



# Employee Handbook

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## A MESSAGE FROM THE PRESIDENT

Cav Nation!

You know our mission ... and we know it cannot be accomplished without YOU!

The intent of this handbook is to ensure we are fair and consistent with our operations and take care of our #1 resource: YOU!

If we are going to be successful as One University, we must work together as One University and model for our students how we take care of each other and how we conduct ourselves in a professional manner ... on and off campus every day of the year.

- If you are drawing compensation and/or benefits from Walsh University, then this handbook applies to you. The “spirit and intent” of the handbook is important ... we cannot and do not want to list out every possible situation.
- As a condition of employment, we will use the handbook as our baseline without surrendering the need for each of us to think and act appropriately.
- We need everyone to exercise good judgement to ensure we meet the common good and the needs of the institution.

If you see a need for an adjustment, then please tell your Vice President!

- We reserve the right to modify the handbook at any time with the consensus of the University Cabinet.
- Many thanks for all that you do as you live out your life’s purpose at Walsh University! All y’all rock!

SWORDS UP!

Dr. Tim Collins  
President



# WALSH UNIVERSITY MISSION STATEMENT

Walsh University is an independent, co-educational, Catholic liberal arts institution. Founded by the Brothers of Christian Instruction, Walsh University is dedicated to educating its students to become leaders in service through a values-based education with an international perspective in the Judeo-Christian tradition.

Walsh University believes in the desirability of a small university that promotes academic excellence, a diverse community, and close student-teacher interaction. The University provides an education that fosters critical thinking, effective communication, spiritual growth, and personal, professional, and cultural development. Walsh University encourages individuals to act in accordance with reason guided by the example and teachings of Jesus Christ.

Adopted 1999

# WALSH UNIVERSITY VISION STATEMENT

The Walsh University vision statement was developed as a collective University effort to serve as the University's North Star and emphasize our commitment to develop leaders with a moral foundation and an awareness of the common good.

Become a leading Catholic university known globally for inspiring others to pursue ingenious practices that serve the common good.

Adopted 2021

# WALSH UNIVERSITY CORE VALUES

We commit ourselves to these values in all that we do as a framework for helping each other take our place as we discover our life's purpose.

**FAITH:** We recognize that individual spiritual journeys and prayer are foundational in all of our efforts to fulfill the mission

**EXCELLENCE:** We embrace the notion that our best efforts and selves are critical components to reaching our goals and ultimate purpose

**INTEGRITY:** There is harmony and truth in our thoughts, words and deeds

**SERVICE:** We selflessly place the needs and interests of others ahead of our own

**COMMUNITY:** We share a passion for the mission of the University and the values espoused therein as we care for and support one another to achieve the common good

# WALSH UNIVERSITY

## HISTORY

When the Brothers of Christian Instruction stood in a farmer's field at the corner of North Market and Easton in North Canton, Ohio, they formed a vision — a vision to turn 50 acres of alfalfa into a college campus. This vision lay on a foundation of faith, courage and selfless hard work.

That vision was realized on November 17, 1960, when the seven founding Brothers, comprising the entire faculty, welcomed the incoming class of sixty-seven "gentlemen" to, then, Walsh College. The school was named after the Bishop of the Youngstown Diocese at the time, Most Reverend Emmet Walsh. Brother Thomas Farrell (Walsh University's first president) stood on the steps and gave a pep talk to the inaugural class.

Apparently, construction delays and final charter approval by the Ohio Board of Regents forced a late start for classes, and students would be required to double up on their credit hours to complete the fall semester on time. Staff support at the time came from a full-time custodian and a part-time secretary. Two structures, a residence for the Brothers (La Mennais Hall) and an academic building (Farrell Hall), stood on the bare campus. The parking lot flooded whenever it rained, and boards were used to cover muddy walkways. (Quite a contrast to the present 27 buildings and over 100 employees led by Walsh's seventh president, Dr. Tim Collins.)

At first, Walsh offered a liberal arts curriculum with majors in secondary education and business administration, as well as pre-professional programs in dentistry, medicine and law. Today, Walsh University's 2,300 students from 37 states and 24 countries can select from more than 60 undergraduate majors, online degrees, certificate and workforce development programs, and seven graduate degrees including a doctorate of physical therapy and a doctorate of nursing practice.

This wonderful Catholic higher-education resource has continued to grow and prosper for more than 60 years because the Brothers of Christian Instruction, and those who have built on their efforts, had a vision — a vision that built Walsh University, your education partner for life.

**Walsh University** has also been recognized nationally by numerous organizations for various points of distinction:

- Walsh University has consistently been named one of the nation's top Catholic universities with inclusion in **The Newman Guide to Choosing a Catholic College**.
- Walsh University has been recognized for its commitment to providing a high-quality undergraduate education that focuses on hands-on learning, strong student-teacher relationships, a vibrant campus life and successful outcomes, earning a place as one of the nation's **2023-2024 Colleges of Distinction and Ohio Colleges of Distinction**.
- In addition to its acclaim for a commitment to a well-rounded education, Walsh University earned program-specific recognitions from **Colleges of Distinction** for its DeVille School of Business, the Gary and Linda Byers School of Nursing, and the Division of Education in the School of Arts, Sciences and Education, as well as its military support, affordability, career development and Catholic World View.
- Walsh University is one of only **three** universities in Ohio to be listed in the **Catholic Colleges of Distinction** annual college guide in which universities must rank highly in four areas of distinction, including: engaged students, great teaching, vibrant community and successful outcomes.

- Walsh University is one of **11** universities in the United States and one of three in Ohio accepted into the prestigious **International Federation of Catholic Universities** (IFCU).
- Since 2010, Walsh University has been consistently recognized nationally as a **Military Friendly® School**, earning a **No. 4 ranking for the 2023-24** academic year in the private schools offering a doctorate category.
- Walsh University has been designated a **Collegiate Purple Star Campus** for its efforts to support students with military backgrounds by the Ohio Department of Higher Education Chancellor Randy Garner. This designation assures service members, veterans, and other military-connected students are able to access the resources and support systems they need to pursue their educational goals.
- Walsh University has been ranked #1 in the Top 15 Hidden Gems in Ohio by **Online Schools Guide**. These Hidden Gems represent smaller colleges and universities that offer exceptional academic programming including online degree programs.
- Walsh University has been recognized as one of the best schools for online learning at the master’s level by **OnlineMastersDegrees.org**. Walsh’s programs earned top honors for overall quality, affordability and commitment to student success coming in at #16 in Ohio. Just 8 percent of U.S. postsecondary institutions earned a ranking position.
- The **National Science Board** applauded Walsh University for leading the nation in STEM and workforce development for its Skilled Technical Workforce Program and Center for Analytical Excellence.
- Walsh University was named one of the 10 “Most Admired Universities and Colleges” in the United States by **Education Magazine**.
- The international leader for quality assurance in online and innovative digital teaching and learning environments, **Quality Matters**, has recognized Walsh University’s commitment to providing students with an exceptional online learning experience.
- Walsh University was chosen as the 2019 Best College/University in Stark County’s annual recognition program by *The Canton Repository*, with sponsorship from the Canton Regional Chamber of Commerce.

# INTRODUCTION

This handbook communicates matters concerning your relationship to the University and its students, as well as pertinent University benefits and employment-related policies and information. No effort has been made to include all matters of employment policy and practice in this handbook; it would be impossible to cover all work-related issues and situations. The University reserves the right, at any time, to make changes in the wording of this handbook and/or any other employment policies or procedures. As other employment matters arise, which the University administration believes are deserving of written comment, applicable statements or rules will be issued.

No part of this handbook, or of any other document or communication, creates or evidences any kind of contract or promise between the University and an employee, nor does it prevent the termination of any employment relationship, by the University or by the employee, at any time or for any reason, with or without notice. Unless otherwise specifically agreed in writing by the President of the University, any employment with the University is at the will of the University and the employee.

We ask that you stay up to speed on the content of this handbook, as a thorough familiarity with it can prove helpful in matters which relate to your employment, both now and in the future. If, after reading this handbook, you still have questions about it, please contact the Human Resources Department, which will assist you in obtaining additional information or clarification. We welcome comments and suggestions about this handbook and about University employment practices and policies in general. Such communications from our employees will be given serious attention and consideration.

Please be aware that the most up-to-date version of this handbook will be found on the HR page of the Walsh website. In all cases, rules and policies may be established and changed only by duly authorized University administrative officials

## WALSH UNIVERSITY STANDARDS OF ETHICAL CONDUCT

### **Introduction and Purpose**

The Standards of Ethical Conduct applies to these groups, referred to as members of the Walsh University community:

- Employees and students of Walsh University;
- Consultants, contractors and others, when performing services for the University or interacting with members of the University community, acting on behalf of the University, or otherwise required under contract to comply with these standards.

Members of the Walsh University community are expected to conduct themselves ethically, honestly and with integrity in all dealings. This means principles of fairness, good faith and respect consistent with laws, regulations and University handbooks and policies govern our conduct with others both inside and outside the community. These principles also guide our behaviors online and through social media. Regardless of our various individual affiliations, each Walsh community member is expected to conduct the business of the University in accordance with our shared mission statement and core values and act in accordance with reason as we make decisions, exercising sound judgment and serving the best interests of the institution and the community.

## **Respect for Others**

Walsh University promotes a professional and congenial work environment and takes all necessary steps to ensure that the work environment remains pleasant for all employees. Accordingly, everyone is expected to demonstrate professional courtesy and consideration towards fellow campus members, customers, vendors, the public or anyone else with whom they come into contact with while conducting business on behalf of Walsh University. The same is expected of our physical work environments. We all reflect Walsh University and represent Walsh to others in the community and those that visit us on campus.

Employees are expected to exhibit professional workplace behavior at all times. Unprofessional behavior includes, but is not limited to, malicious, obscene, threatening or intimidating acts, acts that disparage coworkers or that might constitute harassment or bullying. Examples of such conduct may include offensive comments meant to intentionally harm someone's reputation. Unprofessional behavior also includes refusal to follow a direct and lawful instruction from a supervisor, using inappropriate or offensive language, screaming, yelling, threatening or attempting to harm a co-worker, sabotaging another's work, stalking others, making false statements about others with malice that cause harm, or publicly disclosing another's private information. Engaging in unprofessional workplace behavior will be subject to corrective action, including separation from the University.

Walsh University opposes unjust discrimination as a matter of human dignity. Walsh University does not discriminate on the basis of race, age, sex, color, disability, national or ethnic origin, or status as a veteran in the administration of our policies and programs. This statement applies to all academic programs, all athletic programs, and to all policies and procedures concerning students and student activities. This statement applies to all personnel and administrative policies. Walsh University is a religious institution of higher education in the Catholic-faith tradition and is protected by the Religious Freedom Restoration Act (RFRA) and the First Amendment.

## **Compliance with Laws and Applicable Policies and Procedures**

University policies and procedures are designed to inform our everyday responsibilities, to set standards and to give University community members notice of expectations. Members of the University community are expected to transact all University business in conformance with policies and procedures and accordingly have an obligation to become familiar with those that bear on their areas of responsibility. Each member is expected to seek clarification on a policy or other University directive found to be unclear, outdated or at odds with University objectives. It is not acceptable to ignore or disobey policies if one is not in agreement with them, or to avoid compliance by deliberately seeking loopholes.

University business is to be conducted in conformance with legal requirements, including contractual commitments undertaken by individuals authorized to bind the University to such commitments. The acceptance of an agreement, including sponsored project funding, may create a legal obligation on the part of Walsh University to comply with the terms and conditions of the agreement and applicable laws and regulations. Therefore, only individuals who have authority delegated by an appropriate University official may enter into agreements on behalf of the University.

In some cases, University employees are also governed by ethical codes or standards of their professions or disciplines. It is expected that those employees will comply with applicable professional standards in addition to laws and regulations.

## **Confidentiality, Privacy and Information Security**

Walsh University community members receive and generate various types of confidential, regulated, proprietary and private information on behalf of the University. All members of the community are expected to comply with all applicable rules, laws, and regulations (whether federal, state, local or foreign), contractual obligations, and University policies pertaining to the use, protection and disclosure of this information. When disaffiliating from Walsh, community members must return all sensitive University data unless an exception has been granted.

## **Financial Responsibilities and Internal Controls**

Members of the Walsh University community are expected to employ sound business practices and exercise prudent financial management in their stewardship of University resources and protection and management of University financial assets. All University accounting and financial records, tax reports, expense reports, time sheets and effort reports, and other documents including those submitted to government agencies must be accurate, clear, complete and submitted by established deadlines. All published financial reports will make full, fair, accurate, timely and understandable disclosures as required under generally accepted accounting principles, bond covenant agreements and other requirements.

## **Use of University Resources**

University resources must be reserved for business purposes on behalf of the University. They may not be used for personal gain, and may not be used for personal use except in a manner that is incidental, and reasonable in light of the employee's duties. University resources include, but are not limited to:

- University systems (e.g., telephone systems, data communication and networking services),
- The Walsh domain for electronic communication forums,
- Walsh name, logo, and letterhead,
- University equipment (e.g., computers and peripherals, University vehicles),
- Walsh facilities,
- Procurement tools such as purchasing cards, travel cards and petty cash,
- University records including student, employee, donor, sponsor, and patient records

## **Conflict of Interest**

Relationships between Walsh and its vendors or sponsors must be free of any real or perceived impropriety or favoritism. Outside professional activities, private financial interests or the receipt of benefits or gifts from third parties can cause an actual or perceived conflict of interest.

Unless documented as an essential function of a position, University community members should not solicit any gift, and should not personally accept any material gift, gratuity or payment, in cash or in kind, from any third party seeking to do business with the University or currently doing business with the University.

## **Reporting Suspected Violations**

Adherence to these standards requires that any suspected violations of applicable standards, policies, laws or regulations be brought to the attention of the appropriate office. Members of the Walsh community should report suspected violations of applicable laws, regulations, government contract and grant requirements, these standards and University policies and procedures. This reporting should normally be made initially through standard management channels, beginning with the immediate supervisor. If for any reason it is not appropriate to report suspected violations to the immediate supervisor (e.g., the suspected violation is by the supervisor), or the employee is uncomfortable doing so, individuals may go to a higher level of management within their department or Human Resources. Managers and persons in supervisory roles are required to report allegations presented to them or that come to their attention in the ordinary course of performing their supervisory duties. Every concern is treated seriously and reviewed in the appropriate manner.

All members of the Walsh University community are expected to cooperate fully in the investigation of potential violations of University policy and applicable rules, laws, or regulations.

Walsh policy prohibits retaliation against an individual who in good faith reports or provides information about concerns or suspected violations. Retaliation is an adverse action taken because an individual has made a report or

has participated in an investigation. False accusations made with the intent of harming or retaliating against another person may subject the accuser to disciplinary action.

### **Consequences of Violation**

Confirmed violations will result in appropriate disciplinary action up to and including termination of employment or other relationships with the University. In some circumstances, civil or criminal charges and penalties may apply.

## SECTION A. EMPLOYMENT PROCEDURES

### EMPLOYMENT CLASSIFICATION

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

**Exempt.** Exempt employees are typically paid on a salary 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 overtime hours worked.

**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 benefits program. Athletic coaches and faculty do not accrue vacation time.

**Regular, part-time.** Employees who are not in a temporary status and who are regularly scheduled to work less 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 company 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 company'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 less 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.

**Casual Employee.** Employees who are only guaranteed work when it is needed and there is no expectation that there will be more work in the future. Casual employees have a high degree of flexibility with the ability to decline shifts.

**Graduate Assistant.** Students looking to gain professional experience while enrolled in a graduate program. Compensation includes tuition remission and a monthly living stipend.

**Student Worker.** A student employee is a part-time hourly employee who is concurrently enrolled at Walsh University with the primary goal of achieving a degree. Thus, the employment is interim or temporary in nature and is incidental to the pursuit of an academic program.

### WORKWEEK AND HOURS OF WORK

The standard workweek is from Saturday 12:00 a.m. until Friday 11:59 p.m. and generally consists of 37 work hours. Office hours are 8:00 a.m. to 5:00 p.m., with a 60-minute lunch break. Individual work schedules may vary depending on the needs of each department. Non-exempt employees who work more than 37 hours per week but not more than 40 hours in a work week, are paid straight time for the additional hours.

### EMPLOYEE PRIVACY

It is Walsh University's goal to respect the individual privacy of its employees and at the same time maintain a safe and secure workplace. When issues of safety and security arise, employees may be requested to cooperate with an investigation. The investigation may include the following procedures to safeguard the University and its employees, students and guests: searches of personal belongings, searches of work areas, searches of private vehicles on company premises, medical examinations, and the like. Failure to cooperate with an investigation is grounds for termination. Providing false information during any investigation may lead to discipline, including termination.

Employees are expected to make use of University facilities only for the business purposes of the University. Accordingly, materials that appear on University's hardware or networks are presumed to be for business purposes, and all such materials are subject to review by the University at any time without notice to the employees. Employees should not have any expectation of privacy with respect to any material on University property. Walsh University regularly monitors its



communications systems and networks as allowed by law. Monitored activity may include voice, e-mail, and text communications, as well as Internet search and browsing history. Employees who make excessive use of the communications system for personal matters are subject to discipline. Employees are expected to keep personal communication to a minimum and to emergency situations.

**Video surveillance.** As part of its security measures and to help ensure a safe workplace, Walsh University has positioned video cameras to monitor various areas of its facilities. Video cameras will not be used in private areas, such as break rooms, restrooms, locker/dressing rooms, etc.

## **PRIVACY – SOCIAL SECURITY NUMBERS**

### **Policy and Procedure Regarding Use and Disclosure of Social Security Numbers and Student Identification Numbers**

**Purpose.** This section explains Walsh University’s general standards and practices for how Social Security and student identification numbers are gathered, stored, disclosed, and ultimately disposed.

**Policy.** It is Walsh University’s policy that Social Security and student identification numbers obtained from employees, students, vendors, contractors, customers, and/or others are confidential information.

Social Security and student identification numbers will be obtained, retained, used, and disposed of only for legitimate business reasons and in accordance with the law and this policy.

**Procedure.** Documents or other records containing employee and/or student Social Security numbers and/or student identification numbers generally will be requested, obtained, or created only for legitimate business reasons consistent with this policy. For example, Social Security numbers may be requested from employees for tax reporting purposes (i.e., Internal Revenue Service (IRS) Form W-4), for new hire reporting, or for purposes of enrollment in the University’s employee benefit plans.

**Retention and access to Social Security and Student Identification numbers.** All records containing Social Security and student identification numbers (whether partial or complete) will be maintained in secure, confidential files with limited access.

**Unauthorized use/disclosure of Social Security and Student Identification numbers.** Any employee who obtains, uses, or discloses Social Security and/or student identification numbers for unauthorized purposes or contrary to the requirements of this policy and procedure may be disciplined, up to and including discharge. The University will cooperate with government investigations of any person alleged to have obtained, used, or disclosed Social Security numbers for unlawful purposes.

## **ATTENDANCE**

Regular, prompt attendance at work by all employees is essential to efficient operations and, ultimately, the success of the University. Occasional absence due to illness or injury is sometimes unavoidable. Absence for certain other reasons, also, may be unavoidable at times. A doctor’s verification and release are required prior to returning to work for any absence of three or more days due to illness or injury of the employee. Vacation and/or sick time must be appropriately used for absences and recorded in Paycom.

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 also may result in discipline up to and including termination. If an employee fails to report to work or call in to inform the supervisor of the absence for three consecutive days or more, the employee will be considered to have voluntarily resigned employment.

## **CONFIDENTIALITY**

All employees are required to protect confidential information entrusted to them in a professional manner. Disclosure of confidential or sensitive information to anyone who does not have a need to know is an infraction. Some departments may require the employee to sign a Confidentiality Agreement prior to employment. An employee who improperly uses or discloses confidential business information may be subject to disciplinary action up to and including termination of employment and legal action, even if the employee does not actually benefit from the disclosed information.

All inquiries and requests for interviews from the media must be referred to the Director of University Relations. This provision is not intended to, and should not be interpreted to, prohibit employees from discussing wages and other terms and conditions of employment if they so choose. Remove prior sentence

## **DISCIPLINARY ACTION**

It is the intent of the University to assist employees in the improvement of their behavior and/or performance prior to disciplinary action being taken. However, employee disciplinary action may be required to assure performance standards, and University rules and regulations are met. Various forms of discipline, depending upon the seriousness of the problem, may be used including: verbal warning, written warning, probation, suspension or discharge. Disciplinary action must be coordinated with Human Resources.

## **DRESS CODE POLICY**

The Walsh University business casual dress code policy is designed to help us all provide a consistent professional appearance to our Cav Nation, including students, parents, colleagues and visitors. The goal is to be sure that we maintain a positive appearance and to model to students what it means to be professionally employed.

### **Do:**

- Dress in business casual attire unless the day's task requires otherwise or the department dress code is different. Examples of this may include employees who work in facilities or in medical sciences.
- Present a clean, professional appearance.
- Be sure to be well-groomed and wear clean clothing, free of tears, or other signs of wear.
- Feel free to wear jeans with University colors on Cav Days, which are every Friday throughout the entire year. Unless specific permission is granted for a specific reason or event, jeans are not permitted any other time.
- Be aware that clothing and grooming styles dictated by religion or ethnicity are allowed.

### **Don't:**

- Wear clothing with offensive or inappropriate designs or stamps.
- Wear clothing that is too revealing.
- Wear athletic wear, including yoga pants and shorts.
- Wear flip flops or similar shoes.

Managers or supervisors are expected to inform employees when they are violating the dress code. Employees in violation are expected to immediately correct the issue, which may include having to leave work to change clothes. The employee will not be compensated for the time required to change. Repeated violations may result in disciplinary action being taken up to and including termination.

## **EMPLOYMENT FILE**

All employment files and documents contained in it are University property and are kept by the Director of Human Resources and Culture. Employees are expected to promptly update changes such as address, phone number, marital status, dependents and/or beneficiaries in Paycom. To ensure Banner is updated for the WU Alert system, please also send address and phone changes to [WalshHR@walsh.edu](mailto:WalshHR@walsh.edu).

Employees may request an appointment to review their file as well as elect to append statements, which would correct, amend, or supplement records, which they believe to be inaccurate or incomplete.

Only authorized employees (typically the employee themselves, their direct supervisor, as well as the appropriate VP and President of the University) may have access to their employment file with the approval of the Director of Human Resources and Culture.

The file review must be done in the presence of a human resources representative.

## **EMPLOYMENT INFORMATION**

If your personal data changes due to moving, marriage, divorce, birth, or adoption, it is the employee's responsibility to follow the procedures described above so Human Resources and Payroll can update employment records and insurance information.

As an employee, you are consenting to periodic background checks as determined by our liability carrier or as deemed necessary. Failure to do any of these may result in the withdrawal of an employment offer or termination of employment.

## **EMPLOYMENT VERIFICATIONS**

Walsh University maintains a neutral reference policy for external requesters. Only the following information is released regarding your employment:

- Job title
- Hire date and/or rehire date
- Most recent separation date (if applicable)

Information regarding work performance, disciplinary actions, reason for separation or rehire status will not be released. In addition, managers are not authorized to write letters of recommendation for external employment opportunities. Human Resources must approve any exceptions.

Employment verifications for Walsh University are completed through the Payroll and Benefits department. The university can provide employment information to prospective employers for loans, credit card applications, and other financial needs. Requests for information other than job title, hire/rehire date, or separation dates (Ex. salary) must be sent to Walsh in writing with a signed authorization. All forms can be sent via fax (330-490-7170) or e-mail ([kbeane@walsh.edu](mailto:kbeane@walsh.edu)).

Information requests regarding legal matters will not be provided by the University without a court ordered subpoena.

## **IDENTIFICATION CARDS AND KEYS**

Employees have the obligation of securing identification cards which they should have visibly displayed on their person at all times. Individuals who fail or refuse to produce an ID upon request, or who allow anyone else use of their card will be subject to disciplinary action and/or immediate removal from the Walsh University campus.

Employees are responsible for safekeeping all building or offices keys issued. Employees should not permit unauthorized use, transfer to another person, or duplicate the keys. If a key is lost or stolen, employees shall notify the Director of Facilities and Grounds immediately, and may be responsible for charges related to replacements. Upon separating from the University, all building and office keys must be returned to the Human Resources Department so they can be reassigned through Facilities and Grounds. Failure to do so may result in a replacement fee that will be assessed in the final paycheck.

## **NEPOTISM POLICY**

### **Purpose:**

The goal of this policy is to ensure that the environment is free from any conflicts of interest as it relates to whom it employs. The University does permit the employment of qualified relatives of employees as long as such employment does not, in the judgement of the University, create actual or perceived conflicts of interest.

### **Definitions:**

- **Immediate Family** - Includes spouse, children, parents, brothers, sisters, stepparents, stepchildren, stepbrothers, and stepsisters.
- **Additional Family** - Includes grandparents, parents-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, aunts, uncles, first cousins, nieces, nephews, grandchildren, and great grandparents.
- **Members of the Same Household** - Includes individuals who are members of the same household as employees of the University, with the exception of religious.

### **Hiring of New Employees**

It is the intent of the University that employees not be involved in decisions affecting employment of individual members of their immediate and additional families or household. That is, no employee is permitted to work within "the chain of supervision" when one relative's work responsibilities, salary, hours, career progress, benefits or other terms and conditions of employment could be influenced by the other relative. This precludes any relative of an employee with supervisory authority from being employed by the University.

### **Promotion and Transfer of Current Employees**

A current University employee shall not be promoted or transferred if it would:

- Create a reporting relationship between the employee and members of his/her immediate family, additional family or household.
- Have the potential for creating an adverse impact on work performance,
- Create an actual or perceived conflict of interest, or
- Influence work/teaching assignments.

Employees of the University who establish a family relationship may continue employment as long as it does not result in a conflict with as the items listed above. If one of these events should occur, attempts will be made to find a suitable position within the University to which one of the employees will transfer or establish a new reporting relationship. If accommodations of this nature are not feasible, the employees will be permitted to determine which one of them will resign.

### **Implementation**

- Applicants will be advised of this policy and are expected to disclose any potential conflict of interest involving immediate family, additional family or members of the same household during the employment application process and before accepting an offer of employment. Failure to do so will be grounds for dismissal.
- In the event that a relative or member of the same household of a University employee applies for a position

with the University, the University employee must disclose this to the Director of Human Resources and Culture or their designate.

- University employees are expected to disclose any potential conflict of interest involving relatives or members of the same household that may occur as a result of transfers, organizational changes, changes in marital status, or changes in an employee's household.
- All employment decisions that involve a family or household member of an employee requires the advance review and approval by the President of the University.

### **ON-CALL TIME FOR NON-EXEMPT STAFF**

A non-Exempt employee who is required to remain on call on campus is working "on call." An employee who is required to remain at home, or who is allowed to leave a message where he/she can be reached, is not working while on call.

### **OTHER EMPLOYMENT**

If a full-time employee of the University wishes to pursue a full or part-time job elsewhere, where there may be a conflict, it shall be understood that their primary responsibility is to Walsh University, and approval from their Walsh University supervisor must be obtained. Failure to notify one's supervisor may be cause for the employee's termination. If the employee's performance at Walsh suffers due to other employment, the employee may be asked to resign the other job. Refusal to do so may result in termination.

### **PAYROLL, PAYROLL PERIODS AND DEDUCTIONS**

Most employees are paid on a biweekly basis, generally every other Friday, and pay is directly deposited. Please note that payroll dates may be altered with appropriate notice due to holiday schedules.

Walsh University has the right to make compensation adjustments at any time. As a condition of employment, all employees are required to enter vacation, sick, personal days or other time off, accurately and timely, within each pay period. Repeated violations may result in disciplinary action being taken and, for those eligible positions, forfeiture of any accrued vacation at separation from the University.

### **DEDUCTIONS FROM PAY/SAFE HARBOR EXEMPT EMPLOYEES**

Walsh University does not make improper deductions from the salaries of exempt employees and complies with the salary basis requirements of the Fair Labor Standards Act (FLSA). Employees classified as exempt from the overtime pay requirements of the FLSA will be notified of this classification at the time of hire or change in position.

**Permitted deductions.** The FLSA limits the types of deductions that may be made from the pay of an exempt employee. Deductions that are permitted include:

- Deductions that are required by law, e.g., income taxes;
- Deductions for employee benefits when authorized by the employee;
- Absence from work for one or more full days for personal reasons other than sickness or disability;
- Absence from work for one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy, or practice of providing compensation for salary lost due to illness;
- Offset for amounts received as witness or jury fees or for military pay;
- Unpaid disciplinary suspensions of 1 or more full days imposed in good faith for workplace conduct rule infractions; and
- Any full workweek in which the employee does not perform any work.

During the week an exempt employee begins work for the company or during the last week of employment, the employee will only be paid for actual hours worked. In addition, an employee may be paid only for hours worked during a period when the employee is using unpaid leave under the Family and Medical Leave Act (FMLA).

**Improper deductions.** If an employee classified as exempt believes that an improper deduction has been taken from the employee's pay, the employee should immediately report the deduction to the HR department. The report will be promptly investigated, and if it is found that an improper deduction has been made, the company will reimburse the employee for the improper deduction.

## **PERFORMANCE REVIEWS**

It is the intent of Walsh University to have the performance of employees reviewed periodically throughout the year by their immediate supervisor.

The primary focus of the review is developmental. The review process should be integrated with the strategic planning and mission of the University, linking employee jobs and their individual goals with the goals of the institution. Performance reviews are designed to assess employees relative to established performance dimensions and University values. Such reviews are intended to serve as an objective means of communicating and evaluating strengths and weaknesses.

After the performance review has been discussed with the employee and the process completed, the review will be housed in Paycom and employees may access the reviews via Paycom.

## **POSTING OF JOB VACANCIES**

It is the policy of Walsh University to recognize capable, qualified members for promotion to appropriate higher positions. Employees are encouraged to discuss promotion possibilities with their supervisor, department head or the Human Resources Department.

The Human Resources Department will post job vacancies on the job opportunities page on The University's website. There may be circumstances in which an employee from the department in which the opening exists will be identified for promotion to the vacant position. In this case the position would not be posted. Employees who have a desire to transfer to another position must follow the internal transfer policy.

The Director of Human Resources and Culture may determine the scope of the search for open positions, which may include an external search. In the case of an external search, a search committee may be created to screen and present a non-binding recommendation to the Vice President or appointing authority.

All external finalists will meet with the President as part of the hiring process and prior to any offer being extended.

## **INTERNAL TRANSFER POLICY**

Generally speaking, employees are eligible to apply for a transfer if they meet all of the following minimum qualifications:

- Completed twelve (12) months of service in their current exempt level position or six (6) months of service in their current non-exempt level position. This does not apply to promotional opportunities described above.
- Meets the Minimum qualifications of the position, and
- Is not on an active performance improvement plan or has not had a corrective action at the level of written or final written warning issued within the previous six months.

The above requirements may be waived with approval from the current supervisor, hiring manager and Human Resources.

## **RESOLUTION BOARD PROCEDURE**

Misunderstandings, conflicts or miscommunications between supervisor and employee, co-worker and employee or others may occur in the work place. If these difficulties cannot be resolved, through the appropriate internal procedures for solving grievances, the University community has developed a formal policy of procedures.

For information regarding the resolution board procedures, please refer to the “Resolution Board - Statement of Policy and Procedures” located in the appendix of this Handbook.

## **TATTOOS AND BODY PIERCINGS**

There is a concern that visible tattoos and body piercings such as eyebrow rings and tongue studs may offend some supervisors, co-workers, students or parents. While tattoos and piercings may be examples of self-expression, they generally are not recognized as indications of religious or racial expression and, therefore, are not protected under federal discrimination laws. As a result, it is the University’s policy that:

- No visible tattoos are allowed above the shoulders (excluding tattoos for natural looking cosmetic enhancements, such as eyebrows, lips, and eye liners).
- Tattoos that contain offensive words, messages, slogans, or pictures, including but not limited to those displaying nudity, sexual acts, gender, race, religion, disability, or national origin, and/or may be perceived to be gang-related, shall be covered and/or not visible while on duty.
- Objects, articles, jewelry (including ear lobe expanders), or ornamentation of any kind shall not be inserted, attached to or through the skin if visible on the tongue, any part of the mouth, eyebrow, or cheek.

If an employee has a question about how the tattoo and body piercing policy is applicable to them, the matter should be immediately raised with their supervisor for consideration and determination.

## **TRAVEL TIME**

Ordinary travel time from home to campus and back is not work time. If an employee travels directly from home to a location other than campus to accomplish University business, the time spent traveling to and from that location is work time minus the time the employee would normally spend commuting to campus.

Time spent by an employee traveling from location to location, i.e. from one high school to another, is work time.

Travel time away from Campus that keeps the employee from home overnight is work time when it clearly cuts across the employee’s work day. This applies to hours worked on both normal working days and nonworking days. Employees should work directly with their supervisor to discuss their schedule during a week including overnight travel.

## **WORK HOURS**

While Cav Time Off is in effect, normal work hours for the majority of departments are 8:00 a.m. to 5:00 p.m. Monday through Thursday and 8:00 a.m. to 2:00 p.m. on Friday. On rare occasions, employees may be requested to work past 2 p.m. on Fridays. If this occurs, no additional CTO will be granted. Advanced notice of this change to Cav Time Off will normally be provided to all required employees. There are still essential services the University will need, and we will continue to have those available as we usually do when closed for a Federal or observed holiday. CTO can be amended or eliminated if significant impacts or consequences arise for the University.

There is a one-hour lunch period per day for most staff. A department may operate on a different work schedule based upon University and student needs. Vice presidents and department supervisors have broad discretion on employee schedule adjustments to promote the use of 3 hours of CTO each week.

Both non-exempt and exempt employees may flex their 37-hour work schedule in the same workweek, with their supervisor's approval. For example, if an employee works 11 hours on Monday, they could work 8 hours on Tuesday and Wednesday, 5 hours on Thursday, and 5 hours on Friday to reach their 37 work hours for the week. Flexing hours or work at home, that is more than on occasion, requires Vice President approval.

Under the Fair Labor Standards Act (FLSA), exempt employees are not eligible for overtime, and should not expect compensatory time for working in excess of forty (40) hours per week. Non-exempt employees are eligible for overtime, which is paid for time worked above 40 hours in a workweek. Overtime pay will be calculated at a rate of one and one-half times the employee's regular hourly wage. Overtime hours must be approved in advance by the department supervisor. Employees log their time worked and request time off using the PAYCOM system.

All employees are required to enter vacation, sick, personal days or other time off, accurately and timely, within each pay period. Please see the attached FAQ or speak with your supervisor for guidance. Repeated violations may result in disciplinary action being taken and, for those eligible positions, forfeiture of any accrued vacation at separation from the University.

Daily Holy Mass allows us to have quiet time for prayer and reflection in the midst of our busy days. You can attend Daily Holy Mass "on the clock." You are not required to use your lunch time to attend. We believe it is important to your well-being as well as of tremendous benefit to our campus community.

## **CHANGE IN EMPLOYEE STATUS**

### **Resignation**

Employees are encouraged to provide two weeks' notice to facilitate a smooth transition out of the University. For exempt level positions, a longer notice is desired. Paid time off is not to be used in lieu of working out the notice. If an employee provides less notice than requested, the employer may deem the individual to be ineligible for rehire depending on the circumstances regarding the notice given. All resignations must be confirmed in writing. Management reserves the right to provide an employee with two weeks' pay in lieu of notice in situations where job or business needs warrant. Such a decision should not be perceived as reflecting negatively on the employee, given that it may be due to a variety of reasons not known to the individual or other employees. Employees who fail to return any company property, including keys, credit cards, tools, uniforms, cellular phones, laptops and other equipment, will be deemed ineligible for rehire and may be subject to legal proceedings on behalf of Walsh University.

For positions that receive vacation time, accrued but unused vacation will be paid out consistent with the company vacation policy and state law, as long as paid time off has been tracked according to payroll policy. Because unused vacation expires June 30 of each year, there will be no payments for accrued vacation if the amount of accrued time would take you past June 30<sup>th</sup>.

Benefits will terminate on the last day of the month in which the employee has resigned/terminated. Life Insurance and Flexible Spending will term on the last day of the employee's employment. The employee will receive information concerning health insurance benefits continuation rights under the COBRA statute.

### **Retirement**

At Walsh University, an employee is considered retired when both of the following conditions are met: At least 10 years of full-time equivalent service. (Does not include time as an intern, graduate assistant or adjunct.)

- At least 55 years of age



- Retiree definitions for Emeritus Faculty, Tuition Remission and Tuition Exchange remain unchanged

Once you have made the decision to retire, you must notify your supervisor or Dean of your retirement date, in writing, by the following deadlines:

- July 30th for a retirement date in the ensuing Fall semester
- November 30th for a retirement date in the ensuing Spring semester

Providing a timely notification assists your department in effective planning and allows the University the opportunity to recognize your service. As a retiree, you will receive the following privileges:

- Recognition during Opening Day
- Access to selected performances and lectures
- Continued access to library materials
- Retain access to your Walsh email (Microsoft Office 365 not included. Requires email account to be active over a 12-month period and compliance with required security trainings)
- 2 free athletic event tickets. (Regular season, home athletic events only)
- Free access to the David Fitness Center (Retiree only)
- 10% Discount in the campus bookstore

Access to materials and events will require you to show a valid Walsh Retiree badge.

For positions that receive vacation time, accrued but unused vacation will be paid out consistent with the company vacation policy and state law, as long as paid time off has been tracked according to payroll policy. Because unused vacation expires June 30<sup>th</sup> of each year, there will be no payments for accrued vacation if the amount of accrued time would take you past June 30<sup>th</sup>.

Health, vision and dental benefits will terminate on the last day of the month in which the employee has resigned/terminated. All other employee and employer paid benefits will term on the last day of the employee's employment. The employee will receive information concerning benefit continuation rights under the COBRA statute.

### **Layoff**

The University endeavors to promote job security for satisfactorily performing employees; however, there may be times when an employee is laid off temporarily for economic or operational reasons.

The President, the Vice President for Finance and Business Affairs, the Director of Human Resources and Culture and the employee's supervisor shall determine layoffs, if necessary. Preference for retaining employees shall be on the basis of performance, ability, experience, the University's present and future needs, and the employee's past and future value to the University. Seniority may be considered for employees whose qualifications are otherwise equivalent. All workers laid off shall be given appropriate notice. For positions that receive vacation time, payment will be made for any accrued and unused vacation time at the date of layoff, as long as paid time off has been tracked according to payroll policy. Because unused vacation expires June 30<sup>th</sup> of each year, there will be no payments for accrued vacation if the amount of accrued time would take you past June 30<sup>th</sup>. Final determination of layoffs shall be at the sole discretion of the University.

## **Discharge**

The University may terminate employment relationships at any time including contractual relationships with faculty. Reasons for termination may include but is not limited to:

- Inadequate work performance.
- Attendance and tardiness issues.
- Neglect of duty.
- Moral turpitude or an action or actions considered a severe violation of ethical or moral standards.
- Conviction in a criminal proceeding or judgment in a civil action sufficiently serious to warrant discharge.
- Open advocacy of beliefs clearly contrary to the Catholic Church and its basic teachings and mission causing embarrassment to the church or University while serving in the capacity as an employee or as a person identified with Walsh University.

The discharge is at the sole discretion of the University and may be done without prior notice. The recommendation to terminate an employee is the responsibility of the supervisor/manager. The recommendation must be discussed and concurred with by the Director of Human Resources and Culture prior to any discussion with the employee.

## **SECTION B. EMPLOYEE BENEFITS**

This section provides a general overview of employee benefits, which the University reserves the right to make changes in employee benefit programs at any time.

### **BENEFIT ELIGIBILITY**

Employees eligible for the complete Walsh benefits package as outlined in this handbook are employees who are hired to work a minimum of 30 hours per week.

The benefits package for those that work between 20 - 30 hours a week is:

- Prorated holiday pay
- Vacation credit
- Sick leave credit
- Prorated tuition remission for the employee and their eligible dependents. The percentage is calculated based on the employee's scheduled hours of work. For example, if an employee is scheduled to work 20 hours per week the remission will be 50% of 100% or 50%.
- Eligibility to participate in the TIAA retirement program according to plan document requirements (at least 1000 hours in a year).

Casual employees are not eligible for holiday pay, vacation or sick time and are not eligible for tuition remission benefits or any other benefit plans such as health, vision and dental insurance or other voluntary benefit plans.

### **COBRA BENEFITS (THE CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT OF 1985)**

Federal law requires that employers sponsoring group health plans offer qualified employees the opportunity for a temporary extension of health coverage (called "continuation coverage") at group rates in certain instances where coverage under the plan would otherwise end.

Employees of Walsh University covered by University-sponsored group health insurance have a right to choose this continuation coverage if they lose group health insurance because of a reduction in hours of employment or termination (for reasons other than gross misconduct). All pertinent information regarding coverage, cost and length of time for coverage will be sent to employees from a third-party administrator at the appropriate time.

### **HEALTH AND DENTAL INSURANCE**

Walsh University funds a portion of the University's health and dental plans. Elected coverage is effective on the date of hire. New hire coverage elections or qualifying events may result in back deductions in situations where effective dates occur after payroll has already processed.

All participating employees are responsible for biweekly contributions towards elected benefit plans, which are deducted from employee paychecks. Periodically, the University will review its health coverage conditions for purposes of updating and changing benefits or conditions. Employees must have full time status to be eligible for medical, vision and dental insurance. Coverage is available for the participant's spouse and eligible dependents.

A schedule of benefits describing the current benefit plans available is issued to each eligible employee upon hire and during open enrollment periods. Benefit deductions will begin after confirmation of enrollment.

### **LIFE INSURANCE**

All full-time employees are provided with group term life insurance equal to one year's salary or a minimum of \$20,000. There is no cost to the employee for this insurance; however, coverage ceases at termination of

employment. Employees may purchase supplemental insurance coverage at their cost directly from the insurance carrier.

**TIAA RETIREMENT PROGRAM**

Walsh University sponsors a Retirement Program through Teachers Insurance and Annuity Associates (TIAA), which employees are eligible to participate in upon hire. The University’s contribution will begin once the following criteria have been met:

- One year of service (1000 hours), or previous employment at a higher education institution. (Defined in plan documents – does not include service as an adjunct, graduate assistant or intern).
- Must be over 18.

Walsh University’s TIAA Plan includes an auto-enrollment provision whereby all newly eligible employees are automatically enrolled in the Plan unless the affirmatively elect not to participate. Automatically enrolled participants have their deferral rate set at 3% of eligible compensation, with no annual increase applied, unless a different election is made.

The base plan has Walsh University contributing an amount equal to four (4%) percent of the employee’s wages once they enroll in the plan. The employee is not required to make any contributions to participate in the base plan. In addition to the base plan, the University will match any employee contribution up to three (3%) percent. This means the following options are available:

| UNIVERSITY CONTRIBUTION | EMPLOYEE CONTRIBUTION |
|-------------------------|-----------------------|
| 7%                      | 3% Optional           |
| 6%                      | 2% Optional           |
| 5%                      | 1% Optional           |
| 4%                      | 0%                    |

**SPOUSAL HEALTH CARE COVERAGE ELIGIBILITY POLICY**

Spouses of Walsh University employees are eligible for health care coverage under the Walsh University plan at the Employee + Spouse or Employee + Family rate, if one of the following applies:

- They are not employed
- They are not eligible for health care coverage from their employer per ACA guidelines
- They are retired or self-employed and do not have access to a group medical plan

Spouses of Walsh University employees must enroll in their own employer plan as their primary coverage if one of the following applies:

- they meet the eligibility requirement for health care coverage through their employer as established per ACA guidelines
- they are retired and are eligible for group health care coverage at their previous employer or through their retirement program

Spouses of Walsh University employees who choose not to enroll in their employer sponsored health plan may enroll under Walsh University’s health care plan for an additional cost (spousal surcharge). This cost would be in addition to paying the Employee and Spouse or Employee and Family rate. It is the employee’s responsibility to notify the Employer of any change in spousal coverage or any qualifying event in regard to coverage. The spousal surcharge will be reviewed annually and may be adjusted or changed each plan year.

Walsh reserves the right to verify with the spouse’s employer that coverage is not available or offered.

Walsh University continues to seek ways to eliminate unnecessary costs and waste within their health plans. Occasionally, a dependent eligibility audit will be conducted. This requires all employees to provide proof that any dependents for whom they wish to cover or currently have covered under the employer-provided group health plan are, in fact, eligible for that coverage.

## **SHORT TERM DISABILITY (STD) INSURANCE**

### **Staff Short Term Disability Benefits**

This benefit can be used if you are on a continuous medical leave of absence for yourself that lasts no more than 12 weeks. The employee initiates the claim with MetLife when the event occurs. If MetLife approves the claim, the employee will receive 60% of their salary from days 8-90 through MetLife, and 40% of their salary days 8-30 from the University. Payment begins after MetLife approves the claim, and will be retroactive to day 8.

For days 1-7 of the leave, the employee must use 40 hours of time off, starting with any accrued sick time. If there isn't enough sick time to cover the elimination period, vacation time must be used. If neither bank can cover the elimination period, the employee must go negative in their vacation bank. If the employee doesn't have enough time to cover the elimination period with the balance in the vacation and/or sick bank, or negative time, the leave time will be unpaid.

### **Faculty Short Term Disability Benefits**

This benefit can be used if you are on a continuous medical leave of absence for yourself that lasts no more than 12 weeks. The employee initiates the claim with MetLife when the event occurs. MetLife will render a decision to approve or deny the claim. This approval or denial will be communicated to Walsh HR and the employee. If MetLife approves the STD claim, the University will provide short term disability pay per the following:

- 0-4 years of service = 1 month of full pay, 2 months at 60% of gross monthly salary
- 5-9 years of service = 2 months of full pay, 1 month at 60% of gross monthly salary
- 10 or more years of service = 3 months

FMLA runs concurrently with any approval for STD, whether or not the employee follows through with FMLA application requirements.

Employees are responsible for their portion of benefit plan premiums, whether by payroll deduction or direct payment. Once the employee begins receiving payment from the STD provider and is no longer receiving pay from the University that covers the employee cost of elected benefit plans, the employee is responsible for submitting payment of their portion of health insurance premiums directly to the University.

## **LONG TERM DISABILITY INSURANCE**

After 90 days of illness, the full-time Walsh University employee may be entitled to long-term disability insurance of 60% of their current compensation up to a maximum of \$10,000 per month.

While on long-term disability, the employee is responsible for submitting payment of their portion of health insurance premiums directly to the University (if enrolled). If enrolled at the time of disability, a disabled employee may remain on the University's group health plan (through COBRA), at their own expense.

## **TUITION REMISSION**

### **Tuition Remission for Full-Time Employees**

Full-time, benefit status employees are eligible for Tuition Remission at Walsh University under the following terms and conditions:

- Employees are normally considered eligible for Tuition Remission the following eight-week term after their hire date. For new employees hired while they and/or their eligible dependents are currently enrolled in classes, the tuition remission benefit will be available to them beginning their next eight-week session.
- Full tuition remission is calculated at a rate of 100% of current tuition charges, with the exception of the Doctorate of Physical Therapy and Master of Occupational Therapy which are calculated at 30% and the Doctor of Nursing Practice which is not covered.
- Tuition Remission benefit covers tuition charges only. Fees are not covered by this benefit and may include but are not limited to general fees, room and board, lab fees, technology fees, books and supplies, and graduation fees.
- Tuition Remission applies to one class per 8-week term and is not to exceed 18 credit hours annually.
- Employees should check with the Finance department or Human Resource Offices regarding the most current Internal Revenue Service regulations regarding the taxation of the tuition remission benefit as imputed income.

### **Tuition Remission for Dependents/Spouses of Full-Time Employees**

Eligible dependents for purposes of Tuition Remission are defined as:

- The employee's current spouse.
- The natural or adopted unmarried children/step-children of the employee or employee's spouse if claimed by the employee or the employee's spouse as a dependent on the most recently filed federal income tax return. If the dependent is 22 or older, a copy of the front page of the 1040, showing them as a dependent is required.
- For purposes of this section, a child whose parents are divorced, legally separated under a decree of divorce, or legally separated under a written separation agreement is treated as the dependent of the employee for tuition remission purposes.
- Eligibility does not extend to foreign exchange students, foster children, or married children of employees.
- Eligible dependents in high school must go through the Ohio College Credit Plus program first. If there is a remaining balance, the student will be allowed to use tuition remission. This counts towards the sixteen sessions of tuition remission.
- When both parents are employed by Walsh University, the dependent is not eligible for twice the amount of Tuition Remission.
- Undergraduate tuition remission for dependents is limited to 16 sessions.

### **Tuition Remission for Part-Time Employees and Their Dependents/Spouses**

- Part-time staff and their eligible dependents receive prorated tuition remission based on the scheduled hours of work of the respective part time employee. For example, if an employee is scheduled to work 20 hours per week the remission will be 50% of 100% or 50%.
- Dependents who are part-time students are limited to the number of credit hours required for an undergraduate degree taken over sixteen or more terms.

### **Further Eligibility Considerations and Exclusions for Tuition Remission**

- All employees and/or their eligible dependents who are seeking an undergraduate degree must first apply for all federal and/or state aid for which they may be eligible by completing the Free Application for Federal Student Aid (FAFSA).
- Graduate Assistants are eligible for tuition remission benefits based on the allotment of remission credits to the respective program and their individual Confirmation of Employment. Graduate Assistants in the Physical Therapy and Occupational Therapy Programs will receive tuition remission at the current rate for all other graduate programs.
- If an employee or eligible dependent is receiving Tuition Remission, a \$50 per semester administrative fee per student is deducted from the employee's paycheck during the second 8-week term of the semester. This fee is not added to the student account.

- Students receiving tuition remission benefits can potentially receive financial assistance from federal, state and other external sources. In some cases, this assistance will offset the tuition remission benefit.
- Students receiving tuition remission benefits are usually not eligible for other Walsh University scholarships or grants. In any case, the total of any student's tuition remission benefits, outside scholarships and governmental grants may not exceed the student's direct cost (tuition, fees, room and board for resident students) of attending Walsh University.
- Self-help aid that is awarded to the student, such as loans and work-study, may be applied to any applicable fees and/or other educational related expenses and does not normally affect the amount of the tuition remission benefit.
- Tuition Remission does not apply to Communicate Institute Classes, testing out of classes through CLEP or Dantes examinations, portfolio assessments, independent study or course by arrangement. Tuition remission only applies to courses administered by Walsh University.
- Tuition remission does not apply for payment or reimbursement for room and board charges. Dependents who are full-time students (primarily children) are limited to sixteen 8-week terms (eight semesters) with a maximum of 18 credit hours per semester of tuition remission. Summer sessions count towards the sixteen terms of tuition remission.

#### **Tuition Remission After Retirement or Termination of Employment**

If an employee resigns, is terminated, retires, or passes away while the employee or the employee's dependents are enrolled in classes at Walsh, Tuition Remission will be affected as follows:

- If an eligible employee terminates employment with the University, the employee and/or their dependents who have begun the term receiving this benefit may continue through the 8-week session in which the employee left.
- Dependent children of retired employees maintain their eligibility for tuition remission if they qualify at the time of the employee's retirement and the employee's age and years of service at the date of retirement equaled 90 or greater.
- Dependents of deceased employees maintain their eligibility for Tuition Remission if they qualify at the time of the employee's death.

#### **Tuition Remission Procedures**

- An employee or eligible dependent seeking a degree or pursuing classes as a non-degree seeking student should apply to the Office of Admission.
- An employee or eligible dependent interested in Tuition Remission must complete the corresponding Walsh Application for Financial Aid and Tuition Remission paperwork available from the Student Service Center. This is to be completed by the beginning of every financial aid year, which starts each summer.
  - For employees, these forms must be completed by the employee and signed off by the employee's supervising Vice President and then returned to the Student Service Center.
  - For eligible dependents, these forms must be completed by the student and signed off by the Manager of Payroll and Benefits before being returned to the Student Service Center.
- If the employee and/or their eligible dependent are not eligible for Tuition Remission, the Manager of Payroll and Benefits and/or Financial Aid Office will notify the employee.
- If an employee and/or their eligible dependent receiving Tuition Remission withdraws from a course with a refund, the Student Service Center must be alerted. Financial aid will be adjusted at this time. If an employee and/or their eligible dependent utilizing Tuition Remission withdraws from a course after the add/drop period, the Tuition Remission benefit will still count towards the maximum allowed during the term.

## TUITION EXCHANGE

Walsh University is a member of several exchange programs that offer exchange scholarships for employee dependents at participating colleges and universities. Contact the Human Resources Department for details.

Students receiving tuition exchange scholarships can potentially receive financial assistance from federal, state and other external sources. In some cases, this assistance will offset the tuition exchange award. Students will need to contact the financial aid department for the institution awarding tuition exchange to understand how this may impact their circumstance.

## HOLIDAYS

Walsh University observes the following paid holidays:

- New Year's Day
- Martin Luther King Jr. Day
- March for Life (National)
- Easter Break (Thurs, Fri, and Mon off)
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Thanksgiving Break (Wed, Thurs, Fri off)
- Christmas Break\*\*

**\*\*Under normal circumstances, the University will be closed for approximately seven business days for Christmas break. Employees terminating employment in January shall have this time charged against their accumulated vacation.**

Holiday pay is based on the principle that employees should receive the same number of paid holiday hours, as the hours they normally work. Employees cannot receive more holiday pay hours than the number of hours normally worked for that day. For example, if an employee normally works six hours on a Monday, and a holiday falls on a Monday, the employee would receive six hours of holiday pay.

Part-time employees will receive holiday pay for any holiday which falls on their scheduled work days. Any non-exempt employee required to work on a holiday shall compensated at time and a half for the holiday hours. Designated hourly positions are excluded from this provision.

Campus police officers who work on a University holiday will receive double time.

## VACATION TIME

Rest and recreation are important for the health and wellbeing of employees. The University wants and expects employees to use their annual vacation allocation.

### Non-Exempt Vacation Day Accrual Schedule

| Completed Years of Service | 0-4                 | 5-9                 | 10 or more          |
|----------------------------|---------------------|---------------------|---------------------|
| # of Vacation Days*        | 10 (.0385 per hour) | 15 (.0577 per hour) | 20 (.0770 per hour) |

### Exempt and Professional Non-Exempt Staff Vacation Day Accrual Schedule

| Completed Years of Service | 0-4                 | 5 or more            |
|----------------------------|---------------------|----------------------|
| # of Vacation Days*        | 15 (.0577 per hour) | 20 (0.0770 per hour) |



Faculty members do not accrue vacation time.

Vacation runs July 1st to June 30<sup>th</sup>. There is no carryover or payment of unused vacation at the end of the fiscal year (June 30). \*Vacation hours are awarded at the end of each pay period; total yearly vacation will not exceed the number of days listed.

It is the responsibility of each department head to develop an annual tentative vacation schedule. The vacation schedule is to reflect proper staffing levels that assure the ability to provide the best possible service for constituents particularly at the beginning and the ending of the academic semester.

Employees must discuss vacation plans with their supervisor prior to finalizing vacation schedules. **Vacation requests must** be made using PAYCOM. All employees who receive vacation time, are required to enter vacation accurately and timely, within each pay period. Repeated violations may result in disciplinary action being taken and, for those eligible positions, forfeiture of any accrued and unused vacation at separation from the University.

Vacation time does not accrue when an employee is on medical leave and not being paid by the University. This occurs when an employee is on short or long-term disability and is receiving payments from the University's disability insurance provider. Vacation time will be used for any absences related to medical leave not covered by sick time.

Employees may have a negative vacation balance but the negative balance may not exceed the total number of possible annual accrual hours for the fiscal year. Employees must be able to achieve a positive or zero vacation balance by June 30<sup>th</sup> of the current fiscal year when the balance is negative.

For positions that receive vacation time, accrued vacation balances, either positive or negative, will be used in calculating the employee's final check. Because unused vacation expires June 30 of each year, there will be no payments for accrued vacation amounts that would take you past June 30<sup>th</sup>.

## **SICK TIME**

All Non-Exempt employees shall earn sick leave credits at a rate of 56 hours for 2080 regular hours worked in a fiscal year or paid by the University, .0269 per hour worked. Exempt employees shall earn sick leave credits at a rate of 56 hours for the fiscal year. Regular full-time faculty shall earn sick leave credits at a rate of 56 hours for their contract year.

Non-Exempt Staff, Exempt Staff and regular full-time faculty are limited to accruing no more than 112 hours. Employees who have accumulated the maximum sick time may keep their current number of hours until they reduce them through usage.

When sick time is used, it must be recorded in PAYCOM.

Sick leave credits do not accrue when an employee is on a personal leave, FMLA and/or Short/Long Term Disability leave.

\*Note: Effective July 1, 2020, all sick time accrued under previous policies will not roll over and accrual under the new policy will begin.

Accumulated sick time does not carry any monetary value at the termination of employment. At the time of termination any amount of sick time used that has not been accrued will be deducted from the final check or accrued

vacation time that was not used. A record of employee sick days will be forwarded to the employee's immediate supervisor upon request. All employees are required to enter sick time and FMLA hours accurately and timely, within each pay period. Repeated violations may result in disciplinary action being taken.

### **Reporting Sick Time**

An employee should inform their immediate supervisor promptly when absent due to illness, injury, or is otherwise physically unable to work. The Director of Human Resources and Culture may require employees to furnish a doctor's statement specifying the reason for the absence and their fitness to return to work. Sick time hours may also be used to care for a sick immediate family member.

Employees that are absent or anticipate being absent for three consecutive work days must submit a doctor's note stating the reason for the absence. This note is to be provided to Human Resources. Supervisors must notify Human Resources of any absence five or more consecutive work days. Extended absences may require periodic reports updating the employee's condition.

Medical and dental appointments are to be scheduled outside of normal working hours whenever reasonably possible.

The University may require an employee be examined and assessed by a doctor chosen and paid by Walsh University to evaluate the employee's medical condition and fitness to work.

For an extended absence, employees are expected to return to work upon receiving a written work release from a physician.

### **DONATION OF SICK TIME**

All Non-Exempt Staff, Exempt Staff and Twelve-Month Faculty who have used all of his/her accrued annual sick leave may receive sick leave donations from other employees if they are going to be out for an extended absence (defined as more than 5 consecutive work days). The procedures for receiving or giving donations are:

- An employee must exhaust all sick and vacation time before they can ask for donated sicktime.
- The employee in need of donated sick-leave should contact the Director of Human Resources and Culture, who will notify the campus community of the need and record the distribution of donated sickleave.
- Sick leave donors must have an accrued sick leave balance in excess of 40 hours. Only accrued sick leave hours in excess of 40 are eligible to be donated.
- An employee who wishes to donate is limited to 8 hours every 60 days.
- An employee who is receiving donated sick time is limited to 5 days per fiscal year.
- Sick leave donation forms will be available from the Office of Human Resources. Employees wishing to donate a portion of their accrued sick leave must return completed donation forms to the Director of Human Resources and Culture.
- Sick leave will be transferred from the donor to the recipient on an hour-for-hour basis.
- Supervisors and direct reports cannot donate to each other.

### **WORKERS' COMPENSATION**

Employees who sustain a work-related injury may be entitled to Workers' Compensation benefits as provided by Ohio law. If an employee sustains such a work-related injury, it must be reported immediately to the employee's direct supervisor. An Accident/Incident Report must be completed and forwarded to Human Resources within two working days explaining the nature of the employee's injury. Accident/Incident Reports are available in the Human Resources and Maintenance offices. An employee is not eligible to receive compensation for both sick leave payments and Worker's Compensation benefits for the same loss of work time.

Workers' compensation benefits (paid or unpaid) will run concurrently with FMLA leave, if applicable, where permitted by state and federal law. In addition, employees will not be paid vacation or sick leave for approved absences covered by the company's workers' compensation program, except to supplement the workers' compensation benefits such as when the plan only covers a portion of the employees' salary as allowed by state law.

### **EMPLOYEE ASSISTANCE PROGRAM**

The employee assistance program (EAP) is a resource designed to provide highly confidential and experienced help for employees in dealing with issues that affect their lives and the quality of their job performance. Walsh University wants employees to be able to maintain a healthy balance of work and family that allows them to enjoy life. The EAP is a confidential counseling and referral service that can help employees successfully deal with life's challenges.

This free, comprehensive counseling service offers employees five visits per issue each year and a 24-hour hotline answered by professional, degreed counselors.

The University encourages employees to use this valuable service whenever they have such a need. Employees who choose to use these counseling services are assured the information disclosed in their sessions is confidential and not available to the University, and the University is not given any information on who chooses to use the services. For questions or additional information about this program, employees may contact the HR department.

### **REMOTE AND HYBRID WORK ARRANGEMENTS**

Remote and hybrid work arrangements may be used to allow employees to fulfill some or all of their duties from an off-campus location. Enabling remote and hybrid work is a strategic business decision, in addition to being a benefit for employees, and is consistent with Walsh University's mission, including:

- creating a highly engaged, diverse, and inclusive workforce to support the University's mission of educating students to be leaders in service to others;
- attracting and retaining employees by providing a work environment that is supportive, productive, and flexible;
- sustaining a highly collaborative culture and campus community;
- fostering an environment for continued spiritual, professional, cultural and personal growth; and
- empowering decisions that prioritize both business needs with consideration of employee preferences.

For these reasons, the University provides remote and hybrid work arrangements and flexible scheduling when appropriate and when in alignment with the needs of the teams and departments. Approval for such arrangements is granted at the discretion of the department Vice President and is subject to ongoing and periodic review. The determination of employee eligibility for remote and hybrid work will be made in accordance with this policy and the needs of the department or team. All approved remote or hybrid work arrangements will have a trial period of 90 days and may be discontinued and at any time at the request of either the employee or the supervising VP. Every effort will be made to provide fifteen days' notice of such change. There may be instances, however, when no notice is possible to meet the needs of the University. Please contact Human Resources for additional information or to receive the full policy and procedure and the Remote/Hybrid Work Agreement.

## SECTION C. LEAVES OF ABSENCE

### BEREAVEMENT LEAVE

We recognize the emotional stress and additional responsibility that may result from a death in an employee's life, and therefore, we provide paid bereavement leave. In the event that you suffer the loss of a loved one, your specific bereavement plan will be approved by the VP of your group, in coordination with the head of HR to ensure you have the time needed to take care of yourself and your family.

As a general guide, we provide 5 paid days for the passing of an immediate family member, 3 days for any family member, and 1 day for all other personal losses.

An immediate family member is defined as one's spouse, child, mother, father, grandparent, mother-in-law, father-in-law, or sibling. Child includes natural, step, foster, adopted daughter or son and any child under the employee's legal guardianship.

You may be requested by the Institution to submit satisfactory evidence to support your request for this leave.

### JURY DUTY

Employees who perform jury duty shall receive paid time off at their normal rate of pay to perform jury duty, subject to presentation of acceptable documentation of such service. They are expected to report for work all or part of any day when not engaged in jury duty. Under appropriate special circumstances, the University may suggest or require the filing of a petition for an employee to be excused from service, due to hardship to the University or the employee.

### FAMILY AND MEDICAL LEAVE

Walsh University complies with the federal FMLA, which requires employers to grant unpaid leaves of absence to qualified workers for certain medical and family-related reasons. The company also abides by any state and local leave laws. The more generous of the laws will apply to the employee if the employee is eligible under both federal and state laws.

If you need to be on a leave of absence for any illness, medical issue, or accident longer than three consecutive work days, please notify your manager and contact the Human Resource Department.

Employees should note there are many requirements, qualifications, and exceptions under these laws, and each employee's situation is different. Employees should contact the HR department to discuss options for leave.

The FMLA requires private employers with 50 or more employees and all public agencies, including state, local, and federal employers, and local education agencies (schools) to provide eligible employees up to 12 weeks of unpaid, job-protected leave in any 12-month period for certain family and medical reasons. The 12-month period is a rolling period measured backward from the date an employee uses any FMLA leave, except for leaves to care for a covered servicemember with a serious illness or injury. For those leaves, the leave entitlement is 26 weeks in a single 12-month period measured forward from the date an employee first takes that type of leave.

**Basic leave entitlement.** The FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons: (1) for incapacity due to pregnancy, prenatal medical care, or childbirth; (2) to care for the employee's child after birth or placement for adoption or foster care; (3) to care for the employee's spouse, child, or parent who has a serious health condition; or (4) for a serious health condition that makes the employee unable to work.

**Military family leave entitlements.** Eligible employees with a spouse, child, or parent on active duty or called to active-duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include addressing issues that arise from (1) short notice of deployment (limited to up to seven days of leave); (2) attending certain military events and related activity; (3) arranging child care and school activities; (4) addressing certain financial and legal arrangements; (5) attending certain counseling sessions; (6) spending time with covered military family members on short-term temporary rest and recuperation leave (limited to up to five days of leave); (7) attending post-deployment reintegration briefings; (8) arranging care for or providing care to a parent who is incapable of self-care; and (9) any additional activities agreed upon by the employer and employee that arise out of the military member's active duty or call to active duty.

The FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the armed forces, including a member of the National Guard or reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of the servicemember's office, grade, rank, or rating and for which the servicemember is undergoing medical treatment, recuperation, or therapy; is in outpatient status; or is on the temporary disability retired list.

**Benefits and protections during FMLA leave.** During FMLA leave, the company will maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. However, an employee on FMLA leave does not have any greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

Certain highly compensated key employees also may be denied reinstatement when necessary to prevent "substantial and grievous economic injury" to the company's operations. A "key" employee is an eligible salaried employee who is among the highest-paid 10 percent of the company's employees within 75 miles of the worksite. Employees will be notified of their status as key employees, when applicable, after they request FMLA leave.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued before the start of an employee's leave.

**Employee eligibility.** The FMLA defines eligible employees as employees who (1) have worked for the company for at least 12 months; (2) have worked for the company for at least 1,250 hours in the previous 12 months; and (3) work at or report to a worksite that has 50 or more employees or is within 75 miles of company worksites that, taken together, have a total of 50 or more employees.

**Definition of "serious health condition."** A serious health condition is an illness, an injury, an impairment, or a physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a healthcare provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school, work, or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a healthcare provider or one visit and a regimen of continuing treatment, incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of "continuing treatment."

**Use of leave.** An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced work schedule when medically necessary. Employees must make reasonable efforts to schedule leave

for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies also may be taken on an intermittent or a reduced work schedule basis.

**Substitution of paid leave for unpaid leave.** Employees may choose or employers may require the use of accrued paid leave while taking FMLA leave. Accordingly, the company requires employees to use any accrued paid vacation and sick days during an unpaid FMLA leave taken because of the employees' own serious health condition or the serious health condition of a family member or to care for a seriously ill or injured family member in the military. In addition, employees must use any accrued paid vacation and/or sick days during FMLA leave taken to care for a newborn or newly placed child or for a qualifying exigency arising out of a family member's active duty or call to active-duty status in support of a contingency operation. In order to use paid leave for FMLA leave, employees must comply with the company's normal paid leave procedures found in its Vacation and Sick Leave policies.

**Employee responsibilities.** Employees must provide 30 days' advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, employees must provide notice as soon as practicable and generally must comply with the company's normal call-in procedures. The company may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave, absent unusual circumstances preventing the notice.

Employees must provide sufficient information for the company to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a healthcare provider, or circumstances supporting the need for military family leave. Employees also must inform the company if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also are required to provide a certification and periodic recertification supporting the need for leave. The company also may require a second and, if necessary, a third opinion (at the company's expense) and, when the leave is a result of the employee's own serious health condition, a fitness-for-duty report to return to work. The company also may delay or deny approval of leave for lack of proper medical certification.

**Company responsibilities.** The company will inform employees requesting leave whether they are eligible under the FMLA. If they are, the notice will specify any additional information required, as well as the employees' rights and responsibilities. If employees are not eligible, the company will provide a reason for the ineligibility. The company will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employees' FMLA leave entitlement. If the company determines that the leave is not FMLA-protected, the company will notify the employees.

**Other provisions.** Under an exception to the FLSA in the FMLA regulations, hourly amounts may be deducted for unpaid leave from the salary of executive, administrative, and professional employees; certain highly skilled computer professionals; and certain highly compensated employees who are exempt from the minimum wage and overtime requirements of the FLSA, without affecting the employees' exempt status. This special exception to the "salary basis" requirements for the FLSA's exemptions extends only to eligible employees' use of FMLA leave.

Employees may not perform work for self-employment or for any other employer during an approved leave of absence, except when the leave is for military or public service or when the company has approved the employment under its Outside Employment policy and the employees' reason for FMLA leave does not preclude the outside employment.

An employee's return to work date may not fall on a company holiday. If an employee's return to work date does fall on a company holiday, the employee will not be paid for this holiday.

**Unlawful acts by employers.** The FMLA makes it unlawful for any employer (1) to interfere with, restrain, or deny the

exercise of any right provided under the FMLA or (2) to discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

**Enforcement.** An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

## **MILITARY LEAVE**

Walsh University supports the military obligations of all employees and grants leaves for uniformed service in accordance with applicable federal and state laws. Any employee who needs time off for uniformed service should immediately notify the HR department and the employee's supervisor, who will provide details regarding the leave. If an employee is unable to provide notice before leaving for uniformed service, a family member should notify the supervisor as soon as possible.

Upon return from military leave, employees will retain certain rights with respect to reinstatement, seniority, layoffs, compensation, length of service promotions, and length of service pay increases, as required by applicable federal or state law. Failure to report for work within the prescribed time after completion of military service will be considered a voluntary termination.

All employees who enter military service may accumulate a total absence of five years and still retain employment rights.

An employee is allowed up to four weeks' leave of absence to participate in annual military training duty. The University will pay the difference between the employee's regular compensation and the military pay earned during such time of military duty, upon receipt of a statement from the employee's commanding officer or other appropriate official, showing the exact days of duty and compensation. Such pay calculations will be based upon the employee's regularly scheduled work hours per workweek.

## **AMERICANS WITH DISABILITIES ACT (ADA) AND REASONABLE ACCOMODATION**

Walsh University is committed to the fair and equal employment of individuals with disabilities under the ADA. It is Walsh University's policy to provide reasonable accommodation to qualified individuals with disabilities unless the accommodation would impose an undue hardship on the University. Walsh University prohibits any harassment of, or discriminatory treatment of, employees or applicants based on a disability or because an employee has requested a reasonable accommodation.

In accordance with the ADA, reasonable accommodations will be provided to qualified individuals with disabilities to enable them to perform the essential functions of their jobs or to enjoy the equal benefits and privileges of employment. An employee or applicant with a disability may request an accommodation from the HR department and should specify what accommodation is needed to perform the job and submit supporting documentation explaining the basis for the requested accommodation, to the extent permitted and in accordance with applicable law. The University then will review and analyze the request, including engaging in an interactive process with the employee or applicant, to identify if such an accommodation can be made, or if any other possible accommodations are appropriate. If requested, the employee is responsible for providing medical documentation regarding the disability and possible accommodations. All information obtained concerning the medical condition or history of an applicant or employee will be treated as confidential information, maintained in separate medical files, and disclosed only as permitted by law.

It is the policy of Walsh University to prohibit harassment or discrimination based on disability or because an employee has requested a reasonable accommodation. Walsh University prohibits retaliation against employees for exercising

their rights under the ADA or other applicable civil rights laws. Employees should use the procedures described in the Harassment and Complaint Procedure to report any harassment, discrimination, or retaliation they have experienced or witnessed.

### **MATERNITY LEAVE**

In an effort to support new mothers, the University provides 100% of pay for weeks two, three and four of the leave if and when the Short-Term Disability provider approves the STD claim. The following weeks of approved short-term disability leave are paid at a rate of 60% of the employee's normal rate of pay through the University's Short-Term Disability provider. The Short-Term Disability time period runs concurrently with FMLA. If the employee continues leave beyond the STD time period, the remaining FMLA weeks available to the employee are unpaid, unless the employee opts to use vacation time during this period, which is optional.

For those adopting a child, we will cover the first 30 calendar days at 100%, and the following 2 weeks at 60% of the individual's normal rate of pay.

### **PATERNITY LEAVE**

We offer 1 week (5 days) of paid paternity leave associated with the birth or placement of a child through adoption. This benefit is available to be used at any time during the 12 weeks following the child's birth or completed adoption, and can be used intermittently.

### **PERSONAL LEAVE OF ABSENCE**

Personal leave is an unpaid leave of absence not covered under the Family and Medical Leave policy. Personal leave will not be considered unless the individual requesting the leave has been employed at least one year.

An unpaid personal leave of absence may be granted upon request to regular full- and part-time employees for important pressing personal needs, at the discretion of your department manager. Accepting employment elsewhere is not unpaid leave and constitutes a termination of employment at Walsh University.

Requests for unpaid personal leave must be made in writing to the employee's department manager with a copy to the Director of Human Resources and Culture, and should indicate the reason and the length of leave requested. All unpaid personal leaves must be approved by the department manager and the Director of Human Resources and Culture. The department manager shall review and act upon a request for unpaid personal leave in consideration of the following factors:

- The purpose for which the leave is requested.
- The length of time the employee will be away.
- The effect the leave will have on the ability of the department to carry out its responsibilities.
- The quality of the employee's performance prior to the submission of the request.

Unpaid personal leave may only be requested once all other appropriate leave balances have been exhausted. Walsh University will attempt to hold an employee's position open for the period of unpaid personal leave, if such leave is two weeks or less. If leave is greater than two weeks, the employee, may be terminated or asked to resign.

Employee health benefits will be continued in the same manner as received prior to the leave, if the leave is for two weeks or less, the employee will be expected to remit payment for the employee's portion of the health insurance premium prior to departing for unpaid personal leave, and in an amount equivalent to the expected period of absence.



## **SECTION D. GENERAL SERVICES AND FACILITIES**

The policies that follow were developed to promote a quality work environment and to respect the dignity and individual rights of each Walsh University employee.

### **BOOKSTORE**

Employees receive a ten percent (10%) discount on most items purchased at the bookstore. The discount does not apply to text books and may not apply to sale or discontinued items.

### **CAMPUS EVENTS**

Employees are admitted to all regular season athletic events by showing their valid Walsh University ID at the box office (Football, Volleyball and Basketball), which is good for two tickets per event. Invitations are also sent throughout the year to other University events such as concerts, plays, dinners, etc. Employee participation is encouraged at University functions and events.

### **CAMPUS POLICE**

Employee and student safety are of paramount importance to the University. By observing the following guidelines, employees will be doing their part to maintain a safe, secure environment.

- Keep personal belonging in a safe place.
- Any crimes or suspicious acts should be reported immediately to the campus police at **ext. 7474 or by calling (330) 316-1088**.
- When leaving the building or office, employees are asked to close windows, turn off lights, and close the door.

### **COMPUTER AND TELEPHONE USAGE**

Employees must use the University's computer resources in an ethical manner with attention to:

- legal use of licensed software
- protection of confidential information
- legitimate use of hardware/software/periphery devices
- legitimate access to and use of valid data
- respect for and safeguarding of security passwords, user identity and system access
- legitimate use of Internet and telecommunication services

For further information regarding computer and telecommunication usage, please refer to the *Policy on Acceptable Use of Walsh-Managed Information Technology* in Section E of this handbook.

University telephones are for use in performing your work duties. They should not be used for unnecessary personal phone calls. The telephone receptionist located in the lobby of the David Campus Center, serves as a center for all incoming telephone calls and campus telephone communications.

Personal cell phone use while on the job should be limited. Abuse of personal cell phone use will be addressed through the disciplinary action procedure.

## EMERGENCY ALERT SYSTEM – WUALERT

The Walsh Emergency Alert communication system allows Walsh to send time-sensitive notifications via the Walsh University Emergency Alert System (voice messages, emails, and text messages). This system will be used only in the case of an emergency such as school closures, natural disasters or imminent threats. Staff members now have access to update up to four phone numbers on the Cavalier Center. Here is a link to the directions:

<https://www.walsh.edu/emergency-response-preparedness.html>

### Important Call Delivery Notes:

- When you receive a call from the emergency alert system to your home phone, your caller ID will display WUALert. For cell phones you will need to program the contact information. When you receive the initial test call, we encourage you to store and save the number under the contact name WUALert for future reference.
- For emails, the Email ID will be from Walsh Emergency Alert.
- Text messages will come from 23177.
- You will get an initial confirmation text message to ensure we've reached the correct text message device. This will also be your opportunity to "opt-out" of future text messaging alert broadcasts.
- When listening to a message, please be aware that background noise will cause the system to "stop and start." It is calibrated very delicately to determine whether a person or an answering machine has picked up the phone, and background noise may affect the delivery. If possible, move to a quiet area, or press the "mute" button on your phone.
- If you missed any part of the message, please stay on the line and press "\*" (star) to hear the message again.
- Please be assured that all personal information will be maintained in the strictest confidence.

## EMERGENCY CALLS - 911 (For North Canton Fire and Ambulance)

If a Fire or Medical emergency arises, dial 911. **911 calls do not provide the location of the phone you are using, just the University address.** The operator will ask if you need fire or ambulance. Stay on the line and give the operator the following information:

- The gate the emergency vehicle should enter: Westgate, Centergate or Eastgate
- Name of building or residence hall and room number

If you need the Police, dial 7474 on any Campus Phone, the Campus Police will respond.

## EMERGENCY CLOSING POLICY

To provide continuity of services to students and the public, it is the policy of the university to remain open. However, during extreme conditions due to severe weather, major utility failure or other reasons, the university may move to remote operations, or close all or parts of the campus. A weather or other short-term closing has neither the catastrophic effect nor the duration of impact on the university community as a disaster event. Remote operations or short-term closings are declared by university leadership. A short-term closing generally does not last more than five days. The policy provides guidance on and promotes consistent application of procedures during remote operations or short-term closings. Please see Human Resources to request the full policy language.

It is important to remember that the University only closes for extreme conditions and circumstances. Walsh University usually remains open when area high schools and elementary schools close, as our population is comprised of adults, with a substantial portion residing on campus, and we have the capacity to continue classes and operations using remote capabilities.

When, on the rare occasion, the university is forced to cancel all classes or close, every attempt is made to announce the decision by 5:00 a.m. for day classes and events and 3:00 p.m. for evening classes and events.

The following media outlets have historically announced Walsh University emergency closing information (This list is

subject to change as necessitated by the media outlets’ rules and regulations):

|                     |                            |                             |
|---------------------|----------------------------|-----------------------------|
| TELEVISION STATIONS |                            |                             |
| WKYC-TV, Channel 3  |                            |                             |
| WVPX-TV, Channel 2  |                            |                             |
| WOIO-TV, Channel 19 |                            |                             |
| WUAB-TV, Channel 43 |                            |                             |
| WVIZ-TV, Channel 25 |                            |                             |
| RADIO STATIONS      |                            |                             |
| WAKR, 1590 AM       | WGAR-FM, Country 99.5 FM   | WMVX-FM, Mix 106.5 FM       |
| WAKS, KISS 96.5 FM  | WHBC, 1480 AM and 94.1 FM  | WNIR, 100.1 FM              |
| WCLV, 104.9 FM      | WHLO, 640AM                | WONE, 97.5 FM               |
| WCPN, 90.3 FM       | WJER, 1310 AM and 92.5 FM  | WQMX, 94.9 FM               |
| WCRF, 103.3 FM      | WKDD, 98.1 FM              | WRQK, 107 FM                |
| WDPN, 1310 AM       | WMJI-FM, Magic 105.7 FM    | WTAM, 1100 AM               |
| WGAR, 99.5 FM       | WMMS, The Buzzard 100.7 FM | WTAM-AM, News Radio 1100 AM |
|                     |                            | WZKL, 92.5 FM               |

**Tornado**

- **Tornado Watch:** The National Weather Service issues a tornado watch when tornadoes are possible in your area. Remain alert for approaching storms.
- **Tornado Warning:** A tornado warning is issued when a tornado has been sighted or indicated by weather radar. Seek shelter immediately!
- Never Sound the fire alarm to warn people of a tornado. People responding to the alarm would exit the building and be exposed outdoors, potentially worsening the situation.
- **Designated Tornado Shelters:**
  1. Aultman and Betzler Science Centers and Counseling Center: east basement rooms 019, 020, and west basement.
  2. Barrette Center: basement, which can be reached by going through the old dining hall
  3. Farrell Hall: basement, this can be reached by the north end staircase (print room)

More information can be found at <https://www.walsh.edu/emergency.html>.

**CRITICAL EVENT LEAVE**

The critical event leave policy is intended to provide guidance on University operations during a critical event. Critical event leave can only be granted when a University critical event has been declared or the health and safety of the campus community in whole or in part are at stake. Critical event leave may only be provided to eligible employees and graduate assistants who are unable to work because of the critical event and the university’s inability to provide work. Critical event leave is granted at the discretion of university leadership and depends on the nature and duration of the critical event.

The University’s primary goal is to continue teaching classes and provide student services, if feasible, given safety and security issues. If the regular worksite is unavailable, the University may identify other means to work such as telecommuting, alternate work location, alternative schedules, etc. If employees or graduate assistants cannot perform regular duties, the University may assign other duties as needed. Assignments may involve work from another department. If employees or graduate assistants cannot perform work and alternative arrangements are unavailable, critical event leave may be provided at the discretion of the President and the President’s Cabinet. Critical event leave is not an entitlement. The University retains flexibility to implement critical event leave based upon the situation. Critical event leave must be fiscally responsible, balancing the needs of the University and its desire to maintain operations for the student population. Employees and graduate assistants who cannot perform their work during a critical event will be paid at normal rate of pay, for as long as the University determines their

employment can be sustained. Critical event leave is typically for events lasting no more than five days.

All other University policies may be superseded or suspended or changed when this policy is in effect, given the specific circumstances of the critical event. The President and the President's Cabinet are responsible for determining if and when other University policies are superseded.

Critical event leave applies only to those employees or graduate associates who cannot perform work due to the critical event and who are otherwise deemed eligible at the time of or after the event. Eligibility is determined by President and President's Cabinet and based upon conditions created by the nature and duration of the event and is at their discretion. Employees and graduate associates funded by grants and/or special contracts may not be eligible for critical event leave depending on the requirements of the grant or contract. Employees and graduate assistants who refuse a work assignment are not eligible for critical leave unless a bona fide reason for the refusal exists. Employees and graduate assistants who are unable to work due to their own personal reasons (related or unrelated to the disaster) rather than the University's inability to provide work are not eligible for critical event leave and may be required to charge their time to the appropriate accrued time off balance (vacation, sick) if relevant and approved. If accrued time off has been exhausted, the time off will be unpaid. Documentation may be required.

The President and President's Cabinet will:

- Communicate any use of critical event leave and other relevant policies to affected employees or graduate assistants.
- Determine employment status of employees and graduate assistants as the event progresses.
- Verify eligibility for critical event leave.
- Collaborate with the Manager of Payroll and Benefits to ensure employees and graduate assistants are paid appropriately.

During a critical event or short-term closing, each employee and graduate assistant must communicate their status and ability to work to their supervisor.

## **FOOD SERVICE**

Employees have the option of purchasing a meal plan that offers blocks of meals in the Schervish Dining Center located in the David Campus Center. The meal plan can be purchased in the Student Service Center located in Farrell Hall.

## **HEALTH CENTER**

Health Services is located in the Mercy Wellness Center - Gaetano M. Cecchini Family Health & Wellness Complex. Health Services has a close relationship with nearby medical facilities to offer extensive healthcare in the event it is necessary. Some health services requested may require additional fees.

In keeping with the policy of securing the best medical treatment available, consultation with outside specialists is sometimes advised or may be requested. Such outside consultation is payable by the employee.

Local outpatient/emergency clinics provide medical and physician care as needed. Employees requiring emergency treatment and/ or hospitalization are referred to area hospitals. Employees must assume the responsibility of payment for medication and treatment received outside the Health Center.

## **LIBRARY**

The library is available to all Walsh employees. The library hours are posted at the beginning of each academic year, and are subject to change. Special schedules are posted before final examinations, holidays, and vacation periods. An abbreviated schedule is posted for summer school. A Walsh identification card is required when checking out library materials.

## **MAIL**

Mail slots for employees and departments are located in the David Campus Center. All outgoing mail is metered and interoffice mail is distributed into the mail slots by mail room staff. Outgoing mail is picked up daily at 2:30 p.m. at the Information Desk located in the David Campus Center.

## **MILEAGE ALLOWANCE AND TRAVEL REIMBURSEMENT**

Employees who use their personal vehicle for approved work-related driving can be reimbursed with supervisor pre-approval at the rate per mile as determined by the Internal Revenue Service. All employees authorized to use their personal vehicle for work-related travel must maintain a valid driver's license as well as adequate insurance coverage on their vehicle.

Employees must keep adequate records documenting the accurate mileage and expenses. Reimbursement will be issued on proper submission of the approved form. Reimbursement for expenses incurred while attending professional development workshops/meetings are made through the Business Office. Such expenses may include registration, mileage, parking, meals and lodging. An estimate must be submitted to the employee's immediate supervisor and approved prior to the scheduled workshop/meeting. Reimbursement for personal items and alcohol are not normally permitted.

## **OUR LADY OF PERPETUAL HELP CHAPEL**

Our Lady of Perpetual Help Chapel may be used for private prayer and meditation at any time it is not being used for services, provided proper decorum is observed. Daily mass is scheduled as posted.

## **PARKING**

There are several parking lots with reserved spaces marked "Faculty/Staff." Parking is permitted in any of these reserved spaces or any of the unmarked student parking areas.

Each employee's vehicle must be registered through the Student Affairs Office/Campus Police. All registered vehicles must display parking permits when parked on campus.

Parking in disabled, grass, fire lane, visitor or other restricted areas is a parking violation and will result in a written parking ticket.

## **PRINT ROOM**

The Print Room is located in the basement of Farrell Hall where departmental copying and printing is done. A supply of stationery, paper, and envelopes is also available.

## **PURCHASING**

Employees should contact their immediate supervisor to determine that department's purchasing procedures. As a private, nonprofit educational institution, Walsh University is exempt from paying most federal excise and state sales and use taxes. Purchasing merchandise or services through the University's exempt status for personal use is prohibited.

## **SOLICITATION AND DISTRIBUTION**

In no event shall non-employees, other than students be permitted to solicit, post or distribute any materials on the premises of Walsh University, except for charitable organizations approved by the Human Resources Department.

Unless approved in writing in advance by the Human Resources Department, employees shall not post or distribute handbills or other printed matter, or sell any article, or directly or indirectly solicit, collect or accept money for pledges, memberships, subscriptions or admissions for any public or private organization or enterprise, or for any loans, gifts or purchases of any nature, during the working time of any involved employees.

Distribution of literature or materials in work areas or on bulletin boards is prohibited at any time, without the prior written approval of the Human Resources Department, Student Affairs and Development as appropriate.

### **SPECIAL EVENTS RENTAL**

On a space available basis, employees may rent certain University facilities. Groups and organizations are able to rent campus facilities, which include catering services, and classrooms for weddings, receptions, birthdays, reunions, etc. Contact the Community Events Office for details.

### **TOBACCO FREE CAMPUS**

Smoking is a leading cause of preventable death in the United States. Smoking and secondhand smoke are known causes of lung disease, heart disease, and cancer. Walsh University recognizes the hazards caused by tobacco use and exposure to secondhand tobacco smoke.

To protect and enhance our indoor/outdoor air quality and to contribute to the health and well-being of our entire campus community, Walsh University campus is entirely tobacco-free effective 6/1/2020. Additionally, the use of all tobacco and smoking products, including chewing tobacco and electronic cigarettes (E-cigarettes), is strictly prohibited within the facilities or on the property of Walsh University at any time.

“Property” means the University’s facilities “curb to curb,” including offices, grounds, adjacent sidewalks, parking lots/ramps, company owned vehicles, and employee vehicles parked on owned and leased property.

This policy is in effect at all times on campus and will apply to:

- All Walsh University employees and students at all times
- Customers, vendors, clients, consultants, contractors, and all other visitors
- Members of committees, including our Board of Directors
- Public visitors who have reserved our banquet facilities affiliated with a signed Walsh University Special Event Rental Agreement through the office of Campus & Community Programs

Cav Nation is informed of Walsh University’s tobacco-free policy through signs posted throughout properties owned and operated by Walsh.

Walsh University will assist employees who want to quit smoking by helping them access smoking cessation programs and materials. We reserve the right to institute a tobacco surcharge in the amount of up to 50% of premiums to health insurance cost to the employee who uses tobacco products. If a certificate is shown that the employee has completed the cessation program, the surcharge will be refunded. In return there will be an affidavit that the employee will sign agreeing to the fact they are tobacco free and that they will submit to testing if needed.

Any member of the Cav Nation observed using tobacco or electronic cigarettes on owned or leased premises will be asked to discontinue in an appropriate, compliant manner.

Compliance with this policy is mandatory, and policy violations by employees and students will be subject to the standard disciplinary actions of the University.

### **WORKPLACE WELLNESS**

Walsh University is dedicated to promoting a holistic and value-based approach to a healthy life-style at the workplace. Opportunities to enhance the mind, body, and spirit are available on campus. Employees are encouraged to take advantage of the wellness opportunities on campus to model healthy behaviors.

As such, a single complimentary fitness center membership is offered to the David and Cavalier Fitness Centers. Employees are required to complete a Wellness Waiver of Liability form, this form is completed and submitted to Human Resources during the new employee hiring process.

It is the employees' responsibility to comply with fitness center policies and to use the fitness equipment properly. Fitness center policies and expectations are available for review on the MyWalsh website under Wellness. University Wellness offers an Equipment Orientation program. This 1-hour program is by appointment only and it educates users on how to properly use the fitness equipment. Employees interested in participating in the Equipment Orientation program can contact the Director of University Wellness to schedule their equipment orientation.

### **YMCA MEMBERSHIP DISCOUNT**

The University has partnered with the YMCA of Stark County to offer a 15% payroll deducted discount on monthly membership fees. The membership also offers discounts to kid's programs, reduced membership and exclusive holiday access to Dogwood Pool, Friday night daycare opportunities, and access to various club organizations hosted at the YMCA. Enrollment forms can be found in the Finance office, and online under Benefits in the Human Resources section on the website.

### **CELL PHONE SAFETY AND DRIVING**

Safe driving is the first priority when operating a vehicle while driving on Walsh University business. Employees' first responsibility is to pay attention to your driving. They should never allow a cell phone or other mobile device to distract them from concentrating on driving.

Under no circumstances should employees feel that they need to place themselves or others at risk while driving to fulfill business needs. Employees should follow these procedures to avoid distracted driving:

- Follow all applicable state and local laws that address the use of cell phones and other mobile devices while driving.
- Avoid using cell phones while driving and avoid it as a hand-held device. Find a safe place to pull over to make or receive phone calls, send or receive text messages, or manipulate navigation apps.
- Program their destination into navigation apps or GPS devices before they start driving.
- Do not read or respond to text messages or e-mail or browse social media or the Internet while driving.
- Be aware of distractions from in-car "infotainment" systems. Just because they are built into the vehicle does not mean they do not create a hazardous distraction.

Employees who fail to follow safety guidelines are subject to discipline.

### **COMPANY DRIVER**

The Finance Office should be contacted by any employee who will drive a University vehicle or their personal vehicle for University business. The Finance Office must verify and approve the auto insurance prior to an employee driving on University business.

## **SECTION E. COMPLIANCE/ENFORCEMENT POLICIES**

### **DRUG-FREE SCHOOLS & COMMUNITIES ACT & DRUG-FREE WORKPLACE ACT NOTIFICATION**

Consistent with its mission and tradition, Walsh University is committed to implementing a drug- and alcohol-free program that strives to maintain a lawful working and learning environment and to promote the health and safety of all its students, staff, and faculty. This program is designed to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its premises or as any part of a University-sponsored activity.

In compliance with the Drug-Free Schools and Communities Act of 1989 and the Drug-Free Workplace Act of 1988, Walsh is required to provide a notification designed to ensure that all members of the Walsh University community are aware of the following: The University's alcohol and drug policies; health risks associated with drug and alcohol use and abuse; available resources to all students, staff, and faculty; and applicable federal, state, and local laws.

The unauthorized possession, use, manufacture, distribution, dispensing, purchase or sale (or solicitation of purchase or sale) of alcohol, or of any intoxicant, hallucinogen, narcotic, or other controlled drug or substance, or being under the influence of any such alcohol, drug, or substance on Walsh University premises, or while conducting University business, is strictly prohibited. A violation of this policy will result in appropriate disciplinary action, which could include immediate discharge or dismissal from the university.

The preceding paragraph does not apply to medication lawfully and properly prescribed by a licensed medical practitioner, and possessed or taken only by the person for whom the medication is prescribed in the authorized dosages, provided, the use of such medication does not substantially impair academic or work performance or threaten the health or safety of the student or employee taking the medication, or of other students, employees, contractors, customers, or visitors of the University. Any student or employee taking such medication should bring the matter immediately to the attention of the University through the office of Student Affairs (students) or their supervisor (employees).

A positive test for marijuana, medical or otherwise, is a positive test under this policy and will be subject to discipline up to and including termination. The University recognizes alcohol and drug abuse and dependence as a major health problem and a potentially serious safety and security concern. Individuals needing help in dealing with such problems are encouraged to contact Counseling Services (students) or medical care provider (employees) for assistance.

#### **Education**

Walsh University commits to educating students, faculty, and staff through use of university programming concerning the dangers of drug and alcohol use.

#### **Health Risks**

The scope and impact of health risks from alcohol and drug abuse are both alarming and well documented, ranging from mood-altering to life-threatening, with consequences that extend beyond the individual to family, organizations, and society at large. Walsh University will attempt to educate its students, faculty, and staff that the consumption of alcohol and the use of drugs may alter behavior, distort perception, impair thinking, impede judgment, and lead to physical and/or psychological dependence.

Alcohol and/or drug abuse may lead to the deterioration of physical health by causing or contributing to various health conditions including but not limited to fatigue, nausea, personal injury, insomnia, pathological organ damage, certain forms of cancer, heart disease, liver disease, respiratory depression, birth defects, convulsions, coma, and even death.

Alcohol and drug abuse may also result in deterioration of mental health by causing or contributing to various conditions such as increased aggression, hallucinations, depression, disorientation, and psychosis. Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low



to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses may cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, convulsions, and can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver. Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

### **Random Testing**

The University may require a drug or alcohol test on a random basis.

### **For-Cause Testing**

By its very nature, for-cause testing is based upon indicators of drug or alcohol usage. Circumstances that may lead to for-cause testing include, but are not limited to:

- The employee exhibits physical signs of alcohol and/or illegal drug use;
- The employee is in an unfit condition to work (see definition below);
- The supervisor or other University representative believes that an employee's unsatisfactory job performance, misconduct, or poor attendance may be related to drug or alcohol use;
- The employee has a work-related accident that (i) results in damage to University property or physical injury to another person, (ii) is the second or more work-related accident the employee has had within any rolling 12-month period, or (iii) after which the employee seeks medical treatment and the examining physician believes the accident was related to drug or alcohol use; and
- The University obtains information that the employee has or may have violated the University's Drug and Alcohol policy, or that Drug and Alcohol policy violations have or may have occurred in a department or unit at the University in which the employee works.

### **Definitions**

**Safety Sensitive Positions:** Those positions involving hazardous tasks that, if performed improperly, could result in harm to others. Safety Sensitive Positions include, but are not limited to, positions in the following departments:

- Campus Police Department;
- Facilities and Grounds (all employees up through Director of Facilities, except office/clerical); and
- Athletic Department trainers

**Unfit Condition:** Behavior at work, including, but not limited to: (a) drowsiness; (b) sleepiness or sleeping; (c) slurred and/or incoherent speech; (d) unusually aggressive behavior; (e) unusually depressive behavior; (f) unusual and/or rapid changes in mood; (g) disorientation or inability to concentrate; and (h) lack of coordination in walking or performing other tasks.

**Drug and/or Alcohol Test:** Any evaluation used to detect the presence of illegal drugs and/or alcohol in an individual's system. The Chief of Campus Police will administer alcohol testing, although the University reserves the right to have drug and/or alcohol testing performed by any competent authority.

### **Discipline**

An employee who:

- refuses to submit to a drug and/or alcohol test in accordance with the provisions of this policy, or

- refuses to fill out and sign the written consent form agreeing to submit to the testing and permitting Walsh University to be apprised of the testing results (Consent Form), will be immediately terminated.

An employee who switches or alters any sample submitted for testing will be immediately terminated.

An employee who is determined, as a result of a drug and/or alcohol test, to have used illegal drugs or alcohol in violation of the University's Drug and Alcohol Policy will be subject to disciplinary action, including but not limited to immediate termination.

Employees who test positive at any time shall be considered medically unqualified to perform any of their job duties. If allowed to return to work, they shall not be permitted to resume any work until they, at a minimum:

- No longer improperly use alcohol and/or drugs;
- Test negative for the improper use of alcohol and/or drugs; and
- Participate in and comply with a recommended treatment program and after-care program offered by an outside provider.

## **ANTI-VIOLENCE**

Walsh University maintains a strict policy prohibiting any violent conduct, or threats of violence by University employees, students or visitors on University property or in connection with any University business or activity. This anti-violence policy is vigorously enforced, in conjunction with University policies concerning such related matters as drug and alcohol use, sexual harassment, crime, campus police, safety, health, student admissions, hiring, progressive discipline, expulsion, and termination.

Employees and students are strongly encouraged to report any violent act or threats (including concerns about the violent tendencies of any University-related individual) to the campus police at ext. 7474. Any such report will be investigated and will be handled with appropriate confidentiality.

The University reserves the right to take appropriate disciplinary action, up to criminal prosecution, employment termination and student expulsion, with respect to violations of this anti-violence policy.

In its application and enforcement of this policy, the University will work closely with campus police and with community law enforcement authorities, as needed. Furthermore, the University will provide reasonable assistance concerning such matters as employee and supervisory training in recognizing and dealing with violence issues, stress management, conflict resolution, and basic skills of assertiveness and self-protection.

## **BLOODBORNE PATHOGENS EXPOSURE CONTROL PLAN**

In compliance with the requirements of the Occupational Safety and Health Administration, the University provides a Blood borne Pathogens Exposure Control Plan. Employees with known risks are educated regarding exposure control methods and policies. They are also given the option to receive Hepatitis B vaccinations. Details of the Walsh University Blood borne Pathogens Exposure Control Plan are available from Student Services.

## **BULLYING**

We will not tolerate bullying behavior. Any employee found in violation of this policy will be disciplined, up to and including termination.

We define bullying as persistent, malicious, unwelcome, severe and pervasive mistreatment that harms, intimidates, offends, degrades or humiliates an employee, whether verbal, physical or otherwise, and whether direct or indirect, at the place of work and/or in the course of employment. Such behavior violates the company Code of Ethics, which clearly states that all employees will be treated with dignity and respect. We encourage all employees to report any instance of bullying behavior. Any reports of this type will be treated seriously, investigated promptly and impartially. We also require that any manager who witnesses any bullying behavior, irrespective of reporting relationship, to immediately report this conduct to your immediate supervisor and/or human resources.

We consider the following types of behavior examples of workplace bullying. This list is not meant to be exhaustive and is only offered by way of example:

- **Verbal bullying:** Slandering, ridiculing or maligning a person or his/her family; persistent name calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks; personal attacks.
- **Physical bullying:** Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault; damage to a person's work area or property
- **Gesture bullying:** Nonverbal threatening or hostile gestures, glances or other conduct that convey threatening messages such as stalking, staring or glaring.
- **Exclusion:** Socially or physically excluding or disregarding a person in work-related activities.

## **EMPLOYEE - STUDENT CONSENSUAL RELATIONS**

This policy shall apply to all employees of the University without exception. This policy shall apply to consensual relations. Non-consensual or "coerced" relations are governed by the University's Sexual Harassment Policy. It shall constitute unprofessional and inappropriate conduct for any University employee to engage in romantic or sexual relations with anyone enrolled as a student at the University. A violation of the policy may result in immediate disciplinary action up to and including termination from the University. In the event that a romantic or sexual relationship existed prior to the student being enrolled at the college, the employee shall immediately discuss the relationship with their immediate supervisor, or in the case of faculty, with their Dean or Division Chairperson, with the intention of seeking alternative classes, advisors, and other academic arrangements for the student.

For purposes of this policy, enrollment as a student is defined as any time period during which the student has pre-registered or registered for one or more classes offered by the University, including periods of break during or in-between semesters, where there is a reasonable expectation of continued engagement with the University as a student.

## **EQUAL OPPORTUNITY**

Walsh University provides equal employment opportunities to all employees and applicants for employment without regard to race, color, creed, ancestry, national origin, citizenship, sex, marital status, religion, age, disability, genetic information, service in the military, or any other characteristic protected by applicable federal, state, or local laws and ordinances. Equal employment opportunity applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training. This statement applies to all academic programs, all athletic programs, and to all policies and procedures concerning students and student activities. This statement applies to all personnel and administrative policies. Walsh University is a religious institution of higher education in the Catholic-faith tradition and is protected by the Religious Freedom Restoration Act (RFRA) and the First Amendment; thus, Walsh University may consider religion in hiring, admissions, and other decisions. Walsh University aligns with the Catholic Church teachings that the dignity of the human person is the foundation of a moral vision for society; thus, each person will always be treated with compassion, dignity, kindness, respect, and sensitivity. Nothing in this policy shall require Walsh University to act in a manner contrary to the beliefs and teachings of the Catholic Church and the University's mission. Walsh University does not support individual interpretations that expand the protected classes.

Walsh University expressly prohibits any form of unlawful employee harassment or discrimination based on any of the characteristics mentioned above. Improper interference with the ability of other employees to perform their expected job duties is absolutely not tolerated.

Walsh University will endeavor to make a reasonable accommodation of an otherwise qualified applicant or employee related to an individual's physical or mental disability, and/or any other reason required by applicable law, unless doing so would impose an undue hardship upon Walsh University's operations or would require Walsh University to act in a manner contrary to the beliefs and teachings of the Catholic Church and the University's mission.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of the Human Resources Department. The University will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. Employees who feel they have been subjected to any such retaliation should bring it to the attention of the Director of Human Resources and Culture.

Retaliation means adverse conduct taken because an individual reported an actual or a perceived violation of this policy, opposed practices prohibited by this policy, or participated in the reporting and investigation process described below. "Adverse conduct" includes but is not limited to:

- (1) Shunning and avoiding an individual who reports harassment, discrimination, or retaliation;
- (2) Express or implied threats or intimidation intended to prevent an individual from reporting harassment, discrimination, or retaliation; or
- (3) Denying employment benefits because an applicant or employee reported harassment, discrimination, or retaliation or participated in the reporting and investigation process.

Other examples of retaliation include firing, demotion, denial of promotion, unjustified negative evaluations, increased surveillance, harassment, and assault.

Complaints of discrimination should be filed according to the procedures described in the Harassment and Complaint Procedure.

## **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)**

### ***Notification of Rights Under the Family Educational Rights and Privacy Act (FERPA)***

Walsh University is covered by, and subscribes to, the Family Educational Rights and Privacy Act (FERPA) - informally known as the Buckley Amendment. Passed by the U.S. Congress, Public Law 93-380, as amended became effective November 19, 1974.

This law permits students the right of confidentiality and the right to inspect and review their educational record as maintained by the appropriate offices and agencies of the University. Also, it affords students the right to request that amendments be made to ensure that their records are accurate.

A copy of the Act and the Federal Regulations is available for examination in the University Library, the Office of the Registrar, or by accessing the Department of Education's FERPA website at [www.ed.gov/offices/OM/fpco.html](http://www.ed.gov/offices/OM/fpco.html). FERPA information is published yearly in the University catalog and student handbook.

### **Definitions**

"Student" is any person who attends or has attended Walsh University.

"Educational Record" is any record in handwriting, print, tape, microfilm, electronic file or other medium maintained by Walsh University which directly relates to a student. The following exemptions are not part of the educational record or subject to this Act:

- Personal records maintained by University employees if kept in the sole possession of that individual, and the information is not accessible or revealed to any other person, i.e., a faculty grade book.
- Employment records not contingent on student's enrollment.
- Law enforcement records that are created by a law enforcement agency for that purpose.
- Medical and psychological records used solely for treatment.
- Alumni records disclosing information about a student who is not considered "enrolled."

### **Right to Inspect and Review Educational Records**

Students have the right to inspect and review their educational records within 45 days of the day the University receives a request for access.

PROCEDURE: A student should submit to the appropriate University official a written request that identifies the records to be inspected. Arrangements for access will be made by the University official, and notification will be

given to the student of the day, time, and location where records will be inspected.

EXCEPTIONS: Students are granted the right to inspect and review all their educational records except for the following:

- Information regarding other students;
- Financial records of parents;
- Confidential letters of recommendation, confidential letters or statements of recommendation for admission, employment, or honorary recognition put in education files before 1/1/75.

### **Disclosure of Educational Records**

Walsh University accords all rights under the Act to each student. Outside individuals or agencies will not have access to, nor will the University disclose any information from a student's educational record without the written consent of the student. The University may, however, furnish information within the University's community serving in the educational interest of the student (i.e., faculty, administration, support staff, advisors, campus security, campus student service departments such as financial aid and housing). Exceptions made to the disclosure policy are:

- to University officials listed in the above paragraph;
- to federal/state educational officials in connection with legislative requirements;
- in connection with financial aid for which the student has applied;
- to organizations conducting studies on behalf of the University;
- to accrediting organizations; to the parents of dependent students (e.g., parent information listed on the FAFSA [Free Application for Federal Student Aid]);
- to comply with a lawful judicial order or subpoena;
- to appropriate individuals in health/safety emergencies;
- limited directory information.

### **Directory Information**

Walsh University, in accordance with the Act, has designated the following information as "directory information." The University may release directory information to anyone without the student's consent unless the student requests otherwise in writing to the Office of the Registrar PRIOR to the first day of the academic semester or term in which the request is to become effective. This will remain effective until removed by the student.

Information the University may release (unless the student requests all information to be withheld as described above) includes:

- Name;
- Address (local and home);
- Telephone (local and home);
- Major field of study;
- Participation in officially recognized University activities and sports;
- Weight and height of member of athletic teams;
- Dates of attendance;
- Enrollment status;
- Degrees and awards received;
- Most recent previous educational agency or institution attended.

The student has the right to consent to disclosures of personally identifiable information contained in the educational records, except to the extent that FERPA authorizes disclosure without consent. One exception which permits disclosure without consent is disclosure to University officials with legitimate educational interests. Personally identifiable information is information that, if disclosed, would make a student's identity easily traceable, e.g., Social Security number.

### **Amendment of Educational Records**

Under the Act, students have the right to request amendments to educational records they believe are inaccurate, misleading, or in violation of their privacy rights under this Act. Procedures are as follows: Students must submit a written request to the appropriate University official to amend a record. In doing so, the student should clearly identify the part of the record to be amended, and clearly state why it is inaccurate or misleading. If the University determines that the information is inaccurate, misleading, or in violation of the student's right of privacy, it will amend the record and notify the student, in writing, that the record has been amended.

If the University determines that it is not appropriate to change the record, the appropriate University official will notify the student of the decision. The student will be advised of his or her right to a hearing regarding the request for amendment. At that time, information regarding the hearing procedures will be provided to the student.

### **Compliance Office**

Students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by Walsh University to comply with the requirements of FERPA. The name and address of the office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-4605.

### **HARASSMENT**

We are committed to a work environment in which all employees are treated with dignity and respect, and support the right of all employees to work in an environment free of sexual harassment and other discriminatory harassment. Sexual harassment and harassment of any kind is strictly forbidden and will not be tolerated. Should anyone experience harassment of any kind, please reference the University's full Sexual Misconduct and Interpersonal Violence Policy, which can be found at <https://www.walsh.edu/title-ix.html>.

This policy applies to all employees including full-time, part-time or casual, temporary or permanent employees, job candidates, student placements, apprentices, interns, contractors, sub-contractors and volunteers, and prohibits harassment, discrimination, and retaliation.

- 1. Sexual Harassment.** Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:
  - An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct (i.e., Quid pro quo); or
  - Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
  - "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).
- 2. Other Discriminatory Harassment.** Other discriminatory harassment includes, but is not limited to, intimidation, bullying, ridicule, or insults that:
  - Unreasonably interferes with an individual's work performance;
  - Creates an abusive or hostile work environment; or
  - Otherwise adversely affects an individual's employment opportunities.

This type of discriminatory harassment applies to such conduct, which is based on an individual's or group's race, sexual preference, color, religion, age, gender, disability, national origin, military status, or other legally-protected characteristic. It includes actions such as verbal abuse; the circulation of written material that demeans or exhibits hostility or dislike toward an individual or any of the aforementioned groups of persons; or inappropriate jokes or slurs. As with sexual harassment, such conduct is prohibited and will subject the person engaging in it to disciplinary action, up to and including termination.

3. **Retaliation.** All employees also shall be protected from retaliation for making a good faith complaint or for assisting in an investigation concerning allegations of harassment. Retaliation includes disciplining, reassigning, lowering a performance appraisal or threatening or intimidating an employee because he or she complained about or reported harassment or participated in an investigation concerning harassment. This type of retaliation is strictly prohibited and individuals engaging in retaliatory behavior will be subject to disciplinary action.
4. **Reporting of Harassment or Retaliation.** If you feel that that you are or another employee is a victim of harassment or retaliation, please immediately report the matter to your direct manager any other member of management. If you do not hear anything back within 3 days, you should report the issue directly to human resources. Early reporting and intervention are the most effective methods of resolving actual or perceived incidents of harassment. While there is no fixed reporting period for complaints, we strongly urge you to promptly report such complaints.
5. **Complaint procedure.** If an employee believes they have been subject to or have witnessed unlawful discrimination, including sexual or other forms of unlawful harassment, or other inappropriate conduct, they are requested and encouraged to make a complaint. They may complain directly to their immediate supervisor or department manager, the Director of Human Resources and Culture, or any other member of management with whom they feel comfortable bringing such a complaint. Similarly, if employees observe acts of discrimination toward or harassment of another employee, they are requested and encouraged to report this to one of the individuals listed above.

All complaints will be investigated promptly, and confidentiality will be protected to the extent possible. A timely resolution of each complaint should be reached and communicated to the parties involved.

If the investigation confirms conduct that violates this policy has occurred, Walsh University will take immediate, appropriate, corrective action, including discipline, up to and including immediate termination.

No reprisal, retaliation, or other adverse action will be taken against an employee for making a complaint or report of discrimination or harassment or for assisting in the investigation of any such complaint or report. Any suspected retaliation or intimidation should be reported immediately to one of the persons identified above.

Since there may be some confusion over what actually constitutes sexual or other discriminatory harassment, any conduct which offends you or makes you feel uncomfortable should be reported. Keep in mind that we cannot address problems we do not know about. So, if you think you or another employee is a victim of harassment, or is being retaliated against in violation of this policy, you must notify the appropriate designated management team member right away.

### **HAZARD COMMUNICATIONS PROGRAM (SAFETY WITH HAZARDOUS MATERIALS)**

Employers must establish a training and information program for employees who are exposed to hazardous chemicals in their work area at the time of initial assignment and whenever a new hazard is introduced into their work area.

It is the supervisor's responsibility to inform each employee of any materials in their work area that are hazards if they are not handled or stored properly. Furthermore, supervisors will train employees in the proper use and handling of any hazardous material in their work area.

## MANDATORY REPORTING POLICY

### Applicable Laws

Three federal laws establish responsibilities for employees of colleges and universities to report crimes and incidents, including, but not limited to sexual misconduct and interpersonal violence—the Clery Act, Title VII and Title IX. Each of these federal laws is intended to protect members of the campus community, visitors and guests from criminal and discriminatory behavior. Additionally, Ohio state laws impose mandates with respect to the reporting of felonies (ORC 2921.22) and child and sexual abuse (ORC 2151.421) for anyone under the age of 18 or a person under 21 years of age with a developmental disability or physical impairment. The responsibilities established by these laws give rise to the term *mandatory reporter*.

This policy covers all forms of sexual misconduct and interpersonal violence, including, but not limited to sexual harassment, sexual assault, domestic violence, dating violence, stalking, retaliation and other forms of interpersonal violence (including sexual abuse and molestation) or sex discrimination. As required by law, definitions of sexual offenses, non-forcible sex offenses, domestic violence, dating violence and stalking are provided in the Sexual Misconduct and Interpersonal Violence Policy and annual Safety & Security Report distributed to all community members annually and available on the Walsh University website at <https://www.walsh.edu/campus-police>.

### Your Duty

Walsh University does not permit actual or threatened acts of violence, including sexual harassment, sexual assault, domestic violence, dating violence, stalking, retaliation and other forms of interpersonal violence (including sexual abuse and molestation) or sex discrimination (“prohibited conduct”) to occur in the workplace or at any University sponsored event. **The University has implemented this “zero-tolerance” Mandatory Reporting Policy so it is clear to all employees that they are required to report when they reasonably suspect, learn of or witness prohibited conduct.**

- This policy applies to ALL university employees including administrators, faculty, staff, university volunteers and student paraprofessionals (such as Resident Assistants and Campus Ministry Peacemakers) with the exception of those designated as *Confidential Resources* for their respective reporting areas (see below).
- As a Mandatory Reporter, you may not promise confidentiality to anyone related to the information you receive, what you suspect or witness regarding the prohibited conduct previously described.

### Title IX – Responsible Employee

Under Title IX federal guidelines, “Responsible Employees” are required to report any incidents of sexual harassment, sexual assault, domestic violence, dating violence, stalking, retaliation or other forms of interpersonal violence or sex discrimination directly to the Title IX Coordinator or Title IX Deputies.

Responsible Employees are individuals employed by the university with one of the following:

- authority to act to redress incidents of sexual harassment, sexual assault, domestic violence, dating violence, stalking, retaliation or other forms of interpersonal violence or sex discrimination, or;
- who have been deemed *Mandatory Reporters* by their institutions, or;
- who students reasonably could believe have authority or responsibility over such matters, are required to report discrimination.

**As part of the Walsh University Mandatory Reporting Policy all employees are considered to be *Responsible Employees* with the exception of those that serve as *Title IX Confidential Resources*.**

### Responsible Employee Reporting - Title IX Coordinator

Kristi Campbell, Title IX Coordinator & Director of International Student Services  
*Student Affairs | David Campus Center (Suite 103) | 330-490-7105 | [titleix@walsh.edu](mailto:titleix@walsh.edu)*

### Title IX Confidential Resources

Title IX Confidential Resources are not required to disclose any incidents of sexual harassment, sexual assault, dating violence, domestic violence, stalking, retaliation or other forms of interpersonal violence or sex discrimination to the



Title IX Office or Campus Police without a victim/survivor's written permission, and to the extent, they are permitted to promise confidentiality under the law.

As stated in our Sexual Misconduct and Interpersonal Violence Policy, the designated on-and-off campus confidential resources at Walsh University are listed below:

- **On-Campus Confidential Resources**
  - **Counseling Services\*** | 330-490-7348  
Executive Director of Counseling and Health Services  
College Counselors
  - **University Senior Chaplain\*\*** | 330-490-7051
  - **Victim Advocate** | 330-452-1111 (24/7 [COMPASS](#) Hotline)

***\*Counseling Services is able to provide confidentiality to students and is also considered a confidential resource for employees when providing them with consultation.***

***\*\*An ordained member of the clergy or a member of an institute of consecrated life (i.e. priest, deacon, minister, and religious sisters and brothers) who is recognized by a religious order or denomination as someone who provides confidential pastoral counseling or spiritual direction may serve as a confidential resource only while operating in their professional capacity of providing religious or spiritual advice (i.e. during a private pastoral counseling meeting etc.). If the member of the clergy or institute is made aware of crimes or offenses outside of their professional capacities, such as member of clergy with a dual professional role at the university (i.e. instructor, coach, club/org. advisor, etc.), they are considered mandatory reporters in these instances. This pastoral confidentiality, which is subject to certain limits, is distinct from the unique secrecy (the "seal") of the Sacrament of Penance, also known as "Confession" or the "Sacrament of Reconciliation." In the Catholic Tradition, the Sacrament of Penance provides an absolutely confidential forum, the secrecy of which admits of no exceptions whatsoever or in any circumstance.***

- **Off-Campus Confidential Resources**
  - **Domestic Violence Project, Inc.** | 330-453-7233
  - **COMPASS Sexual Assault Education, Prevention and Support** | 330-452-1111
  - **Walsh University Health Services AultmanNow at Washington Square** | 330-363-8680

### **Campus Security Authority(CSA)**

To comply with federal crime statistics requirements, Walsh University collects information from Campus Police and from certain individuals and organizations that the Clery Act defines as "Campus Security Authorities" or "CSAs". The goal in collecting reports of crimes that occur on campus from CSAs rather than just from the police is to capture as many crime reports as possible.

### **What is a Campus Security Authority (CSA)?**

Under Clery Act federal guidelines, a "Campus Security Authority" is defined an official of an institution who has significant responsibility for campus and student activities. An "official" is defined as any person who has the authority and duty to act or respond to particular issues on behalf of the institution. This includes, but is not limited to: Campus Police, Athletic Staff (Professional Staff and Coaches), Student Club Advisors (including Faculty), Title IX Coordinator and Deputies, Student Affairs Staff, Residence Life Staff (Professional Staff and Residence Assistants), Campus Ministry (Professional Staff and Peacemakers), Intramurals (Professional Staff and Student Staff); and Student Activities (Professional Staff and Student Staff).

### **If I am Unsure if I am a CSA, How Do I Find out?**

If you are unsure if you are a CSA, please contact the Clery Compliance Officer & Dean of Students, at 330-490-7538 for more information.

## **CSA Reporting Requirements**

CSAs have a legal obligation to notify Walsh University's Clery Compliance Officer of any Clery crimes (see below) made known to them and that have occurred on campus and/or within the University's Clery Geography. *Under the Clery Act, CSAs are not required to report personally identifiable information of those involved in Clery crimes.* CSAs are responsible for 1) accurately reporting Clery crime information to the Clery Compliance Officer in a timely manner, and 2) supporting the individual sharing their experiences with you and connecting them with options and resources.

Clery Reportable Crimes include the following:

### **Criminal Offenses**

- Criminal Homicide: murder and non-negligent manslaughter
- Criminal Homicide: negligent manslaughter
- Sexual Assault: rape, fondling, statutory rape, and incest
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson

### **Violation of Law (not University policies or regulations)**

- Liquor Law Violation (does not apply to public intoxication or DUI)
- Drug Law Violation
- Weapon Law Violation

### **Hate Crimes**

- Larceny-Theft
- Simple Assault
- Intimidation
- Destruction/Damages/Vandalism of Property
- Criminal Offense (as described above)

### **Other Crimes**

- Domestic Violence
- Dating Violence
- Stalking

### **Reporting Clery Crimes on Campus**

- Clery Compliance Officer & Dean of Students  
*Student Affairs | David Campus Center (Suite 103) | 330-490-7538 | [tkpayton@walsh.edu](mailto:tkpayton@walsh.edu)*

## **Clery Confidential Resources**

Campus pastoral counselors and campus professional counselors - when acting in such a capacity - are not considered Campus Security Authorities and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged – if and when deemed appropriate – to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

**Professional Counselor** - employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and is functioning within the scope of his/her license or certification.

Walsh University counselors who are confidential resources under the Clery Act include:

- Executive Director of Counseling and Health Services
- College Counselors  
*Counseling Services\* | David Campus Center (Suite 104) | 330-490-7348*

***\*Counseling Services is able to provide confidentiality to students and is also considered a confidential resource for employees when providing them with consultation.***

**Duty to Report a Felony**

Under Section 2921.22 of the Ohio Revised Code, every person who has knowledge of “a felony [that] has been or is being committed” is required to report that information to law enforcement. If any administrator, faculty member, staff member, university volunteer and/or student paraprofessional is aware of any felony—related to sexual and/or relationship violence or otherwise—that has been or is being committed on campus, they are to report this information to Campus Police immediately.

In the state of Ohio, failure to report a felony is a criminal offense. In the event there is uncertainty as to whether a situation is classified as a felony-level crime, Campus Police should be contacted immediately to make this determination.

**Reporting Felonies Under Ohio Law**

Walsh University Campus Police

*Student Affairs | David Campus Center (Suite 103) | 330-490-7474*

**Prohibited Conduct – Individuals under the age of 18**

If any administrator, faculty member, staff member, University volunteer and/or student paraprofessional (such as Resident Assistants and Campus Ministry Peacemakers) reasonably suspects or knows a child (any individual under the age of 18) or a person under 21 years of age with a developmental disability or physical impairment has been the subject to any prohibited conduct, they are required to contact Campus Police immediately and make a formal report of abuse. If a child is the victim of abuse or neglect, the parent or guardian must report it to the local or state police and/or Child Abuse Agency.

**As part of the Walsh University Mandatory Reporting Policy all employees, including confidential resources, are required to report immediately to Campus Police.**

**Reporting Prohibited Conduct – Individuals Under the Age of 18**

Chief of Campus Police

*Student Affairs | David Center (Suite 103) | -330-490-7373*

Campus Police Officer on Duty

*Betzler Tower Residence Hall | Main Level | 330-490-7474 | Cell: 330-316-1088*

## SEXUAL MISCONDUCT & INTERPERSONAL VIOLENCE

### What is Title IX?

Title IX is part of the 1972 re-authorization of the Higher Education Act and that stipulates that “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.” Title IX requires all schools receiving federal financial assistance to take reasonable steps to create a safe, nondiscriminatory learning environment.

### A. Policy Statement

Walsh University prohibits all forms of sexual misconduct and interpersonal violence, including, but not limited to sexual harassment, sexual assault, domestic violence, dating violence, stalking, retaliation and other forms of interpersonal violence or sex discrimination, otherwise called Prohibited Conduct. Such conduct violates Walsh University’s values and can cause disruption to the living, learning and work environment of students, employees, University volunteers, and other community members.

### B. Policy Jurisdiction

The *Walsh University Sexual Misconduct and Interpersonal Violence Policy* covers all students (prospective, continuing and transfer), employees, and University volunteers. As such, the University can investigate any reported violations of this policy that occur in the United States during a University-sponsored program, University-sanctioned activity, or otherwise directly affect the University’s working or learning environment, regardless of whether the reported conduct occurred on campus, off campus, or through virtual methods.

For every report, the Title IX Office will review the circumstances of the reported conduct to determine whether the University has jurisdiction over the parties involved and take steps within its control to eliminate, prevent, and address the reported conduct. If the Respondent is not a member of the University community or is no longer affiliated with the University at the time of the report or at the time that an *Investigation of Institutional Formal complaints* is initiated (including when the Respondent has graduated or left the University), the University typically is unable to investigate, sanction, or take disciplinary action.

Individuals impacted by sexual misconduct and/or interpersonal violence may contact the Title IX Office as detailed in “Section F. Disclosure and/or Reporting Options.”

### C. Policy and Procedural Definitions

For the purposes of determining whether a course of conduct constitutes a violation under this policy and its corresponding procedures, the relevant definitions are listed below.

- **“Employees”** are categorized as staff or faculty of Walsh University.
- **“Faculty”** of the University consists of those individuals with either faculty rank or status.
- **“Complainant”** is an individual who reportedly experienced sexual misconduct and/or interpersonal violence, regardless of whether such individual reports such sexual misconduct and/or interpersonal violence to the University or participates in the University’s conduct process for responding to reports of sexual misconduct and/or interpersonal violence described herein.
- **“Respondent”** is the individual or entity(s) alleged to have committed acts constituting sexual misconduct and/or interpersonal violence, regardless of whether such individual has entered into the University’s conduct process for responding to complaints of sexual misconduct and/or interpersonal violence described herein.
- **“Staff”** are employees of Walsh University (full-time, part time, or casual) where the majority of their work responsibilities are considered non-teaching activities of various types in support of the educational, research, and service programs of the University.
- **“Student”** is any person who is currently enrolled at Walsh University.

- **“Third Party Reporter”** is any individual who reports a violation of this Policy to the University and who is not also the Complainant.
- **“University Volunteer”** is any uncompensated individual who is authorized by a University department or division to perform service for or on behalf of the University, or to gain personal or professional experience.
- **“Formal Complaint”** is a document filed by a complainant or signed by the Title IX Coordinator against a respondent and requesting that the recipient investigate the allegation of Prohibited Conduct. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed.
- **“Formal Resolution”** is a grievance process initiated when a formal complaint is signed and filed alleging harassment and/or discrimination based on a protected characteristic against a respondent, and also requests that the complaint be investigated. The Formal Resolution includes an investigation, a decision, and appeal. The decision-making process includes a live hearing when the complaint involves allegations of “Sexual Harassment – Title IX”
- **“Informal Resolution”** is an alternate complaint resolution process available when a formal complaint is signed and filed alleging harassment and/or discrimination based on a protected characteristic against a respondent, and both parties agree to have the complaint resolved informally.
- **“Supportive Measures”** are non-disciplinary, non-punitive individualized services offered to both the complainant and respondent as appropriate, reasonably available, and without fee or charge. This is referred to as protective measures in the Clery Act Compliance Section, Section XV.
- **“Title IX Dismissal”** occurs when the conduct alleged in a formal complaint does not constitute sexual harassment as defined under Title IX, did not occur in a College education program or activity, or did not occur against a person in the United States, the College must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX. When a complaint is dismissed under Title IX, it may be resolved through Non-Title IX Sexual Harassment.
- **“Prohibited Conduct”** includes all forms of Title IX Sexual Harassment and Non-Title IX Sexual Harassment, as defined below.
  - *Title IX Sexual Harassment*  
 For reported behavior to qualify as prohibited conduct under this section, in addition to meeting the elements of the specific type of sexual harassment below, it must meet all of the following threshold requirements, as determined by the Title IX Coordinator and as mandated by federal regulations:
    1. The conduct must have occurred against a person in the United States.
    2. The conduct must have occurred within the College’s education program or activity. For purposes of this provision, this means that the conduct must have occurred either (a) in a location, event, or circumstances over which the College exercised substantial control over both the respondent and the context in which the sexual harassment occurs or (b) in relation to a building owned or controlled by a student organization that is officially recognized by the College.
    3. The complainant must be participating in or attempting to participate in the education program or activity of the College at the time the formal complaint is filed.
  - *Title IX Quid Pro Quo Sexual Harassment: Conduct on the basis of sex by which an employee of the*

University conditions the provision of an aid, benefit, or service of the University on a student's or employee's participation in unwelcome sexual conduct.

- *Title IX Severe, Pervasive and Objectively Offensive Sexual Harassment*: Conduct on the basis of sex that constitutes unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a student or employee equal access to the University's education program or activity.
- *Title IX Sexual Assault: "Sexual Assault"* means any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.
  - *Rape*: The carnal knowledge of a person, without the consent of the victim, including instances where the victim is unable to give consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. Carnal knowledge is defined as the slightest penetration of the sexual organ of one person by the sexual organ of the other.
  - *Fondling*. The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
  - *Incest*: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. In Ohio, this means that individuals closer in kin than second cousins may not have sexual intercourse.
  - *Statutory Rape*: Sexual intercourse with a person who is under the statutory age of consent. In Ohio, state law prohibits sex with any individual under the age of 13; additionally, individuals over the age of 18 may not have sex with individuals under the age of 16.
- *Title IX Domestic Violence*: Includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior; by a person with whom the complainant shares a child in common; by a person who is/was cohabitating with the complainant; by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- *Title IX Psychological & Emotional Abuse*: a pattern of behavior undermining an individual's sense of self-worth or self-esteem, constant criticism, diminishing one's abilities, name-calling.
- *Title IX Economic Abuse*: in the context of domestic violence [and] dating violence means behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to-
  - Restrict a person's access to money, assets, credit, or financial information;
  - Unfairly use a person's personal economic resources, including money, assets, and

- credit, for one’s own advantage; or
  - Exert undue influence over a person’s financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.
- *Title IX Technological Abuse:* means an act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.
- *Title IX Abuse in Later Life: Means*
  - Neglect, abandonment, economic abuse, or willful harm of an adult aged 50 or older by an individual in an ongoing relationship of trust with the victim; or
  - Domestic violence, dating violence, sexual assault, or stalking of an adult aged 50 or older by any individual; and
  - Does not include self-neglect
- *Title IX Dating Violence:* Conduct that constitutes violence committed by a person who was/is involved in a sexual, dating, spousal, domestic or other intimate relationship with the Complainant.
- *Title IX Stalking:* Conduct on the basis of sex that constitutes a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others or suffer substantial emotional distress. Stalking includes cyberstalking, which utilizes electronic formats such as the internet, social networks, social media apps, blogs, texts, cell phones and other devices. Stalking may include behavior that occurs outside the context of a relationship. And for the purposes of this definition:
  - Course of conduct means two or more acts, including, but not limited to, acts in which the respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property;
  - Reasonable person means a reasonable person under similar circumstances and with similar identities to the complainant; or,
  - Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- **Non-Title IX Sexual Harassment**  
 “Sexual Harassment — Non-Title IX” is any unwelcome sexual advance, request for sexual favors, or other unwanted verbal or physical conduct of a sexual nature when one or more of the following conditions are present:
  1. The conduct must have occurred against a person in the United States.
  2. The conduct must have occurred within the College’s education program or activity. For purposes of this provision, this means that the conduct must have

occurred either (a) in a location, event, or circumstances over which the College exercised substantial control over both the respondent and the context in which the sexual harassment occurs or (b) in relation to a building owned or controlled by a student organization that is officially recognized by the College.

3. The complainant must be participating in or attempting to participate in the education program or activity of the College at the time the formal complaint is filed.
- *A Single Incident of Sexual Harassment* — Non-Title IX alone may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a pattern of incidents to create a hostile environment. The determination of whether an environment is “hostile” will be based on the totality of the circumstances, including, but not limited to:
    - The frequency of the speech or conduct;
    - The nature and severity of the speech or conduct;
    - Whether the speech or conduct was physically threatening;
    - The effect of the speech or conduct on the individual’s mental and/or emotional state;
    - Whether the speech or conduct was directed at more than one person;
    - Whether the speech or conduct arose in the context of other discriminatory conduct;
    - Whether the speech or conduct unreasonably interfered with the individual’s educational opportunities or performance (including off campus study), Walsh-controlled living environment, work opportunities or performance;
    - Whether a statement is a mere utterance of an epithet that engenders offense in an employee or a student or offends by mere discourtesy or rudeness; and/or
    - Whether the speech or conduct is protected by the First Amendment and/or deserves the protections of academic freedom.

Sexual Harassment — Non-Title IX can take many forms:

- May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated;
- Does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents;
- May be committed by anyone, regardless of gender, age, position, or authority;
- May be committed by a stranger, an acquaintance, or someone with whom the individual has an intimate or sexual relationship;
- May be committed by or against an individual or may be a result of the actions of a group;
- May occur by or against an individual of any sex, gender identity, gender expression, or sexual orientation;
- May occur in the classroom, in the workplace, in residential settings, over electronic media (including the internet, telephone, and text), or in any other setting; an
- May affect the individual and/or others who witness or observe the harassment.

There may be situations where respondent’s reported conduct constitutes both “Sexual Harassment — Title IX” and “Sexual Harassment — Non-Title IX.”

The respondent will receive notice of both charges and the resolution process will



investigate both charges. If the reported conduct is adjudicated and the respondent is found responsible for the charge of “Sexual Harassment — Title IX,” the respondent will not be separately sanctioned for the charge of “Sexual Harassment — Non-Title IX.”

- *Non-Title IX Sexual Assault:* As defined in the Title IX Sexual Assault definition above that did not reportedly occur in a program or activity of the University in the United States.
- *Non-Title IX Domestic Violence:* Domestic violence as defined in the Title IX Domestic Violence definition above that did not reportedly occur in a program or activity of the University in the United States.
- *Non-Title IX Dating Violence:* Dating violence as defined in the Title IX Dating Violence definition above that did not reportedly occur in a program or activity of the University in the United States.
- *Non-Title IX Stalking:* Stalking as defined in the Title IX Stalking definition above that did not reportedly occur in a program or activity of the University in the United States, or that otherwise fits within the definition of stalking but does not fall within the Title IX Stalking definition because the reported conduct is not directed at the alleged victim on the basis of sex.
- *Sexual Exploitation:* Sexual Exploitation is knowingly, intentionally or purposefully taking advantage of the sexuality of another person without consent or in a manner that extends the bounds of consensual sexual activity without the knowledge of the other individual for any purpose, including sexual gratification, financial gain, or personal benefit. Examples of Sexual Exploitation include:
  - Observing another individual’s nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
  - Voyeurism;
  - Non-consensual streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
  - Non-consensual recording of individuals in locations in which they have a reasonable expectation of privacy, such as restrooms or locker rooms, regardless of whether the images captured reveal sexual activity or nudity;
  - Prostituting another individual;
  - Exposing one’s genitals in non-consensual circumstances;
  - Removal of a condom, without consent, during sexual intercourse;
  - Knowingly exposing another individual to a sexually transmitted infection or virus without that individual’s knowledge; and
  - Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity, e.g., by using alcohol or other drugs (such as Rohypnol or GHB).
- *Retaliation:* No recipient or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this part, or because the individual has made a formal complaint, testified, assisted, or participated or refused to participate in any manner in an investigation,

proceeding, or hearing under this part. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a formal complaint. The exercise of rights protected under the First Amendment does not constitute retaliation.

For additional information regarding the grievance process for Non-Title IX Sexual Harassment see Section N. Institutional Grievance Process > i. Dismissal of Allegation.

#### D. Walsh University Consent Standard

- **Consent** is an agreement expressed through affirmative, voluntary words and/or actions, and mutually understandable to all parties involved, to engage in a specific sexual act at a specific time.
  - Consent must be ongoing and can be withdrawn at any time by involved parties.
  - Consent requires a mutual, clear and certain yes through words and/or actions.
  - Consent cannot be assumed based on the following:
    - Silence
    - Implied confirmation of interest
    - Initiation of sexual contact
    - The absence of a clear/certain yes
    - The absence of a clear/certain “no” through words and/or actions
    - The existence of a prior or current relationship
    - Prior sexual activity
  - Consent cannot be coerced or compelled, including but not limited to the use of force, threat, deception or intimidation.
    - **Coercion:** presenting a mentally and/or emotionally manipulative proposal for the purpose of persuading another person and/or party to act against their own interest and/or best judgment.
    - **Force:** is the use or threat of physical violence, intimidation, or coercion to overcome an individual’s freedom of will to choose whether or not to participate in sexual activity. Such action would cause a person to fear for their physical or psychological well-being.
    - **Deception:** knowingly presenting false or misleading information, identity, circumstance, and/or withholding key information.
    - **Intimidation:** presenting oneself and/or environment in a way that reasonably frightens, threatens, and/or pressures another person and/or party to comply
- Consent cannot be given by someone who is not of legal age to provide it (per ORC§2907.04).  
Consent cannot be given by someone who is incapacitated, as defined below.
- **Incapacitation** is when a person’s perception and/or judgement is substantially impaired because of a mental or physical condition [including, but not limited to intoxication] causing the person to lack the ability to effectively make or act on conscious decisions.

#### E. Disclosure and/or Reporting Options

Walsh University recognizes a distinction between disclosing and formally reporting incidents of sexual harassment, sexual assault, domestic violence, dating violence, stalking, and retaliation otherwise referred to as *Prohibited Conduct*. Disclosing an incident may not result in a formal complaint, depending on to whom the information is communicated, the circumstances under which the incident occurred, and in many situations, the wishes of the Complainant\*.

## 1. Mandatory Reporters

All full- and part-time Walsh University employees, including administration, faculty, staff, University volunteers and student paraprofessionals, such as Resident Assistants and Campus Ministry Peacemakers, are mandated to report any incidents of Prohibited Conduct directly to the Title IX Coordinator or Title IX Deputies, unless they are one of the *confidential resources* outlined below.

## 2. Confidential Resources

\*If you are unsure if you would like to make a formal complaint regarding an incident of Prohibited Conduct. Walsh University's Counseling Services (students only), Health Services, University Senior Chaplain, Domestic Violence Project, Inc., and COMPASS are confidential resources available to you for disclosure. Confidential resources will not report the disclosure of these incidents to Title IX or Campus Police without a victim/survivor's written permission, and to the extent, they are permitted to promise confidentiality under the law.

## 3. On-Campus Confidential Resources – Students

- a. Counseling Services | David Campus Center (Suite 104) | (330)490-7348
  - i. Francie Morrow, LPCC-S | Executive Director
  - ii. Megan Huston, LPC | College Counselor
  - iii. Lisa Lutz, LPCC-S | College Counselor
  - iv. Megan Rhoads, LPC | College Counselor
- b. University Senior Chaplain\*\* | 330-490-7051

Note: An ordained member of the clergy or a member of an institute of consecrated life (i.e. priest, deacon, minister, and religious sisters and brothers) who is recognized by a religious order or denomination as someone who provides confidential pastoral counseling or spiritual direction may serve as a confidential resource only while operating in their professional capacity of providing religious or spiritual advice (i.e. during a private pastoral counseling meeting etc.). If the member of the clergy or institute is made aware of crimes or offenses outside of their professional capacities, such as member of clergy with a dual professional role at the university (i.e. instructor, coach, club/org. advisor, etc.), they are considered mandatory reporters in these instances.

This pastoral confidentiality, which is subject to certain limits (see "F. Confidentiality and Support" below), is distinct from the unique secrecy (the "seal") of the Sacrament of Penance, also known as "Confession" or the "Sacrament of Reconciliation." In the Catholic Tradition, the Sacrament of Penance provides an absolutely confidential forum, the secrecy of which admits of no exceptions whatsoever or in any circumstance.

- c. Moira Hill | Victim Advocate | Hannon 205 | (330)452-1111 |

## 4. On-Campus Confidential Resources – Employees

- a. University Senior Chaplain\*\* | 330-490-7051

Note: An ordained member of the clergy or a member of an institute of consecrated life (i.e. priest, deacon, minister, and religious sisters and brothers) who is recognized by a religious order or denomination as someone who provides confidential pastoral counseling or spiritual direction may serve as a confidential resource only while operating in their professional capacity of providing religious or spiritual advice (i.e. during a private pastoral counseling meeting etc.). If the member of the clergy or institute is made aware of crimes or offenses outside of their professional capacities, such as member of clergy with a dual professional role at the university (i.e. instructor, coach, club/org. advisor, etc.), they are considered mandatory reporters in these instances.

This pastoral confidentiality, which is subject to certain limits (see "F. Confidentiality and Support" below), is distinct from the unique secrecy (the "seal") of the Sacrament of Penance, also known as "Confession" or the "Sacrament of Reconciliation." In the Catholic Tradition, the Sacrament of Penance provides an absolutely confidential forum, the secrecy of which admits of no exceptions whatsoever or in any circumstance.

b. Moira Hill | Victim Advocate | Hannon 205 | (330)352-1111

## 5. Off-Campus Confidential Resources- Students and Employees

a. *Walsh University Health Services AultmanNow Washington Square*  
6525 Market Ave. N., North Canton | (330) 363-8680

b. *Domestic Violence Project, Inc.*

720 19<sup>th</sup> Street NE, Canton OH | (330) 453-7233

Available Victim Services:

- i. 24-hr. Confidential Hotline (330) 453-7233
- ii. Emergency Shelter
- iii. Transitional Housing
- iv. Legal Advocacy Services
- v. Outreach and Aftercare Advocacy
- vi. Medical Advocacy

c. *COMPASS Sexual Assault Education, Prevention and Support*  
Street SW, Canton OH | (330) 452-1111

408 9<sup>th</sup>

Available Victim Services:

- i. 24 Hr. Confidential Hotline (330) 453-7233
- ii. Counseling
- iii. Case Management
- iv. Outreach Advocacy
- v. Legal Advocacy
- vi. Hospital Advocacy

## 6. On-Campus Formal Complaint – Students, Employees and University Volunteers

a. *Title IX Coordinator:*

Kristi Campbell, Director of International Student Services

Student Affairs | David Campus Center (Suite 103) | (330) 490-7105

b. *Title IX Deputy Coordinators:*

- i. David Gramlich, Athletic Business Coordinator | Cecchini Health and Wellness Complex | (330) 490-7515
- ii. Tiffany Kinnard, Dean of Students | Student Affairs-David Center | (330)4907538
- iii. Christina Paone, Head Golf Coach, SWA, Sports Information Director | Cecchini Health and Wellness Complex | (330) 490 7519
- iv. Jennifer Hoffner, Human Resource Specialist | Farrell Hall | (330) 490-7542

## F. Confidentiality and Support

Walsh University will maintain the confidentiality of the Complainant—regardless of whether confidentiality is requested—to the extent it is legally permitted and has the ability to appropriately provide accommodations, Supportive/Interim Measures, and/or protective measures. As such, there may be situations where disclosing some personally identifiable information about a Complainant may be necessary. For allegations of misconduct related to Prohibited Conduct, the Title IX Coordinator will determine what information about the Complainant should be

disclosed and to whom this information will be disclosed. Unless extenuating circumstances exist, the Complainant will be informed before sharing personally identifiable information that the University believes is necessary to provide a safe and non-discriminatory environment, to provide an accommodation, and/or to provide any interim or protective measures.

If the Complainant requests the University not reveal the Complainant's name to the Respondent and/or asks the University to not investigate a formal complaint, this may limit the University's ability to respond fully to the incident, including pursuing disciplinary action, and being able to sanction the prohibited conduct against the Respondent. Specific confidentiality requests should be made directly to the Title IX Coordinator, Kristi Campbell, at (330) 490-7105.

While Walsh University will strive to honor a Complainant's requests, there are circumstances when personally identifiable information about a Complainant may be shared and/or when an investigation may occur despite a Complainant requests otherwise. The University has a legal duty to act if it determines it is appropriate and necessary in certain cases of Prohibited Conduct where an *Imminent Threat* to the campus community and/or pattern of behavior may be present. "Pattern of behavior" is defined as two or more reported instances of the same type of prohibited conduct.

**1. Imminent Threat** is classified as an incident of sexual misconduct and/or interpersonal violence that includes the following:

- a weapon,
- physical force or violence,
- when the victim/survivor is a minor,
- pattern by same perpetrator, and/or
- a significant threat to the University

**2. Other Limits to Confidentiality:**

- a. **Mandatory Reporting of Child Abuse.** All University employees, including confidential resources, are required to immediately report any knowledge or reasonable suspicion that a minor (someone under 18 years old) is experiencing abuse or neglect based on information shared by the minor, any other individual, or one's own observations or knowledge.
- b. **Ohio Felony Reporting Requirement.** Under Ohio law, all individuals, excluding confidential resources, must report possible felonies, including sexual violence. Under Ohio Revised Code Section 2921.22, medical professionals, mental health professionals and clergy are not required to report felonies.
- c. **Ohio Medical Professional Reporting Requirements.** In Ohio, medical professionals have distinct legally mandated reporting responsibilities. Where a medical professional knows or has reasonable cause to believe that serious physical harm resulted from an offense of violence, the medical professional is required to make a report to law enforcement. Medical professionals must deem a patient medically stable before reporting and must communicate to the patient that the patient does not have to report and/or speak to the police. If the patient chooses not to speak to police at the time of the medical examination, the medical professional does not need to report the patient's name — only the date, general time, and general location of the incident.
- d. **Risk of Harm to Self or Others.** Mental health professionals are required to disclose information where there is an imminent threat of harm to self (the client) or others.

**3. Clery Act Reporting**

Pursuant to the Clery Act, anonymous statistical information for certain offenses that have been reported at campus locations must be shared with Campus Security. The information does not include the names or any other identifying information about the persons involved in such incidents.

Additionally, the University has a duty to complete certain publicly available recordkeeping, including reporting and disclosing information about certain crimes pursuant to a federal law known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act"). Reported incidents of these crimes will be included in the University's annual crime statistics per its annual security

Report and daily crime logs, as required. The University is also obligated to issue timely warnings of crimes enumerated in the Clery Act occurring within relevant campus geography that represents a serious or continuing threat to students, employees, and university volunteers, except in those circumstances where issuing such a warning may compromise current law enforcement efforts or when the warning itself could potentially identify the Complainant. The University will not report and/or disclose personally identifiable information about a Complainant in its recordkeeping required by the Clery Act.

The University will make every effort to respect a Complainant's autonomy in determining how to proceed when they disclose and/or formally report an incident of sexual misconduct and/or interpersonal violence. Support and resources are always available to Complainant—regardless of the chosen course of action.

Receiving a formal complaint of an incident permits the University to keep records of reported incidents and determine the appropriate response and the potential need to alert the University community to potential danger.

### **G. Caring Cavalier Amnesty Policy**

The University recognizes that students who experience or witness a sexual assault, dating violence, domestic violence, stalking, and/or a medical emergency while under the influence of alcohol or illegal substances may be hesitant to report these occurrences due to concerns for the potential consequences of violating the student code of conduct.

The Caring Cavalier Amnesty Policy is focused on empowering students to support the health and well-being of themselves and others. Any student coming forward to report incidents involving sexual assault, dating violence, domestic violence, stalking, and/or a medical emergency will be granted amnesty by the Student Conduct and Community Standards Office and will not be subject to violations of the University's alcohol and/or substance abuse policies that occurred at or near the time of the alleged incident(s).

Report immediate health and safety emergencies to Walsh University's Campus Police (330-490-7474 or 330-316-1088). Report non-emergencies to the University's Title IX Office (330-490-7105) or Student Conduct and Community Standards Office (330-490-7301).

The Caring Cavalier Amnesty Policy provides amnesty for violations of the student code of conduct as it relates to alcohol and/or substance abuse policies only. Students will be required to meet with a representative from the Student Conduct and Community Standards Office to provide further information about the incident(s). Students may be required to participate in online education, reflection assignments, and/or assessment and treatment referrals. Students who repeatedly use the amnesty policy may be required to participate in additional educational interventions and support opportunities. Failure to complete assignments required by the University will result in ineligibility for amnesty. Additionally, this policy does not grant amnesty from criminal, civil, or legal consequences for violations of federal, state, or local laws.

### **H. Written Statement of Rights, Reporting Options and Resources**

Any student, employee or University volunteer that discloses an incident and/or makes a formal complaint to the Title IX Office of sexual harassment, sexual assault, domestic violence, dating violence, stalking, retaliation and/or other forms of interpersonal violence or sex discrimination will receive a written notification of their rights, reporting options, and resources. Please note that the receiving of this information is not dependent on the filing of a formal complaint.

### **I. First Contact with the Title IX Office**

Upon disclosure of an incident of Prohibited Conduct from a student, employee, or University volunteer to the Title IX Office, the Title IX Office will outreach to the person who may have experienced the Prohibited Conduct. The outreach (from the Title IX Coordinator or a Title IX Deputy) includes ensuring the Complainant receives information regarding:

- medical and confidential counseling and support resources;
- options for pursuing a formal complaint and/or reporting the incident to law enforcement;

- how to request an interim no-contact order;
- how to request other Supportive/Interim Measures from the University;
- how to preserve evidence;
- where to access more information.

The outreach will also include an invitation to meet with or provide additional information to the Title IX Office. The initial meeting may be followed by 1) filing a formal complaint or 2) a request by the Respondent to take no further action.

The University will strive to honor the request of the Complainant as to a course of action. However, the University has a legal duty to act if the University determines it is appropriate and necessary in certain cases of Prohibited Conduct where an *Imminent Threat* to the campus community and/or pattern of behavior may be present (see Section F “Confidentiality and Support” for additional information).

The University will make every effort to respect a Complainant’s autonomy in determining how to proceed. Support and resources are always available to a Complainant regardless of the chosen course of action. Receiving a formal complaint of an incident permits the University to keep records of reported incidents and determine the appropriate response and the potential need to alert the University community to potential danger. Reported incidents will also be included in the University’s annual crime statistics as required.

#### **J. Supportive/Interim Measures**

In the case of Prohibited Conduct, the Title IX Coordinator or Title IX Deputies may take immediate action to assist a Complainant in resuming educational activities while deciding the next steps, if any, to pursue against a Respondent or while awaiting the results of a resolution process.

“**Supportive/Interim Measures**” are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties. Furthermore, the supportive/interim measures are based on what is not clearly unreasonable in light of the known circumstances and does not second guess a school’s disciplinary decisions. Finally, a school is required to offer supportive measures, and provide remedies to Complainant whenever Respondent are found responsible.

Walsh University will provide information, in writing, to Complainant or Respondent about options for, available assistance in, and how to request changes to academic, living, transportation and working situations or protective measures. The institution will make accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the Complainant chooses to report the crime to Campus Police or local law enforcement. Additionally, the University is obligated to comply with a student’s reasonable request for a living and/or academic situation change following an alleged sex offense. \*Please note that some Supportive/Interim Measures that impact both the Complainant and Respondent may require a finding of “in-violation” (see *italicized* measures listed below).

Supportive/Interim Measures can include but are not limited to, the following:

- Providing an escort,
- Changing the Complainant class schedule or room assignment in the residence halls,
- Arranging academic accommodations,
- Waiving the service fee for on-campus health center services,
- *Issuing no contact orders\**,
- Complying with protection orders\*\*,
- *Limiting the Respondent(s)’ access to campus,*
- *Limiting the Respondent(s)’ access to facilities and activities,*

- *Changing the Respondent(s)' course schedule or room assignment, and/or*
- Implementing other appropriate educational or prevention strategies to address the environment in which the offense took place.
- Change in University-related work schedules or job assignments
- Voluntary Leave of Absence
- Assistance in contacting community resources
- Transportation related to accessing services/support after an incident of sexual misconduct or interpersonal violence
- When appropriate, Supportive/Interim Measures can include Respondent being placed on interim suspension or interim administrative leave.

*\*A person may contact the Title IX Coordinator (330-490-7105) to inquire and request a No Contact Order. This is a written order issued by the University that generally requires an alleged Respondent to stay away from a victim/survivor and is supported by University consequences for non-compliance with the order.*

*\*\*A person may also seek a protection order from the local court of the state of Ohio. This is a legal process independent of the University. A protection order is a written order that generally requires an alleged perpetrator to stay away from a victim/survivor and is supported by legal consequences for non-compliance with the order. If a court order is issued, the University will, to the extent possible, assist the protected person in benefitting from the restrictions imposed by the court and will also facilitate on-campus compliance with the order.*

*The Title IX Coordinator (330-490-7105) or a Title IX Deputy, an advocate from COMPASS Sexual Assault Education, Prevention & Support (330-452-1111) or Domestic Violence Project, Inc. (330-453- 7233), and Campus Police (330-490-7474 or 330-316-1088) are all able to assist victims/survivors who want to request a protection order. Below are the legal options available in the state of Ohio:*

- *Criminal Protection Order*
- *Domestic Violence Criminal Temporary Protection Order*
- *Domestic Violence Civil Protection Order*
- *Dating Violence Civil Protection Order*
- *Civil Stalking Protection Order*
- *Sexually Oriented Offense Protection Order*

*If a victim/survivor believes there has been a violation of a court-ordered protection order, they should contact the police department in the jurisdiction where the violation has occurred.*

Information will be provided in writing to a Complainant regarding the above support/interim measures, as well as existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for victims both on and off campus. Additionally, it is not required for a formal complaint to be filed and/or investigated for supportive/interim measures to be implemented, as deemed necessary by the Title IX office. The Title IX Coordinator and/or a Title IX Deputy will use the following factors to determine appropriate Supportive/Interim Measures to be implemented:

- specific need expressed by the complainant
- the age of the students involved
- the severity or pervasiveness of the allegations
- any continuing effects on the complainant
- whether the complainant and alleged perpetrator share the same residence hall, dining hall, class, transportation or job location; and
- whether other judicial measures have been taken to protect the Complainant (e.g., civil protection



orders)

**For more information about Supportive/Interim Measures, please contact the Title IX Coordinator, Kristi Campbell at (330) 490-7105, or [titleix@walsh.edu](mailto:titleix@walsh.edu).**

#### **K. Filing a Formal Complaint**

Any current Walsh University student, employee, or University volunteer may file a formal complaint of Prohibited Conduct against other current students, employees, or University volunteers connected to the University. These formal complaints may be submitted in person, by mail, electronic mail, or via phone using the University's contact information for the Title IX Coordinator and must include the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal complaint. All formal complaints should be submitted directly to the Title IX Coordinator, **Kristi Campbell at (330) 490-7105, or [titleix@walsh.edu](mailto:titleix@walsh.edu)** and should include the following information:

- Name of the Alleged Respondent(s)
- Date of the Alleged Incident
- Location of the Alleged Incident
- Details regarding the Alleged Prohibited Conduct being reported

It is strongly encouraged to submit a formal complaint as soon as possible after the incident takes place or becomes known in order to optimize opportunities to secure evidence and witnesses. As there is no time limit on reporting violations of this policy, if a reporting party or Respondent is no longer affiliated with Walsh University (e.g. a formal complaint is made after a student has withdrawn/graduated, or an employee or University volunteer is no longer employed and left their position), the University is often limited in its recourse to dress the concern, and the University may no longer have jurisdiction over the reported incident.

#### **L. Law Enforcement Notification**

The University also urges the Complainant to report all instances of Prohibited Conduct or criminal activity to Walsh University Campus Police or other law enforcement agencies. The Complainant may contact Campus Police or local law enforcement directly, whether or not a formal complaint has been filed with the University. If requested, the University can assist the Complainant in notifying law enforcement or legal service organizations to learn about these remedies. The Complainant may also decline to notify law enforcement. Please see the Sexual Misconduct and Interpersonal Violence Prevention Policy (Section C "Definitions – Ohio Revised Code") for more information on the definitions of these crimes according to the Ohio Revised Code.

A person may formally report an incident to either the police or the University or to both.

##### **1. How to File a Police Report**

A victim/survivor wanting to make a police report can contact Campus Police (available 24/7) using the following information:

###### **a. On-Campus Law Enforcement – Students and Employees**

Walsh University Campus Police | (330) 490-7474 or (330) 316-1088 2020 East  
Maple Street, North Canton, OH 44720

Filing a formal complaint with Campus Police or local law enforcement allows the department the ability to investigate the alleged crime, gather evidence, and refer a case for prosecution when warranted. A victim/survivor may choose to have an advocate present from COMPASS Sexual Assault Education, Prevention & Support (330-452-1111) or Domestic Violence Project, Inc. (330-453-7233) when filing the report.

##### **2. Effect of Law Enforcement Notification**

The filing of a formal complaint of Prohibited Conduct under this policy is independent of any criminal investigation or proceeding. The University typically does not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation or to take any necessary interim remedies to protect the Complainant and the University community. However, the University may temporarily delay its investigation to enable law enforcement to gather evidence and to engage in a preliminary investigation of

Prohibited Conduct that may also violate state or federal law.

## **M. Preservation of Evidence**

As time passes, evidence of Prohibited Conduct may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining orders of protection related to the reported incident more difficult. If a Complainant chooses not to make a formal complaint to the University regarding an incident, they nevertheless are still able to speak with Walsh University Campus Police or other law enforcement agencies and/or a local Sexual Assault Nurse Examiner (SANE) program regarding evidence preservation in the event the Complainant changes their mind at a later date. Further, completion of a medical forensic evaluation may also allow a Complainant to preserve evidence while deciding whether to later file a police report.

### **1. Preserving Evidence for Sexual Assaults**

Physical evidence is crucial in helping to prosecute assailants in cases of rape or sexual assault and in obtaining a protection order. Physical evidence must be collected in a timely manner by a certified medical facility. Two of these local medical programs include Aultman Hospital's Serenity Program and Mercy Medical Center's Haven Program whose contact information is listed below #4. Prior to a medical/legal exam, victim/survivors of rape or assault should not bathe, change clothes, douche, use the toilet (if possible), smoke or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that the evidence may be preserved. If the victim/ survivors do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted diseases.

### **2. Preserving Evidence for Victim/Survivors of Violence**

Preserving evidence may be necessary to prove criminal domestic violence or dating violence, and in obtaining a protection order. Victim/survivors of violence should not bathe or change clothes prior to documentation of physical evidence. Two of the local medical programs that can provide a domestic violence forensic examination for victims/survivors include Aultman Hospital's Serenity Program and Mercy Medical Center's Haven Program whose contact information is listed below in (Section M #4. If victim/survivors do not opt for forensic evidence collection, health care providers can still treat injuries.

### **3. Preserving Evidence for Victim/Survivors of Stalking**

Preserving evidence of stalking may be necessary to prove criminal stalking and assisting a victim/survivor in obtaining a protection order. Victim/survivors of stalking should save evidence such as any letters, notes, emails, phone calls, videos, photos, texts, social media postings, computer screenshots, voicemails, or any other form of evidence that would be helpful.

### **4. Off-Campus Sexual Assault Nurse Examiner (SANE) Programs – Students and Employees**

- a. *Aultman Hospital Serenity Program* | (330) 363-6788 | [www.aultman.org](http://www.aultman.org)  
2600 6th St SW, Canton, OH 44710  
*\*Please go to the Aultman Emergency Department to access Serenity Program services.*
- b. *Mercy Medical Center's Haven Program* | (330) 489-1000 x2170 | [www.cantonmercy.org](http://www.cantonmercy.org). Healing After Violent Encounter's Network Program 1320 Mercy Drive NW, Canton, OH 44708

## **N. Institutional Grievance Processes**

### **1. Criminal Complaints**

Ohio state and/or federal law will apply, and the matter will follow criminal processes through a police investigation and/or a referral to the criminal court system for resolution, if applicable.

### **2. Formal Complaint**

The University's investigation of formal complaints of policy violations is different and separate from a criminal complaint investigation by any law enforcement agency. An ongoing law enforcement investigation does not relieve the University of its obligation to investigate allegations of conduct prohibited by this policy. In cases involving potential criminal conduct, University personnel must determine, consistent with federal,

state, and local law, whether appropriate law enforcement agencies or other authorities should be notified. Conduct may constitute a violation of this policy and result in disciplinary action by the University even if a law enforcement agency and/or court of law determines that the conduct did not constitute a crime.

### 3. **Informal Resolution of Formal Complaints**

In appropriate circumstances, and with the approval of both the Complainant and Respondent, the Title IX Coordinator may attempt informal resolution options, such as alternate resolutions or restorative justice to resolve a formal complaint of an alleged policy violation without the need for additional proceedings. When *Informal Resolution of a Formal Complaint* is pursued, the Title IX Coordinator will provide written notice to the Complainant and Respondent regarding:

- 1) the allegations;
- 2) the voluntary nature of the informal resolution process and the availability of a formal investigation at all times; and
- 3) any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

Effort will be made to resolve an institutional formal complaint within approximately sixty (60) days of the filing of a formal complaint. The objective of the informal process will be to reasonably resolve the incident to the mutual satisfaction of the parties involved, if possible.

#### a. **Alternative Resolutions**

In some cases, both the Complainant and Respondent have the opportunity to request a specific type of informal resolution process. In order to proceed with an informal process, both parties must agree to the Informal Resolution. At any time, either party has the right to pursue a formal process.

#### b. **Restorative Practice**

Means a practice relating to a specific harm that is community-based and unaffiliated with any civil or criminal legal process; is initiated by a victim of the harm; involves, on a voluntary bases and without any evidence of coercion or intimidation of any victim of the harm by any individual who committed the harm or anyone associated with any such individual; one or more individuals who committed the harm; one or more victims of the harm; and the community affected by the harm through one or more representatives of the community; shall include and has the goal of collectively seeking accountability from one or more individuals who committed the harm; developing a written process whereby one or more individuals who committed the harm will take responsibility for the actions that caused harm to one or more victims of the harm; and developing a written course of action plan that is responsible to the needs of one or more victims of the harmed, and upon which one or more victim, one or more individuals who committed the harmed, and the community can agree; and is conducted in a victim services framework that protects the safety and supports the autonomy of one or more victims of the harm and the community.

Walsh University may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment. Similarly, Walsh University may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. Walsh University must not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student. At any time either party has the right to withdraw from the Informal Resolution process and resolve the formal complaint through a Formal Resolution. If the parties are not able to resolve the complaint through the Informal Resolution process, the complaint will be resolved through a Formal Resolution unless the complaint is withdrawn or dismissed.

The Title IX Coordinator retains the discretion to determine the type of Informal Resolution that may be appropriate in a specific case and may refer a complaint to a Formal Resolution at any time. Informal

Resolutions will typically be completed within 60 calendar days of the decision to engage in Informal Resolution. Informal Resolution agreements are signed by the parties and the Title IX Coordinator and are enforced by the University

#### **4. Investigation of Formal complaints**

In instances where informal methods of resolution are inappropriate or declined, a formal investigation will be conducted. While all investigations will vary due to the individual circumstances surrounding the particular report, formal investigations under this policy will typically involve the following:

##### **a. Initial Review**

Preliminary review by the Title IX Coordinator of any formal complaint filed to determine whether, on its face, an alleged violation of the policy has occurred, and an investigation is needed.

##### **b. Investigation of Allegations**

Investigations are conducted by the Title IX Office. For the purposes of investigation, the Title IX Coordinator will assign Title IX Team members(s). Title IX Team members include the Title IX Coordinator and Title IX Deputies, and all team members are trained to conduct each stage of the formal investigation process.

##### **i. Initial Title IX Team Assignment**

Prior to the start of a formal investigation, the Title IX Coordinator will send a written "Initial Title IX Team Assignment" to the Complainant and Respondent, which will include the names of the Title IX Team member(s) assigned to the particular formal complaint.

##### **ii. Conflict of Interest**

If any Complainant and/or a Respondent believes any Title IX Team member assigned to the particular formal complaint has a conflict of interest, the party must contact the Title IX Coordinator in writing no more than seven (7) days (excluding University holidays) of receiving the Initial Title IX Team Assignment with an explanation of the alleged conflict of interest (a "Conflict of Interest Actual knowledge notice").

In the event that the Title IX Coordinator receives a Conflict of Interest Actual knowledge, the Title IX Coordinator will make any substitutions the Title IX Coordinator deems appropriate. Similarly, if an assigned Title IX Team Member believes the particular formal complaint poses a conflict of interest for the individual, the Title IX Team member will contact the Title IX Coordinator immediately and the Title IX Coordinator will make any substitutions the Title IX Coordinator deems appropriate. After the Conflict of Interest Actual knowledge notice period has passed, the Title IX Coordinator will send a written "Final Title IX Team Assignment" to the Complainant(s) and Respondent(s).

##### **iii. Title IX Team Member Notification**

The Title IX Team member(s) will send written notification to the Complainant and the Respondent that the formal investigation has started, along with the relevant conduct provision(s) at issue and the potential sanctions and disciplinary actions if a violation of the policy is found.

##### **iv. Investigative Interviews**

The Title IX Team member(s) will conduct interviews of the Complainant, the Respondent, and any witnesses identified by those parties. The Respondent shall be provided a copy of any written report or otherwise informed of the substance of any Complainant's allegations. Similarly, the Complainant shall be provided with a copy of any written response provided by a Respondent or otherwise informed of the substance of any Respondent's response to the allegations.

##### **v. Consideration of Evidence by Title IX Team Member(s):**

The Title IX Team member(s) will gather relevant documents or evidence (e.g., law enforcement investigatory records, student and/or personnel files, etc.). Both the Complainant and Respondent will be asked to provide a list of possible witnesses as well as any written or physical evidence (e.g., text messages, social media postings, emails, photos, medical records, etc.) that they wish to be included as part of the investigation.

**vi. Prepare Investigative Report**

The Title IX Team Member(s) will prepare an Investigative Report complete with a summary of interviews, relevant documents, and next steps.

**vii. Distribute Investigative Report**

The Title IX Team member(s) shall provide any Complainant and Respondent with access to the Investigation Report as well as any non-confidential documents or evidence gathered by the Title IX Investigator(s) that were used to prepare the Investigation Report to the parties.

The evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint will be made available to the parties and their advisors, including the evidence upon which the University may not rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence. The parties will have 10 calendar days to review the evidence. The parties will be offered the opportunity to review the evidence and provide a written response that will be submitted to the investigators for the completion of the Investigation Report.

The investigator shall then prepare a written Investigation Report fairly summarizing the relevant evidence, and provide a copy to both parties. The investigator shall submit this Investigation Report to the parties no less than ten days before any scheduled hearing. Each party may submit a written response to the Investigation Report. The purpose of the Investigative Report is to summarize factual findings, not conclusions as to whether a policy violation occurred. The investigator may also make findings that go to the credibility and cooperation of witnesses. For the privacy of all those involved, evidence shared in an electronic format will not be printable, downloadable or electronically shareable by the parties or their advisors. Exceptions may be made in compliance with Section 504 of the Rehabilitation Act of 1973.

**c. Pre-Hearing Conference**

Each party will have their own pre-hearing conference. The Title IX Coordinator will communicate to the parties, their advisors, and the Hearing Chair the date, time, and format for their Pre-Hearing Conference. The Title IX Coordinator, the Hearing Chair, and the advisor must be in attendance. While the parties are strongly encouraged to attend, they are not required to do so.

During the Pre-Hearing Conference, the advisors must share with the Sexual Misconduct and Interpersonal Violence Hearing Chair, their list of witnesses to appear at the hearing, the identity of any requested witnesses that were not questioned during the investigation, the request for any new evidence to be considered that was not submitted previously to the investigators, and the availability of the advisor and the party for hearing dates.

Evidence and witnesses may only be presented at the hearing if they were submitted to the investigators and made available to the parties for review, unless they were unavailable at the time of the investigation or the relevance was unknown until the investigative report was submitted. The Hearing Chair will address any requests to present new evidence and new witnesses at the Prehearing Conference.

The advisor is strongly encouraged to discuss lines of questioning with the Sexual Misconduct and Interpersonal Violence Hearing Chair at the Prehearing Conference to obtain guidance from the Hearing Chair on relevancy prior to the hearing. The Sexual Misconduct and Interpersonal Violence

Hearing Chair will discuss the expectations and guidelines for appropriate behavior and decorum during the hearing.

After reviewing each party's witness list, the Sexual Misconduct and Interpersonal Violence Hearing Chair may, at their discretion, add names of other witnesses contained in the report for the purpose of appearing at the hearing and submitting to cross-examination.

After the conclusion of the Pre-Hearing Conferences, the Title IX Coordinator will provide each party and their advisor with written notice of the date, time, and manner for the hearing, which will typically occur no less than 5 business days after the conclusion of the final pre-hearing conference

**d. Live Hearing**

Once all the initial investigation and interviews have taken place, the live hearing will be scheduled by the Title IX Coordinator. During the live hearing, the decision-makers, called the Sexual Misconduct and Interpersonal Violence Hearing Board will facilitate the process of permitting each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including questions that challenge credibility (please refer to the Walsh University Student Handbook > Administrative and Board Hearing Procedures). The Hearing Board consists of the Title IX Hearing Board Facilitator, 1 faculty member, and 1 staff member.

Live hearings may be conducted with all parties physically present in the same geographic location or, at the school's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually. Additionally, schools must create an audio or audiovisual recording, or transcript, of any live hearing.

**i. Cross Examination**

- a. Cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
- b. At the request of either party, the recipient must provide for the entire live hearing (including cross-examination) to occur with the parties located in separate rooms with technology enabling the parties to see and hear each other.
- c. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker must first determine whether the question is relevant and explain to the party's advisor asking cross-examination questions any decision to exclude a question as not relevant.
- d. If a party does not have an advisor present at the live hearing, the school must provide, without fee or charge to that party, an advisor of the school's choice who may be, but is not required to be, an attorney to conduct cross-examination on behalf of that party.
- e. If a party or witness does not submit to cross-examination at the live hearing, the Hearing Board will weigh any relevant statements of the party or witness appropriately in reaching a determination of responsibility. The Hearing Board will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

**e. Advisor or Support Person of Choice: Complainant and Respondent(s)**

Complainant and Respondent have a right to be accompanied by one advisor or support person who may be, but is not required to be, an attorney, of the individual's choosing, or if the party needs an advisor, chosen/suggested by the University, during any meeting with a Title IX Team Member and including the live hearing (if applicable). That advisor or support person:

- is permitted to provide support but cannot advocate for the party or impede the investigation.
- is permitted to be someone who is a potential witness in the investigation.
- is permitted to cross examine/ask questions during the live hearing on behalf of the Complainant or Respondent, provided they are relevant to the investigation.

Any advisor that becomes disruptive in any meeting/hearing, the university reserves the right to remove the advisor from that meeting and/or prohibit them from participating in the remainder of the process. Any person who serves as an advisor should plan to make themselves available for meetings throughout the process. Scheduling of the interviews and meetings will not be unduly delayed due to the lack of availability of the advisor.

f. **Rights of the Complainant and Respondent During the investigation and resolution of a formal complaint filed, the Complainant and Respondent shall have equal rights.**

**These include the right to:**

- have written notice of the of the allegations upon receipt of a formal complaint.
- to present fact and expert witnesses and other inculpatory and exculpatory evidence.
- to select an advisor of the party's choice who may be, but need not be, an attorney. to send written notice of any investigative interviews, meetings, or hearings.
- to send the parties, and their advisors, evidence directly related to the allegations, in electronic format or hard copy, with at least 10 days for the parties to inspect, review, and respond to the evidence.
- to freely discuss and gather evidence related to the allegation (no gag orders)
- to identify and have considered witnesses and other relevant evidence.
- to be apprised of the substance of any statements or evidence provided by the other party.
- to receive, along with their advisors, an investigative report that fairly summarizes relevant evidence, in electronic format or hard copy, with at least 10 days for the parties to respond.
- to cross examine the Complainant or Respondent and corresponding witnesses during a live hearing.
- to appeal determinations pursuant to "Section Q. Appeal Process"

g. **Investigation Timeline**

Efforts will be made to complete a formal investigation within approximately sixty (60) days of receiving the initial formal complaint. If the University is unable to complete a formal investigation within sixty (60) days of receipt of a formal complaint, the Title IX Coordinator or Title IX Deputy assigned to the investigation, will notify any Complainant and any Respondent in writing of the need for additional time, the reason(s) that additional time is needed, and an approximate date for completion of the formal investigation.

h. **Promptness, Fairness and Impartiality**

These investigative procedures provide for prompt, fair, and impartial investigations and resolutions. The Title IX Team member shall discharge their obligations under these procedures fairly and impartially. If the Team IX Team member determines that they cannot apply these procedures fairly and impartially because of the identity of a Complainant, Respondent, or witness, or due to any other conflict of interest, the Title IX Team member shall designate another appropriate individual to administer these procedures.

i. **Dismissal of Allegation**

Walsh University must dismiss allegations of conduct that do not meet the definition Title IX Prohibited Conduct or did not occur in the University's education program or activity against a person in the United States. Dismissed allegations of Title IX Prohibited conduct and/or allegations of Non-Title IX Prohibited conduct will be referred to the Walsh University Resolution Board or the Student Conduct & Community Standards Office as the university deems most appropriate.

Furthermore, Walsh University may, at their discretion, dismiss a formal complaint or allegations therein if t

- he complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein,
- if the respondent is no longer enrolled or employed by the school, or
- if specific circumstances prevent the school from gathering sufficient evidence to reach a determination.

In cases of a request for a withdrawal of a formal complaint, the school must give the parties written notice of a dismissal (mandatory or discretionary) and the reasons for the dismissal.

## O. Investigative Outcomes

### 1. Investigative Finding & Determination

The decision-maker (who cannot be the same person as the Title IX Coordinator or the investigator) will issue a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant.

This determination will be provided simultaneously in writing to both the Complainant and Respondent become final. The following are the potential outcome:

#### a. Actual Knowledge Notice of Violation

In the event the Sexual Misconduct and Interpersonal Violence Hearing Board determines that there is probable cause to believe that a violation of this policy occurred, the Title IX Coordinator will issue a “Actual Knowledge Notice of Violation” in writing to any Respondent and provide a copy of the Actual knowledge notice of Violation to any Complainant.

#### b. Actual Knowledge Notice of No-Violation

In the event that the Sexual Misconduct and Interpersonal Violence Hearing Board does not find that there is probable cause to believe that a violation of this policy occurred, the board will issue (through the Title IX Coordinator) a “Actual knowledge Notice of No Violation” in writing to any Complainant and provide a copy of the Actual knowledge notice of No Violation to any Respondent. The Title IX Coordinator will also notify the parties of their right to appeal the Investigative Findings & Determination, and, if applicable, the sanctions or disciplinary measures recommended.

### 2. Standard of Proof

The standard of proof used for all Prohibited Conduct is a preponderance of evidence. This means there is a greater than 50% chance (based on the evidence provided within the investigation) that the Respondent is responsible for the violation as indicated in the filed report.

If there is a finding of responsibility, the finding will be forwarded as follows for sanctioning or disciplinary action:

- **Staff and University Volunteers:** The Director of Human Resources and the employee’s direct supervisor. Together, in collaboration with the supervising Vice- President and Title IX Office, disciplinary action will be assigned.
- **Faculty:** The Vice-President for Academic Affairs and the faculty members’ Division Chair. Together, in collaboration with the supervising Vice-President and the Title IX Office, disciplinary action will be assigned.
- **Students:** The Associate Dean of Students/Chief Conduct Officer. Sanctions will be assigned accordingly.

## P. Disciplinary Action/Sanctioning

Depending on the nature of the charges, the disciplinary actions and sanctions include:

### 1. For Students:

#### a. Sexual Assaults or Attempted Sexual Assaults





## 2. For Employees:

### a. **Walsh University Employee Handbook: Professional and Support Staff**

Section A.18: “Disciplinary Action: Sexual Misconduct and Interpersonal Violence Walsh University prohibits all forms of sexual misconduct, including, but not limited to Prohibited Conduct. Such conduct violates Walsh University’s values and can cause disruption to the living, learning and work environment of students, employees, University volunteers, and other community members. Depending on the seriousness of the problem, violations of this type of prohibited conduct by employees will result in the following types of disciplinary action: verbal warning, written warning, no contact orders, job restrictions or reassignments, probation, suspension and discharge.”

### b. **Walsh University Employee Handbook: Faculty**

If the faculty member is found in violation of any form of Prohibited Conduct, faculty will face “appropriate and necessary discipline up to and including termination.” Also refer to moral turpitude discussion regarding tenured faculty in the Faculty Handbook.

### c. **Walsh University Volunteer Policies (University Volunteer Handbook, pg. 9)**

- i. **Volunteer Code of Conduct:** “Harassment of any nature, abuse, alcohol/drug use, and discrimination will not be tolerated in any form. University volunteers will behave with the utmost respect and be caring, supportive and friendly in nature at all times in their positions. Staff shall act in a reciprocal nature and infractions will not be tolerated. The University has the right to discipline a University volunteer who does not conduct themselves in an appropriate and professional manner.”
- ii. **University Volunteer Dismissal Policy:** “Dismissal of University volunteers may occur. Prior to dismissal and depending on the seriousness of the infraction, the sponsoring University department or division volunteer supervisor may issue a verbal warning, followed by a written warning. Activities that may warrant immediate dismissal can include but are not limited to the following: poor performance, abuse (sexual or physical), Prohibited Conduct (depending upon the seriousness), alcohol or drug use/abuse, insubordination, falsifying information, illegal or violent acts, and breach of confidentiality. These actions once reported and investigated by the sponsoring University department or division volunteer supervisor will be discussed with the Director of Human Resources and decided upon in terms of whether or not they warrant immediate dismissal. The University volunteer can be dismissed for just cause without warning. All warnings and reports should be placed on file for record and will be treated as confidential in nature. The dismissal process will be dependent on the level of seriousness of the infraction. Volunteers serve at the sole discretion of Walsh University. See paragraph 7 of the volunteer agreement.”

### d. **Retaliation**

Charges of retaliation are as separate matter from the Title IX issues and will be addressed promptly through the Human Resources office in collaboration with the employee’s direct supervisor.

## Q. **Appeal Process**

The Complainant or Respondent has the right to appeal a determination and recommended sanctioning only on the following grounds:

- a. There is a substantial likelihood that newly discovered information, not available at the time evidence was presented to the investigating Title IX Team Member or Sexual Misconduct and Interpersonal Violence Hearing Board Member, would result in a different decision,
- b. There was a procedural error significant enough to call the outcome into question, and/or
- c. The sanction or disciplinary action imposed is disproportionate to the offense.

Appeals are not intended to be full re-hearings of the formal complaint and investigation. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. This is not an opportunity for Appeal Review Board members to

substitute their judgment for that of the original hearing body merely because they disagree with its finding and/or sanctions.

Appeals decisions are to be deferential to the original hearing body, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so. Complainant and Respondent will be notified, simultaneously, in writing if a change is made to the investigative finding and when results become final.

### **1. Method of Appeal**

Complainant and Respondent may file a written appeal with the Vice-President for Student Affairs/Dean of Students (or designee) within seven (7) calendar days from the date of the written decision. The appeal must be in writing and contain the following:

- 1) Name of the Complainant
- 2) Name of the Respondent
- 3) A statement of the outcome of the investigation, including disciplinary action or sanctioning recommendations, if any
- 4) A detailed statement of the basis for the appeal including the specific facts, circumstances, and argument in support of it, and requested action, if any

The non-appealing party will have an opportunity to provide a written response to the request for appeal to the Vice-President for Student Affairs/Dean of Students (or designee). The written response must be submitted within seven (7) calendar days of receipt of Request for Appeal.

\*Per University policy, third parties are unable to utilize the institutional process as they are not under the University's jurisdiction, and must be addressed through appropriate administrators, Campus Police, and/or local enforcement.

### **2. Resolution of the Appeal**

The Vice-President for Student Affairs will generally resolve the appeal within fourteen (14) days of receiving it and may take any and all actions that they determine to be in the interest of a fair and just decision. The decision of the Vice-President for Student Affairs/Dean of Students is final. The Vice-President for Student Affairs/Dean of Students shall issue a short and plain, written statement of the resolution of the appeal, including any changes made to the Sexual Misconduct and Interpersonal Violence Hearing Board previous written determination and/or the sanctions and remedial measures imposed. The written statement shall be provided to the Complainant, Respondent, and the Title IX Coordinator within ten (10) days of the resolution. Sanctions imposed are then implemented immediately, pending the outcome.

### **R. Annual Training for Conduct and Disciplinary Proceedings**

Annual training on issues related to sexual misconduct and interpersonal violence is provided for all university officials involved in Walsh University's Title IX process and conduct and disciplinary proceedings. Any investigative procedures implemented will be conducted by officials who have received annual training on issues related to sexual misconduct and interpersonal violence and how to conduct an investigation that protects the safety of victims and promotes accountability.

**Title IX Coordinator, Title IX Deputies, Chief Conduct Officer, Conduct Officers, Sexual Misconduct and Interpersonal Violence Hearing Board, and Appellate are annually trained in:**

- Title IX, VAWA, Clery legislation and statutes
- Neurobiology of trauma
- Definitions of sexual assault, domestic violence, dating violence, and stalking
- Information about the causes and effects of sexual assault, domestic violence, dating violence and stalking
- The ways victims respond to trauma/tactics of offenders
- Information on the issue of consent in sexual assault cases
- Confidentiality
- Supportive/interim measures

- Conduct and Hearing Procedures
  - Basic Procedure for proceedings
  - Addressing conflicts of interest
  - Evidence gathering and use
  - Questioning witnesses
- Disciplinary action and sanctioning
- Grievance appeals process

**The Director of Human Resources, President, Vice-President for Academic Affairs, Vice Presidents, are annually trained in:**

- Title IX, VAWA, Clery legislation and statutes
- Definitions of sexual assault, domestic violence, dating violence, and stalking
- Information about the causes and effects of sexual assault, domestic violence, dating violence and stalking
- The ways victims respond to trauma/tactics of offenders
- Information on the issue of consent in sexual assault cases
- Confidentiality
- Supportive/interim measures
- Conduct and hearing procedures
  - Basic procedure for proceedings
- Disciplinary action and sanctioning
- Grievance appeals process

**Student Conduct Board is annually trained in:**

- Title IX, VAWA, Clery legislation and statutes
- Definitions of sexual assault, domestic violence, dating violence, and stalking
- Information about the causes and effects of sexual assault, domestic violence, dating violence and stalking
- Confidentiality
- Supportive/interim measures
- Conduct and Hearing Procedures
  - Basic procedure for proceedings
  - Addressing conflicts of interest
  - Evidence gathering and use
  - Questioning witnesses
- Disciplinary action and sanctioning
- Grievance appeals process

## **ANTI-HAZING**

### **University Statement on Hazing**

Walsh University believes hazing is inherently a violation of human dignity. We encourage all members of our community to report any instances of hazing they witness, have knowledge of, or suspect, to law enforcement and to the University's Office of Student Conduct and Community Standards. Walsh University prohibits hazing as outlined in the Student Code of Conduct and Employee Handbook and will investigate and respond to all reports of alleged hazing. Prevention of hazing is the responsibility of every member of the University community, including students, student organizations, teams, employees, volunteers, and alumni.

### **Anti-Hazing Policy Definitions**

*Hazing* (O.R.C. 2903.31) - "Hazing" means doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization or any act to continue or reinstate membership in or affiliation with any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person, including coercing another to consume alcohol or a drug of abuse, as defined in section 3719.011 of the Revised Code. Hazing offenses include, but are not limited to, the following criteria:

- Acts that violate Federal or State criminal law;
- The act(s) of consuming any food, liquid, alcoholic liquid, drug, or other substance which subjects the student to risk of emotional or physical harm;
- Enduring brutality of a physical nature, including whipping, beating, branding, calisthenics, or exposure to the elements;
- Enduring brutality of a mental nature, including activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact, or conduct that could result in extreme embarrassment;
- Enduring brutality of a sexual nature; and/or
- Enduring any other activity that creates a reasonable likelihood of bodily injury to the student.

*Aggravated Hazing* – A person commits the offense of aggravated hazing if a person commits a violation of hazing that results in serious bodily injury or death to a student; and

- The person acts with reckless indifference to the health and safety of the student; or
- The person causes, coerces, or forces the consumption of an alcoholic liquid or drug by the student.

*Organizational Hazing* – An organization commits the offense of organizational hazing if the organization intentionally, knowingly, or recklessly promotes or facilitates a violation of hazing or aggravated hazing.

*"Organization"* is defined as any of the following:

- An association, club, corporation, corps, fraternity, order, service, society, sorority, social or similar group, whose members are primarily students or alumni of the University.
- A national or international organization with which an organization enumerated under paragraph D (1) is affiliated.
- Organization includes sports teams such as athletics, intramural, and recreation teams.

*Alcoholic Liquid* – A substance containing liquor, spirit, wine, beer, malt, or brewed beverage, or any combination thereof.

*Drug* – A controlled substance or drug as defined in the Act of April 14, 1972 (P.L.233, Mo.64), known as The Controlled Substance, Drug, Device, and Cosmetic Act.

*Student* – is any person who is currently enrolled at Walsh University.

*Employees*- staff or faculty of Walsh University.

*Faculty*-individuals with either faculty rank or status.

*Staff*-employees of Walsh University (full-time, part time, or casual) where the majority of their work responsibilities are considered non-teaching activities of various types in support of the

educational, research, and service programs of the University.

*University Volunteer*- any uncompensated individual who is authorized by a University department or division to perform service for or on behalf of the University, or to gain personal or professional experience.

*Bodily Injury* – Impairment of physical condition or substantial pain.

*Serious Bodily Injury* – Bodily Injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

*University* – Walsh University and its, schools, affiliates, divisions, and subsidiaries.

*Safe Harbor* – A provision in the Anti-Hazing Law which, under limited circumstances, gives protection to individuals from criminal liability who seek medical attention for themselves or others. The University's Caring Cavalier Amnesty policy also provides amnesty from violations of the Walsh University Code of Conduct for students who seek immediate medical attention for themselves or individuals in a life-threatening drug/alcohol related condition. The student reporting the incident must state their name and remain with the individual in need of medical assistance until help arrives. The policy does not grant amnesty from criminal, civil, or legal consequences for violations of federal, state, or local law.

*Retaliation* – Retaliating in any manner against any individual who reports Hazing, Aggravated Hazing, or Organizational Hazing, or who participates in an investigation of a report of same is prohibited. Retaliation is taking any adverse action against a person in response to that person's participation in such conduct as, but not limited to, reporting, filing a complaint, or cooperating in an inquiry or investigation. Adverse actions and retaliatory behavior can include, but is not limited to, harassment, bullying, intimidation, threats, or engaging in physical violence; adverse employment action (termination, reduction in pay, etc.); adverse action related to educational opportunities; adverse social actions such as exclusion or removal from an Organization; and encouraging or asking others to engage in retaliatory behavior on one's behalf.

### **Reporting Violations of this Policy**

Walsh University takes all reports of hazing activities or other associated acts of misconduct seriously to protect the health and well-being of the campus community. All students, employees, and those otherwise affiliated with the University are expected to report behaviors of concern so that the appropriate disciplinary action, support services, and/or resources. Any individual who witnesses an act of Hazing must immediately report such act to either of the following:

Walsh University Campus Police 24 hours/day  
330-490-7474

The Office of Student Conduct and Community Standards  
330-490-7538  
[wustudentconduct@walsh.edu](mailto:wustudentconduct@walsh.edu)

In the event the hazing act takes place on or near campus and presents an immediate physical danger to anyone, or involves an emergency situation, the witness must immediately contact the Walsh University Campus Police at 330-490-7474. For emergencies that occur elsewhere, the witness should immediately contact 911 and then promptly follow up with Campus Police. Non-emergency hazing situations may also be reported to the Office of Student Conduct and Community Standards as listed above.

1. In accordance with O.R.C. 2903.311, no staff, faculty, employee, or volunteer of Walsh University, who is acting in an official and professional capacity, shall recklessly fail to immediately report the knowledge of Hazing (as defined by O.R.C. 2903.31) to a law enforcement agency in the county in which the victim of Hazing resides or in which the Hazing is occurring or has occurred. Criminal penalties may be imposed for a violation

of this law. Additionally, that reporting individual is also required to contact the Walsh University Campus Police at 330-490-7474 to report the act of Hazing immediately.

2. Any student who cooperates fully as a witness in the investigation and conduct process related to Hazing will have that cooperation considered when determining appropriate Walsh University disciplinary actions.
3. An individual's refusal to identify any student(s), organization(s), member(s) of a group, organization, or team, or any individual who engages in Hazing activities may result in additional disciplinary actions.
4. Any retaliation against cooperating/reporting individuals is strictly prohibited and will be met with increased disciplinary action over and above those outlined in this policy.

### **Enforcement of this Policy**

Any violation of this policy shall be deemed a violation of the University's Student Code of Conduct and Employee Handbook. All allegations of Hazing, Aggravated Hazing, or Organizational Hazing will be referred to the Office of Community Standards and Student Conduct and/or Campus Police. All hazing allegations will be investigated and managed through the conduct process when appropriate. Situations involving Employees will be addressed by Human Resources.

1. When a violation of this policy is reported to either the Office of Student Conduct and Community Standards or Walsh University Campus Police an investigation into the matter will be immediately commenced. Interim measures to protect the safety and/or well-being of others may be taken, such as removal of a student or organization from activities.
2. For students and student organizations, the Hazing activity will be investigated and resolved in a manner consistent with the Student Code of Conduct.
3. For employees or volunteers, the violation will be investigated and resolved in a manner consistent with all applicable Walsh University policies and procedures.

### **Disciplinary Action for Hazing Violations**

*Students:* Any student responsible for violating this policy may face disciplinary action, up to and including expulsion from the University, and may also face criminal charges under applicable federal, state, or local. University disciplinary measures include, but are not limited to:

- Restorative actions that seek to repair harm done to the impacted parties.
- Additional education regarding hazing.
- Imposition of a fine and/or restitution.
- Withholding of a diploma or transcript, pending compliance with the rules and/or payment of a fine.
- Imposition of probation, suspension, or dismissal.

*Student Organization Violations:* Sanctions against groups or organizations for violations of this policy that occur by members of student groups or organizations may include the following:

- Restorative actions that seek to repair harm done to the impacted parties.
- Additional education regarding hazing.
- Imposition of a fine and/or restitution.
- Termination of organizational recognition or denial of application for formal recognition.
- Loss of the organization's University privileges, such as the ability to formally meet on campus and to use campus facilities or resources, or to represent the University or to hold itself out as a University organization.
- Revocation of permission for such organization to operate under the recognition or approval of Walsh University.

Additional penalties that may be imposed for Athletics include:

- Penalties imposed by head coaches or athletics administrators, the NCAA or GMAC
- Suspension from practice/competition or removal from a team
- Termination of athletics eligibility
- Cancellation of games and/or remainder of a season
- Post-season ban

*Employees:* Violations of this policy by employees of Walsh University may result in disciplinary action (up to and including termination) in accordance with applicable University policies and procedures.

*Other Individual Violations:* Individuals, including alumni, advisors, and volunteers, who act in an official and professional capacity advising, coaching, or volunteering, or otherwise participating or having any involvement in a Walsh University organization who violate this policy will no longer be permitted to have any participation or involvement with any Walsh University organization. Additionally, such individuals may be prohibited from entering onto Walsh University -owned property.

Law enforcement will be contacted for any violation of this policy that is also a violation of the law. Furthermore, sanctions imposed by Walsh University may be in addition to any criminal penalties imposed pursuant to local, state, or federal laws.

### **Training and Education Requirements**

Walsh University offers training and education regarding Hazing to all of the following:

- Students enrolled at Walsh University
- All Walsh University employees
- Organizations recognized or approved by Walsh University

Completion of this training program is mandatory for the following and attendance will be verified by Walsh University:

- First time students enrolled at Walsh University
- Current undergraduate students who have not previously taken this training program
- All employees and volunteers who advise or coach an organization and/or who have direct contact with students.
- Training may be conducted in-person or online and shall contain the following components:
  - Awareness
  - Prevention
  - Intervention
  - Explanation of this policy

Walsh University shall provide at least one opportunity for students to complete this training during the first term of the first year of enrollment for undergraduate students. Employees must complete this training program at least once at or within the first year of employment.

- Students who fail to attend such training will not be permitted to participate in any Walsh University approved or recognized organization, group, or team. Continued failure to complete the training will result in a referral to the student conduct process.
- No Walsh University approved or recognized organization is permitted to accept or initiate any student who has not attended the training program. Walsh University may revoke permission for an organization to operate if the organization accepts a student who has not completed the required training.
- Any employee who advises or coaches an organization and has direct contact with students who fails to attend such training will be referred to Human Resources and appropriate disciplinary action will be taken in accordance with all applicable policies and procedures for failure to comply with the requirements of this policy.
- Any volunteer who advises or coaches an organization and has direct contact with students who fails to attend such training will no longer be permitted to participate in any position that has contact with Walsh University students.

### **Introduction to Collin's Law**

Ohio's Senate Bill 126, also referred to as Collin's Law is in honor of Collin Wiant, an 18-year-old man who died in a hazing incident in 2018. The bill requires public and private institution of higher education in Ohio to adopt an anti-hazing policy and publish it on its website. The policy must include rules prohibiting hazing; a method to enforce the policy; and penalties for such behavior, including fines, the withholding of a diploma or transcript, revocation of permission for an organization to operate on campus, probation, suspension, dismissal, and expulsion.



**Bi-Annual Report**

The University is required by the Anti-Hazing Law to maintain record of all violations of this policy or of federal or state laws related to Hazing that are reported to the University during the five (5) previous consecutive years. The university will compile this information as required and update the public bi-annually on January 1 and August 1 of each year by posting the updated information on its publicly accessible website.

Each report shall contain the following information:

- The name of the subject of the report (e.g. student organization name; or non-personal identifier of an individual);
- The date when the subject of the report was charged with a violation of the policy or other state law regarding Hazing;
- A general description of the violation, any investigation and findings by Walsh University, and any penalties imposed on the subject of the report; and the date on which the matter was resolved.

Each report shall not include the personal identifying information of an individual and shall be subject to the Family Educational Rights and Privacy Act of 1974 (“FERPA”).

A copy of this policy is posted on Walsh University’s website here and shall be electronically distributed to each Walsh University organization.

## **DIRECT THREAT PROTOCOL**

Walsh University is committed to protecting our campus from the risk of behaviors that threaten the safety and well-being of our community. The Direct Threat Protocol sets forth expectations for reporting such behaviors, connecting students to the appropriate support services, and making a determination regarding a student's continued attendance. Separation of a student from Walsh University may be implemented if there is sufficient evidence that the student is engaging in behaviors that pose a direct threat to themselves or others. This Walsh University Emergency Removal Protocol is not a student disciplinary policy. The protocol works in conjunction with, not in the place of, the University's student discipline related policies, including but not limited to Social Conduct, Resident Responsibilities, General Policies, Graduate/Undergraduate Catalog, and/or Student Handbook.

### **Reporting Structure-Students**

Any person's threat to inflict harm to self or others while on the University premises or at University sponsored events must be taken seriously and responded to immediately. University officials will take the following steps:

1. A person hearing such a threat will report it immediately to one of the following University officials:
  - a. Vice President for Student Affairs
  - b. Dean of Students
  - c. Appropriate Residence Life Staff
  - d. Campus Police
  - e. In the absence of any of the above officials, seek the supervising faculty or staff member who is overseeing the program/event.
  
2. The responding University official will contact the Vice President for Student Affairs (or his/her designee) who will act as Crisis Coordinator.
  
3. Campus Police will be notified and dispatched to the scene by the responding University official if a violation of University policy, federal, state, or local laws has occurred and/or when assistance is needed to manage the scene. This protocol does not, however, preclude the University from taking temporary interim steps to address immediate health or safety concerns before or during implementation of the protocol.

### **Reporting Structure-Employees**

Any person's threat to inflict harm to self or others while on the University premises or at University sponsored events must be taken seriously and responded to immediately. University employees will take the following steps:

- a. A person hearing such a threat will report it immediately to Campus Police.
- b. Once notified, Campus Police will dispatch to the scene as reported and determine if a violation of University policy, federal, state, or local laws has occurred and/or what type of assistance is needed to manage the scene.
- c. Campus Police will also notify Human Resources, who will serve as the liaison between the university and the employee regarding the Direct Threat.

This protocol does not, however, preclude the University from taking temporary interim steps to address immediate health or safety concerns before or during implementation of the protocol.

## **NCAA GUIDELINES**

All athletic personnel are responsible to know, understand and abide by NCAA and conference rules. Violation of NCAA (and conference, if applicable) rules is prohibited and may result in disciplinary action up to and including termination of employment. As a condition of employment, you will act in a professional manner and be supportive of the Mission of the University.

## **SOCIAL MEDIA GUIDELINES**

### **Purpose**

This section outlines the publication policy for Walsh University's social media pages, including Facebook, Twitter, Instagram, Snapchat, Flickr, Pinterest and YouTube. We expect all who participate in social media on behalf of Walsh University to understand and follow these guidelines as their use is a reflection of the University and must be consistent with all expectations contained in this handbook.

Social media platforms offer unique opportunities to connect and communicate with people across the globe. They create a place for people to come together online to post information, news and events. Walsh University's social media presence is intended to provide the Walsh community with a venue to share thoughts, ideas and experiences through discussions, postings, photos and videos. Publication guidelines will be similar to any other media. Walsh University pages should provide students and other community members with up-to-date University information and the opportunity to communicate with page administrators and other users. This policy is intended to outline proper use guidelines and ensure the most effective use of pages.

Contributors to Walsh University pages will follow the generally established employee and student guidelines. Oversight of all Walsh University-affiliated pages is the responsibility of the Office of Marketing and Communications, who will periodically review pages to ensure University policies are followed and that the pages are being produced in accordance with the best interest of the University.

Due to the ever-changing nature of Web technology, this policy may be adjusted to reflect issues that may arise in the management and implementation of the page or for any other reason that supports the University's priorities for the page.

### **Department Social Media Sites**

Individual departments or organizations wishing to develop a social media presence should contact the Office of Marketing and Communications **before** developing any pages and/or accounts. Once departmental/ organizational pages are set up, that department or group is responsible for content management. For further guidelines on setting up an account, contact the Marketing Communication Manager.

### **Responsible Parties**

The Office of Marketing and Communications is the primary administrator for the University's main pages on any social media site. Those who wish to contribute information or make suggestions for the Walsh University pages should e-mail the Marketing Communications Manager.

Student organizations are encouraged to develop a social media presence. When associated with the University, these pages should adhere to University policies. Developing "friendships" with the Official University pages and other student groups is strongly encouraged.

### **Content Development**

All content must relate directly to University business, programs, and/or services. Content placed by administrators cannot promote individual opinions or causes that are not directly related to University purposes.

Content should be short and written in active voice. Remember to consider the audience when choosing the style and tone of content.

### **Logos**

General Walsh University logos are only to be used on the University's official social media pages, operated by the Office of Integrated Marketing and Communication (IMC). Department/organization logos may be used with permission from the Office of IMC.

### **Photos and Videos**

Uploaded photos and videos must relate directly to the University and/or student life and should not be used as a promotional tool for programs, products or services outside the University.

All photos and videos must adhere to existing University policies.

### **Advertising**

Please note that no departments are permitted to advertise on social media without the expressed, written consent of the Office of IMC. All paid advertising must funnel through the Office of IMC in order to ensure that marketing strategies are aligned with the overall priorities, goals and objectives of the University in a format that is consistent with Walsh's identity standards.

## Updating and Adding Content

Pages should be regularly maintained and kept as up-to-date as possible. In general, the more frequently the content is updated, the more users will access the page. However, avoid over-updating. Publishing multiple posts rapidly or “sales-y” post will turn away fans.

Also, avoid posting in ALL-CAPS. It’s perceived as shouting and is a breach of internet etiquette.

## Confidentiality

Do not post confidential or proprietary information about Walsh, its students, its alumni or your fellow employees. Use good ethical judgment and follow University policies and federal requirements, such as FERPA. If you discuss a situation involving individuals on a social media site, be sure that they cannot be identified. As a guideline, don't post anything that you would not present at a conference or other public forum.

## Other

Because the Walsh University social media pages are interactive tools, administrators should monitor pages closely and frequently to supervise conduct. Any questionable conduct should be reported to the Office of Marketing and Communications.

Facebook terms and conditions, found at <http://www.facebook.com/terms.php> must also be strictly followed.

## Before You Begin – Be Strategic

Take a moment to consider the following elements of any effective, strategic communication before you begin.

- **Audience:** Whom are you trying to reach? - Potential students? Alumni? Parents? Community members?
- **Key Objectives:** What would you like your audience to do with you on social media? – Chat and share, learn about events, get news?
- **Frequency:** How often will you communicate with your audience?
- **Choice of Platform:** Can you use Twitter to send brief, timely updates and begin conversations with followers? Or would you like to build a fan base on Facebook and share photos, events and other information?

## Official Walsh University Social Media Pages Operated by University Relations

Facebook: [facebook.com/walshu](https://www.facebook.com/walshu)  
Twitter: [twitter.com/WalshUniversity](https://twitter.com/WalshUniversity)  
Instagram: [Instagram.com/walshuniversity](https://www.instagram.com/walshuniversity)  
YouTube: [youtube.com/OhioWalshUniversity](https://www.youtube.com/OhioWalshUniversity)  
Flickr: [flickr.com/walshuniversity](https://www.flickr.com/photos/walshuniversity)  
Pinterest: [pinterest.com/walshuniversity](https://www.pinterest.com/walshuniversity)

For help setting up a Walsh-related social media account, or for further information about Walsh’s social media policies, please contact the Marketing Communications Manager.

## VERIFICATION OF STUDENT IDENTITY

This policy applies to all credit-bearing courses and programs being offered by Walsh University, beginning with the application for admission and continuing through to a student’s graduation, transfer, or withdrawal from study.

The United States Federal Higher Education Opportunity Act (HEOA), Public Law 110-315 requires that Walsh University put policies in place to ensure that the student who registers in a distance education course is the same student who participates in, completes, and receives the academic credit. Walsh University has decided to apply this same standard to all courses that use our electronic course management system regardless of course modality.

The Red Flag Rules, created by the Federal Trade Commission in response to the Fair and Accurate Credit Transaction Act of 2003, requires that Walsh University put policies in place to mitigate the risk of student identity theft. Red flags are the potential patterns, practices or specific activities indicating the possibility of identity theft. Whether a

student tries to have someone else complete their course work or someone tries to steal the identity of a student for any number of purposes, this same policy will ensure that Walsh University verifies the identity of its students.

Walsh University fulfills these requirements by restricting student access to courses and administrative systems through the University portal and/or learning management system gateway page which requires a secure login and password.

### **Identity Verification**

The verification of a student's identity begins at the time of admission or initial course registration. Procedures related to student identity verification include registration, advising and transcript procedures as well as generation of a unique Walsh ID for each student. When a student is initially registered, a unique login and password is created that provides access to the secure University portal. Student access to the learning management system is through the University portal and requires the use of this login and password. Data transmission of login information is secured using standard encryption technology.

A student that requests assistance from the Student Service Center, or any other campus-based service organization, are required to show a photo ID before any in person service is rendered. If a student requests service remotely, they will be required to answer a series of personally identifiable questions using data that has been collected during their relationship with the University.

Personally identifiable information collected by the University may be used, at the discretion of the institution, as the basis for identity verification. For instance, a student requesting that their Walsh ID password be reset are required to either bring a photo identification to the University Help Desk or remotely answer a series of personally identifiable questions using collected data.

### **Responsibilities**

All users of the University's learning management and administrative systems are responsible for maintaining the security of usernames, passwords and any other access credentials assigned. This information may not be shared or given to anyone other than the person to whom they were assigned. Users are responsible for any and all use of their account. Access credentials may not be shared or given to anyone other than the user to whom they were assigned to for any reason. Users are required to change their passwords every 6 months to maintain security. They may choose to change their password more often at their discretion. Users are responsible for providing complete and true information for any identity verification process. Users are held responsible for knowledge of the information contained within the most recent University Catalog as well as the Student Handbook. Failure to read University guidelines, requirements and regulations will not exempt users from responsibility.

Faculty teaching courses hold primary responsibility for ensuring that their individual courses comply with provisions of this policy. Because technology and personal accountability may not verify identity absolutely or ensure academic integrity completely, faculty are encouraged, when feasible and pedagogically sound, to design courses that employ assignments and evaluations unique to the course and that support academic integrity.

Administrative staff members should recognize the warning signs of identity theft. When confronted with an identity theft Red Flag, the response should be appropriate to the level of threat detected. Some possible responses could be:

- Seeking additional verifying information
- Canceling a transaction
- Contacting the potential victim for verification of information and to inform them that identity theft was attempted using their information
- Changing passwords or other security measures that permit access to data or accounts
- Notifying local police

An identity theft compliance team will have the responsibility for determining the appropriate response for the level of threats detected. This team may establish standard operating procedures for administrative staff. When events occur outside of those outlined, the team should be assembled to determine an appropriate response. The compliance team will include the head of Student Affairs, Financial Aid, Registration, Human Resources and

Academic Affairs or their designated representatives.

## **WEAPONS**

Walsh University is committed to the safety and security of our campus community. Accordingly, weapons (explosives, firearms, fireworks, knives, etc.) are prohibited in campus buildings or being carried on campus grounds. This policy applies to all members of the University community as well as guests on campus. Violators of this policy will be subject to immediate disciplinary action and potential criminal prosecution.

Definitions:

- **Explosives:** any chemical compound or mixture combined in such a way that ignition or detonation may cause sudden generation of highly heated gases or particles capable of producing a destructive effect.
- **Firearms:** any gun, rifle, shotgun, pistol, revolver, handgun, air gun, blowgun or paint gun designed to fire bullets, BBs, pellets, shots, darts, paint balls, flares, regardless of the propellant used.
- **Fireworks:** any device for producing a noise, light or a similar display by the combustion of explosive or flammable materials.
- **Knife:** an instrument consisting of a thin blade with a sharp edge and/or point affixed to a handle. Knife includes, but is not limited to, daggers, stilettos, hunting knives, switchblades, swords, spears, throwing knives or stars, hatchets, and axes, regardless of whether the item is considered decorative. Knife, for the purposes of this policy, does not include penknives, pocketknives or multi-tools if such objects have a blade or cutting surface that is 3 inches in length or less.
- **Weapons:** objects that pose a potential hazard to the safety or health of others, including any object or instrument carried or used for the purpose of inflicting or threatening bodily injury or damaging/destroying University property or the property of others, and any simulated weapons or objects that could be construed as weapons.

## SECTION E. ATTACHMENTS AND REFERENCE SECTION

### POLICY ON ACCEPTABLE USE OF WALSH-MANAGED INFORMATION TECHNOLOGY

Walsh University makes various computing resources available to employees, students, and certain contractors (hereafter referred to as users). These elements of information technology (hereafter referred to as Walsh IT) are at the user's disposal and are meant to be beneficial tools in pursuit of University-related administration and academic activities. They include all University owned, operated, leased or contracted computing, networking, telephony and information resources, whether they are individually controlled, shared, standalone or networked. Examples include:

- Personal Computers (e.g., desktop or laptop units)
- Server Computers (e.g., e-mail, Banner, Walsh web sites...)
- Printers (locally attached or networked)
- Operating System Software (e.g., Windows 7, Windows 10, MacOS...)
- Application Software (e.g., Outlook e-mail, Word, Excel...)
- University-wide Data Network (providing electronic connectivity within the Walsh community)
- Access to the Public Internet (providing electronic connectivity with non-Walsh entities)

These computing resources are owned or managed by Walsh University. Their use, along with all information maintained in any form within the University's computer resources, is subject to various laws, regulations, contracts, licenses, policies and procedures, some of which are detailed in this statement. Infractions of this Acceptable Use Policy Statement may result in loss of access to Walsh IT resources, as well as other penalties, disciplinary measures and/or prosecution. Walsh University does not accept any liability for illegal activities on the part of users that circumstantially involve Walsh IT.

#### User Rights & Privileges

Intellectual Freedom:

The University is a forum for learning, understanding, questioning, and expressing new ideas. Recognizing that Walsh is a private, Catholic institution, and considering its mission, values and critical success factors, Walsh constituents are encouraged to use Walsh information technology as a conduit for this forum.

Intellectual Property Rights:

Certain Walsh-sanctioned activities on the part of faculty or students may result in the creation of electronic material that is explicitly or implicitly recognized as the personal property of the respective faculty or student. Although created via and perhaps stored on Walsh-managed computing resources, this does not imply Walsh co-ownership or liability for such material.

Freedom from Disruption:

Walsh University will strive to provide for all its constituents a computing infrastructure that is stable, accessible, and responsive during normal working hours. Potentially disruptive maintenance to the infrastructure will be planned in advance, and implemented during off-hours whenever possible. Disruptive activities on the part of other users will be addressed immediately by Walsh IT staff.

Privacy & Security:

It should be recognized that nothing is perfectly secure in the electronic world, but Walsh University will provide industry-standard mechanisms to protect the privacy and confidentiality of software, data and correspondence created by Walsh users. The user must assess the risk/rewards of electronically creating and storing such material using Walsh IT resources.

#### User Responsibility & Accountability

The user of Walsh IT is responsible for knowing and abiding by all applicable laws, regulations, contracts, licenses, policies and procedures. Walsh University will utilize appropriate means to communicate to users on a timely basis any changes to this Acceptable Use Policy Statement. All users will be required to acknowledge that they have read, understand, and agree to abide by same.

Any recognition of infractions by others of this Acceptable Use Policy Statement should be brought to the immediate attention of Walsh Security and the Vice President of Administration.

The user is the steward of all information technology resources at his/her disposal. Common sense in the use/handling of all computing hardware and network components is expected. Any recognized damage or potential damage should be brought to the attention of Walsh IT staff.

The implementation of any unauthorized hardware, software or network components within the Walsh IT infrastructure is prohibited. Requests for authorization should be forwarded to Walsh IT administration. User-id and password are the principal components of privacy and security within the Walsh IT infrastructure. Users may not share their personal id with any other individual. Password secrecy is of paramount importance, and users are encouraged to change their password on a regular basis. Software rules are in place to limit the use of passwords that might easily be guessed. Users should not leave their workstation unattended while still logged into the network or onto an application. It should be standard practice to log out or lock the workstation to assure that the user's account will not be tampered with.

The user is expected to take reasonable precautions against importing and spreading of computer viruses. Walsh University will provide up-to-date software for virus detection and recovery, but the user must remain vigilant for potentially damaging e-mail or data files that may not be caught by software.

Users share a very complex computing infrastructure at Walsh University; therefore, accessibility and performance problems are inevitable. Users should report such events to the Walsh IT Help Desk (4357) immediately so that corrective action can be initiated.

The primary purpose of the Walsh IT infrastructure is to enable academic pursuits and administrative processes. Use of Walsh IT for personal, frivolous or entertainment purposes that impacts accessibility or creates performance problems should be immediately curtailed.

All users are expected to practice common courtesy in their use of Walsh IT so as to be minimally disruptive to others (e.g., audio levels).

### **General Policies and Guidelines**

Excepting the intellectual property rights of employees and students, all software, data and correspondence stored within the Walsh IT infrastructure is owned or managed by Walsh University. Regardless of ownership, all software, data and correspondence are subject to this policy along with all laws, regulations, contracts and licenses that bind Walsh University. Walsh University reserves the right to randomly audit the contents of its computing resources for infractions and to take appropriate action. Walsh University will cooperate with all legitimate law enforcement agencies in regards to their investigations and relevant search and seizure laws.

Any use of Walsh computing resources for illegal activities is prohibited.

The user must not take any deliberate actions to cause interference to the Walsh computing infrastructure or to the work of others. Deliberate attempts to circumvent privacy and security safeguards or procedures are prohibited. Such activities will be viewed as criminal in nature under applicable state and federal laws and will be reported to the appropriate authorities.

Unauthorized possession, copying, use, disabling or destruction of Walsh-owned computer hardware, network components, software, user accounts or data is prohibited.

The user may not utilize Walsh IT resources for personal gain that has not been pre-authorized by the University. Any authorization may be further restricted by the regulations of Walsh maintaining a ".edu" internet domain. The user may not utilize Walsh IT resources for commercial gain, nor for solicitation, advertisement, or promotion of commercial services or products.

Except for University-authorized research, the user may not initiate or perpetuate any form of electronic



communications or data storage with pornographic or otherwise offensive or harassing content as defined in the University's policy on harassment. Sending or responding to "chain letters" is prohibited.

The user will not attempt to hide or misrepresent his or her identity as part of using any Walsh IT resources. This will constitute violation of applicable federal and/or state fraud or forgery laws and regulations. The user will not duplicate copyrighted electronic material without the expressed prior permission of the owner, except as permitted by "fair use" guidelines.

Users are required to uphold the terms of all contract and licensing agreements entered into by Walsh University for computer hardware and software.

## **THE RESOLUTION BOARD COMPLAINTS**

The Resolution Board, a committee of University Senate, consists of 10 elected or appointed members, two from each of the following University constituencies: students, faculty, support staff, professional staff, and Vice Presidents. The Board exists to provide education to the University community, to investigate and resolve alleged incidents of discrimination and discriminatory harassment, and to guide members of the community towards the most appropriate channel of appeal in order to resolve a grievance in the most expeditious and judicial manner. The Board acts as an appellate body to members of the community who feel that they were denied due process in the pursuit of a resolution through the normal operating procedures of the University.

The purpose of Resolution Board is to provide a way that will allow an employee or student to bring to the attention of the University acts of discrimination or other grievances that do not fall under the jurisdiction of Title IX (all forms of sex discrimination). Cases of alleged discrimination involve sensitive issues and require special attention to confidentiality and fairness. Dissemination of information concerning allegations of discrimination will be strictly limited on a need-to-know basis. Reasonable efforts will be made to safeguard the privacy and reputation of all individuals involved, and to protect those involved from unprofessional, inappropriate, or retaliatory action resulting from an initial report or complaint, and any subsequent investigation or proceedings.

Students and employees may seek information and discuss an alleged incident of discrimination with any appropriate employee, department or division chair, or administrator. While the judicial system generally prefers complainants to exhaust internal procedures where possible (i.e., the internal chain of command and/or Resolution Board), individuals may choose to utilize external processes to resolve their complaints. Parties may contact the Ohio Civil Rights Commission, the Equal Employment Opportunity Commission, or the U.S. Department of Education, Office of Civil Rights. Individuals who choose to file a complaint directly with one of these external bodies must do so within 180 days (6 months) of the alleged incident of discrimination. The use of informal mediation-oriented procedures is voluntary and is not a prerequisite to making a formal complaint either within the University or with external sources such as those listed above.

### **Purpose:**

To provide a way that will allow an employee or student to bring to the attention of the University all issues/conflicts involving:

- supervisor/supervisee,
- faculty/student,
- co-workers,
- employee/student, or
- student/student).

### **Functions:**

- To educate and inform community members of approved Walsh University standards of conduct;
- To addresses alleged incidents of discrimination at Walsh University;
- To support community members who feel they were treated unequally. To support community members who feel they were treated unfairly;
- To assist community members in using the University's internal procedures;
- To educate and inform community members of approved Walsh University standards of conduct;

- To act as an appellate body when internal procedures fail;
- To act as an appellate body to members of the community who feel that the University policies or procedures were unfairly or inappropriately applied;
- To involve members of the community in further defining appropriate standards of conduct and promoting methods of resolution protective of a community member's Due Process rights.

### **Statement of Policy and Purpose of the Board**

1. To promote and promulgate the standards of conduct approved by Walsh University constituencies.
2. To involve members of the community in further defining appropriate standards of conduct and promoting methods of resolution protective of a community member's due process rights.
3. To guide members of the community towards the most appropriate channel of appeal in order to resolve their issues/complaints in the most expeditious and effective manner.
4. To act as an appellate body to members of the community who feel that the University policies or procedures were unfairly or inappropriately applied.
5. To receive, address, and resolve issues/complaints from all members of the Walsh community in the manner the Resolution Board deems most appropriate.
6. To make recommendations to the president in order to protect the rights of the student or employee through such means as appropriate, including, but not limited to, sanctioning members of the community (i.e. letter of reprimand, restitution, suspension, dismissal, etc.) or altering campus policies/procedures.
7. To make recommendations to advise the Chief Diversity Officer with an Early Complaint Resolution before applying for formal redress.
8. To make recommendations of any other mediation measure before applying for formal redress.
9. To appropriately identify and refer all cases where there is an allegation of sexual assault, dating violence, domestic violence, sexual harassment, stalking, or any other form of sex discrimination to the Title IX Office.

### **Retribution**

Every effort will be made to safeguard the privacy and reputation of all individuals involved, and to protect those involved from unprofessional, inappropriate, or retaliatory action resulting from an initial report or complaint, and any subsequent investigation or proceeding.

### **Procedures**

Any employee or student who has an issue/complaint should do the following:

Informal and/or Formal procedures

- I. An employee or student who has a complaint should notify a member of the Resolution Board as soon as possible after the incident has occurred.
  - A. Depending on the parties involved, the Resolution Board member will request the presence of an additional Resolution Board member to hear the complainant, present the verbal complaint, or refer the complainant to another Board member.
  - B. Two Resolution Board members (max of 1 student) will be present and will explain the procedures to the complainant and answer questions.
  - C. All discussions are confidential as reasonably possible.
  - D. If the complaint is related to sexual assault, dating violence, domestic violence, sexual harassment, stalking, or any other form of sex discrimination, the Resolution Board member will notify the student that they are to be referred to the Title IX Office for addressing the concern. At that time, the complainant should also be made aware of all on and off campus resources related to Title IX.
- II. After consulting with the Resolution Board member, the complainant may decide to proceed with one of the following:
  - A. A consultation
    1. The complainant may want only to talk the situation over with someone and to not pursue the matter further.
    2. The Resolution Board member respects the decision of the complainant.

3. A brief summary of the meeting will be securely filed, and all records will be retained for a period of two years.
  4. A Resolution Board member may also suggest other mediation measures if deemed necessary.
- B. An informal procedure
1. The complainant must submit in writing an overview of the issue/complaint charges naming the respondent (alleged offender) and explaining the incident(s) and date(s) of occurrence.
  2. The Resolution Board members who agree to work with an informal procedure may seek consultation from the Chair or another Board member at any time during the process. Resolution Board members will provide prior notice, in writing, to the complainant of any consultation.
  3. The Resolution Board member's initial response will be to determine where, if appropriate, the student or employee should begin to pursue their issue/complaint within the procedures already in existence within the university policies. If the student or employee has begun this step on his or her own, the board member will determine if the student or employee has chosen any, or all of the appropriate channels of resolution, and, if so, whether they have exhausted these means. If the student or employee gives written permission, the individual board member may consult with the entire board for assistance in reaching such determinations.
  4. In no later than \* five (5) working days after receipt of the written complaint, the Resolution Board member will notify, in writing, the respondent of the complaint and arrange a time when the complainant, respondent, and Resolution Board members will meet to mediate the complaint.
  5. The Resolution board member's role is to resolve the complaint by acting as mediator between both parties. The complaint must be resolved to the satisfaction of all involved.
  6. Within \* ten (10) working days of reaching a satisfactory resolution, the Resolution Board members will provide all parties with a written summary of the outcome. The complainant, respondent, and Resolution Board members must sign this summary.
  7. The signed summary will be kept in a locked confidential file.
- C. A formal complaint/procedure
1. The complainant must submit in writing an overview of the issue/complaint charges naming the respondent (alleged offender) and explaining the incident(s) and date(s) of occurrence.
  2. The Resolution Board Chair or Vice Chair (if needed) will choose five (5) other Board members to hear the complaint and serve on the Review Board. Resolution Board Chair or Vice Chair (if needed) will serve or select a Review Board Chair.
  3. A representative of the Resolution Board may not be a member of the Review Board if he/she or kin is named in the complaint or has another conflict of interest.
  4. A respondent or complainant has the right to replace 1 individual of the appointed Review Board.
  5. If five (5) Review Board members cannot be assembled from the existing pool of Resolution Board members, the Chair will choose from an alternate pool of former Resolution Board members.
  6. Copies of the complaint will be distributed to the Review Board members and respondent.
  7. The Chair may consult with the Director of Human Resources and/or a person from the standing list of consultants with expertise in various categories of discrimination to advise the Chair as needed during the proceedings. The Chair may also consult the University's legal counsel for advice only after receiving permission from the University President to do so.
  8. Both the complainant and respondent may choose an advocate from the Resolution Board to assist them.
  9. Both complainant and respondent have the right to submit relevant information and witnesses. Both parties will send the names of all witnesses and a brief description of their

testimonies to the Review Board Chair at a predetermined date not less than 48 hours prior to the hearing. Lists will be forwarded immediately to the opposing parties.

10. At its discretion, the board may order discovery from all parties and/or order all parties to appear in front of the board to be interviewed.

*\* All time requirements are suggested guidelines and may be expanded by the Review Board or Appeal Committee in order to accommodate the academic calendar and/or the schedule of all parties involved (Review Board, Appeal Committee, complainant, and respondent) to insure a fair hearing.*

## Hearing Proceedings

- I. A closed hearing will be conducted within \* fourteen (14) working days after receipt of the written complaint. All information, testimony, and records are kept confidential as reasonably possible. The Review Board will send rules of the hearing to both complainant and respondent.
  - A. Either party may have an attorney present. However, his/her function is limited to consultation with his/her client only.
  - B. The Review Board Chair will preside over the hearing and read aloud the written formal complaint.
  - C. Each party will have one hour to present his/her respective case, beginning with the complainant. The Review Board, the complainant or respondent, and their advocates only can ask follow-up questions of each witness. The order of questioning will be: 1) opposing party (complainant or respondent), 2) advocate, and 3) Review Board.
  - D. The hearing will be recorded by the Review Board only. After all information and witnesses have been presented, the hearing will be adjourned by the Review Board Chair.

## II. Decisions

- A. The Review Board will meet after the hearing to consider the issues and reach a finding as to whether the act or acts alleged in the complaint occurred and whether such an act or acts violate University policy. If the Review Board finds that the act or acts violate(s) University policy, a penalty will be proposed.
- B. Penalties – The decision of the Review Board shall be designed to remedy the harm done to the complainant and to protect other members of the University community. Complaints often involve unique elements and the remedy fashioned will depend on the findings and the nature of the complaint. Penalties for students will be consistent with those authorized through the Student Handbook and a disciplinary system up to and including dismissal. The Review Board will recommend to the President (or Chair of the Board of Trustees should the President be the respondent) the proposed penalty. If the President (or Chair of the Board of Directors should the President be the respondent) rejects the recommended penalty of the Review Board, a meeting will be held between the Review Board and the President (or Chair of the Board of Directors should the President be the respondent) to attempt to reconcile the differences. Barring such reconciliation, the decision of the President (or Chair of the Board of Directors should the President be the respondent) shall stand.
- C. No later than \* three (3) working days after the hearing concludes, the Review Board shall report its finding(s) to the complainant and the respondent. A written report will be provided to all parties. One copy of the report will be locked in a confidential file in the University library archive area.
- D. All deliberations are confidential.

III. Standards of Proof – A violation of the policy on discrimination shall be found by the Review Board only when there is a preponderance of evidence that the violation occurred.

## IV. Implementation of the Decision

- A. The President (or Chair of the Board of Directors should the President be the respondent) will consult with appropriate University officials, as needed, in implementing the decision of the Review Board. The decision of the Review Board with the agreement of the President (or Chair of the Board of Directors should the President be the respondent) is binding upon all parties and is reviewable or appealable only if due process has been violated.
- B. All pertinent information of the case will be locked in the confidential file four days after the final

decision has been rendered, providing an appeal has not been filed. All documents given to the Review Board except those for the confidential file will be collected and shredded once the case is concluded.

## **Appeal**

- I. Grounds for an appeal must be based on due process only; that is, that the process was flawed, and the person was denied a fair hearing. There is no appeal of the decision based on matters of judgment or the facts in the case. The appeal must take the form of a written statement clearly outlining the violation(s) of due process and how those violations materially affected the outcome of the case.
- II. An appeal must be submitted in writing to the chair of the Resolution Board within \* three (3) working days.
- III. The Chair of the Resolution Board will convene an Appeal Committee composed of:
  - A. Him/Herself (or in the event the chair was a member of the hearing in question another Resolution Board member).
  - B. A second Resolution Board member who was not a member of the hearing in question.
  - C. President of the University or designated employee.
- IV. The Appeal Committee will review any recordings and written information (or those portions thereof related to the due process challenge) pertaining to the hearing in question.
  - A. Within \* five (5) working days, the Appeal Committee will meet with the Review Board, complainant, respondent, and advocates to announce the decision.
  - B. Since the appeal process solely is based on due process considerations, findings of the appeal may result in one of the following outcomes:
    1. A finding that due process has been violated and that the case, in part or in whole, is remanded back to the Resolution Board for a rehearing in compliance with proper procedural due process; or
    2. A finding that a due process violation occurred but does not affect materially the outcome of the case, thus, the decision should stand; or
    3. A finding that no violation of due process occurred and, thus, the decision should stand.
  - C. All parties will receive a written summary of the Appeal Committee's decision.
  - D. One copy of this summary will be added to the other information pertinent to the case and locked in the confidential file. All documents given to the Appeal Committee except those for the confidential file will be collected and shredded once the decision has been made.
- V. The decision of the Appeal Committee is final.

*\*All time requirements are suggested guidelines and may be expanded by the Review Board or Appeal Committee in order to accommodate the academic calendar and/or the schedule of all parties involved (Review Board, Appeal Committee, complainant, and respondent) to insure a fair hearing.*