations are, and establish procedures to let them know whether they will be needed to work. Failure to report to work during emergencies by employees required for essential services may be cause for disciplinary action.

## **Non-Essential Services**

If the College is officially closed, employees in non-essential work areas are not typically required to report to work. However, even in nonessential areas, certain functions must continue. Employees in those areas should receive instruction from their supervisors prior to notice of a closing to determine if it is necessary for them to call in to report their specific conditions and receive scheduling information.

## **Compensation During a Closure**

### **A. Non-Exempt Staff**

1. Employees who are not required to work during closure shall continue to receive their regular pay for up to two weeks (based on their normal schedule). Should a closure extend beyond two weeks, employees may opt to be use their accrued vacation or take leave without pay. During unpaid leave, the College will continue normal contributions toward insured benefits
2. Employees who are required to work during closure shall continue to receive their regular pay for up to two weeks (based on their normal schedule), and in addition will be paid for all hours worked at their regular rate plus overtime, if applicable. Should a closure extend beyond two weeks, employees will be paid their regular rate plus overtime, if applicable, for all hours worked.

Temporary employees are only paid for hours actually worked during inclement weather.

### **B. Exempt Staff**

1. Employees who are not required to work during closure shall receive their regular pay for up to two weeks (based on their normal schedule). Should a closure extend beyond two weeks, employees may opt to be use their accrued vacation or take leave without pay. During unpaid leave, the College will continue normal contributions toward insured benefits.
2. Employees who are required to work during closure will receive their regular pay (based on their normal schedule) for up to two weeks. Should a closure extend beyond two weeks, employees may opt to be use their accrued vacation or take leave without pay. During unpaid leave, the College will continue normal contributions toward insured benefits.
3. Employees who are required to work, who report in sick during emergency weather conditions, will be eligible to use sick time pay only if proper documentation is provided to the supervisor immediately upon their return to work.

## **Protocols**

- Each department must designate essential positions whose responsibilities represent critical functions and services that must be sustained during emergencies and/or inclement weather. Critical personnel in essential positions whose work requires them to be present on the campus are identified in advance based on the nature of their responsibilities. Those who are determined to be essential and whose work requires them to be present on the campus should prepare in advance of the event. Each department should review the list of essential positions by October 1 each year to help ensure consistent standards.
- An e-mail notification should be sent in the fall semester to all employees occupying an essential position.
- If a department rotates this responsibility each year, the supervisor will notify the employee designated as “essential” each year.

### **3.15 Work Place Safety**

It is the policy of Millsaps College to provide a safe work environment free from recognized hazards and to comply with all federal, state, and local regulations in accomplishing this goal. Employees are expected to comply with all safety and health requirements whether established by the College, or by federal, state, or local law.

The College requests that all employees be safety-conscious and report any and all conditions which pose a threat of injury to faculty, staff, students, and visitors. Reports concerning threats to an individual’s safety should be immediately made to your supervisor, the Director of the Facilities Management, or the Office of Human Resources.

It is the responsibility of each supervisor to know safety and health guidelines to provide safe working conditions, report and investigate accidents, provide safety equipment when needed, and advise management of any unsafe working conditions.

Millsaps College complies fully with The Occupational Safety and Health Act of 1970, which assures safe and healthy working conditions for working men and women throughout the nation.

#### **Workers’ Compensation**

All accidents involving an on-the-job injury or work-related illness of an employee fall under the Workers’ Compensation guidelines as set up by the laws of the State of Mississippi. If you are an employee (faculty, staff, work-study, or college job) you are covered under Workers Compensation insurance and thus are required to file a claim with Human Resources as soon as possible following an on-the-job accident, injury, or onset of a work-related illness. See section 4.08 for more information on Workers’ Compensation.

#### **Automobile Accidents**

Accidents involving College equipment or vehicles should first be reported to the appropriate local authorities. Any accident should also be reported to the Human Resources department within 24 hours of occurrence. If such an accident occurs at a time when offices are closed, it should be reported immediately to the Office of Campus Safety at this number, 601-974-1234. Campus Safety will

complete an incident report and will forward the report to Human Resources the next workday. If there is bodily injury to the employee, report it first to the appropriate local emergency medical officials; then, report it to Human Resources as an on-the-job injury.

Millsaps College makes every effort to protect the safety and health of employees. Please report any unsafe conditions to your immediate supervisor.

### **3.16 Smoke-Free Workplace**

Our goal is to provide a healthy and pleasant work environment for all employees. Smoking is not allowed in college buildings or work areas, including college owned vehicles at any time. “Smoking” includes the use of any tobacco products (including chewing tobacco), electronic smoking devices, and e-cigarettes.

Smoking is only permitted during break times in designated outdoor areas. Employees using these areas are expected to dispose of any smoking debris safely and properly.

### **3.17 Personal Use of College Facilities and Equipment**

We will provide you with the necessary equipment to do your job. None of this equipment should be used for personal use, nor should any equipment be removed from College premises unless approved by your supervisor. This includes College vehicles, telephones, and two-way communication equipment.

Personal telephone calls, text messages, and Internet surfing are not to be made or sent using College equipment or during work hours, unless authorized by your supervisor. Any authorized personal calls should be kept to a minimum and made at a time that does not interfere with you or your co-workers’ job performance.

Employee work areas, desks, office equipment, and vehicles are examples of facilities and equipment provided by the College. The College reserves the right to enter these work areas and to monitor the use of vehicles and College equipment.

Employee use of College computers, printers, peripherals, and electronic equipment is for job-related or approved activities only. Inappropriate use of College computers, which may be defined from time to time at the discretion of the College, may subject you to discipline, up to and including termination.

Inappropriate use includes, but is not limited to, the following:

- 1) Use of College computers to send or receive messages, pictures, or computer files which are illegal, pornographic, sexist, racist, harassing, or discriminatory. If you receive such material, you should notify your supervisor immediately.
- 2) Loading software that is not approved in advance by your supervisor.
- 3) Making illegal copies of licensed software.
- 4) Using software that provides unauthorized access to the College’s computers or disrupts College equipment in any way.

- 5) Using College computers, printers, or email for personal and/or non-College related use, including shopping, blogging, and social media, unless authorized by your immediate supervisor.
- 6) Sending or posting the College's confidential information, whether anonymously or otherwise, by email, text, instant message, or posting to any website, blog, or social media site.

Employees may be disciplined or terminated for inappropriate use of the Internet, email, text messages, instant messaging, blog posts, websites, or social networking websites where such use does not involve College computers, systems, or property. You should not assume any inappropriate email or text message sent or posted to a website, blog, or social networking website is private. Such communications could result in disciplinary action, up to and including termination.

Any message or file created or sent using any College computer or other electronic device is the property of the College. You should have no expectation of privacy or confidentiality in any message or file that is created, stored, or sent using the computers or other communication equipment belonging to the College. The College reserves the unilateral right to review, monitor, access, audit, intercept, copy, print, read, disclose, modify, retrieve, and delete any work you do on a College computer, including email.

If provided, **your work email account(s) is strictly** for College-related communication **only**, and is **not** for personal use. Except as authorized by your supervisor in the course of your work duties, you are **not** authorized to access the computer(s), email account(s), or files of any other College employee.

If provided, Internet access is likewise strictly for College purposes only and is not for personal use. The College reserves the unilateral right to review, monitor, access, audit, intercept, and disclose an employee's use of the Internet at any time, with or without notice, and with or without an employee's permission. You should have no expectation of privacy or confidentiality with respect to any use of the Internet at work.

### **3.18 Use of Cell Phones Policy**

#### **Objective**

This policy outlines the use of cellphones at work and the safe use of cellphones by employees while driving. Millsaps strictly prohibits the use of camera phones and other recording devices in any manner which violates or compromises academic integrity norms of personal conduct, or the expectation of privacy that individuals have a reasonable right to assume on campus.

#### **Policy**

Cellphones should be turned off or set to silent or vibrate mode during meetings, conferences and in any circumstance where incoming calls may be disruptive.

#### **Personal cellphones**

While at work, employees are expected to exercise discretion in using personal cellphones. Excessive personal calls during the workday can interfere with employee productivity and be distracting to

others. Employees are encouraged to make any personal calls during nonwork time when possible and to ensure that friends and family members are aware of Millsaps' policy. Millsaps will not be liable for the loss of personal cellphones brought into the workplace.

### **Company-provided cellphones**

When job duties or business needs demand, the college may issue a business cellphone to an employee for work-related communications. Personal use of company-owned cellphones should be kept to a minimum.

Employees in possession of company-owned cellphones are expected to protect the equipment from loss, damage or theft. Upon resignation or termination of employment, or at any time on request, the employee may be asked to produce the phone for return or inspection.

### **Safety issues for cellphone use**

All employees are expected to follow applicable local, state, and federal laws and regulations regarding the use of cellphones at all times. Employees whose job responsibilities include regular or occasional driving and who are issued a cellphone for business use are expected to refrain from using their phone while driving; use of a cellphone while driving is not required by the college. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are required to use hands-free operations or pull off to the side of the road and safely stop the vehicle before placing or accepting a call. Employees are encouraged to refrain from discussion of complicated or emotional matters and to keep their eyes on the road while driving at all times. Special care should be taken in situations where there is traffic or inclement weather, or the employee is driving in an unfamiliar area. Reading or sending text messages while driving is strictly prohibited. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

### **Video or audio recording devices**

The use of camera or other video or audio recording-capable devices on company premises is prohibited without the express prior permission of senior management and of the person(s) subject to recording. Video or audio recording in restrooms and/or locker rooms is strictly prohibited.

### **Consequences for Violators**

Employees violating this policy will be subject to discipline, up to and including termination of employment.

## **3.19 Attendance**

All employees are expected to arrive on time and ready to work every day they are scheduled to work. If unable to arrive at work on time, or if an employee will be absent for an entire day, the employee must contact his or her supervisor as soon as possible following departmental guidelines. Excessive absenteeism or tardiness will result in discipline, up to and including termination. Failure to show up or call in for a scheduled shift without prior approval will result in discipline, up to and including termination. If an employee fails to report to work or call in to inform his or her supervisor of the absence for three (3) consecutive days or more, the employee is considered to have voluntarily resigned their employment.

## **3.20 Dress and Grooming**

Millsaps College strives to maintain a workplace environment that is well functioning and free from unnecessary distractions and annoyances. As part of that effort, the college requires employees to maintain a neat and clean appearance that is appropriate for the workplace setting, and for the work being performed. To that end, Millsaps College department heads may determine and enforce guidelines for workplace-appropriate attire and grooming for their areas; e.g. guidelines may limit natural or artificial scents that could be distracting or annoying to others.

All Millsaps College staff members are expected to present a professional businesslike image to customers, visitors, and the public. Acceptable personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment at Millsaps College.

Supervisors should communicate any department-specific workplace attire and grooming guidelines to staff members during new-hire orientation and evaluation periods. Any questions about the department's guidelines for attire should be discussed with the immediate supervisor.

At its discretion, departments may allow staff to dress in a more casual fashion than is normally required. On these occasions, employees are still expected to present a neat appearance and not permitted to wear ripped or disheveled clothing, athletic wear, or similarly inappropriate clothing.

### **Specific requirements**

Certain staff members may be required to meet special dress or grooming and hygiene standards, such as wearing uniforms or protective clothing, depending on the nature of their job. Uniforms and protective clothing may be required for certain positions and will be provided to employees by Millsaps College.

At the discretion of the department head, in special circumstances, such as during unusually hot or cold weather or during special occasions, staff members may be permitted to dress in a more casual fashion than is normally required. On these occasions, staff members are still expected to present a neat appearance and are not permitted to wear ripped, frayed, disheveled clothing, or athletic wear. Likewise, tight, revealing, or otherwise workplace-inappropriate dress is not permitted.

### **Reasonable accommodation of religious beliefs**

Millsaps College recognizes the importance of individually held religious beliefs to persons within its workforce. Millsaps College will reasonably accommodate a staff member's religious beliefs in terms of workplace attire, unless the accommodation creates an undue hardship. Those requesting a workplace attire accommodation based on religious beliefs should be referred to the Human Resources department.

## **4.0 Benefits**

Millsaps recognizes the value of benefits to employees and their families. The College offers a comprehensive program of benefits and services to help meet your needs throughout the various stages of your life. Full details of each benefit are available in documents issued by the College or its

insurance carriers. **Enrollment in all benefits plans must be completed within 31 days of hire date.** Benefit plan information may be viewed in the Employee Benefits section of the Staff Resources webpage: <http://www.millsaps.edu/resources/staff-resources.php>.

Please contact Human Resources for details and eligibility for each program.

Each plan year employees have an opportunity to enroll in or change their selection of benefit options. However, federal regulations impose restrictions on enrollment and limitations on making subsequent changes. These opportunities and restrictions are explained in materials available from Human Resources. Your rights and obligations, and those of the College, are governed by the terms of each benefit plan and, in some cases, by contracts with insurance companies. The plans are based on current federal and state law and are regulated by those laws. Any changes that occur within the law or regulations may have an impact that will require modification of the plans. Benefits may be modified, amended, or terminated from time to time by the College at its discretion, or as required by applicable law, and the College reserves the right to terminate or modify the benefits as may be necessary or appropriate, with or without prior notice.

Many of the College's benefits are governed by Internal Revenue Code. As a result, there are rules that govern when you may change a benefit election throughout the year. Generally, you must have a family-status change or life event. Examples include marriage or divorce, birth of a child, or a significant change in spouse coverage. **You must notify Human Resources within 31 days of the life event**; otherwise, the only opportunity you will have to make a change in coverage is during the annual open enrollment period. This section is intended to describe the essential features of your benefit plans in general terms. It is not intended to be a full description of coverage. All efforts have been made to correctly summarize the level of benefits, however, if an error has been made in the summary description, the Certificate of Coverage and/or plan document issued by the provider will supersede this document. To the extent of any conflict between the terms of this Employee Handbook and the Benefit Plan Documents, the terms of the Benefit Plan Documents will govern in all cases.

If you or a dependent become ineligible for benefits due to a change in work hours or through a life event, or you leave employment with us, you may have the right to continue your medical benefits under the Consolidated Omnibus Budget Reconciliation Act (COBRA). See section 4.19 for COBRA information.

## 4.1 College Holidays

The College observes the following holidays for eligible staff employees. Please refer to the current College calendar for specific dates in a given year.

Martin Luther King Day	College offices will be closed.
Good Friday	College offices will be closed.
Memorial Day	College offices will be closed.
Independence Day (July 4 <sup>th</sup> )	College offices will be closed.
Labor Day	College offices will be closed.

Fall Break	Monday – Wednesday proceeding Thanksgiving Day. College offices will be closed.
Thanksgiving Holiday	Thanksgiving Day and the following Friday. College offices will be closed. Additional holidays added 7/1/19. Monday – Wednesday of Thanksgiving week the college will be closed.
Winter Break, Christmas Day, New Year’s Day	College offices will be closed 10 working days.
Administrative Holidays	As determined and approved by the President of the College.

When a holiday falls on a Saturday, it is usually observed on the preceding Friday. When the holiday falls on a Sunday, it is usually observed on the following Monday.

If an exempt staff member is required to work on a holiday, they may receive equivalent time off within 30 days of the holiday with the supervisor’s approval, unless the staff member receives holiday pay. Non-exempt staff members who work a holiday will be paid for the actual hours worked on the holiday, plus up to 8 hours of holiday pay. If a non-exempt staff member is scheduled to work a holiday and calls out sick, the staff member will be paid eight hours holiday pay and the sick leave will not be deducted from the balance. Repeated offenses will be addressed as disciplinary action. Holiday pay is paid at regular rates and not at overtime rates. Holiday leave does not accrue from year to year and is not paid out upon resignation or termination.

The current Academic Calendar may be accessed on the staff resources page of the Millsaps website: [Staff Resources](#).

## 4.2 Personal Days

Full-time staff employees will be able to take off three (3) personal days with pay in each fiscal year (July 1 – June 30). Days should be requested in advance if possible and following office protocol. Personal Days allows staff members the ability to observe other national holidays (e.g. Veteran’s Day, President’s Day, etc.), religious holidays, or holidays when schools are closed. Accrued unused Personal Days are not paid out upon termination of employment and do not carry-over from one year to the next.

## 4.3 Staff Vacation Leave – Exempt and Non-Exempt

### Purpose:

Vacation leave is intended for the rest and refreshment of the employee, and employees are encouraged to use their vacation days for that purpose. Although the College seeks to schedule vacations at the times sought by staff members, it is not always possible to do so in order to accommodate the College’s work cycle. Except in an emergency, arrangements to take vacation must be made with the staff member’s supervisor prior to its use. Any staff member who believes that he or she has been unfairly prevented from taking vacation should inform the Director of Human Resources; likewise,

supervisors should inform the Director of Human Resources whenever a staff member is not taking advantage of the vacation benefit.

**Definition:**

This policy is effective upon receipt and supersedes the vacation policies previously in place at the College. All regular full and part-time staff members scheduled to work 1,000 hours and above per year are eligible for vacation leave. Regular staff members who work less than 1,000 hours per year and temporary employees are not eligible for vacation leave.

**Procedure or Application:**

**1. Scheduling**

1. To the extent possible, vacation leave is to be requested and approved by the supervisor in advance. In most cases, two (2) weeks of advanced notice will be sufficient. However, the amount of advance notice may vary by department depending on operational and staffing needs. In those departments where the amount of advance notice exceeds two (2) weeks, supervisors are responsible for communicating such notice requirements to affected staff. Supervisors may approve requests for vacation leave with less than two (2) weeks of advance notice at their discretion.
2. Supervisors are responsible for scheduling vacation leave in a manner, which balances the operational and service deliver needs of the department with the time off preferences of the staff member. The College reserves the right to deny vacation leave requests which may have an adverse effect on its operations or cancel previously approved vacation leave requests if unexpected circumstances arise which require the staff member's attendance at work.
3. In the event of an emergency preventing the staff member from requesting vacation leave in advance, the staff member must notify the supervisor no later than the start of the shift and explain the need for unscheduled time off. In such cases, the supervisor will assess the need and urgency for unscheduled time off in relation to staffing needs and either approve the leave request or direct the staff member to report for work. In the event of an emergency preventing the staff member from reporting to work for periods exceeding one (1) day, the staff member must contact the supervisor each subsequent day no later than the start of the shift unless the supervisor indicates there is no need to do so. Those staff members who do not adhere to these guidelines or who are directed to report for work and fail to do so will not be paid and may be subject to disciplinary action by the College.
4. Regardless of the reason, should a staff member's unscheduled absences occur with such frequency so as to adversely affect department operations and prevent the staff member from meeting their employment obligation of regular and reasonable attendance, the College may take corrective action up to and including termination of employment.
5. If a staff employee is absent or tardy for reasons other than those that justify the use of sick leave, the time missed will be charged against vacation leave if the pertinent

supervisor considers such an action appropriate. If all vacation leave has been depleted, the time missed may not be paid. Please consult with the Director of Human Resources for more information concerning this issue.

## 2. Vacation Leave Accrual and Tracking

1. Vacation accruals and usage are recorded and tracked on a fiscal year basis.
2. Vacation accruals should be depleted at end of each fiscal year (June 30).
3. Unused accruals will be forfeited at end of fiscal year (June 30).

## 3. Vacation Leave Accrual Schedules

1. Exempt & Non-Exempt Staff
  - a. Full-time staff members working 1,950 hours per year will accrue 90 hours of vacation leave each fiscal year, advanced in full to the staff member's vacation accrual bank in July but earned at the rate of 7.5 hours per month.
  - b. Full-time staff members working 2,080 hours per year will accrue 96 hours of vacation leave each fiscal year, advanced in full to the staff member's vacation accrual bank in July but earned at the rate of 8 hours per month.
  - c. Part-time exempt staff members scheduled to work less than 1,950 or 2,080 hours per year but at least 1,000 hours per year will accrue vacation leave on a pro-rated basis. The following formula is used to determine the pro-rated vacation leave hours a part-time staff member will earn per year: **(Total Budgeted Hours Worked per Year/Full-Time Equivalency Basis i.e. 1,950 or 2,080) X Full-time Accrual Rate (7.5 or 8 hours X 12 Months) = Pro-rated Annual Vacation Leave Accrual.**

Example: Part-time staff member with 3 years of service scheduled to work 1,560 hours per year or 30 hours per week:

$$\begin{aligned} \text{Annual} & \quad (1,560/2,080) \times 90 \\ & \quad .75 \times 90 = 67.50 \text{ Vacation hours accrued per annum} \end{aligned}$$

$$\begin{aligned} \text{Biweekly} & \quad (60/80) \times 3.46 \\ & \quad .75 \times 3.46 = 2.60 \text{ Vacation hours accrued per pay period (26)} \\ & \quad 2.60 \text{ hours} \times 26 \text{ pay periods} = 67.50 \text{ hours annually} \end{aligned}$$

- d. Staff members may draw against the entire balance credited to their accrual bank in July with the stipulation that any vacation leave taken but not earned prior to separation will be deducted from the staff member's last paycheck.
- e. Staff members hired after July 1 will be advanced a pro-rated vacation leave balance at the time of hire based on the number of months remaining in the fiscal year.
- f. Those staff members beginning employment between the 1<sup>st</sup> and the 14<sup>th</sup> day of a given month will receive a full accrual for that month, whereas those beginning employment on the 15<sup>th</sup> day of a given month or thereafter will not receive any accrual for that month. The same standard will be applied for those staff members

beginning or returning from leaves of absence or any status not subject to vacation leave accrual.

- g. Vacation accrual is earned each pay period based on regular hours worked in connection with eligible full or part – time positions in accordance with the accrual schedule and criteria outlined above.
- h. Supplemental straight-time hours worked beyond a staff member’s regular schedule, overtime hours, and hours worked in connection with ineligible appointments are not subject to vacation leave accruals.
- i. Staff members will earn vacation leave for scheduled hours when absent from work in connection with: sick leave, holidays, bereavement leave, and jury duty. Staff members will not earn vacation accrual for scheduled hours when absent from work in connection with: excused or unexcused absences without pay, including unpaid leaves of absence; salary continuation for short-term medical leave; worker’s compensation leaves; or long-term disability leaves.
- j. Exempt and Non-exempt employees do not begin accruing vacation leave until they have completed the orientation (first 90 days of employment) period, at which time the accrual is retroactive to their start date.
- k. Vacation accruals do not carry forward at the end of the fiscal year. All accrual balances are reset to zero on June 30 each year.
- l. Staff members will forfeit any unused vacation leave that is not exhausted by the end of the fiscal year. Therefore, all staff should take care to ensure that vacation leave accruals are exhausted by the end of the fiscal year to avoid any forfeiture of vacation leave.

Years of Service	(37.5 Hrs/Week) Biweekly Accrual	(37.5 Hrs/Week) Monthly Accrual	(1950 Hrs/Year) Annual Accrual		(40 Hrs/Week) Monthly Accrual	(40 Hrs/Week) Biweekly Accrual	(2080 Hrs/Year) Annual Accrual
0-10	3.47	7.5	90		3.70	8	96
10 +	4.33	9.38	112.50		4.62	10	120

**4. Separation from the College**

- 1. Staff members are required to provide two (2) weeks’ notice of intent to terminated employment. Notice of intent to terminate must be provided in writing to the staff member’s immediate supervisor with a copy to the Human Resources Department. Staff members may not use vacation leave in lieu of notice of resignation. The last day actually worked will be considered the date of separation from the College.
- 2. Upon termination of employment, a staff member who has successfully completed three months (90 days) or more of continuous service shall be paid for any vacation earned but not taken, up to the annual accrual maximum based on years of service, except in

cases where the terminating staff member has engaged in willful misconduct at the College. Annual maximums are prorated for part-time staff members.

3. Academic administrators or staff members who transfer to faculty positions shall be paid for earned but unused vacation on record at the time of transfer.

## 4.4 Sick Leave

Sick leave is intended to provide salary protection during times of genuine illness of the employee or a dependent family member. If an employee is absent for reasons that would have justified the use of sick leave, and all sick leave has been taken, the additional time off may be charged to vacation leave. If all vacation and sick leave has been depleted, time missed will not be paid.

Staff members accrue sick leave at the rate of one (1) day for each calendar month, up to a maximum of 30 days. Part-time regular staff employees will accrue sick time in proportion to hours worked. Sick leave does not accrue when a staff member is on leave from the College. Staff members with academic year appointments or staff members who work more than half-time, but less than full-time, accrue sick leave on a prorated basis.

Absence due to illness shall be reported to the absentee's supervisor as soon as possible on the first day of absence. A doctor's statement may be required for sick leave in excess of three (3) days, or whenever the supervisor or Human Resources deems it appropriate to question the validity of such leave. Sick leave may be used to cover absences due to illness, injury, or required medical examination of a staff member, or a staff member's child, spouse, or parent.

Absences due to a serious health condition as defined under the Family and Medical Leave Act (FMLA), or sick leave absences exceeding three calendar days in length, may qualify as leave covered by Millsaps' Family and Medical Leave Policy. When a staff member is absent from work on sick leave more than three (3) working days for a serious health condition, the supervisor should consult with Human Resources to determine if FMLA should be initiated for the absence. The staff member's supervisor is responsible for working with the Human Resources Department to ensure that the paperwork required by the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) is completed.

[\(See 4.04 Family and Medical Leave\).](#)

Employees that have two (2) continuous years of service to the College may be eligible for Short-Term Medical Leave. If an employee qualifies for Short-Term Medical Leave they must request this in writing with the Office of Human Resources. The employee must also submit a doctor's certificate to Human Resources. For more information on Short-Term Medical Leave, please refer to Section 4.6 under Benefits.

## **Monthly Vacation/Sick Reports**

All staff employees are required to turn in a monthly leave report to their immediate supervisor the first week of the following month. Supervisors should submit an annual leave report for each employee to Human Resources at the close of each fiscal year (6/30).

## **4.5 Family Medical Leave Act (FMLA)**

### **A. Amount of Leave**

Under this policy, Millsaps will grant up to 12 weeks of leave (or up to 26 weeks to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid, or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

### **B. Eligibility**

To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

- 1) The employee must have worked for the College for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven (7) years. On the other hand, separate periods of employment will not be counted if the break in service exceeds seven years unless due to National Guard or Reserve military service obligations. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
- 2) The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when leave is requested to commence. Consistent with applicable law, time spent while on paid or unpaid leave will not count as “hours worked” for purposes of this determination.
- 3) The employee must work in a worksite where 50 or more employees are employed by the College within 75 miles of that worksite. The distance will be calculated by using available transportation by the most direct route.

NOTE: Certain exemptions apply to “key employees”. You may be eligible for Leave without Pay pursuant to College policy, whether you meet the criteria for FMLA or not.

### **C. Type of Leave Covered**

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- 1) The birth of a child and in order to care for that child.
- 2) The placement of a child for adoption or foster care, and to care for the newly placed child.

3) To care for a spouse, child, or parent with a serious health condition (described below).

4) The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice, or residential medical care facility, or a condition that requires continuing care by a licensed healthcare provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three (3) consecutive days of incapacity, with the first visit to the healthcare provider within seven (7) days of the onset of the incapacity, and a second visit within 30 days of the incapacity is considered a serious health condition. For chronic conditions requiring periodic healthcare visits for treatment, such visits must take place at least twice (2) a year.

Employees with questions about what illnesses are covered under this FMLA policy or under the College's sick leave policy are encouraged to consult with the Human Resources Director.

If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the College may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

5) Qualifying exigency leave for families of members of the National Guard or Reserves, or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty, or who is already on covered active duty may take up to 12 weeks of leave for reasons related to, or affected by, the family member's call-up or service.

The qualifying *exigency* must be **one** of the following:

- a) short-notice deployment
- b) military events and activities
- c) child care and school activities
- d) financial and legal arrangements
- e) counseling
- f) rest and recuperation
- g) post-deployment activities, and
- h) Additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

Eligible employees are entitled to FMLA leave to care for a current member of the Armed Forces, including a member of the National Guard or Reserves, or a member of the Armed Forces, who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list. Eligible employees may not take leave under this provision to care for former members of the Armed Forces, National Guard or Reserves, and members on the permanent disability retired list.

In order to care for a covered service member, an eligible employee must be the spouse, son, daughter, parent, or next of kin of a covered service member. Questions about entitlement to such leave should be directed to the Human Resources Department.

6) Military caregiver leave (also known as covered service member leave) to care for an injured or ill service member or veteran.

An employee whose son, daughter, parent or next of kin is a covered service member may take up to 26 weeks in a single 12-month period to take care of leave to care for that service member. Questions about entitlement to such leave should be directed to the Human Resources Department.

#### **D. Amount of Leave**

An eligible employee can take up to 12 weeks for the FMLA circumstances (1) through (5) above under this policy during any 12-month period. The College will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the College will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA circumstance (6) above (military caregiver leave) during a single 12-month period. For this military caregiver leave, the College will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If spouses both work for the College and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the spouses may only take a combined total of 12 weeks of leave. If spouses both work for the College and each wishes to take leave to care for a covered injured or ill service member, the spouses may only take a combined total of 26 weeks of leave.

#### **E. Employee Status and Benefits During Leave**

While an employee is on leave, the College will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the College will require the employee to reimburse the College the amount it paid for the employee's health insurance premium during the leave period.

Under current college policy, the employee pays a portion of the health care premium. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Human Resources office by the 10th day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave.

The employer will provide 15 days' notification prior to the employee's loss of coverage.

If the employee contributes to a life insurance or disability plan, the employer will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums, or the employer may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, the employer may discontinue coverage during the leave. If the employer maintains coverage, the employer may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

#### **F. Employee Status After Leave**

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider. This requirement will be included in the employer's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits and working conditions. The College may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

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

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all paid vacation, personal or sick leave prior to being eligible for unpaid leave. Sick leave may be run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy.

Disability leave for the birth of the child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. For example, if an employer provides eight weeks of pregnancy disability leave, the eight weeks will be designated as FMLA leave and counted toward the employee's 12-week entitlement. The employee may then be required to substitute accrued (or earned) paid leave as appropriate before being eligible for unpaid leave for what remains of the 12-week entitlement. An employee who is taking leave for the adoption or foster care of a child must use all paid vacation, personal or family leave prior to being eligible for unpaid leave.

An employee who is using military FMLA leave for a qualifying exigency must use all paid vacation and personal leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all paid vacation, personal leave or sick leave (as long as the reason for the absence is covered by the College's sick leave policy) prior to being eligible for unpaid leave.

## **H. Intermittent Leave or a Reduced Work Schedule**

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period).

The College may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption or foster care of a child, the College and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the college before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

## **I. Certifications**

The College will require certifications for various items in connection with FMLA leave, including for the employee's serious health condition, a family member's serious health condition, and a qualifying exigency for military family leave. The employee should respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition.

The College may directly contact the pertinent health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The College will not use the employee's direct supervisor for this contact. Before the College makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the College will obtain permission for clarification of individually identifiable health information.

The College has the right to ask for a second opinion if it has reason to doubt the certification. The College will pay for the employee to get a certification from a second doctor, which the College will select. The College may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the College will require the opinion of a third doctor. The College and the employee will mutually select the third doctor, and the

College will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

#### **J. Recertification**

The College may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days unless circumstances have changed significantly, or if the employer receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the College may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. The College may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

#### **K. Procedure for Requesting FMLA Leave**

All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to the HR director. Within five business days after the employee has provided this notice, the HR director will complete and provide the employee with the DOL Notice of Eligibility and Rights. When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the company's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

#### **L. Designation of FMLA Leave**

Within five business days after the employee has submitted the appropriate certification form, the Director of Human Resources will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice.

#### **M. Intent to Return to Work from FMLA Leave**

On a basis that does not discriminate against employees on FMLA leave, the company may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

### **4.6 Leave without Pay Policy**

Benefit eligible employees who have been employed with the College for under one (1) year and whose unused sick leave and earned vacation leave are insufficient to cover absences due to illness as defined by the College's current policy, may request that they be placed in a "Leave Without Pay" (LWOP) status until the illness is resolved. This LWOP status is for a period of time not to exceed twelve (12) continuous weeks, and runs concurrently to any unpaid leave afforded by the Family and Medical Leave Act (FMLA). Leave without Pay must be approved in advance by the President of the College, or their designee.

Employees who are on Leave without Pay are not guaranteed that employment with the College will continue once the leave status has ended. However, the College will provide the employee's credentials and work history information to all departments that have employment vacancies.

No College benefit (i.e. sick leave, vacation leave, holiday pay, insurance, etc.) will be continued or paid by the College for the employee during the LWOP status.

#### **4.7 Short Term Medical Leave**

The policy applies to all full-time benefit-eligible employees who have completed two (2) or more years of continuous service at the College.

The College recognizes that certain medical circumstances—e.g. illness, injury, pregnancy, and other related conditions—may require a person to be away from work for an extended period of time. For such persons, the College provides: (1) specified protection of pay through a procedure for medical leave pay; (2) protection of employment status through a medical leave procedure; and (3) administration of procedures. This policy does not provide for personal sick time of a short duration, which is unrelated to a certified medical disability. Short-Term Disability benefits run concurrently with Family and Medical Leave.

Individuals who are on an approved Short-Term Medical Leave will receive 66.66% of their regular pay. Payment will begin after use of all accrued sick days and vacation days and will continue for up to 90 calendar days, including your accumulated sick and vacation days. The total of your Short-Term Medical Leave and any Family Medical Leave cannot exceed 90 calendar days in a 12-month period. If you are unable to return to work at the end of 90 calendar days, you are eligible to apply for Long Term Disability.

College-paid insurance benefits will continue for the duration of the Short-Term Medical Leave. Medical leave pay accumulations are not earned income. No payments for them will be made at retirement or termination of employment. The employee does not accrue vacation or sick leave during this leave period.

Unused medical leave pay does not accumulate beyond the provisions specified. When persons return to work after an absence for medical reasons, their eligibility provisions renew after completion of one additional year of continuous service.

#### **4.8 Millsaps College Staff Parental Leave Policy**

**Purpose:** The College is committed to supporting its staff with parental leave for eligible employees who temporarily relinquish their duties following childbirth or adoption, in a manner consistent with its educational mission and the effective operation of the College. This policy is designed to provide a reasonable and fair period of paid leave to such employees.

**Eligibility:** This policy is applicable to all full-time non-faculty employees of the College, including those members of the eligible staff who are in a domestic partner relationship, in accordance with the College’s domestic partner policy, who have completed one year of employment.

**Policy for primary caregivers:** Eligible staff members assuming primary caregiver responsibilities for newborn or newly adopted children, who temporarily relinquish the duties of his/her position will be provided eight (8) consecutive weeks of paid parental leave– four (4) weeks at 100% pay and four (4) weeks at 66.66% pay. Any additional leave, not to exceed 12 weeks, will utilize accumulated sick and/or vacation leave as required by the College’s FMLA policy. Application of leave will be coordinated with Human Resources.

This parental leave will be provided immediately following the birth of a child or adoption of a child, beginning at the time of arrival of the child and running consecutively, except in extraordinary circumstances (such as, but not limited to, medical complications for the mother or child), where other leave timing is approved by Human Resources. In the case of adoption, eligible staff may take parental leave before the actual adoption of the child, where approved by Human Resources, for circumstances where the staff member needs to be away from his/her position for the adoption to proceed (e.g. travel to another country to complete the adoption).

**Policy for non-primary caregivers:** Eligible staff members, not assuming primary caregiver responsibilities for their newborn or newly adopted children, are eligible for two weeks (10 working days) of paid parental leave to be taken within the first three (3) months following the birth of a child or the adoption of a child.

Additional time may be taken according to the Family and Medical Leave policy.

#### **Coordination with other Leave Policies**

This policy is independent of the College’s sick leave and short-term disability leave policies. However, paid parental leave will not extend unpaid leave available under the College’s Family and Medical Leave (FMLA) policy. Rather, such paid leave will run concurrently with any FMLA leave available under the circumstances, as designated by Human Resources. Nothing in this policy precludes the eligible staff member from taking any remaining unpaid FMLA leave following the expiration of the College’s paid parental leave, in accordance with the FMLA policy.

## **4.9 Workers’ Compensation**

All staff members are protected under Mississippi’s workers’ compensation law. This benefit covers accidental injuries or occupational illnesses that are caused by, arise out of, and occur in the course of employment at the College. Benefits continue uninterrupted until the staff member has reached maximum medical improvement, and an assessment of ability to return to work has been made, as defined by the workers’ compensation laws.

If such an accident occurs at a time when offices are closed, it should be reported immediately to the Office of Campus Safety at this number, 601-974-1234. Campus Safety will complete an incident

report and will forward the report to Human Resources the next workday. If there is bodily injury to the employee, report it first to the appropriate local emergency medical officials; then, report it to Human Resources as an on-the-job injury.

If a staff member is injured while working, regardless of the severity, the injury must be reported immediately to the Office of Human Resources. If the accident occurs outside normal working hours, it should be reported to Campus Safety at 601-974-1234 immediately after the accident occurs, and the supervisor of the injured staff member should contact the Office of Human Resources as soon as possible to report the details of the accident.

Staff members who are absent from work due to a work-related injury are only compensated by the College for the time missed on the day of the injury. There is a five (5) day waiting period for disability benefits, but after fourteen (14) days of disability, the waiting period is eliminated and benefits are paid from the date of injury. Regular staff members will be allowed to use accrued sick leave and/or vacation leave to compensate them for the first five (5) working days of disability. When a staff member is off work for 14 calendar days or more because of the work-related injury, the workers' compensation insurer will pay the staff member for the first five calendar days. This payment is known as a "wage replacement benefit" and is computed on a percentage (66.66%) of the worker's average weekly compensation subject to the maximum benefit provided by law. Staff members off work for 14 calendar days or less receive no wage replacement for the first five (5) days.

Each time a staff member is not at work due to a workers' compensation injury, the total amount of the staff members' Family and Medical Leave Act (FMLA) benefits will be reduced by the amount of workers' compensation leave they utilized.

Once approved, any medical expenses incurred as a result of that injury at work will be paid for by the workers' compensation insurer.

Staff members who are involved in a work-related accident may be subject to drug and alcohol testing and possible disciplinary action.

### Limitations

Lost time - First five (5) days: Workers' compensation benefits are not payable for the first five working days following the injury, accident or work-related illness unless the injury results in disability of fourteen (14) days or more. Workers' compensation leave benefits will begin on the sixth working day following the injury, accident or illness. The first five days should be charged to sick leave, vacation leave, leave without pay or a combination of these if the disability does not result in lost time of fourteen (14) days or more. Employees who are off work due to a work-related injury are not eligible for short-term disability leave.

### Long Term Disability

An employee who is receiving worker's compensation leave pay, or weekly payments from a settlement agreement, is not eligible for long-term disability benefits until all workers' compensation payments have been paid.

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### Medical Treatment

Employees may go to a doctor of their choosing for medical assistance. Treatment for life threatening illnesses or injuries should be obtained at the nearest emergency room facility. For an employee who is out of work for more than 5 working days, the College may choose to seek a second opinion to ensure appropriate follow-up.

### **Effect of Lost Time on Employment, Compensation and Benefit**

#### Retirement Contributions during Worker's Compensation Leave

The College will continue to contribute to the retirement annuity of the employee based on the amount paid by the College for any sick leave or vacation leave used during the period. For example, if an employee chooses to use vacation or sick leave to supplement the workers' compensation payment (which is 2/3 of their salary), the College will contribute to the employee's retirement annuity based on the amount of vacation or sick leave pay.

#### Leave Accruals

The employee continues to earn vacation and sick leave while receiving workers' compensation payments. The employee may not accrue more than the maximum vacation leave allowed by College policy. See section 4.2 – Vacation Leave for policy details.

#### Health Insurance

Payment of the College's contribution for health insurance is continued while an employee is on workers' compensation leave.

### **Return to Work Program**

Millsaps College will make every effort to return an employee to work as quickly as possible. In addition to medical and rehabilitation services provided through the workers' compensation program, departments are encouraged to make modifications in job duties to reasonably accommodate temporary physical limitations.

When an employee returns to work, they must supply their supervisor and the Director of Human Resources, with a doctor's statement outlining any restrictions or limitations and an estimated duration time of these restrictions. If light-duty work is available, an employee may be assigned to such work for a maximum of eight (8) weeks, and only one (1) light-duty assignment will be made within a twelve (12) month period.

## **4.10 Funeral/Bereavement Leave**

Up to three (3) days of available sick leave may be used as funeral or bereavement leave for the death of a member of the immediate family, or a permanent member of the immediate household. The immediate family is defined as spouse, children, parents, parents-in-law, brothers, sisters, grandparents, and grandchildren. Requests for exceptions to the definition should be submitted in writing to your immediate supervisor.

Requests for bereavement leave should be made to the immediate supervisor. Requests for additional leave due to death of spouse, child, or parent may be made to the immediate supervisor. If granted, additional time will be charged to accrued vacation. If requested, the employee should be prepared to present proof of relationship to the deceased.

#### **4.11 Military Leave/USERRA**

After completion of their probationary period, full-time regular staff employees who are members of a military reserve, or National Guard unit, will be entitled to leave without-pay for their regular annual period of training duty. The College will compensate military reserve or National Guard members called to active duty the difference between their gross pay for military duty, and their regular pay by the College for a period, not to exceed ten (10) working days per year. Any full-time regular employee who is called to extended active duty in the Armed Forces of the United States will be eligible for Uniformed Services Employment and Reemployment Rights Act. For additional information, visit the Department of Labor Veterans' Employment & Training Service website.

#### **4.12 Jury Duty Leave**

Regular employees who are required to serve on a jury will receive leave of absence with pay for that purpose. The employee's immediate supervisor may request written confirmation from the court that the employee is needed for jury duty. If the employee is excused from jury duty or is released early, that employee is required to report to work.

#### **4.13 Medical, Dental, and Vision Insurance**

Full-time employees working 30 hours or more per week are eligible to enroll for coverage. To keep coverage in force, every insured employee must work a minimum of 30 hours per week. Enrollment must be completed within 31 days of hire date.

Please refer to the Summary Plan descriptions, located on the Human Resources web page, for coverage details and eligibility guidelines, or contact the Office of Human Resources directly.

#### **4.14 Cafeteria Plan**

The Flexible Benefit Cafeteria Plan is a tax-free benefit program which is allowed under Section 125 of the Internal Revenue Code. This was enacted by Congress to help lower your costs by making these expenses tax-exempt from Federal, State, and FICA taxes. The purpose of the Plan is to allow eligible employees to use funds provided through employee salary reductions to pay for certain benefits under the Plan with pre-tax dollars. Pre-tax Contribution elections as described in the Plan are intended to qualify for the exclusion from income provided in Section 125 of the Internal Revenue Code of 1986. The plan allows participating individuals to pay for certain expenses with tax-free dollars. Eligible expenses include Health, Dental, and Vision employer deducted insurance premiums, out-pocket-medical expenses, and dependent care expenses. Once the plan begins, you will not be allowed to make changes to your election unless a status change occurs.

All elected Benefit Plans or Policies elect mandatory participation under the Plan and any fees associated with participation will apply. If you elect any eligible Benefit Plan or Policy coverage you automatically become a participant in the Plan whether or not you complete and sign an Election and Salary Reduction Agreement (SRA), as well as agree to salary reduction to pay for those benefits so elected.

Contact Human Resources for additional information.

## **4.15 Retirement Benefits – 403(b)**

### **College-Paid Retirement Account (Defined Contribution Plan)**

The Millsaps College Retirement Plan is a defined contribution plan that operates under Section 403(b) of the Internal Revenue Code. Millsaps College retirement accounts are serviced by The Teachers Insurance and Annuities Association (TIAA).

Millsaps College contributes five (5) percent of base salary for eligible employees, up to the annual Internal Revenue Code limit.

### **Employee Contribution Retirement Account (Tax-Deferred Annuity Plan)**

The Employee Contribution Account is an account into which an employee may make voluntary pre-tax contributions to save for retirement. As such, the total amount of contributions made for any year cannot exceed the limits imposed by section 415 and section 403(b) of the Internal Revenue Code.

#### **Eligibility**

**College-Paid Retirement:** Once an employee works in a regular position for Millsaps College for two years (at least 1,000 hours/year worked), the college opens a college-paid plan for the employee. The employee is 100 percent vested in the college-paid annuity immediately following completion of eligibility requirements.

**Employee Contribution Account:** This benefit is open to all eligible employees and participation may begin immediately upon employment with Millsaps College.

Please contact Human Resources for enrollment questions and assistance, or call TIAA telephone counseling center at this number, 1-800-842-2776.

## **4.16 Life and Accidental Death Insurance**

The College provides group term life insurance coverage equal to one (1) times the employee's basic annual salary. An employee may, at their own expense, purchase additional life coverage in units of \$10,000 to a maximum of \$200,000, or five (5) times your annual earnings, whichever is less.

Coverage begins on the first day of the first full month of employment.

**Eligibility:** Active employees regularly working at least 20 hours each week.

**Age Reductions:** Basic Life and Accidental Death & Dismemberment insurance coverage amounts reduce to 65% at age 65, 50% at age 70, and 35% at age 75.

Life and Accidental Death Insurance is canceled at retirement, or when a person terminates employment with Millsaps College.

Enrollment must be completed within 31 days of hire date.

#### **4.17 Optional Life Insurance**

The purpose of the Supplemental Life Insurance Plan is to provide the opportunity for individuals to purchase term life insurance protection above the amount of Basic Term Life insurance provided by the College. Dependent children and spouse term life coverage is also available. This plan is fully employee paid. Please contact Human Resources for more information regarding this benefit.

#### **4.18 Long Term Disability**

**Eligibility:** Full-time active employees.

Long Term Disability insurance provides benefits in the event of a disability. The Plan provides 60% of an employee's base salary following a qualifying disability, and a three-month elimination period, less any benefits that the employee may draw from other group disability coverage, such as disability benefits from Social Security. Benefits continue until the employee is no longer disabled, or until the employee is age 65 with a reducing benefit duration. The College pays the entire premium for this coverage, which begins on the first day of the first full month of employment.

##### **Procedures and Information**

The employee should contact Human Resources to initiate a Long-Term Disability claim. HR will issue the *Employee Statement Claim* form and *Physician Statement* form to the employee. HR will complete and submit an *Employer Statement Claim* form to the carrier. The employee must complete the LTD claim form, and have his/her physician(s) complete the Physician's Statement and submit these to the carrier for processing. The carrier will process the claims and request additional information as needed. If approved, the benefit will begin three (3) months from the date last worked. There is a benefit duration until age 65 with reduced benefit duration thereafter.

#### **4.19 Unemployment Insurance Coverage**

The College is a covered employer under the Mississippi Unemployment Insurance Tax program administered by the Mississippi Department of Employment Security. The College reimburses the State for actual benefits paid to employees, and former employees.

All requests for information regarding Unemployment Compensation should be directed to the Office of Human Resources, which is responsible for the administrative aspects of claims filed by former employees.

## **4.20 COBRA**

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue benefit coverage under the employer's medical, dental, and vision plan, when a "qualifying event" would normally result in the loss of eligibility.

### **Qualifying Events**

The following are common examples of qualifying events:

- Termination of employment
- Death of the employee
- Reduction in work hours
- Divorce
- Retirement
- Loss of eligibility by a dependent child

### **Length of Coverage**

Coverage may continue for differing lengths of time depending upon the reason for eligibility.

The time limitations are:

- Up to 18 months if loss of coverage is due to termination of employment or reduction in work hours;
- Up to 36 months for dependents if loss of coverage is due to death, divorce, or a dependent child's loss of eligibility;
- Up to 29 months if the individual is disabled at the time of eligibility for continued coverage, or is disabled within 60 days of eligibility for continued coverage.

### **Cost of Coverage**

Under extended coverage, the eligible individual pays full cost of coverage at the employer's group rate, plus an administrative fee.

### **Termination of Continued Coverage**

Continued coverage may terminate if:

- The individual becomes covered by another group plan (including Medicare); or
- The individual fails to pay the required premium within the established grace period; or
- The employer no longer offers the plan(s) to its active employees.

## **Employee Responsibility**

The College makes every effort to comply with the guidelines regarding an employee's and qualified dependent's rights under COBRA. Under certain circumstances such as divorce and dependent eligibility, it is the employee's responsibility to advise the Office of Human Resources so the extended coverage may be offered to the employee's dependents.

## **Procedures**

### **Notification of Employee COBRA Rights**

Upon initial enrollment in the plan, the employee receives the "Initial Notification of COBRA Rights" so that they and their dependent(s) are aware of their continuation rights.

### **Notifying Human Resources of a Qualifying Event**

When an employee experiences a qualifying event as described above in this policy, notification must be provided as soon as possible to the Office of Human Resources as follows:

#### ***Employee***

Notify the Office of Human Resources immediately when:

- a divorce is final; or
- a dependent child no longer meets age and/or dependency eligibility requirements as outlined in each specific plan.

Upon notification of the qualifying event, Human Resources will initiate the appropriate correspondence within 14 days with the employee and/or the qualified dependent providing pertinent information on application procedures and time limitations for continuation of coverage.

## **4.21 Tuition Benefits**

Millsaps is committed to "recruiting and retaining a high quality, diverse and engaged faculty and staff to direct the students' college experience toward excellence". As part of its desire to meet employees' evolving needs, Millsaps offers the Employee Tuition Benefit to foster the professional growth and development of its eligible employees.

### **Undergraduate Courses– Degree**

**Eligibility:** Start date of term immediately following completion of eligibility requirements.

- Full-time employees who have completed 3 consecutive years of full-time service.
- Legal Spouse or registered domestic partner of eligible employee.
- Dependent Children (unmarried, under the age of 26, biological child; or lawfully adopted child; or stepchild) of eligible employee.
- Eligible Spouse or registered domestic partner and/or Dependent Children of an eligible employee with at least seven years of service who retires or dies while still working at the College.

**Benefit:** Tuition Remission- Tuition reduced to \$20 per credit hour up to a maximum tuition cost of \$300 per semester. All required fees and room and board are charged at the given year rate.

## **Undergraduate Courses– Personal Growth & Development (Non-Degree)**

**Eligibility:** Start date of term immediately following date of hire.

- full-time employees
- proportionately to eligible permanent part-time employees
- spouse of eligible employee

**Benefit:** Tuition waived for one undergraduate course per semester for personal growth and development. This waiver applies to tuition only, all other fees are charged at the given year rate.

## **Terms and Conditions of Undergraduate Degree & Non-Degree**

- To apply for Tuition Remission, please submit the completed *Tuition Remission Application- Employee or Tuition Remission Application - Spouse or Dependent* form to Human Resources for approval.
- Only one course may be taken during the employee’s regular work schedule.
- Staff employees must take the demands of their job responsibilities into account when scheduling courses and in cases of conflict, the job must take precedence.
- It is expected that time away from the job for course work by a staff employee will be made up.
- The employee’s supervisor and the appropriate division head must approve in writing, prior to registration, the revised work schedule necessary to attend the class.
- The employee’s actual work time excluding class time remains undiminished, and care should be exercised regarding how the revised work schedule may affect others.
- If a dependent child attending Millsaps receives a merit scholarship, the higher of the scholarship or tuition waiver may be applied, but not both.
- Tuition remission is limited to four academic years (or the equivalent thereof).
- Tuition payment may not cover directed study or other courses for which the instructor is paid on the basis of the number of enrollees.
- Withdrawals will follow the College policy. Recipient will reimburse the College for the used portion of the waiver.

## **Graduate Courses– MBA/MAcc Courses**

**Eligibility:** Start date of term immediately following completion of eligibility requirements.

- Full-time employees who have completed 1 year of full-time service.
- Employee must be an accepted candidate for the graduate degree program, either at the time of enrollment, or before the completion of their initial semester.

**Benefit:** Tuition remission- equivalent to one-half the current rate per graduate hour for a maximum of two (2) courses, or six (6) graduate hours, per semester.

## **Terms and Conditions of Waivers**

- To apply for Tuition Remission, please submit the completed *Tuition Remission Application – Employee* form to the Office of Human Resources for approval.
- No additional Millsaps scholarships or discounts will be awarded to eligible recipients of the Tuition Remission benefit.
- Course enrollment for recipients of this benefit will be allowed on a space available basis.

- If an eligible employee leaves the employ of the College during the semester, the full amount of tuition remission for that time period will be forfeited and the balance will become immediately due and payable in order to continue the course(s).
- The employee will be responsible for all federal income taxes applicable for tuition remission credit awarded under this benefit.
- Graduate tuition assistance benefits that exceed \$5,250 in a calendar year may be taxable.
- Withdrawals will follow the College policy. Recipient will reimburse the College for the used portion of the waiver.

### **Tuition Exchange Program**

**Eligibility:** Start date of term immediately following completion of eligibility requirements.

- Dependent Children (unmarried, under the age of 26, biological child; or lawfully adopted child; or stepchild) of full-time employees who have completed 3 consecutive years of full-time service

**Benefit:** Millsaps participates in three (3) tuition exchange programs. Children of eligible Millsaps' employees may attend participating colleges situated throughout the nation on a full or partial undergraduate tuition scholarship.

For information about participating schools, visit these websites: [Associated Colleges of the South](#), [The Tuition Exchange](#), or [The Council of Independent Colleges](#).

To apply for Tuition Exchange benefit, complete the *Millsaps College Request for Tuition Exchange Form* during the fall semester of your child's senior year in high school. Please submit the completed form along with the *Tuition Remissions Application– Spouse or Dependent* form to the Office of Human Resources for approval.

### **Eligibility Status Exceptions– Special Situations that may affect eligibility status**

- Family and Medical Leave (FML) or Short-Term Disability (STD): Eligible employees on approved family medical leave or short-term disability are eligible to receive tuition benefits, for which they are normally eligible for, while on approved leave. If the employee's FML or STD leave has been exhausted, he/she will not be eligible for tuition benefits beyond the current term.
- Worker's Compensation: Employees on worker's compensation will continue to be eligible for the tuition benefit for one year from the date worker's compensation began.
- Leave of Absence without Pay: Employees in this status are not eligible to receive tuition benefits during the leave.
- Long-term Disability: Eligible employees, with seven consecutive years of service, and their eligible dependents are eligible to receive the tuition benefit following the terms and conditions while the faculty/staff member continues to qualify for long-term disability.
- Faculty/staff who are active, but not being paid, may be considered ineligible.

Terminations/Resignation: the full amount of tuition remission for that time period will be forfeited and the balance will become immediately due and payable in order to continue the course(s).

# MILLSAPS COLLEGE HANDBOOK ACKNOWLEDGMENT AND RECEIPT

Your employee handbook may be found on the Human Resources website:

[http://millsaps.edu/\\_resources/documents/millsaps-college-staff-handbook.pdf](http://millsaps.edu/_resources/documents/millsaps-college-staff-handbook.pdf). Our employee handbooks are important documents and are intended to give you important information regarding your employment with Millsaps College and the College's policies and employee benefits.

Because basic trends, legislation and economic conditions are always changing, the contents of the employee handbooks may be changed at any time at the College's discretion. No changes in any benefit, policy or rule will be made without due consideration of the mutual advantages, disadvantages, benefits and responsibilities such changes will have on employees and on the College.

Please read the following statement and sign below to indicate your acknowledgement of the electronic version of the handbook.

- I hereby acknowledge that I have been made aware that Millsaps College has an Employee Handbook and that a copy of the Handbook, in electronic and/or paper form, has been made available to me for review. I received directions to access the electronic version of the Millsaps College Employee Handbook. I understand that the policies, rules and benefits described in it are subject to change at the sole discretion of Millsaps College at any time. I understand that this Handbook replaces (supersedes) all other previous handbooks for Millsaps College as of February 28, 2019.
- I hereby acknowledge that I understand that it is my responsibility to read the Handbook and familiarize myself with the policies contained therein.
- I agree to comply with all of the policies and procedures applicable to my position.
- I understand that I should consult my supervisor, manager, or the Department of Human Resources if I have any questions regarding my handbook.
- I understand that no contract of employment other than "at will" has been expressed or implied, and that no circumstances arising out of my employment will alter my "at will" employment relationship unless expressed in writing, with the understanding specifically set forth in a contract and signed by myself and the President of Millsaps College.
- I am aware that during the course of my employment confidential information may become available to me. I understand that this information must not be given out or used outside of my employment with Millsaps College.
- I understand that, should the content in this Handbook be changed in any way, Millsaps College will notify me of such changes and make replacement pages available.
- I understand that my signature below indicates that I have read and understand the above statements and have received directions to access a copy of the Millsaps College Employee Handbook.

\_\_\_\_\_  
**Print Employee Name**

\_\_\_\_\_  
**Signature of Employee**

**Date Signed by Employee:** \_\_\_\_\_

**TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE**