

Morningside Staff Employee Handbook

Morningside University's Mission & Vision Philosophy

The University is rooted in a strong church-related, liberal arts tradition with a curriculum embracing several professional and pre-professional programs of study in addition to broad curricula in the Arts, Humanities, Natural and Social Sciences. As a Liberal Arts University related to the United Methodist Church, the Christian tradition gives meaning to the tasks for teaching and learning. Thus, the academic and co-curricular programs of the University involve more than accumulation of knowledge and learning job skills. The process of education at Morningside assumes further that:

1. The world is an arena of personal freedom and social responsibility
2. Education for life and career integrates the intellectual, moral, spiritual, physical, and cultural dimensions of human existence
3. The acquisition of knowledge and skill is part of a larger commitment to the task of bringing about a more just and human world
4. Learning incorporates care for one's fellow human beings and for the natural environment.

Statement of Mission

The Morningside University experience cultivates a passion for life-long learning and a dedication to ethical leadership and civic responsibility.

Vision Statement

The University is a student-orientated participatory community, offering liberal arts curriculum combined with a diverse array of practical experiences. The goal is the development of the whole person through an emphasis on critical thinking, effective communication, cultural understanding, practical wisdom, and ethical action. The Morningside University graduate is equipped for both personal and professional success.

Introduction

This handbook has been prepared for informational purposes only, and to help you understand the policies of Morningside University and acquaint you with the benefits, rules, expectations, and responsibilities for and of members of the Morningside community. All personnel are eager to make your work at Morningside both pleasant and rewarding.

Titles and Names

The following is a current list of names of employees in the positions which are mentioned in this handbook. Updates will be provided as needed.

President of Morningside University Lewis Hall – 118.....x5100	Dr. Albert Mosley
Provost & V.P. for Academic Affairs Lewis Hall – 116.....x5103	Dr. Christopher Spicer
V.P. for Business and Finance Lewis Hall – 102.....x5142	Ronald Jorgensen
V.P. for Student Life/Enrollment Lewis Hall-Student Services.....x5259	Terri Curry
V.P. for Institutional Advancement Lewis Hall – 219.....x5450	Paul Erbes
V.P. for University Engagement Krone Advising Center.....x5411	Erin Edlund
Associate V.P. for Institutional Research & Lewis Hall – 206.....x5272	Karen Wiese
Equal Employment Officer Lewis Hall – 102.....x5142	Ronald Jorgensen
Title IX Officer Lewis Hall – 120.....x5191	Dr. Karmen Ten Napel
Administrative Assistant/HPER Coordinator HPER Center.....x5192	Wendy Wilde
Director of Campus Safety & Security HJF Learning Center – 109.....x5500	Brett Lyon
Director of Human Resources Lewis Hall – 103.....x5114	Cindy Welp
Payroll/Administrative Coordinator Lewis Hall – 102.....x5142	Brenda Woodbury
Director of Physical Plant Maintenance Building.....x5113	Jason Reynoldson

Associate V.P. for Admissions
Lewis Hall – 106.....x5261

Stephanie Peters

Dean of Students
Lewis Hall – 120.....x5191

Dr. Karmen Ten Napel

Tuition Exchange Liaison Officer
Lewis Hall – 206.....x5272

Karen Wiese

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I. General Comments

Administrative and Staff Personnel Policy Handbook

Employees of Morningside University are expected to comply with the policies and procedures in this Handbook. The University reserves the right to modify, rescind, delete, or add to the provisions of this Handbook from time to time in its sole and absolute discretion. The University reserves the right to interpret the policies in this Handbook and to deviate from them when, in its discretion, it determines it is appropriate. Employees must abide by the most recent policy decisions and interpretations, even though they may not be printed in the Handbook. Further, it should be stated that this is a summary and many of the items listed here are amplified and/or supplemented in other documents prepared by the administration of the University. Such changes may take effect whenever the administration makes its decision, and this may be before the Handbook can be republished. Reasonable measures will be taken to update you by administrative memo or handbook revision or other appropriate notices to any changes in the Handbook. Should there be a conflict between any of the terms of this Handbook and any state, local, or federal law, the applicable law will supersede the applicable provision of this Handbook, but only to the extent necessary to bring this Handbook into conformity or compliance with the applicable law.

Definition of Employees Covered by Handbook

All employees other than faculty and students.

Noncontract Clause

This employee Handbook is not a binding contract between the University and its employees, nor is it intended to alter the at-will employment relationship. This handbook and the benefits and policies set forth no way confer contractual benefits to the employee. As an employee "at will" you have the right to end your employment with the University at any time for any reason. By the same token, the University has the right to terminate your employment at any time for any reason.

Morningside University Administrative/Staff Council

The Administrative/Staff Council was established to provide a forum for representatives of University Administrative/Staff personnel from all departments on campus to facilitate communication between the administration and employees.

It does not establish policy, replace other avenues of communication, nor resolve individual grievances, but it is called upon to furnish staff input and recommendations on matters which concern Administrative/Staff employees at Morningside University.

Orientation

Morningside University recognizes the importance of an informed employee and therefore has developed a 3-phase orientation program. As a new employee you will receive:

- Human Resources and Employee Benefits Orientation: The HR orientation includes a general personnel policy orientation. The Employee Benefits Orientation provides forms and information regarding the employee benefits such as health insurance, life insurance, retirement, etc. Various tax forms will also be provided during orientation.
- Campus Tour: A tour will be provided within the first few days of the employee's start date to acquaint them with the Morningside campus.
- Departmental Orientation: Supervisors will discuss details relating to specific key responsibilities and departmental policies. Show the employee around the department and familiarize them with the different areas on campus.

Morningside University Human Resources

Human Resources functions to serve the best interests of both the employees and the University. The Vice President for Business and Finance and staff are responsible for implementing Human Resource Policies. They also handle recruiting, position classification, wage and salary administration, benefits, orientation, training, employee records, and employee relations.

If you need any information or counsel, members of the Human Resources staff are available to assist. Contact Human Resources in Lewis Hall for assistance at 274-5114.

II. University Employment General

Conditions of Employment

Morningside University recognizes its legal and moral obligation to provide an environment in which an opportunity for employment is available to all qualified individuals without discrimination on the basis of age, sex, religion, creed, race, color, gender identity, sexual orientation, disability, genetic information, national origin, or any other characteristic protected by law.

The University also commits itself to maintaining on a nondiscriminatory basis the conditions for continuing employment and for individual advancement within the job structure of the University.

As an employee of Morningside University, you will have the opportunity to contribute to the instructional, operational, and/or research activities of the University.

The University must, therefore, maintain exclusive discretion to exercise the customary functions of management including, but not limited to, the discretion to select, hire, promote, transfer, demote, suspend, dismiss, assign, supervise, and discipline employees; to determine the work schedule; to determine the sizes of and composition of the work force; to establish, change and abolish policies, procedures, rules and regulation; to determine and modify job descriptions and job classifications; to assign responsibilities to employees, and to establish and change salary wage rates in accordance with needs and requirements determine by the University.

Persons with Disabilities

The University adheres to the Iowa Civil Rights Act (ICRA), The Americans with Disabilities Act, as amended, and other applicable law to ensure that qualified individuals with a disability are not discriminated against in terms, conditions, or privileges of employment. The ICRA requires qualified individuals with known disabilities be provided with reasonable accommodations in order to perform the essential functions of their position. A qualified individual is a person with a disability who meets the skill, education, experience, training, and other job-related requirements of the position, and who, with or without reasonable accommodations, can perform the essential functions for the position.

In most situations, it is the employee's responsibility to request accommodations and initiate the interactive process. In the course of the interactive process, the employee and the University will determine if the employee can be reasonably accommodated without eliminating an essential function of the job or causing an undue hardship on the University. If you need an accommodation under the ICRA, you should immediately notify your supervisor or the Director of Human Resources to initiate this interactive process.

Responsibility for administration of the policies and rules herein set forth is delegated by the President to the Vice President for Business and Finance.

Employee Status Categories

The following terms will be used to describe employees and their employment status.

- a) **Full-Time**
Full-time employees are regularly scheduled to work an average of 36 hours or more per week.
- b) **Part-Time**
Part-time employees are regularly scheduled to work 29 hours or less per week, but greater than or equal to 20 hours per week.
- c) **Casual Part-Time**
Casual part-time employees are regularly scheduled to work an average of less than 20 hour per week.
- d) **Temporary Employees**
Temporary employees are specifically hired for a limited period of time and are expected to work less than 1,000 hours per year.
- e) **Seasonal Employees**
Seasonal employees are hired for a specified time period, event or term, such as an athletic season. Seasonal employees may work variable hours over the course or term of their employment.

Full-time and part-time employees may be eligible for certain fringe benefits as described in this Handbook, and as determined by applicable policies and plans. Casual part-time, seasonal, and temporary employees generally are not eligible for fringe benefits. All employees may be eligible for certain legally mandated employee benefits, such as workers' compensation and coverage under the Affordable health Care Act.

Employee Classifications

Exempt Employees

Employees whose positions meet specific tests established by the Federal Labor Standards Act ("FLSA") and Iowa state law. In general, exempt employees are those engaged in executive, managerial, high-level administrative and professional jobs who are paid a fixed salary and perform certain duties. In addition, certain commissioned sales employees and highly paid computer professionals are exempt. Exempt employees are not subject to the minimum wage and overtime laws.

"A Test for Exemption" form must be completed and returned to Human Resources for a new employee to be considered an exempt employee. This shall also be done anytime an existing staff level employee is changed to an exempt level.

Nonexempt Employees

Employees whose positions do not meet specific tests for exemption from minimum wage and overtime requirements established by the FLSA and Iowa state law are considered nonexempt. Employees

working in nonexempt jobs are entitled to be paid at least the minimum wage per hour and a rate of time and a half for hours worked over 40 in a workweek as overtime.

Safe Harbor

If an employee's exempt status is dependent upon being paid on a salary basis, Morningside's Policy is to comply with the salary basis requirements of the FLSA. Therefore, we prohibit all supervisors from making any improper deductions from the salaries of these exempt employees. We want employees to be aware of this Policy and that the employer does not allow deductions that violate the FLSA. If you believe that an improper deduction has been made to your salary, you should immediately report this information to your direct supervisor, or to Human Resources. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made. If you have any questions regarding this policy, please see Human Resources.

Employment Recruiting Procedures

Whenever an opening occurs within any department, the Human Resource Office needs to be notified. Once notification has been received the University's Staff Hiring Practice Policy and Procedures will be followed. A copy can be requested from Human Resources.

Interim Appointments

In order to promptly cover vacancies in a department's senior supervisory positions, and pending recruitment and selection efforts, it is occasional necessary to give subordinate employees acting or interim appointments. Acting/interim appointments may be for a specific term or on a month-by-month basis. Employees who are given an appointment to a higher pay level may receive a temporary increase in compensation for the newly assigned responsibilities. When the acting/interim period is completed, the salary adjustment will be removed. These administrative appointments will be approved by the respective Vice President. Any salary adjustment of current salary for acting/interim appointments will require the approval of the President. Typically, interim appointments will not extend beyond six months in length. Interim appointments do not otherwise alter the "at-will" employment relationship, or discretion of the University to end, extend, or alter the assignment/appointment and accordant job responsibilities at any time.

Employment Eligibility Verification

Form (I-9) The Immigration Reform and Control Act (IRCA) requires that all newly employed individuals provide documents that establish identity and employment eligibility and complete an I-9 form. The University will verify its employees are legally authorized to work in the United States and cannot knowingly continue to employ any individual whose legal right to work in the United States has been terminated. Failure to comply with the provisions of the IRCA eligibility verification process will result in immediate termination of employment.

Working Hours

Regular University business/office hours are 8:00 a.m. to 5 p.m., Monday through Friday. These times may vary depending on your university or departmental schedule or your position.

Hours may vary from this normal workday or week, depending on operational need and job responsibilities. For example, it may be necessary for you to work outside your normal schedule because of emergency situations. If you have any questions concerning your work schedule, please direct them to your department supervisor.

Additionally, you might occasionally be required to work more than 40 hours in a workweek. The additional hours you work over 40 hours per workweek could be overtime work and you will receive overtime pay, unless you are in a position which is exempt from overtime.

Overtime must be approved in advance by your supervisor.

Attendance and Lateness

We expect each of our employees to report to work on time and continue to work until the end of each workday. An unsatisfactory attendance record, frequent lateness, and long breaks may be cause for disciplinary action up to and including termination. Your attendance record can also be a significant factor in evaluating you for raises and promotions. When you are going to miss work or be late, it is required that you notify your supervisor as soon as possible stating your reasons for missing work or being late. Absence from work with a failure to call in for three or more days in a row (“no-call, no-show”) may make you subject to termination for job abandonment.

Work Week

The University workweek runs from Sunday through Saturday.

Length of Service

Length of Service is the period of continuous employment since the first date you started at Morningside University. Length of Service is a primary factor in deciding some benefit levels. The amount of credit depends on the type of benefit and the length of the break in service. Please refer to the specific benefit area in the handbook for more details.

A former employee re-employed after a break in service, of not more than five years, shall be given credit for previous service with the University for purposes of determining service awards.

Employment and Termination Dates

Employment Date

The employment date for a new employee is the first date on which that employee works. Holidays are not considered to be scheduled working days.

Termination Date

The termination date for an employee is the last date on which that employee works. Holidays are not considered to be scheduled working days.

Call-Back Worktime

Employees who are called back to work outside their regular schedule are guaranteed at least two hours of work (unless they are exempt from overtime). This does not apply when an employee still at work is asked to continue working past the normal quitting time.

Work Breaks

If your work situation permits, non-exempt employees' supervisors may authorize up to two 15-minute breaks, one in mid-morning and one in mid-afternoon, per full-day work shift. This time is counted and paid as time worked. During the break period, you may leave your work area if you have the approval of your supervisor. Where it is necessary to always have someone on duty, care should be taken to see that your work assignments are covered. The needs of the job must be met first, and in some cases, breaks are not possible. You may not forego breaks to accumulate extra time off in the future.

Lost and Found

Any items lost or found should be reported to the cashier's window at the Business Office in Lewis Hall.

III. Wage/Salary Administration

Job Assignment & Description

Your supervisor will explain the exact nature of the job to which you will be assigned. Although you will be given a job description of your position, additional duties not included in the job description may be assigned. It is the nature for a University environment that various jobs have periods during which the workload comes to a peak. Hence, it is in the best interest of the institution to keep the job descriptions fairly broad. Even though a certain area of work has been designated as your responsibility, it is expected that you will willingly accept such other duties that may from time to time be assigned to you when the need arises. Also, other persons may be asked to help you when your workload is temporarily heavy.

Salary Plan Objectives

In order to attract, retain, and motivate well-qualified employees, the objectives of the University's salary administration program are to:

- Set salaries that are equitable among all employees considering each individual's responsibilities, knowledge, skills, abilities, and performance in the workplace.
- Set salary ranges for all jobs which in the aggregate are as near competitive with salaries paid for like jobs by other employers in appropriate geographic areas to the extent permitted by available funds.
- Ensure that salary decisions provide equity across all protected class by law, including based on age, sex, religion, creed, race, color, gender identity, sexual orientation, disability, genetic information, or national origin.

The pay of individual employees will be based on one or more of the following: pay structure, job evaluations, position classifications, and the compensable characteristics that the individual brings to the job as described in this section. All employee salary decisions must be approved in advance by the President.

Wages/Salary Rate

Your beginning wage rate or salary will be discussed with you at the time you are offered employment. The rate shall generally be based on the responsibilities associated with the job and your qualifications to meet these responsibilities, as well as other objective, lawful factors as circumstances dictate.

Since the University operates under a restrictive budget, it is difficult to match private industry wage rates or salaries in certain job classifications.

Subsequent pay adjustments may be made as follows:

- Straight percentage – such as cost of living.
- Merit as evidenced by your work and attitude during the previous year.

- Promotion

Overall, the University retains the discretion to set and adjust employee pay, upwards or downwards, based on operational need, employee performance, job responsibilities, and other objective, lawful criteria.

Garnishments and Levies

Morningside University will honor all lawfully issued court orders to garnish employee wages. All such orders for wage assignment or voluntary assignments will be honored. In cases of multiple wage assignments, priority for honoring them will be in the following order:

- Child Support
- The following will be honored in the ordered received:
 - Federal. State and local tax levies
 - Creditor garnishments
 - Student Loans
 - Voluntary Assignments

Appropriate remittances will be made of monies collected. Human Resources will maintain confidential files which will contain court orders, IRS levies, monies collected, and any other pertinent information concerning affected employees.

Payday

You will be paid on the last working day of the month. Deductions that will be made from your check include those required by the Federal Government and State of Iowa for income withholding and for Social Security and Medicare. All other University sponsored programs will be withheld upon appropriate authorization by the employee. When payday falls on a weekend or holiday, payment will be made on the last working day preceding the weekend or holiday. No special requests will be accepted to be paid before the day of payday, example to receive an “advance.”

Automatic Payroll Deposit

All employees are required to use automatic payroll deposit or the VISA Focus Card, in accordance with Iowa law. A form must be completed in the Human Resources Office which requires a voided check(s) of the bank(s) where funds will be deposited. Anytime a change in bank(s) or account(s) is made, the Human Resources Office must be notified in advance.

Overtime Pay

Non-exempt employees are entitled to overtime pay at the rate of one-and-a-half times your normal rate of pay for all hours worked, including holiday hours, in excess of 40 hours in a workweek. The standard workweek is 40 hours for employees who are non-exempt under the Fair Labor Standards Act. Time off can be taken in lieu of overtime during the same workweek at an hour per hour exchange per

advanced approval from your supervisor. Morningside's workweek for payroll record-keeping purposes runs from Sunday through Saturday.

Time off permitted under vacation, sick, or personal time off will not be counted as hours worked for purposes of determining whether an employee is entitled to receive overtime pay.

Anyone who works on a holiday will receive overtime pay for actual hours worked. Working on a holiday must be approved by the supervisor before the work is performed.

Working any overtime will only be permitted if authorized as least one week in advance by an employee's supervisor.

Payment to Employees for Other Services

In general, all payments for the compensation of services that are made to University employees will be treated as employee wages. This includes both amounts of base pay, as well as supplemental payments for compensation made to University employees for services that they provide to the University, which are outside the normal scope of their employee appointment.

Payments made to University employees for awards, such as outstanding teaching awards or other forms of employee recognition awards, will be treated as employee wages. In circumstances where an employee is given a choice between accepting a cash payment or having those funds directed into a University account, if the tax law requires that the amount of the award be treated as employee wages, the tax law will be followed regardless of whether the employee elects to receive the cash or not. The only exception would be if the employee had an established business that they were performing these services from.

Time Reporting Procedures

Non-exempt employees are entitled to overtime pay at the rate of one-and-a-half times your normal rate of pay for all hours worked, including holiday hours, in excess of 40 hours in a workweek. The standard workweek is 40 hours for employees who are non-exempt under the Fair Labor Standards Act. All hourly and appointed staff who are eligible for overtime will need to record their time worked and absent hours using the UAttend Time Keeping System. Time off can be taken in lieu of overtime during the same workweek at an hour per hour exchange per advanced supervisor approval. Morningside's workweek for payroll record-keeping purposes runs from Sunday through Saturday.

All employees are responsible for accurately recording their time worked and will not allow anyone else to record their time. It is also impermissible to record time for anyone else. It may be necessary for supervisors and/or payroll processors to adjust time and attendance to correct any errors or omissions in order to provide timely and accurate payments. It is impermissible for any supervisors or payroll processor to intentionally or knowingly approve false records.

Online timecards need to be submitted by the employee to their supervisor for approval who will then submit the card to payroll. Timecards need to be submitted to the supervisor on the 16th of each month.

Time off permitted under vacation, sick, or personal time off will not be counted as hours worked for purposes of determining whether an employee is entitled to receive overtime pay.

Anyone who works on a holiday will receive overtime pay for actual hours worked. Working on a holiday must be approved by the supervisor before the work is performed.

Working any overtime will only be permitted if authorized in advance by an employee supervisor.

Release of Payroll Information

The following guidelines must be followed for the release of information to the public and to other University offices. Verification of past and present employment information is handled through the Human Resources Office and inquiries need to be sent to that office.

Telephone Inquiries: the following information may be released over the phone:

- Whether the person is an employee of the University
- The department in which the employee works
- Employment status – full time or part time

A signed release by the employee or former employee is required to release verification of past or present employment for the following:

- The period of employment
- Wages earned by the employee during the period for employment
- Past wages earned by employee
- Status of employment
- Current title

Exceptions to the signed release requirement may exist consistent with applicable law, including for garnishment and levies, such as child support, student loans, federal, state, and local tax levies.

IV. Employee Relations

Performance Appraisals

The key to moving ahead in any job is performance. One way Morningside can help you is by providing periodic performance appraisals. Your performance appraisal communicates areas that you are performing well and areas that require improvement. An employee's completed performance appraisal can be viewed online in campus web by the employee once the supervisor submits the review. This is available as long as the employee is employed. A copy of the completed performance appraisal is usually given to each employee, or the employee can print off their own copy. As an on-going process, your performance appraisals are maintained in campus web. This serves to document your future plans and past performance. Supervisors may set a time to meet to review your performance appraisal with you and address any questions. It is important that you discuss and understand all parts of your appraisal before it goes into your file. Performance appraisals are conducted annually, and usually at the end of the University's fiscal year.

Promotions and Transfers

A promotion is any personnel action resulting in the movement of an employee to a job requiring greater skills and job responsibilities and generally an increase in pay. Employees are eligible to be considered for positions which represent promotional opportunities for them outside their current work department as they become available once they have completed one year of service in their current work department.

Employees may apply for promotional opportunities within their department. Positions are filled through a competitive process and may include external as well as internal searches. Current job performance and compliance with University work rules are given great consideration in making the selection decision.

Promotion also may occur as the result of reclassification in connection with progression through designated job families or restructuring of a department's organization and/or job assignment changes. Reclassifications are initiated by the department supervisor and require the approval of the President.

A transfer is the movement of an employee from one position to another position, and dependent on the circumstances, transfer actions are generally not considered eligible for pay increases. An employee may apply for positions which represent lateral transfers through the above referenced competitive process. Transfers may also be initiated by department supervisors in compliance with University policies and procedures.

Demotion

A demotion is the movement of an employee to a position requiring lesser skills and job responsibilities, and generally a decrease in pay. An employee may be demoted when the employee's position is reclassified to a lower-level job, or the employee is reassigned to a lower-level job. Demotion may be initiated by the supervisor to meet the operational needs of the department; requested by the employee; as a disciplinary measure; or made as a result of application by the employee for consideration of an open vacancy. For demotions initiated for operational reasons, the University will attempt to find reasonable alternatives for consideration by the employee.

Disciplinary Procedures

Actions which Result in Employee Discipline

Good working relationships require everyone to meet their responsibilities to the University, themselves, and the people with whom the work. At all times employees are expected to meet the University's standards for work performance and business conduct and to follow the policies and procedures covered in this handbook.

From time to time, it may become necessary to counsel or discipline employees who for one reason or another fail to observe their goals and/or meet expectations. The University shall have the right to discipline or summarily discharge an employee at any time for any reason. Each case shall be evaluated on its own set of circumstances. The following are examples of employee conduct which can result in disciplinary action, including and up to possible discharge. It is important to note that this list is not all-inclusive.

- a. Interfering with rights or privileges of other employees
- b. Violating University Policies
- c. Changing or otherwise falsifying, or forging any University records, permits, timecards, licenses, certifications, passes, or approving signatures thereon
- d. Indulging in grossly offensive, obscene, or immoral conduct
- e. Deliberately restricting production output and/or University operations, or concealing defective work
- f. Stealing or misappropriating University property or property belonging to others
- g. Intentionally defacing or damaging University property or the property of others
- h. Fighting on University property or creating disturbances that adversely affect morale, production, studies, or discipline
- i. Sleeping while on duty during working hours
- j. Continually or intentionally disregarding any appropriate departmental or University rules
- k. Reporting to work under the influence of intoxicants, narcotics, or drugs
- l. Refusing to obey reasonable and necessary orders or job assignments or using abusive or threatening language
- m. Indulging in horseplay or malicious mischief in any form
- n. Smoking in nonsmoking areas or disregarding any University security or fire regulation
- o. Leaving University premises prior to the end of any normal work period without prior notice or approval
- p. Failing to return to work at the end of an authorized leave period
- q. Habitual absences or tardiness from scheduled work
- r. Disregarding normal safe work practices
- s. Contributing to poor housekeeping or unsanitary conditions
- t. Distracting or annoying other employees while they are performing assigned duties
- u. Abusing leave policies
- v. Failing to notify your supervisor each day of any absence or tardiness from scheduled work
- w. Disclosing confidential information
- x. Poor job performance
- y. Any other actions, not listed above, but considered by the University in its sole discretion as constituting misconduct, insubordination, gross negligence, or gross disregard of employee's obligation to the University.

The University reserves the right to decide in its sole discretion the form of discipline to take in each case. Such discipline may include, but not be limited to, reprimand, suspension (with or without pay) and termination. Your employment can be terminated at any time at the will of either the University or yourself.

Other Conduct Rules

Confidential Nature of University Business

Discussing any confidential matters with anyone outside the University (or with unauthorized University employees) is strictly prohibited. Any information that an employee learns as a result of working for the University that is not otherwise publicly available constitutes confidential information. Confidential information includes, but is not limited to personnel information, student information, University initiatives and strategy, and University financial information.

University business is just that, and not a subject for outside conversation. The business which crosses our desk or information that becomes available to you through your work on campus, no matter how interesting, should be kept from your social conversation. Every negotiation between the University and its clientele is confidential and is never to be discussed with or disclosed to anyone except authorized personnel. Improper handling of University information can result in loss of business and/or can leave the University open to serious charges.

Employees must destroy or return to the University all confidential information and return all other property belonging to the University at the conclusion of employment.

Code of Ethics

The University has established a written Code of Ethics that each administrative/staff employee is expected to abide by. The Code of Ethics statement is located at the end of the handbook.

Personal Telephone Calls

University facilities, equipment, and employee at work time must be dedicated to business use. Therefore, personal calls should be made only when absolutely necessary for emergencies, and conversation should be as brief as possible. Any charges for incurred for personal calls must be paid or reimbursed by the employee.

Official Communication with the Public

The Board of Directors and the Administration have designated certain individuals to speak and write officially for the University. Hence, to keep the lines and facts straight, do not present yourself as a spokesperson for the University on educational and other policy matters.

University Postage Meter

The use of the University's postage meter or postage stamps for personal reasons is strictly forbidden.

University Stationery

The writing of personal letters on University stationery is prohibited. The sending of personal letters, payment of bills, or any other personal communication or documentation in University envelopes are prohibited.

Use of Leased Aircraft by University Personnel

All University personnel are prohibited from operating or using leased or chartered aircraft by or on behalf of Morningside University for any educational activity or business purposes.

Keys

It is highly essential that close control be maintained over all keys and fobs so that they do not fall into unauthorized hands. You will be provided the necessary keys and fobs by the Security Department upon recommendation from your respective Vice President. Do not let them out of your possession. Never have your key or anyone else's duplicated.

Ordering Merchandise

Ordering personal merchandise and using the University's name in the order process is strictly prohibited.

University Staff Grievance Procedures

In the day-to-day operation of your area or department, problems, misunderstandings, and difficulties sometimes occur. While consideration, cooperation and common sense can solve most of these situations, a few require special attention.

The University has established a formal grievance procedure for handling the wide variety of problems or inequities that inevitably occur. If you believe you have a legitimate complaint, you should discuss it with your supervisor. If that does not prove satisfactory to you, the normal procedure is then to go to your department head and next to the Vice President for Business and Finance.

Definition & General Provisions - A grievance is hereby defined as a problem or concern by an employee alleging that they have been treated wrongly in regard to the interpretation, application, or violation of a University policy and/or procedure, and where the applicable policy or procedure does not otherwise contain a complaint or resolution process.

When an employee is disciplined by their supervisor including oral and written reprimands, the employee should be informed of the specific reasons for the action and be advised of their rights of appeal utilizing the University Grievance Procedure.

Temporary employees are excluded from filing formal grievances under this policy.

All concerns or complaints, including for temporary employees, involving alleged discrimination, harassment, or retaliation, shall be filed/reported and resolved under the University's Equal Opportunity, Harassment & Nondiscrimination Policy & Procedures.

Morningside University's grievance procedure is not a legal proceeding where the presence of legal counsel is required, therefore, legal counsel will not be permitted to participate in any grievance proceeding.

Policy Statement - It is the policy of Morningside University to ensure that its employees have a right to file what they feel to be a legitimate grievance and to follow the formal procedure through the appeal process, if necessary, without fear of censure or reprisal.

Statute of Limitations - For the purpose of this policy a grievance must be filed within thirty (30) working days of the occurrence of the complaint, unless the complaint is proven to be of a continuing nature.

Procedures

Step I - The employee must discuss the situation with their immediate supervisor within thirty (30) working days from the date of the event(s) giving rise to the grievance. The supervisor will have six (6) working days within which to answer the grievance. If the employee is not satisfied with the supervisor's answer to the grievance, they can appeal the grievance within five (5) working days to Step II. Morningside University urges that both the supervisor and the employee make a genuine effort to resolve their differences at Step I of the grievance process. Grievances related to suspension, dismissal or impasse between the supervisor and employee may be filed at Step II of the procedures, bypassing Step I.

Step II - If a mutually satisfactory agreement is not reached at Step I, the aggrieved employee may submit a formal grievance in written form to their department or Division head within five (5) working days from the date of the supervisor's answer in Step I. The employee may request a full-time employee or any other person of their choosing to assist in the preparation and presentation of their grievance at this or any higher appeal level (only one person will be able to assist in the actual grievance presentation). The supervisor may also choose to have one (1) person to assist in the presentation of a grievance at a hearing. The written grievance will contain all the pertinent facts on which it is based to include: the identity of the grievant (name of the person who is filing the grievance); the date and approximate time and location of the occurrence of the incident; the specific policy, rule, or regulation involved; and the remedy or correction sought by the employee. A copy of the grievance will be submitted immediately to the Vice President for Business and Finance or their representative for the grievance to be officially documented. The appropriate Department or Division head after receiving the written grievance will arrange a meeting with all involved parties to discuss the grievance. The Department or Division head will answer the employee, in writing, regarding their decision within five (5) working days after the meeting with a copy sent to Human Resources. If the employee is not satisfied with the response to the grievance, the grievance may be appealed to Step III.

Step III - If the grievance is not satisfactorily resolved at Step II of the grievance procedure the employee can appeal the grievance within five (5) working days of the receipt of the response from the appropriate Department or Division head. This appeal will be made to the Vice President for Business and Finance who will advise both the employee and the supervisor that a fact-finding committee made up of University employees, will be formed to evaluate the grievance and make a decision as to the validity of the grievance. Committee members will not include employees from the grievant or supervisor's division. The committee will include one (1) member selected by the employee, and one member selected by the supervisor, the third selected and mutually agreed upon by the two (2) members previously selected by the supervisor and the employee. This third committee member will serve as chairperson of the committee. The committee will have ten (10) working days after its formation to study the case and render its decision to the Vice President for Business and Finance. The committee's decision must be in compliance with University rules, regulations, procedures and federal and state laws governing employees. The Vice President for Business and Finance will advise both parties of the committee's decision.

Step IV - Should the Committee's decision not resolve the grievance, the grievant may appeal the decision within seven (7) working days to the President. The President or their representative will review the written reports, provide a hearing to the participants and within ten (10) working days render a decision. This decision will be final and binding on all parties.

Separation of Employment Information

Reasons for Termination of Employment

University Administrative/Staff employees are employed on an at-will basis and may be terminated voluntarily or involuntarily at any time. Discharge may become necessary due to the employee's lack of ability or failure to fulfill the requirements of the job, reductions-in-force/layoff, changes in operational needs or employee skill sets, or other reasons. Disciplinary action, including suspension or termination of employment, may be taken for any reason not prohibited by law. For examples of such reasons, see section IV. Since it is not possible to list all forms of behavior that are considered unacceptable in the workplace, common sense, honesty, and good judgment should always prevail. Advance notice may or may not be given depending on the circumstances surrounding the termination. Upon termination, an employee is required to return all files, documents, equipment, keys and fob, Faculty/Staff ID card, access cares, software or other property belonging to the University that are in the employee's possession, custody or control, and turn in all passwords to their supervisor.

All employees are employed by the University at the mutual consent of the employer and the employee. Either may terminate this relationship at any time, with or without cause (unlawful reason excepted).

Notice of Termination and Compensation

In the event of involuntary termination due to restructuring or position elimination, the employee may receive pay and benefits as outlined in the University's layoff severance policy. The employee may also be compensated for any unused vacation accrued to the date of termination. The University will not be liable for any accrued sick days or personnel days. In the case of involuntary termination for any other reason, the University will not be liable for any additional benefits or compensation past the date of termination (including unused and accrued vacation).

In case of an employee's voluntary resignation, a staff employee is asked to give 10 days' advance notice, and an administrative employee to give 15 days' advance notice when possible. Compensation for accrued and unused vacation may not be paid to employees who give less notice; all employees are hereby informed and agree that no accrued vacation benefits are due under chapter 91 A of the Iowa Code for less than timely notice. When resigning, University Administrative/Staff employees are requested to submit their resignation in writing to their immediate supervisor. A copy of the written resignation must be forwarded to Human Resources for inclusion in the employee's personnel file. Once the resignation has been accepted, supervisors are not required to allow an employee to rescind a resignation, whether it was given verbally or in writing. With approval of Human Resources, supervisors may choose to have the employee leave immediately rather than continue working through any notice period.

Termination Procedure

When an employee terminates voluntarily or involuntarily, an appointment must be scheduled with the Human Resources office to take care of the following applicable items.

- Written Notice of resignation (voluntary termination)
- Turn in staff ID card and keys/fobs
- Turn in P-Cards
- Complete University automobile mileage form
- Turn in laptop and any other University property
- Discuss benefits and last payroll
- Pay any outstanding balances due the University
- Provide forwarding address
- Complete exit interview process

V. Employee Benefits

Morningside University is pleased to provide the following benefits for the greater financial security of our eligible employees and their families. The following information outlines the principal provisions of the benefits listed below and is not intended to be a comprehensive description of each plan. For further information or explanation on any of these plans, contact the Human Resources Office. To the extent any of the below descriptions and plan terms differ, plan terms control.

Morningside University maintains these programs for the exclusive benefit of its employees. While the University presently plans to maintain these programs for an indefinite period of time, the University reserves the right to amend or terminate such programs in the future. Appropriate written plan documents shall be made available to employees for inspection or copy, upon reasonable request.

Educational Benefits

Human Resource development for employees is essential to the improvement and efficiency of University service functions. The University has an obligation to provide training and development offerings which stress improved organizational effectiveness and productivity, plus acquisition of skills, knowledge and abilities required for work related success, individual growth, and career development. The University is committed to effective utilization of human resources.

The university encourages its employees to continue their education and as a result offers the following tuition rebate programs along with other internally developed educational programs.

Educational Assistance Program

Upon advanced approval from the President and Vice President, Morningside University may provide financial assistance to help employees achieve educational and career development goals. The University may reimburse the employee up to 75% of tuition costs upon completion of the course, with a maximum of \$5,250.00 a year. If a particular course is available through Morningside University, the employee must take it through the University as long as the course is accepted at the other accrediting institution. Employees must submit their transcripts to be reimbursed and must obtain a grade of B or higher in the course. There is no reimbursement for meals, transportation, lodging, books, fees and/or supplies.

Tuition Rebates

Tuition rebates have been established to encourage University employees to continue their education and to help with the education of their families, and to provide low or no cost enrollment in Morningside University programs and/or courses. The purpose of the tuition rebate for Morningside University programs and/or courses is to provide a direct benefit to employees and not to other persons.

All full-time applicants and recipients must meet University entrance requirements and maintain satisfactory academic progress. Any officially enrolled employee, employee's spouse, or employee's dependent will be eligible for this tuition rebate benefit for Morningside University programs and/or courses as noted below.

All employees

Before receiving any rebates under this section, the student and their parents must exhaust all other sources of private, state and federal financial aid (grants, scholarships, etc.) and all such persons must make proper application for such other sources of aid through the office of Student Financial Planning. This would include all employees and/or spouse/dependents completing a FAFSA application. It should be recognized that each individual's situation may differ as far as qualifying for financial aid, so it is highly recommended that you visit with Student Financial Planning about your individual situation. Financial aid will be determined with and without the rebate. Students will be awarded the better of the two packages. State grant funds will not be replaced by the rebate if the student is considered ineligible by the state due to incomplete paperwork or late filing.

Children and the spouse of an employee who dies or becomes permanently disabled within the meaning of the Social Security Act, while employed at Morningside University, after at least three years of continuous employment, are entitled to receive the benefits they would be eligible for if the employee had not died or not become disabled. This policy does not apply to dependents of retired employees.

Employees may not attend classes during their regularly scheduled working hours without supervisor approval.

All tuition rebate benefits automatically cease upon an employee's separation from employment with the University.

Application Procedures

Appropriate forms for requesting an employee rebate must be signed and received by the Office of Student Financial Planning by the last day to register for classes in order for the aid to be credited to the student account. Employee rebates may not be combined with any other institutional aid.

Full-Time Employee and Spouse/Dependents

A full-time employee and their spouse/dependents may receive a one-half tuition rebate for undergraduate or graduate credit during the employee's first three years of full-time employment. After the employee begins the fourth year of full-time employment, they will be eligible to receive a full-tuition rebate. Dependent children (defined as biological or legally adopted children) may only receive a full-tuition rebate until they reach 25 years of age.

The University policy prohibiting multiple institutional awards will apply in all cases.

Part-time Employee and Spouse/Dependents

Part-time employees (working at least 20 hours a week) and spouses/dependents may receive one-half tuition rebate for undergraduate or graduate credit.

Adjunct and Part-time Faculty

Adjunct and part-time faculty and spouses/dependents may receive a tuition rebate for undergraduate or graduate credit equal to the number of credit hours being taught by the faculty person for that semester, up to a maximum of six (6) credit hours per semester.

Tuition Exchange Programs

Morningside University is a member of two student exchange programs. Tuition Exchange, Inc. and Council of Independent University (CIC) Tuition Exchange. These programs provide full-time employees who meet full tuition rebate criteria, the opportunity to have their dependent children attend one of the member institutions. Program information, participating institutions, and application forms are available from the Tuition Exchange Liaison Officer in the Student Financial Planning Office.

Openings for the tuition exchange programs are limited. A written application will be accepted beginning September 1 of the student's senior year in high school.

Tuition Exchange, Inc.

- Application deadline is October 15
- If exports are limited, participants will be selected on a first-come, first-served basis except that the dependents of those employees with the greater total number of years' service to Morningside University will receive preference.

CIC Tuition Exchange:

- Application deadline is October 15. EMPPLYEES ARE ADVISED THAT THE OCTOBER 15 DEADLINE IS AN INTERNAL DEADLINE. IT IS TO THE EMPLOYEE'S ADVANTAGE TO APPLY FOR ADMISSION TO THE UNIVERSITY OF CHOICE AND PROGRM PARTICIPATION AS EARLY AS POSSIBLE.
- If more than one employee is requesting exchange to a specific University, participants will be selected based on the number of years of full-time service at Morningside University.
- Employees may apply for participation after October 15. Employees applying to the same University after October 15, will be certified on a first-come, first-served basis.
- Employees may indicate preference for three Universities. In the event that more than one employee is applying for participation to the same University, only the University selected as the first choice will be certified.

(To the extent any information or details in this program summary conflict with the program information in the Student Financial Planning Office, the latter controls. This policy summary in no way provides an express or implied right to participate in the Tuition Exchange Programs.)

Employee on-the-Job Training

Every effort is made to train each employee to do their job effectively. This is an on-going process at the University. Employees will be trained through various methods:

- Supervisor
- Colleagues
- Seminars – In-house and off campus
- One's own initiative

VI. Time-Off Benefits

Short Term Disability

Eligible employees under this policy are full-time administrative and staff after 90 days of service with the University. Faculty members are exempt from the ninety 90 days of service requirement due to the unique nature of their association with the University prior to their starting date.

Full-time eligible employees who are medically disabled and unable to perform their duties due to a non-occupational illness or injury may receive up to six months of short-term disability salary and benefit continuation (“STD Benefits”) after a 5-day waiting period for the illness. With the exception of five (5) days, all annual paid vacation allowances and accrued sick days will be applied towards your leave before Morningside will continue salary and benefits according to policy for the remainder of the leave period, not exceeding 6 months for the eligible employees. Sick leave will continue to accrue during the disability period.

In order to qualify for STD Benefits under this policy, an employee must provide medical certification completed by a licensed physician verifying the employee’s inability to perform their duties. Morningside may require a second medical opinion at the University’s expense. The University may also require further medical certifications during the claimed period of disability at the employee’s expense. Under this policy an employee may be allowed to take up to six-months of STD Benefits within a 12-month period.

Employees anticipating a need for STD Benefits and/or leave should promptly notify the University of the anticipated date of disability in order to plan staffing during the disability leave.

During the disability leave, the employee must continue to pay an employee required contribution to benefits. If the employee does not do so, benefits could be discontinued consistent with applicable law.

Compensation during the disability period will be as follows: After approval and the eligible employee has used up all but five (5) days of their paid vacation or accrued sick days towards the disability leave, the employee will continue to be paid at 100% of their base compensation for the remainder of and up to 8-week period. After that period, the employee will be paid at 60% of their base compensation level for the remainder of the short-term disability period.

If an employee is unable to work due to disability for more than six consecutive months, they may be eligible for long-term disability benefits under the University’s Group Long-Term Disability Plan.

If the absence is due to a serious health condition that qualifies for the job protected/unpaid leave under the Family and Medical Leave Act (FMLA), The FMLA will apply. This policy and the benefits provided do not alter any FMLA rights, and in most cases, STD Benefits will run concurrently with FMLA leave.

Partial (intermittent) days of leave will not be paid through STD benefits and may be paid or unpaid based on available leave balances.

Nothing in the policy should be interpreted as providing a guarantee of continued employment or as providing job protection while an employee is receiving STD Benefits under this policy. Indeed, to the

extent allowed under the FMLA, ADA, and other applicable laws, an employee's employment may be terminated.

Morningside has full discretion to make factual determinations related to coverage, eligibility, and qualification for STD Benefits, including the determination of whether the employee is disabled for purposes of the policy. Morningside also has full discretion to construe and interpret the terms of this policy.

The STD Benefits Policy may be amended, modified, or discontinued at any time in the sole discretion of Morningside, and as such the employee should not consider the above benefits to be accrued or vested.

Disability Leave Due to Pregnancy or Childbearing

To the extent required by the Iowa Civil Rights Act, if sufficient leave is not available to an employee under any other benefit or leave plan or policy, a pregnant employee who is disabled by the pregnancy shall be entitled to an unpaid leave of absence for the period that the employee is disabled because of the employee's pregnancy, childbirth, or related medical conditions, but not to exceed eight weeks unless otherwise required by applicable law. This leave is only available in the unusual circumstance where the statutorily required period of leave is not available under any other policy or plan for a pregnancy-related disability. Accordingly, the leave period available under this policy shall be reduced by any period of leave or benefit available for the same condition under any other policy or plan of Morningside.

Generally, periods of disability related to pregnancy and/or childbirth are treated like any other short-term disability for purposes of receipt of STD benefits.

Once the University is notified of the employee's pregnancy, the University will request an indication of when the employee expects to go on disability leave in order to plan staffing during the leave.

Sick Leave

All full-time employees receive a ½ day per month of paid sick leave, or a total of six days for the year. Part-time employees receive ¼ day per month of sick leave, or a total of three days for the year. If all sick leave is not used in any one fiscal year, it will be rolled over to the next fiscal year for use. The maximum amount of sick time that can be accumulated is 18 days or 144 hours. Employees stop accruing sick time if they reach the maximum number of days. Sick leave may only be used for illnesses of the employee and not for time in connection with sickness of members of the employee's family or other persons. Personal days or vacation time must be used for the latter purpose. Accrued sick leave is not paid out upon termination of employment, and the employee shall have no claim for pay in lieu of unused sick leave.

When an employee cannot work because of illness, they should call their supervisor immediately and explain the reason for their absence. In addition, the supervisor should be kept informed of the employee's ability to work.

Supervisors are authorized to require a doctor's note or statement from the physician, or to refer employees to a physician, to verify the basis for sick leave.

If an employee requires more than five days of leave for an unexpected illness or injury, they may be asked to provide a physician's statement to return to work.

Outside employment during an employee's sick leave is prohibited, and may result in disciplinary action, up to and including immediate termination of employment.

Sick leave is integrated with the Short-term Disability Benefits Policy and the Family and Medical Leave Policy.

Long Term Disability Insurance

Long term disability insurance is furnished by Morningside University for all full-time employees. The benefit will begin the first day of the calendar month coinciding with or following thirty days of consecutive service.

180 days after a full-time employee becomes disabled or partially disabled, if approved the Long-Term Disability Insurance program provides for payment of 60% of basic monthly earnings (or a prorated amount), not to exceed the maximum monthly benefit of \$5,000. More detailed plan information can be obtained from Morningside University's Human Resource Office.

The Summary of Plan description is provided to eligible full-time employees when enrolled.

Jury Duty

Employees are encouraged to fulfill their civic responsibilities by performing jury duty service when called and will be excused to participate in juries. Upon receipt of a notice to serve on jury duty, each employee must immediately present the notice to their supervisor and Human Resources. Human Resource Office will retain a copy of this notice for the employee's file. Employees will be expected to make the necessary arrangements with their supervisor while on jury duty and must report for work for any days or portions of days when not actively engaged in jury duty.

Employees will receive their regular pay while serving on jury duty. All jury duty checks must be turned into the Human Resource Office. Any mileage portion of the jury duty check will be reimbursed to employee.

All benefits shall remain in effect, and the employee continues to accrue vacation and sick leave, while on an excused absence for jury duty.

Time Off to Vote

Any person entitled to vote at an election in Iowa who does not have three consecutive hours in the period between the time of the opening and the time of the closing of the polls during which the person is not required to be present at work, is entitled to such time off from work time to vote. If you meet these criteria and wish to leave work to vote, you must notify your supervisor in writing prior to the date of election and as soon as reasonably possible. If you meet the above-mentioned criteria, Morningside

will designate the period of time to be taken off, and your absence during such period of time will be paid.

Funeral Leave

The University grants full-time and part-time employees a maximum of three consecutive days of paid leave when death occurs in an employee's immediate family. Immediate family includes spouse, children, grandchildren, grandparents, parents, parents-in-law, brothers, sisters, grandparents-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepchildren, or stepparents. Time off without pay may be arranged to attend the funeral of a close friend or relative not specified, or other paid leave balances (such as vacation or personal days) may be used consistent with applicable policies and supervisor approval. Time off for funeral leave will not count as hours worked for overtime calculation purposes.

Military Leave

Full-time employees who are active members of the National Guard, State Guard, or the reserve components of the Army, Navy, Marine Corps, Air Force, or Coast Guard will be granted an unpaid military leave of absence for training or other service (including short periods necessary to retain active reserve status or instances when one is called by the Governor to duty in the active service of the State), as set forth below, and in accordance with the Uniformed Services Employment The employee must submit a request in advance for such leave, along with copies of his or her military orders, to the department head and Human Resources.

An employee who joins or is drafted into, military service will be terminated from university employment, but will be eligible for reemployment as prescribed in the Veterans Reemployment Rights law. The application for reinstatement to university employment must be made within ninety (90) days following separation from active military duty.

An employee who is called into active military service will be granted an unpaid military leave of absence. Your benefits will not accrue during a military leave. When you return from leave, the benefits will start accruing again.

Upon an employee's prompt application for re-employment (as defined below), an employee will be reinstated to employment in the following manner depending upon the employee's period of military service:

1. **Less than ninety-one (91) days of military service** – (i) in a position that the employee would have held if the employee had remained continuously employed, *so long as* the employee is qualified for the job or can become qualified with the company's reasonable efforts to qualify the employee; and if not, (ii) in the position in which the employee had been employed prior to military service, as long as the employee is qualified or can become qualified with the company's reasonable efforts.
2. **More than ninety (90) days and less than (5) years of military service** – (i) in a position that the employee would have held if the employee had remained continuously employed, or (ii) a position of like seniority, status and pay, the duties of which the employee is qualified to perform or can become qualified with the company's reasonable efforts to qualify the employee; and if neither (i) or (ii), (iii) in the position the employee left, or a position of like

seniority, status and pay, the duties of which the employee is qualified to perform can become qualified with the company's reasonable efforts.

3. **Employee with a service-connected disability** – The university will, consistent with federal law, provide a reasonable accommodation to an employee returning from military leave with a disability. If, despite these efforts, an employee with a service-connected disability is not qualified for employment in the position they would have held if the employee had remained continuously employed, the employee will be employed in (i) any other position of similar seniority, status and pay for which the employee is qualified or could become qualified with reasonable efforts by the university; or (ii) if no such position exists, in the nearest approximation consistent with the circumstances of the employee's situation.

"Prompt Applications for Re-employment" are made as follows: For leaves of more than 180 days, employees must apply for re-employment with ninety (90) days of discharge from the military. For leaves of 31 to 180 days, employees must apply for re-employment with fourteen (14) days of discharge. For leaves of less than 31 days, employee must return to work the next full workday plus 8 hours for safe travel. Employees who fail to report for work within the prescribed time after completion of military service will be considered to have voluntarily terminated their employment, unless it was impossible or unreasonable for the employee to report within the prescribed time. For instance, if the employee is hospitalized or convalescing from a service-connected injury, they must apply for re-employment at the end of the period necessary for recovering from the illness or injury not exceeding two (2) years from completion of service.

Additional exceptions to re-employment may exist based on applicable law.

Annual/Reserve Training: Employees called for annual reserve training will be entitled to military leave, provided that the service is required. Employees on military leave for annual reserve training will be paid for up to two weeks as follows: pay will be equivalent to the difference between military base pay received and the employee's regular pay. Military leave in excess of two weeks in any one calendar year for reservist training will be granted without pay, however the employee may utilize any paid leave to the extent it is accrued, and they wish to use it.

Any employee may elect not to take military leave.

Volunteer Emergency Services Providers

A "volunteer emergency services provider" means a volunteer fire fighter, a reserve peace officer, an emergency medical care provider, or other personnel having voluntary emergency service duties and who are not paid full-time by the entity for which the services are performed.

Morningside University may request that an employee who is a volunteer emergency services provider and who is absent from or late to work while responding to an emergency provide Morningside with a written statement from the supervisor or acting supervisor of the volunteer emergency services unit or organization stating that the employee responded to an emergency and stating the date and time of the emergency. Morningside University reserves the right to deduct from an employee's regular pay an amount of regular pay for the time that an employee who is a volunteer emergency services provider is absent from work while performing duties as a volunteer emergency services provider.

An employee who is a volunteer emergency services provider and who may be absent from or late to work while performing duties as a volunteer emergency services provider shall notify Morningside University as soon as possible that the employee may be absent or late in accordance with the other policies and procedures put forth in this Handbook.

Morningside University shall determine whether an employee may leave work to respond to an emergency as part of the employee's volunteer emergency services provider duties.

Morningside University Family and Medical Leave Policy

Morningside University will provide Family and Medical Leave to its eligible employees. The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

Under this policy, Morningside will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered servicemember with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid leave, leave requirement granted an employee, depending on the circumstances of the leave and as specified in this policy.

Eligible Employees:

An employee will be eligible for a family or medical leave if:

- have been employed at least 12 months or 52 weeks prior to the commencement of the leave. The 12 months or 52 weeks need not be consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years.
- have worked at least 1,250 hours during the 12-month (52 week) period immediately preceding the commencement of the leave. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by any employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1250 hours eligibility test for an employee under the FMLA.

When Both Spouses Are Employed at Morningside University

If spouses are employed at Morningside University, they in total will be entitled to a maximum of 12 weeks for birth or adoption of a child, or care for an employee's parent with a serious health condition.

Reasons for Taking Leave:

To qualify as FMLA leave under this policy, the employee must be taking leave for any of the following reasons:

1. Employee's incapacity due to pregnancy, prenatal medical care, or childbirth.
2. The birth or placement for adoption or foster care of employee's child, or to care for the employee's child after birth or placement for adoption or foster care within the first 12 months of the birth or placement.
3. To care for the employee's spouse, child, or parent, who has a serious health condition; or
 - a. Spouse includes "common-law" marriage as recognized in the state of Iowa

- b. Child: biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age, or 19 years of age or older and incapable of self-care because of mental or physical disability
 - c. Parent: the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter
4. For a serious health condition that makes the employee unable to perform the functions of the employee's position.

Serious Health Condition:

A serious health condition means an illness, injury, impairment, or physical or mental condition that involves:

- inpatient care in a hospital, hospice, or residential medical-care facility, or subsequent treatment resulting from such inpatient care; or
- continuing treatment by a medical provider; for a condition that either prevents the employee from performing the functions of the associate's job, or prevents the qualified family member from participating in school or other daily activities
- subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Request for Family & Medical Leave:

All employees requesting leave under this policy must provide verbal or written notice of the need for FMLA leave to the Human Resources Department, who will notify the appropriate supervisor, manager, or VP. Employees may then be asked to complete and file the Request for Family and Medical Leave Form with Human Resources, a form of which is located in the HR Office. Within five business days after the employee has provided this notice of the need for FMLA, the Office of Human Resources will complete and provide the employee with a Notice of Eligibility and Rights.

Employees must provide sufficient information for the employer 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 health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified.

Advance Notice and Medical Certification:

The employee will be required to provide advance leave notice and medical certification. Taking of leave may be denied if the requirements are not met.

- Employees must provide 30 days' advance notice when the leave is "foreseeable". If the notice is not given and there is no reasonable excuse for the delay, Morningside University reserves the right to deny the leave until at least 30 days after the notice is received.
- If the leave is not foreseeable, the employee must give as much notice as practicable, and generally must comply with the employer's normal call-in procedures. An employee who is to

undergo planned medical treatment is required to make a reasonable effort to schedule the treatment in order to minimize disruptions to the university's operations.

- Employees are generally required to provide medical certification to support a request for leave because of a serious health condition.
 - The employee is required to return the certification to the university with 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in denial of the continuation of leave.
 - Morningside may request recertification for the serious health condition of the employee or employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, or if the employer receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of their leave. Otherwise, Morningside may request recertification for the serious health condition of the employee or employee's family member every six months in connection with and FMLA absence. Morningside may provide the employee's health care provider with the employee's attendance record and ask whether need for leave is consistent with the employee's serious health condition.
 - Morningside has the right to ask for a second opinion if it has reason to doubt the certification. Morningside will pay for the employee to get a certification from a second health care provider, which Morningside will select. If necessary to resolve a conflict between the original certification and the second opinion, Morningside will require the opinion of a third health care provider. Morningside and the employee will mutually select the third health care provider, and the university will pay for the third opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion

Within five business days after the employee has submitted the appropriate certification form, the Office of Human Resources will complete and provide the employee with a written response to the employee's request for FMLA leave, including designation of approved leave.

Return to Work

Morningside may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work. The employee should notify their supervisor of intent to return to work or of any medically necessary changes in the date of return prior to the anticipated date of return. If the leave was due to the employee's serious health condition, Morningside may require a "fitness for duty" certification from the employee's health care provider, verifying ability to return to work, with or without restrictions.

If the employee returns to work on or before the expiration of available FMLA leave, the employee will be returned to their position or an equivalent job. If the employee is medically released to return to work and fails to either report to work or call in with a satisfactory explanation, Morningside will treat this as a voluntary resignation.

12-Month Period Computation for Leave Amount:

When determining the amount of FMLA leave available to an eligible employee, namely, up to 12 weeks in a 12-month period, the 12-Month period is computed using a “rolling” 12-Month period measured backward from the date an employee uses FMLA.

Example:

Jane was hired in August of 2000. On October 1, 2001, Jane applies for and receives four weeks of FML to take care of her father who suffered a stroke. On February 1, 2002, Jane applies for 12 weeks of FML for the birth of her child. Under the “rolling back” method, Jane will only be allowed eight weeks of FML since 4 weeks were previously used during the 12-month period prior to February 1, 2002. On January 1, 2003, Jane’s father suffers another stroke, and she applies for 12 weeks of FML to take care of him. Jane will only be allowed to take four weeks of FML since she has previously taken eight weeks during the last 12-Month Period prior to January 1, 2003.

Paid or Unpaid Leave:

Employees will be **required to use all paid leave days** provided by Morningside University concurrently with FML; the remainder of any 12 weeks of FML will be unpaid.

Examples include, but are not limited to, the following:

- Accrued vacation days
- Accrued sick-leave days
- Worker’s compensation absences
- Or any other paid leave which is provided by Morningside University

INTERMITTENT LEAVE:

Eligible employees may take FMLA continuously or intermittently (take a day or partial day periodically when needed over the year) if it is medically necessary. The 12-week unpaid leave will be computed using hours; and the available hours of FML must be used within a 12-month period. All exempt and non-exempt salaried employees may be subject to pay reduction for intermittent FML as allowed under the Fair Labor Standards Act and FMLA.

- Full-time employees will generally have available 480 hours
- Part-time employees will have available the average number of hours worked per week in the 12 weeks prior to the leave times 12.

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

Employee Benefits:

While an employee is on leave, Morningside will continue the employee’s health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. Under current university policy, the employee pays a portion of the health insurance premium. While on paid leave, the employee will continue to make payroll deductions for the employee’s share of the premium. While on unpaid leave, the employee must continue to make their share of the health premiums

An employer's obligation to maintain benefits under FMLA stops if and when an employee informs the employer of an intent not to return to work at the end of the leave period, or if the employee fails to return to work when the FMLA leave entitlement is exhausted. An employer's obligation also stops if the employee's premium payment is more than 30 days late and the employer has given the employee written notice at least 15 days in advance advising that coverage will cease if payment is not received.

Servicemember Family and Medical Leave

The federal Family and Medical Leave Act (FMLA) now entitles eligible employees to take leave for a covered family member's service in the Armed Forces ("Servicemember FMLA"). This policy supplements our FMLA policy and provides general notice of employee rights to such leave. Except as mentioned below, an employee's rights and obligations to Servicemember FMLA Leave are governed by our existing FMLA policy.

Employee Entitlement to Servicemember FMLA

Servicemember FMLA provides eligible employees unpaid leave for anyone, or for a combination, of the following reasons:

- A "qualifying exigency" arising out of a covered family member's active duty or call to active duty in the Armed Forces in support of a contingency plan. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings; and/or
- To care for a covered service member. A covered service member is:
 - A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retire list, for a serious injury or illness*
 - A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

Duration of Servicemember FMLA

- When Leave Is Due To a "Qualifying Exigency": An eligible employee may take up to 12 workweeks of leave during any 12-month period.
- When Leave Is to Care For a Covered Service Member. An eligible employee may take up to 26 workweeks of leave during a single 12-month period to care for the servicemember. Leave to care for an injured or ill servicemember, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month period.

Servicemember FMLA runs concurrent with other leave entitlements provided under federal, state, and local law.

If you have any questions regarding servicemember FMLA leave, please contact Cindy Welp at 274-5114 or welp@morningside.edu.

Personal Days

Full-time employees, who have completed one (1) year of service, will be granted two (2) paid personal days off each fiscal year. Part-time employees, who have completed on (1) year of service, will be granted one (1) paid personal day off each fiscal year. Use of personal days must be approved in advance by the individual's supervisor. Personal days will not accrue from year to year and any unused days will not be paid out in cash at the end of the fiscal year or when an employee terminates employment.

Vacation Leave Policy

Eligibility

Full-time and part-time employees, who work on a 12-month basis, are granted paid vacation leave benefits as follows:

<u>Employee Status</u>	<u>Service</u>	<u>Accrual</u>	<u>Days</u>
F.T. Administrative	Immediate	1.67 / mo.	20 / year
F.T. Staff	0-5 years	.833 / mo.	10 / year
F.T. Staff	6-9 years	1.25 / mo.	15 / year
F.T. Staff	10 + years	1.67 / mo.	20 / year

Part-time employees are granted paid vacation benefits on a proportioned basis. For example, a staff individual who has 2 years of service and works 20 hours per week will be allowed to take up to 5 days of paid vacation time per year (40 hours).

Statement of Procedures

1. Vacation is used in the year in which it is earned and does not roll over to subsequent years – (not earned in one year to be used in the next year).
2. Vacation is prorated in the year of hire as follows:

<u>Date of Hire</u>	<u>Administrative Employee</u>	<u>Staff Employee</u>
6/1 – 8/31	20 days	10 days
9/1 – 11/30	15 days	10 days
12/1 – 2/28	10 days	5 days
3/1 – 5/31	0 days	0 days

3. Vacation pay is based on the employee's normal work-week schedule.
4. Years of Service must be determined each year on June 1st looking forward to the anniversary the employee will celebrate in that fiscal year. For example, if a staff employee will reach six years of service on August 10, they would be told on June 1 that three weeks of vacation would be available in that fiscal year.
5. The vacation year begins on June 1st and ends on May 31st each year. All earned, accrued vacation must be taken before May 31st or it is forfeited.
6. As a convenience to you, but subject to certain conditions, the University will permit you to use the vacation time allotted to you in a given fiscal year at any time during that year, subject to supervisor approval.

7. Unused vacation time is not paid out at year-end. Only on an exceptional basis and with written approval of a Presidential staff member may vacation be carried over. No more than 10 days can ever be carried over and an individual will not be allowed to carryover vacation two (2) years consecutively. All carryover vacation must be used by July 31st each year, or it is forfeited.

Written notice for approved carryover vacation must be given to the Business Office prior to June 15th each year.

Vacation at Termination

If you voluntarily resign from employment or are laid-off, vacation time will be prorated based on the Accrual Schedule as noted above under the Eligibility Section less the vacation time you have already taken. For example, if an administrative employee leaves in August, they would have earned 3 months' vacation at a rate of 1.67 days per month or 5.01 days of earned vacation. Unused accrued vacation would be included in your final pay. Accrued sick days are under no circumstance paid out upon the end of employment.

When you use more vacation than permitted by the schedule above, the pay you receive for that vacation is considered to be an advance against wages you will earn from services performed later in the year. If you terminate before performing those services, you may have to pay the value of the excess vacation back.

In case of voluntary resignation, a staff employee is required to give 10 days' notice and an administrative employee is required to give 15 days' notice. Compensation for unused vacation will not be given in the event you give a notice of less than the days just noted.

In the case of an involuntary termination for cause, which means for purposes of this policy, any termination from employment initiated by the University for a reason other than lay-off, reduction-in-force, or position elimination, the employee will not be entitled to paid out earned, accrued vacation leave.

Weather Conditions

For situations involving severe weather, the University distinguishes between (1) canceling classes and (2) closing offices of the University. On most occasions, when severe weather causes a change in our schedule, it requires us only to cancel classes, not to close offices of the University.

Canceling Classes

Since a fair amount of our students commute to the University, it may become necessary on occasion to cancel classes due to weather conditions. On such days, persons who are employed in the administration and staff areas will continue their responsibilities. The service of some offices is needed more than ever on occasions when classes are canceled, because residential students are still on campus. This work, therefore, will continue on those days.

Faculty and students should assume that classes are normally held at the time in which they are regularly scheduled. However, the decision to cancel classes will be made at the earliest feasible time. In terms of evening classes, whenever possible the decision will be made in the late afternoon or early evening of the preceding day. If cancellation is necessary, that information will be sent out using email, campus notification system and through the media.

If classes are not canceled, students commuting from long distances are urged not to take unnecessary risks as times when road conditions are hazardous. Students who are absent for this reason should inform their professors of the reason for the absence.

Closing Offices of the University

On rare occasions, weather conditions are severe enough to require offices of the University to be closed. When this is the case, administrative and staff members are not expected to be at work except for those areas where work is required for the safety of individuals or the protection of properties. If the University is closed and you are scheduled to work that day, you will be paid for that time. If the University does not close and you can't make it to work, you will not be paid. You are welcome to take a personal day off, if available, or vacation days. To find out if offices are closed due to weather conditions, please watch for the email notifications, texts from the campus notification system, and the information will be communicated through the media as well.

Holidays

The following days are paid holidays for full-time and part-time employees:

New Year's Eve	
New Year's Day	Afternoon on day before Thanksgiving
Good Friday	Thanksgiving Day
Memorial Day	Friday after Thanksgiving
Independence Day	Christmas Eve Day
Labor Day	Christmas Day

Part-time employees will be paid for the hours they were normally scheduled to work on those days.

If a holiday falls on Sunday, the following Monday will be observed. A Saturday holiday effects no change in your normal work period unless you are already scheduled to work, in which event you will have the day off.

Other holidays or schedule deviations will be designated by the President of the University.

Veteran's Day

In compliance with Iowa Code 91A.5A, the University offers all honorably discharged Veterans the option to take November 11, Veteran's Day, off if they would normally be scheduled to work that day. Employees must provide a reasonable notice to their supervisor if they intend to take this day off. The statute allows the employer to determine if the day off is paid or unpaid. For Morningside University employees, the day off is unpaid unless the employee fills the time with vacation or personal leave.

Leave Without Pay

Leave without pay has two major categories:

Voluntary leave without pay – refers to employees who have exhausted applicable paid leave time, but who, for approved reasons, are not immediately returning to work or need some extra days off. A request of extended leave or days without pay will be submitted in advance to the Human Resources department after final review and approval has been given by employee's respective Supervisor and Vice President. The employee must provide a statement for the date they intend to return to work. Such leave, once approved, will not exceed a period of six (6) weeks.

Disciplinary Leave Without Pay – refers to employees who have been placed on leave as a result of disciplinary action taken by their supervisor and the University.

VII. Insurance Benefits

Group Comprehensive Health Insurance Plan Including Dental

Morningside University has a self-insured group health and dental insurance program with Wellmark Blue Cross Blue Shield. All benefits are fully explained in the Summary of Benefit Coverage and other materials that are given to all new employees during orientation with Human Resources. The Summary Plan Description and Summary of Benefit Coverage is located on the Human Resources webpage, on MySide, and a copy can be requested at any time from Human Resources.

Full-time employees are eligible to enroll in the group comprehensive health insurance plan and/or the dental insurance plan. Classification as a full-time employee for purposes of determining eligibility for group health coverage will be determined according to applicable legal requirements under the Affordable Care Act and the terms of the Group Health Insurance Plan. Retired employees are eligible to enroll in the Medicare Supplemental Health Insurance Plan.

A newly hired employee must enroll during the first days for employment to elect health and/or dental insurance coverage or sign a form to waive the benefit. The benefits would then begin the first of the month following their date of hire.

Employees also have an option to enroll mid-year if they experience a family status change as outlined by the IRS or during the open enrollment period that is held each November.

Termination of Coverage

Upon termination an employee and any dependents will be covered through the end of the month for which the last premium was deducted for. Coverage will cease automatically and without notice unless coverage is continued under the University's COBRA benefit.

COBRA Coverage

In compliance with the Consolidated Omnibus Budget Reconciliation Act (COBRA), Morningside University provides employees, their spouses, and dependent children with the opportunity to temporarily extend their health and/or dental care coverage if the employee loses coverage as a result of a reduction in hours, the termination of employment, resignation, or any other qualifying reason under applicable law. COBRA coverage is administered through Morningside University and the insurance carrier.

Flex-Benefit Plan

Section 125 of the IRS Code makes it possible for employees to reduce their salary by a specific amount through a Flexible Spending Account (FSA). FSAs are offered as an option to full-time employees. The Flex-Benefit Plan covers Medical Expense Reimbursement and Dependent Care Reimbursement. Medical premiums are also deducted on a pretax basis.

The Medical FSA covers such expenses not otherwise paid by the group health plan (deductibles, co-insurance, etc.), dental related expenses, vision care, hearing expenses, etc.

The Dependent Care FSA covers expenses for the care of a dependent such as babysitting, day care centers, IRS eligible elder care, or any other legitimate dependent care charges necessary due to your employment.

You may enroll within 30 days following employment, within 30 days following a change in family status, or during the open enrollment period each November.

A copy of the Summary Plan Description, additional information and enrollment forms are available online on the Human Resources webpage and through the Human Resources Department.

Life Insurance/Accidental Death and Dismemberment

A group term life insurance policy is furnished by Morningside University for full-time employees. The benefit will begin the first day of the month coinciding with or following thirty days of consecutive service. Human Resources provides this information to new employees during the orientation process. An application form must be completed.

The amount of insurance for each participant is determined by the salary of the individual employee. The value is equal to 150% of the base salary. Upon attaining age 65 the value of the term life is 65% of the 150% of the base salary.

This group term policy also carries with it an additional coverage of Accidental Death and Dismemberment, which provides 150% the face amount of the policy for accidental death.

A dependent life insurance policy is also provided by Morningside University for spouses and dependents of full-time employees. Full-time employees will be given a copy of the Summary Plan Description at the time of enrollment and the document is located on the Human Resources webpage as well. Employees can request a copy by contacting Human Resources.

Employee Assistance Program (EAP)

Mental Health/Family Counseling

Morningside University offers a confidential employee assistance program (EAP) through UnumProvident's work-life balance program for all employees and immediate family members to self-refer for assistance.

What issues can be addressed through the EAP?

Relationship difficulties
Alcohol or drug abuse
Family or marital problems
Financial Problems
Job Stress

Grief and Loss Issues
Depression
Gambling Concerns
Anxiety
Parenting Issues

Speak confidentially with a mater's level consultant to help clarify your issue. Telephone consultants will arrange up to three free in-person sessions to meet face-to-face with a counselor. Call 1-800-854-1446 to start this process.

Please contact Human Resources at 274-5114 for additional information.

Worldwide Emergency Travel Assistance

Worldwide emergency travel assistance services are available with one phone call – 1-800-872-1414. When traveling for business or pleasure, in a foreign country or just 100 miles or more away from home, you and your family can count on getting help in the event of a medical emergency. Contact the Human Resources Office for more information.

Worker's Compensation

All employees of Morningside University, while on the job, are protected under the Iowa Worker's Compensation Laws, which provides compensation for work-related injuries or occupational diseases arising from and in the course of employment. If you are injured while working, be certain to notify your supervisor and the Human Resources Office immediately. Even if an injury does not seem apparent, every accident on the job must similarly be reported to a supervisor or managerial-level employee.

The University bears the total expense of this insurance. The Human Resources Office requires the completion of a worker's compensation claim form within 24 hours of the incident. If medical attention is necessary, the University requires the employee be treated at a medical provider of its choice. Contact Human Resources for that information.

Employees should properly report all injuries or accidents or potential claims without fear of reprisal. Accidents reported and worker's compensation claims made in good faith will not result in disciplinary or retaliatory action.

VIII. Retirement Plans

Retirement Plan – IAICU Multiple Employer Plan - TIAA (Teachers Insurance Annuity Association)

RETIREMENT PLAN – IAICU Multiple Employer Plan TIAA Employees who have been with the University for 12 consecutive months and worked 1,000 hours or more may be eligible to participate in the TIAA Retirement Plan upon completion of the enrollment material.

Under the University’s plan Morningside will contribute the following for eligible employees:

Years of Service	Automatic (Fixed) Contribution from the University	Potential Match from the University (with equal or greater contribution from employee)	Total Potential Contribution from the University
<1 year	0%	0%	0%
1-4 years	3%	0%	3%
5-9 years	3%	Up to 2%	5%
10+ years	3%	Up to 3%	6%

For details on this program and a copy of the Summary Plan Description contact the Human Resources Office or visit the Human Resources webpage.

TAX-DEFERRED ANNUITIES PLAN

The United States Government allows employees of educational institutions to make, through salary adjustments, contributions to their retirement program or supplemental retirement program free of federal and state income tax during the year the contribution is made (the tax is paid during retirement). Employees are eligible to participate in the plan effective day one of employment. Enrollment materials will be provided to new employees during their orientation, but employees who are interested in a 403(b) plan should contact the Human Resources Office for additional information and a copy of the Summary Plan Description.

TIAA ROTH

Employees can also elect through salary reductions to make after tax contributions to the TIAA ROTH. Employees are eligible to participate in the plan immediately. Enrollment materials will be provided during orientation, but employees can contact the Human Resource Office for additional information and a copy of the Summary Plan Description anytime.

Other Benefits

Bookstore

The University operates a bookstore for faculty, administration, staff, and student convenience. All employees and University departments are granted a 15% discount on all merchandise (except special orders, sale items and books).

Parking

All employees are provided free parking facilities. Permits are issued by the Director of Campus Security for the proper identification of your car. Parking rules and regulations are found online on the Campus Safety and Security website. University personnel are expected to abide by all published parking rules. A copy may be obtained from the Director of Campus Security. If you change vehicles, notify the Director of Campus Security of your new registration.

Health Office

The University maintains a Health Office in the lower level of the Olsen Student Center. A registered nurse is on duty at stated hours. The services of the Health Office are available to employees for minor first aid treatment. It is understood that the services do not include those of a physician.

Tickets to University Events

Free tickets are available, in most cases, to all University employees and the families or guest of the employee to athletic events, dramatic productions, lectures, music concerts, other events held at the University.

Learning Center

The facilities for the learning center are available to employees.

HPER Hindman-Hobbs Center

The facilities of the HPER Center are available to all full-time employees and dependents free of charge. Part-time employees will have use of the facility for a nominal charge. Those employees who are interested in using the facilities for the HPER Center should contact the Administrative Assistant for Athletics/HPER or register online.

Sodexo Campus Services

Sodexo food service located in the Olsen Student Center is available to employees both on an individual basis for meals and as a catering service for private parties. A price list is available from the manager.

Morningside University ID Card

Faculty, Administrative and Staff employees may use their Morningside University campus ID Card to access numerous on-campus services including the Morningside University Learning Center, paying for dining at Food Services facilities, and gaining access to many University events.

Thomas S. Thompson Staff Excellence Awards

All full-time administrative and staff employees are eligible to receive cash awards of either \$4,000 or \$5,000.

These awards were established to:

- Reward outstanding dedication, service, and commitment to Morningside University
- Recognize employees who have enhanced the student's educational experience or daily environment and whose exceptional contributions through teamwork have improved a department or division of the University
- Recognize employees whose lives and work reflect the University's mission statement

Please contact the Human Resources Office for more information on the Thomas S. Thompson Staff Excellence Awards.

Service Recognition

To give recognition and appreciation for long and loyal service, Morningside University presents service awards each year at the annual Employee Appreciation Banquet. Employees receive these awards after completing five years of service and then five years thereafter. A former employee re-employed after a break in service, of not more than five years, shall be given credit for previous service with the University for purposes of determining service awards.

IX. Policies Pertaining to the University as a Workplace

The policies cited below that pertain to Equal Employment Opportunity, Harassment, and Drug-Free Campus and Workplace are responsive to university commitments and provisions of state and federal statutes. Changes in federal or state law in areas covered by these policies take precedence over the policies cited here.

Background Check Policy

General Information

This policy is intended to help the University protect its interests and the well-being of its students, staff, faculty, and the public. This policy establishes parameters for criminal history and related background checks on individuals who are offered employment at the University. Criminal convictions or other issues disclosed or discovered in the hiring process may influence the selection of the applicant, consistent with applicable law. Likewise, failure to be forthcoming about criminal history or any misrepresentation of education or work history may also influence the selection of the applicant, or other terms and conditions of employment.

Policy Provisions

When are background checks required?

Background checks are required for new full-time and part-time positions prior to the new employee beginning their employment. Volunteers who are providing services to our students or volunteering through a Morningside recognized camp or activity working with minor children will also require a background check. The hiring department, in consultation with Human Resources, will determine if any other background check besides the criminal background check is appropriate.

Do current employees have to undergo background checks?

Generally, current employees do not have to undergo background checks, but the University reserves the right to perform background checks on employees under any circumstances on a case-by-case basis. In most cases current employees would have to undergo a criminal background check if they would change positions within the University.

What information will be obtained as part of the background check?

Each background check will, at a minimum, consist of:

- Social Security Number Trace Search
- Criminal Record Search
- Sexual Offender Database Search
- Iowa Abuse Registry Search

Additional information such as, but not limited to, education verification, work history, and driving record may also be requested.

Does a background check include checking into a person’s credit history?

Generally, no. However, some positions, such as financial positions, may require additional background checks, including checking into a person’s credit history.

Background checks as Morningside University will be carried out consistently with applicable law, including the Fair Credit Reporting Act (FCRA).

Access and Privacy

Who will have access to the background check results?

Human Resources will retain the results of background checks. If there are no criminal convictions or other issues revealed in the background check, Human Resources will notify the department to complete the hire. If there are criminal convictions or other issues revealed in the background check, Human Resources will notify the hiring supervisor, review the results with hiring supervisor, and collectively make a final determination regarding the suitability of the candidate for the specific position.

How will the University protect an individual’s privacy?

Morningside University conducts background checks through One Source, a certified background check company. Human Resources will serve as the Office of Record for all background check results and will strive to maintain confidentiality. Departments will not receive any details of a background check, except as otherwise contemplated by this policy. Morningside University policy prohibits University employees and others from seeking out, using, or disclosing background check information except within the scope of their assigned duties and this policy, and/or as allowed by applicable laws.

Where will background check information be maintained?

If the individual is hired as an employee, the background check results will be maintained in the online data base of One Source. This becomes a permanent part of the employee’s personnel file in Human Resources. If the individual is not hired as an employee, the background check results will be maintained with the individual’s application in Human Resources.

Hiring Issues

Can employees be hired before the background check has cleared?

An offer can be extended with the understanding that actual employment is dependent upon acceptable results with respect to the background check.

Does a criminal conviction automatically preclude an applicant from employment or a current employee from a reclassification or promotion?

No. If there is a criminal conviction or other issue revealed in the background check, Human Resources and the hiring manager will review the results and make the final determination regarding the individual’s suitability for employment in the position, consistent with applicable law. Consideration will be given to many factors, including but not limited to, the specific duties of the position, the number of offenses and circumstances of each, how long ago the conduct occurred, how close the conduct is related to the individual’s job responsibilities, whether the infraction is likely to recur, and whether the convictions or other issues were disclosed during the application process.

Are there certain kinds of convictions that will generally preclude hiring?

Individuals with criminal convictions for theft, embezzlement, identity theft or fraud generally will not be hired into positions with fiduciary or financial responsibilities. Likewise, convictions for child molestation and other sex offenses will generally preclude an individual from employment that involves direct, unsupervised contact with students or access to residence facilities. Workplace or domestic violence, or other convictions for behaviors that would be inappropriate for specific jobs may also be grounds for denial of employment. This list is not inclusive but serves to illustrate the decision-making criteria.

Process & Forms

What specific forms and documents are needed for this process, and where can they be obtained?

Candidates who are selected to be interviewed must complete a Consent and Disclosure form that informs the candidate that Morningside University will be conducting a background check on the candidate chosen for the position. The University will be utilizing the services of One Source to conduct the background check and requests for specific information will be necessary to complete the background screening.

Bloodborne Pathogens

Current medical evidence indicates that the actual safety risks created for the transmission of Hepatitis B (HBV) and HIV (AIDS) viruses are low in the University's normal academic and employment setting. Any employee who may be exposed to body fluids in the course of employment duties will be given protective wear to minimize the risk of transmission of communicable disease. The University will make available the Hepatitis B vaccine series to all employees who have the potential for occupational exposure. Training is provided at the time of initial assignments to tasks where occupational exposure may occur and will be repeated within 12 months of the previous training.

Faculty and staff are not authorized to clean any spills of body fluids unless they have received training in infection control and been offered a hepatitis B vaccine. For more information, contact the Director of Campus Safety and Security or Human Resources office.

Break Time and Lactation space for Nursing Mothers

Purpose

Morningside University is committed to the adoption and implementation of this Breastfeeding Policy and is effective for all employees.

Policy

Morningside University recognizes the importance of breastfeeding and supports the accommodation of mothers who choose to continue breastfeeding or expressing milk after their return to work for up to one year after the child's birth.

Notification Requirement

Employee should inform their supervisor and Human Resources as early as possible of their need to express breast milk while at work. This will provide Morningside time to make the necessary arrangements.

Flexible Scheduling

For up to one year after the child's birth, any employee who needs to express milk will be provided reasonable break times to do so.

Privacy/Accommodations/Designated Lactation Space

Morningside University will provide a clean, lockable location (not a bathroom) that is shielded from view and free from intrusion from coworkers and the public for an employee for the purposes of expressing milk. The room should have a chair and accessible electrical outlet for an electric breast pump. It is the employee's responsibility to keep the location clean after each use and remove any personal items.

Storing Breast Milk

A breastfeeding employee will provide their own containers and storage unit. If breast milk is stored in a common refrigerator, the expressed milk container must be placed in a clean container with the employee's name on it and placed on a high shelf in the shared refrigerator. It is the employee's responsibility to remove expressed milk at the end of each day.

Campus Conduct Hotline

As part of our university's continuing effort to promote "zero tolerance" of unethical conduct in the workplace, the University has implemented the following program. It is called ***Campus Conduct Hotline***® and it is designed to minimize any apprehension you may have and make it possible for you to report concerns about possible violations of our institution's Code of Ethics and employment policies. The ***Campus Conduct Hotline***® system is available for your use around the clock, seven days a week. Because the ***Hotline*** is operated by an independent organization, any calls made through this ***Hotline*** are completely confidential and anonymous.

Using this reporting service is easy. If you have a question or concern about a possible violation of our Code of Ethics or employment policies, simply dial toll-free to **833.203.6447 for English speaking and 800.216.1288 for Spanish speaking or visit the website at: www.lighthouseservices.com/morningsideuni.**

Once you have dialed the toll-free number, here is how the reporting and follow-up processes work:

- Your call will be greeted promptly and courteously by a person who makes certain you understand the ***Campus Conduct Hotline***® program and how it functions. If you prefer to make your report in a language other than English, just let the person who answers know and they will arrange for a translator to participate.
- At the beginning of the interview, you will be provided with a five digit, randomly generated case number that you should use to check back for updates and requests for additional information. Be sure to write this number down and remember where you put it!
- You will then be interviewed about the question or concern that is on your mind.

- Your interview will not be recorded. Instead, the interviewer will be typing notes of your conversation. Whether or not you choose to provide your name is completely up to you.
- Within one business-day of your call, a summary of the interview will be forwarded to the University. Our goal will be to have a basic response back to you in five business days.
- To receive your response, you will need to call back and provide the five-digit case number that has been assigned to you. At that time, you might be asked to provide additional information or to call back at a later date. You will be able to keep checking back for updates until your case is closed.

Because of the built-in confidentiality, it is important that you try to be as specific as possible about the information you provide. For example, we will need to know the name of the department you work in and the location you are calling about. And please be sure to call back in five business days to check to see if any additional information is needed. Alternatively, if you would like someone to contact you directly, you can leave your name along with a phone number where and when you would prefer to be called.

To repeat, at no time is any caller required to identify themselves and all information provided can be completely confidential and anonymous.

Child Abuse Reporting

The purpose of this policy is to provide guidance to staff, faculty, and students at Morningside University regarding the mandatory requirements in Iowa law that govern the reporting of suspected cases of child abuse; and to affirm the commitment of the University to the protection of the safety and welfare of children who come into contact with the Morningside University community.

Definitions:

“Attends” means to care for; look after; to take charge of, to watch over.

“Child” means any person under the age of eighteen (18).

“Counsels” To advise or instruct.

“Examines” To observe, test, or investigate, in order to evaluate general health or determine a medical condition.

Child Abuse. Conduct toward a child that constitutes Physical Abuse or Sexual Abuse

- **“Physical Abuse”** means non-accidental acts physical injury inflicted by an adult
- **“Sexual Abuse”** means sexual intercourse of any kind; sexual touching; indecent exposure; inducing a child to disrobe for sexual=gratification purposes; and/or viewing, photographing, or filming a child in a state of full or partial nudity for purposes of sexual gratification (of any person). This definition incorporates the definition and meaning of what constitutes “sexual abuse” under Iowa law, see Iowa Code chapter 709.

Policy Statement

In adherence with Iowa Code sec. 261.9(h), Morningside employees will endeavor to protect the welfare of minors while on Morningside University campus. Employees will be defined as all University employees, and not limited to, faculty, coaches, student employees, administrators and staff. All minors who are either on campus or participating in off-campus University-sponsored program will be covered by the scope of this policy. This policy is intended to be broad, and any uncertainty about whether reporting is required should be resolved in favor of making a report.

Who Must Report

This policy requires anyone who, in the scope of their employment responsibilities, examines, attends, counsels, or treats a child, to report suspected physical or sexual abuse of a child. If you are not sure whether you are required to report, this policy encourages you to err on the side of caution and report. You do not need to have proof that abuse has occurred in order to be required to report.

When to Report

A report of child abuse should be made when an act of abuse is seen, known about, or reasonably suspected. The report should be made within twenty-four hours after becoming aware of the suspected abuse or as soon as reasonably practicable.

Reporting Procedures:

In the event of an emergency, first call 911.

Suspected abuse must be reported to:

1. The Director of Campus Safety & Security: Phone (712)-274-1711, Email lyon@morningside.edu; or the Campus conduct Hotline at (877)-943-5787.

AND

2. Department of Public Safety: Phone (515)-725-6010, Email dcinfo@dps.state.ia.us

A written incident report shall also be provided to the Vice President for Business and Finance within 48 hours of the event that caused the employee to believe that a child has been subject to abuse, who shall determine whether additional or subsequent reports should be made to law enforcement. Questions regarding the applicability of these requirements to a particular individual or situation may be directed to Vice President for Business and Finance.

When making a report of child abuse under this policy callers will be asked to provide the following information to the best of their knowledge:

- Name of the alleged victim(s)
- Name of the alleged perpetrator(s)
- Time and date of the incidents being reported
- Location where the incidents occurred

- Any additional information known about the abuse

Mandatory Reporters Under Iowa Code 232.69

Mandatory Reporters have additional responsibilities to report all forms of child abuse as described in Iowa Code 232.68(2). Under 232.69, Mandatory Reporters must report suspected abuse to the Department of Human Services, verbally and in writing. Child Abuse can be reported to the Department of Human Services by calling the toll-free child abuse reporting hotline 24 hours a day: 1-800-362-2178.

Prohibition on Retaliation

Consistent with Iowa law, the University will take no retaliatory action against an employee who makes a good faith report of child abuse.

Responsibilities of the Institutions

A. Information Dissemination

Employees, students and other members of the campus community shall be informed of this policy through employee or student handbooks, and any other appropriate means of communication.

B. Training

Employees and students who have regular contact with children will receive periodic training.

C. Cooperation with Other Agencies

The University will cooperate fully and appropriately with any investigation of suspected child abuse by a local department of social services or law enforcement agency. If the individual suspected to child abuse is an employee, student, or contractor of the University, the University will coordinate its own investigation or other activities in response to a report with the appropriate local agency.

Code of Conduct and Ethics

PREAMBLE

As members of the University community, all staff employees are responsible for sustaining the highest ethical standards of this institution, and of the broader community in which we function. The University values integrity, honesty and fairness and strives to integrate these values into its teaching, research, and business practices. It is the intent of the Staff code of Conduct and Ethics to protect academic freedom, to help preserve the highest standards of teaching and scholarship, and to advance the mission of the University.

DEFINITIONS

1. The term University means Morningside University.
2. The term “student” includes all persons taking courses at the University either full-time or part-time, pursuing undergraduate, graduate, or professional studies. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University or who have been notified of their acceptance for admission are considered “students”.
3. The term “faculty member” means any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.
4. The term “staff” includes any full-time and part-time exempt and non-exempt employees of the University who holds managerial, administrative, clerical, technical, skilled craft, service or other positions designated by the University to be subject to these rules, policies, procedures and benefits.
5. The term “member of the University community” includes any person who is a student, faculty member, University official or any other person employed or contracted by the University. A person’s status in a particular situation shall be determined by the Vice President for Business and Finance.
6. The term “University premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University.
7. The term “organization” means any number of persons who have complied with the formal requirements for university recognition or registration.
8. The term “policy” means the written regulations of the University as found in, but not limited to; the Staff Code of Conduct and Ethics; Residence Life Handbook; the University website; Computer Use Policy; Graduate/Undergraduate Catalogs; Administrative and Staff Employee Handbook; and the Faculty Handbook.

PROSCRIBED CONDUCT

A. Jurisdiction of the University Staff Code of Conduct and Ethics

The Staff Code of Conduct and Ethics shall apply to conduct that occurs on university premises, at University sponsored activities, and to off-campus conduct that adversely affects the University Community and/or staff member's fitness to perform their professional responsibilities. Staff employees that have teaching responsibilities are also required to comply with the Faculty Code of Conduct and Ethics. Each staff member shall be responsible for their conduct throughout their employment relationship with the University.

B. Conduct-Rules and Regulations

Staff employees are required to comply with basic standards of conduct and professionalism as members of the University community. Failure to comply with the Staff Code may result in disciplinary action up to and including termination. This list is non-exhaustive, and the University reserves the right to discipline staff for conduct not listed below.

1. Neglect of duty and/or lack of due care and/or diligence in the performance of duties.
2. Unsatisfactory job performance or failure to maintain reasonable standards of performance.
3. Inappropriate appearance including failure to maintain personal appearance or dress, including uniform or style dress, as noted in the University's Dress Code Policy.
4. Poor attitude and discourtesy toward others (for example, rudeness or lack of cooperation).
5. Excessive absenteeism or tardiness, or an unacceptable pattern of absences.
6. Insubordination, including refusal to comply with a supervisor's instructions unless the instructions are illegal, endangering, or unethical.
7. Unauthorized use of the University's name or letterhead for personal business.
8. Theft, misappropriation, and/or unauthorized possession or removal of property belonging to the University, members of the University community, or other persons with whom the University has a business relationship.
9. Concealing, falsifying, altering, misusing, or removing records, including electronic data records.
10. Direct or indirect misuse of university resources, including property leased to the University, for other than officially approved activities (including, but not limited to, employees, facilities, mail service, supplies, equipment, and university computing and communication resources, including computers, networks, electronic mail services, electronic information sources,

voicemail, telephone services, and other communications resources).

11. Smoking in unauthorized area.
12. Sleeping while on duty.
13. Failure or refusal to cooperate in or interference with university disciplinary proceedings.
14. Violation of the Conflict-of-Interest Policy.
15. Unauthorized use of alcohol or being under the influence of alcohol while on university premises or working for the University.
16. Providing alcoholic beverages to any student under twenty-one (21) years of age.
17. Violation of safety rules and policies.
18. Staff members must comply with all federal laws, state laws, agreements with third parties, and University policies and principles pertaining to the use, protection, and disclosure of various types of confidential, proprietary, and private information. Such policies apply even after the staff member's relationship with the institution ends.
19. Violation of the University policy.
20. Disruption or obstruction of lawful institutional activities and functions.
21. Threats, intimidation, physical contact, physical abuse harassment, coercion and any other conduct which threatens or endangers the health or safety of any person.
22. Attempted or actual theft, unauthorized possession, and/or damage to property of the University, any person, or any other entity.
23. Possession or use on the University premises of any weapon (i.e., firearms and dangerous knives), dangerous instruments, explosive devices, fireworks, or dangerous chemicals.
24. Unauthorized use of institutional resources or facilities for personal, commercial, political, or other improper purposes.
25. Theft, abuse, and/or misuse of computer facilities and resources, including but not limited to:
 - a. Unauthorized entry into a file, to use, read, or change contents, or for any other purpose.
 - b. Unauthorized transfer of a file
 - c. Use of another individual's identification and/or password.

- d. Use of computing facilities and resources to interfere with the work of a student, faculty member or University official.
 - e. Use of computing facilities to and resources to send obscene or abusive messages.
 - f. Use of computing facilities and resources to interfere with normal operation of the University computing system.
 - g. Use of computing facilities and resources in violation of copyright laws.
 - h. Any violation of the University Computer Use policy.
26. Violation of published University policies in hard copy or available on the University website.
 27. Intentionally misrepresenting personal views as the position of the institution.
 28. Conviction of criminal acts which demonstrate unfitness as a staff member, including but not limited to crimes of moral turpitude.
 29. Possession, distribution, sale, or use, or being under the influence of, illegal drugs while on University premises, participating in University-sponsored activities, representing the University, or performing job duties. Illegal drugs, as referred to in this policy, include drugs that are not legally obtainable, as well as drugs that are legally obtainable but used for illegal or unauthorized purposes.
 30. Staff members must abide by all rules and laws governing the use of copyrighted materials, patented ideas, license, and property information.
 31. Interference with disciplinary procedures, including but not limited to destroying or concealing evidence, providing false or misleading information, intimidation of witnesses, or inducing a witness to provide or withhold information or provide false information.
 32. Improper documentation, destruction, or making false statement, alterations, deletions or omissions on university forms, records or reports including but not limited to production records, time records, employment applications, and medical records.
 33. Violation of Whistleblower Policy.
 34. Failure or refusal to cooperate in or interfere with an investigation by the University, including failure to disclose known dishonest acts of others.
 35. Accepting Benefits or Tangible Favors. Transactions must not be made on the basis of any special personal relationship between the customer or supplier and a university staff employee. While personal relationships can be important in business dealings, at no time shall the business relationship be based upon the acceptance of favors, gifts, extraordinary entertainment, or similar influences.

C. Membership on Boards of Business Corporations

When a staff member of Morningside University serves on the board of a non-affiliated business, there is the potential for a conflict of interest to arise between the business, and the University. On the other hand, the University does recognize that there may be occasions, where a board membership can be of value to the University, the individual and the outside business. Due to the sensitivity of this issue, approval of directorships should be obtained in writing from the President. If approval is granted, director's fees may be retained by the official.

D. Membership on Boards of Non-Profit Organizations

Staff members are welcome to participate or assume leadership roles in non-profit organizations such as charitable, religious, educational, cultural and community institutions. The University encourages such participation provided this does not interfere with the staff member's regular duties. Staff members must be sensitive to activities or memberships which could compromise their position at the University.

E. Political Activity

Personal Involvement in Political Activities

We believe it is important for staff members to take an active interest in political and governmental activities and to support principles, issues, parties, or candidates of their choice. All such involvement must be done on an individual basis, and not as a representative of Morningside University. In addition, any political campaign activity must take place on the staff member's own time. Morningside University will not reimburse any individual for political contributions or expenditures.

Any staff member desiring to run for an elective political office or to accept an appointment to a political position should discuss this intent with the President. The potential conflict of interest in holding such an office is occasionally not resolvable, in which case the staff member should either resign or take a leave of absence, depending on the circumstances.

Federal, State and Local Lobby and Ethics Laws

It is not practical to set forth in this Code of Ethics the complex and detailed provisions of federal, state, and local laws governing activities involving contact with government officials. Because of the potential for severe corporate and personal penalties and adverse publicity, employees having any contact with governmental officials are cautioned about prohibitions and restrictions on the number or purpose of such contacts, and gifts and hospitality extends to government officials including meals, beverages, tickets to the theatre or sports events, and other entertainment.

Federal and State Election Laws

Federal and certain state election laws prohibit Morningside University from making contributions of anything of value to a political candidate or in connection with any federal, state, or local election, except in a very few limited circumstances. This prohibition applies to both direct and indirect campaign contributions. This means that, in addition to cash, we are generally prohibited from offering the use of

our equipment or personnel in connection with any political activity. Therefore, in their personal political activities, staff members must not utilize University equipment such as telephones, copying machines, postage, stationary or other facilities which could be constructed as illegal corporate contributions. Under no circumstances should the University's letterhead be used in any correspondence on behalf of a party or candidate.

Morningside University will apply the usual standards and charge the usual rates currently in effect for any services furnished within the ordinary course of business to any political party, candidate committee.

F. Outside Employment

See the Outside Employment Policy.

G. Administrative and Interpretation of the Code

This Code does not and cannot cover all aspects of the University. Nor can the Code always be clear in its application to a given situation. As in most of life, there are few absolutes in our business dealings. Occasions will arise where interpretations and guidance will be needed. These situations should be discussed with an employee's superior. In all cases, disclosure of possible violations should be made promptly.

In conclusion, the essence of our corporate integrity does not lie in a Code of Ethics. It lies in the quality of employees and the manner in which they conduct themselves. The Code is intended to aid them in their efforts to represent themselves and the University with honesty and fairness.

If you have any questions or concerns regarding this policy, you can contact the Vice President for Business and Finance at 712-274-5142.

Computer Ethics and Network Acceptable Use Policy

Introduction

This policy regulates the use of all computing equipment, applications, databases, code, data, and network interconnections owned or administrated by Morningside University. These include, but are not limited to, administrative computing resources, office and residence hall computers, departmental and campus-wide information technologies, network servers, host computers, terminals, networked devices, printers, operating systems, and application software.

Rights and Responsibilities

Computers and networks can provide access to resources on and off campus, as well as the ability to communicate with other users worldwide. Such open access is a privilege and requires that individual users act responsibly. This document may be accessed on the "Policies" page of the Information Services website from the Morningside University portal page.

1. Users must respect the rights of other users, respect the integrity of the systems and related physical resources, and observe all relevant laws, regulations, and contractual obligations.

2. All existing laws (federal and state) and University regulations and policies apply, including not only those laws and regulations that are specific to computers and networks, but also those that may apply generally to personal conduct.
3. Other organizations operating computing and network facilities that are reachable via the Morningside University network may have their own policies governing the use of those resources. When accessing remote resources from Morningside University facilities, users are responsible for abiding by both the policies set forth in this document and the policies of the other organizations and networks.
4. Most media and software are protected by U.S. Copyright Law and illegal reproduction is subject to civil damages and criminal penalties including fines and imprisonment.
5. Students and employees may have rights of access to information about themselves contained in computer files as specified in federal and state laws. Files may be subject to search under court order.
6. System administrators will make every effort to keep email and other network-based communication confidential, however they will access user files as required for maintenance and to protect the integrity of computer systems. Computer communications are not considered private.
7. You are responsible for all use (and misuse) of your account. You must take all reasonable precautions to prevent use of your account by unauthorized persons, including password maintenance and reporting unauthorized use to the Technology Services Center.

Examples of Prohibited Activities

Examples of misuse include, but are not limited to, the following list of prohibited activities:

- Using a computer account that you are not authorized to use.
- Obtaining a password for a computer account without the consent of the account owner.
- Allowing someone else to use your account.
- Using the campus network to gain unauthorized access to any computer system.
- Knowingly or carelessly performing an act which will interfere with the normal operation of computers, terminals, peripherals, or networks.
- Knowingly or carelessly running or installing on any computer system or network, or giving to another user, a program intended to damage or to place excessive load on a computer system or network. This includes, but is not limited to, programs known as computer viruses, Trojan horses, and worms.
- Attempting to circumvent data protection schemes or uncover security loopholes.
- Violating terms of applicable software licensing agreements or copyright laws. This includes the broadcast distribution of copyrighted material from electronic sources.
- Deliberately or negligently wasting computing resources. This includes, but is not limited to, printing multiple copies of a document on a University-owned printer, operating chain e-mail letters, broadcasting an e-mail message to all system users, storing large files on host computers, running programs on host computers that use a disproportionate share of system resources, and failing to signoff from a mailing list you have no interest in following.
- Using electronic mail to harass, annoy, abuse or torment others, threaten violence, or to incite or produce lawless action.
- Masking the identity of an account or machine. This includes, but is not limited, to sending anonymous e-mail.
- Using University-owned computing resources for any activity that is commercial in nature.

- Posting on Internet services materials that violate existing laws or the University's codes of conduct. This includes, but is not limited to, posting obscene, lewd, or sexually harassing/explicit text, audio, or images to a public online conference; posting of materials that are slanderous or defamatory in nature; harassment based on sex, race, disability, or other protected status.
- Attempting to monitor or tamper with another user's electronic communications; reading, copying, changing, or deleting another user's files or software without the explicit agreement of the owner; reading another person's e-mail.

Enforcement

Penalties for violation of this policy may be imposed under one or more of the following: Morningside University policies and regulations, the laws of the State of Iowa, and the laws of the United States. Penalties may include loss of access to University computing resources, either temporarily or permanently.

Misuse of computing, networking, or information resources may result in the loss of computing privileges. Additionally, misuse can be prosecuted under applicable statutes. Users may be held accountable for their conduct under any applicable University policies or procedures. Complaints alleging misuse of computing resources will be directed to those responsible for taking appropriate disciplinary action.

Minor infractions of this policy will be handled by Information Services personnel in an informal manner. More serious violations will be referred to the appropriate University authorities for formal investigation and action according to established procedures.

Employee and Student Created Software Policy

It is the policy of Morningside University that full rights of ownership, including copyrights, of software created by its employees or students be vested with the creator, subject to the following exceptions and conditions:

1. Software developed by employees or students at Morningside University under one or more of the following circumstances is owned by the University:
 - a. Morningside University owns conversions, modifications, or updates to software that already belongs to the University.
 - b. If a condition of employment for an employee, or a condition of an internship, class or project for a student is to develop software for the University, software created to fulfill such a condition is owned by Morningside University.
 - c. Morningside University will own the copyright to any software that is specifically ordered or commissioned by the University if there is a written agreement, executed prior to the creation of the software, in which the author(s) and University agree that the copyright shall belong to the University.
2. Ownership of software created by students for entities other than Morningside University in order to fulfill a class or project requirement should be determined before the work on the software begins.
3. Software developed by a student (or students working together) to fulfill a class requirement where the software does not fall under any of the circumstances of items 1 or 2 above, is affirmed by the creator(s) to be placed in the public domain when it is submitted for grading or evaluation. The office of academic affairs may, at its sole discretion, grant waivers to the

requirement that student software created for a class be placed in the public domain on an item-by-item basis. Students desiring such a waiver must contact the office of academic affairs and request the waiver at least one week prior to submitting the software for grading or evaluation.

4. Ownership of software created under the sponsorship of a grant or contract should be determined before the project is undertaken. If terms of a grant or contract conflict with this policy, then the employee or student creating the software must secure a waiver of the conflicting parts of this policy from the University before entering into the contract or accepting the grant.
5. Ownership of software created jointly by any Morningside employee and students, which is not addressed by items 1-4 of this policy, should be defined before the project begins, via a written memorandum of understanding agreed to, in writing, by all participants.

Copyright Materials

The use of copyright materials, such as films, videos, filmstrips, electronic media, etc., for public performance must comply with the Federal Copyright Act (Title 17, United States Code, Section 101 and following), Digital Millennium Copyright Act (DMCA), and Technology, Education, and Copyright Harmonization Act (TEACH). Copyrighted materials used for educational purposes in a classroom setting must comply with the Fair Use Guidelines of the Copyright Act which may be found in the Copyright Act at Section 107. Further copyright exceptions for academia are found in Sections 108 (reproduction by libraries and archives), 109 (first sale), and 110 (use of materials in an educational setting). Copyrighted materials used for recreational purposes as public performance, outside of the private sphere of one's home, are required to obtain a public performance license. To access information on purchasing the rights to show copyrighted materials or purchase a public performance license, contact the Student Activities Advisor or the Vice President for Business and Finance.

Terms and Conditions of Employment

These policies, not anything in the Handbook, is intended to limit the ability of employees to use the University e-mail systems or social media to communicate with to other employees regarding the terms and conditions of their employment, including such topics as wages, job performance, workload, supervisors, or staffing. Nothing in this policy is intended to or will be applied in a manner that limits employees' rights to engage in protected concerted activity under the National Labor Relations Act.

Conflict of Interest

A conflict of interest exists when an employee has a relationship or engages in an activity which impairs or adversely influences their judgment with respect to policy promoting the best interest of the University and the public good, or which impairs or adversely influences the performance of their duties to the University.

A conflict of interest exists when a person benefits financially, either directly or indirectly, from their employment or appointment by the University save and except for compensation and financial benefits paid or granted by the University.

Disclosure

In any case where a conflict of interest exists, or may exist, or the appearance of a conflict of interest may exist, it shall be the duty of the person covered by this policy to disclose their interest, including any interest in the organization or entity which may benefit from the person's association with the

University and including any such beneficial interest a member of the person's immediate family may have because of the person's association with the University.

Persons who perceive the existence of a conflict of interest shall not endeavor to resolve the conflict or determine that the external benefits will not adversely affect the University; but shall make a full disclosure of the facts, circumstances, relationships, and transaction as follows:

1. Vice Presidents shall report to the President and comply with Board approved Policy.
2. Faculty members shall report to the Vice President for Academic Affairs.
3. Other employees shall report to their immediate supervisors, who shall keep the appropriate Presidential Staff members of the University currently informed.

Reports shall be made promptly, and at the discretion of the person receiving the report shall be made in writing and signed by the person making the disclosure.

Restraint on Participation

Persons covered by this policy are encouraged to avoid relationships and transactions that constitute a conflict of interest. When such situations cannot be avoided, the persons involved shall refrain from participating in consideration of the transaction affected by the conflict of interest, unless under special circumstances the University determines that their participation is imperative for the welfare of the University and the public good. If such a waiver is indicated, it shall be in writing and signed by the Vice President making the determination, and a copy of the Waiver shall be provided to the President.

Consensual Relationships

The University's educational mission is promoted by professionalism in student-faculty relationships and in supervisor-supervisee relationships. Professionalism is fostered by an atmosphere of mutual trust and respect. Taking note of the respect and trust accorded a faculty member by a student and a supervisor by a supervisee, the faculty and staff recognize that they are presumed to make decisions regarding their relationships with students and supervisees which will not endanger this atmosphere of mutual trust and respect. Faculty and staff should be aware of the possibility that an apparent consensual relationship with a student or supervisee may be interpreted (either now or at a later date) as nonconsensual and, therefore, sexual harassment.

The power differential inherent in faculty/student and supervisor/supervisee relationships may compromise the student's or supervisee's ability to decide and thus call into question the bona fide consensual nature of the relationship. The potential exists for the student or supervisee to perceive a coercive element. Moreover, faculty and staff, particularly in relationships with students and persons under their supervision, need to be aware of potential conflicts of interest and the possible compromise of their objective evaluative capacity. They also need to be aware that a relationship may give rise to a perception on the part of others that the objective evaluative capacity of the faculty member or supervisor has been compromised.

Thus, it is prohibited and a violation of this policy for a faculty or staff member to undertake an amorous relationship (intimate, romantic, or sexual-including marriage) or permit one to develop with a student or supervisee who is enrolled in the person's class or is subject to that person's supervision or evaluation, even when both parties appear to have consented to the relationship.

Amorous relationships between faculty or staff members and students outside the instructional and supervisory context are also strongly discouraged.

The University does recognize that consensual amorous relationships may exist prior to the time a student is assigned to faculty or staff member, as a member of that person's class, or is placed in a situation where the faculty or staff person must supervise or evaluate the student. It is also recognized that such a relationship may exist between co-employees prior to the time when one of those employees becomes the supervisor of the other. Where the faculty or staff member has, or has had an amorous relationship within six months immediately preceding the assignment, the student or supervisee shall follow the following procedures:

1. If, at all possible, the student should be advised in his or her course selections to avoid course sections taught by the instructor with whom the student had or has had a recent consensual relationship. Efforts should likewise be made to place a subordinate under the supervision of another supervisor where the supervisor has or has had a recent consensual amorous relationship with the subordinate.
2. In the event it is not possible for the student to avoid the class taught by the faculty member or for the supervisee to avoid the supervision of the supervisor, the faculty member shall advise their division chair and the supervisor shall advise their supervisor of the present or recent consensual amorous relationship and the following steps shall be taken:
 - a) The division chair shall appoint another instructor to evaluate the student's non-written work, such as essays, research papers, essay test, care plans, etc.
 - b) The division chair shall appoint another instructor to evaluate the student's non-written work or performance such as artistic performances, teaching practice or clinical practice.
 - c) When appropriate instructor is not available to evaluate the student's work, the division chair will provide the evaluation.
 - d) A supervisor will request that their supervisor evaluate the supervisee employee and if such evaluation is not available, they will request that a supervisor of a related division evaluate the employee.
 - e) The supervisor will remove themselves from the consideration of the employee for promotion, hiring or determination of salary.
 - f) A student should not be assigned to a faculty advisor with whom that student has or has had a recent consensual amorous relationship. The faculty advisor should request that the student be reassigned.
3. A faculty or staff member who fails to follow the policy set forth in subparagraph 2 above and does not withdraw from participation in activities or decisions which may reward or penalize a student or supervisee with whom the faculty or staff member has or has had a recent consensual amorous relationship in accordance with this policy will be in violation of this policy.

The University also reserves the right to deviate from the procedures above and take alternative remedial actions, including reassignment or employment action with staff, to alleviate remedial actions, to alleviate or address real or perceived conflicts with consensual relationships.

A complaint alleging violations of the policy regarding consensual relationships may be filed by any person and/or the process may be initiated by the Vice President for Business and Finance or the Vice President for Academic Affairs.

Disability Accommodations

Morningside adheres to the Iowa Civil Rights Act (ICRA) and other applicable law to ensure that qualified individuals with a disability are not discriminated against in terms, conditions, or privileges or employment. The ICRA requires qualified individuals with known disabilities be provided with reasonable accommodations in order to perform the essential functions of their position. A qualified individual is a person with a disability who meets the skill, education, experience, training, and other job-related requirements of position, and who, with or without reasonable accommodations, can perform the essential functions of the position.

In most situations, it is the employee's responsibility to request accommodations and initiate the interactive process. In the course of the interactive process, the employee and the University will determine if the employee can be reasonably accommodated without eliminating an essential function of the job or causing an undue hardship on the university. If you need an accommodation under the ICRA, you should immediately notify your supervisor or HR to initiate this interactive process.

Disclosure of Crime Statistics

Campus Safety and Security prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act). The full text of this report can be located on-line by going to the Security Page on the Portal and select campus security and then the Annual Security and Fire Report or <https://www.morningside.edu/about-morningside/consumer-information/>. This report is prepared in cooperation with Residence Life and the Sioux City Police Department. Campus crime, arrest and referral statistics include those reported to Morningside University Campus Security, other designated campus officials and local law enforcement agencies.

Domestic and Dating Violence/Abuse Policy

Morningside University is concerned about the safety and welfare of all members of the campus community and guests and is committed to providing a living and learning environment, free from abuse violence, harassment, and coercive conduct, including domestic abuse, dating violence, or intimate partner violence. In an effort to promote the dignity and well-being of members of the campus community, the University is committed to addressing allegations of domestic abuse, dating violence, and the like.

Dress Code

Morningside University promotes a well-functioning workplace environment free from unnecessary distractions and annoyances. Employees are to maintain a professional appearance conducive to respect, credibility, and professionalism, which includes suitable attire for the workplace setting and the work being performed. Each employee is responsible for being aware of and following the dress code policy. For most employees on most days, business casual dress is appropriate and required.

Area supervisors will make the final decision on what is appropriate business attire. It is recognized that based on an individual's job responsibilities and varying circumstances the guidelines as noted here may not apply. In this situation the area supervisor shall inform the individual on the proper attire.

Employees who have questions about the appropriateness of clothing that is not listed below as unacceptable should use their best judgment about what may or may not be suitable based on the listings below. As a general rule, tight, revealing or otherwise workplace-inappropriate dress is not permitted. Employees are asked to use their best judgment as to what maintains a professional working environment and talk with their supervisors and/or the Director of Human Resources with questions.

Unacceptable attire includes, but is not limited to:

- Denim jeans
- Sweatpants, leggings, exercise apparel
- Shorts, T-shirts, sweatshirts
- Beachwear
- Spaghetti strap, halter, tube, crop, midriff tops
- Athletic shoes

Maintenance / Custodial Staff:

- Uniform shirts must be worn
- Jeans allowed but must be clean
- Shorts allowed if approved by supervisor

Drug-Free Campus and Workplace Policy

Morningside University has the policy of providing students and employees a drug-free campus environment. Drug abuse affects all aspects of American life: it threatens the student's educational development and the workplace, as well as the community. In compliance with the Drug-Free Workplace Act of 1988, Morningside University is committed to the elimination of drug and alcohol abuse in the workplace. In compliance with the Drug-Free Schools and Campuses Act of 1989, alcohol and drug prevention programs include policy enforcement, education programs and treatment services. "Workplace" means any office, building, classroom, or property (including parking lots) owned or operated by the University, or any other site at which an employee is to perform work for the employer. An "employee" of the University is any faculty, staff, or student receiving remuneration for services rendered. "Student" means any person registered at the University for any type of academic credit, except for continuing education units, regardless of the length of the student's program of study. "Possess" means to be contained either on a student's or employee's person, or in a student's or employee's motor vehicle, tools, briefcases, book bags, or areas entrusted to the control of the student

or employee. "Impaired" means under the influence of an illicit drug or alcohol such that the student or employee is unable to perform his or her assigned tasks properly.

Drug abuse creates problems for the entire University. It decreases the student's capacity to learn, thereby inhibiting one's educational development. It interferes with an employee's efficient and safe performance of work responsibilities and reduces the employee's dependability. Drug abuse can adversely affect health, safety, and productivity while destroying public confidence and trust. Therefore, it is the policy of University that the unlawful manufacture, distribution, dispensation, possession, or use of illicit drugs or alcohol by students or employees is prohibited at any time on any University property or at any University activity. No employee will report for work or will work or be present in the workplace who is impaired by an illegal drug or by alcohol. No student will attend classes or any University activity who is impaired by illegal drugs or alcohol. Employees or students who are so impaired or who unlawfully possess, use, manufacture, dispense, or distribute illicit drugs or alcohol in the workplace, on any University property or at any University activity are subject to the disciplinary procedures of the University, which may include dismissal, expulsion, and/or referral for prosecution.

Federal law contains further prohibitions against the manufacture, possession with the intent to distribute, or distribution of controlled substances, including narcotic drugs, marijuana, depressant, or stimulant substances. Violation of these statutes may lead to monetary fines, incarceration, and other serious sanctions. For the protection of the students, faculty, administration and staff, Morningside University insists that all illegal activities be reported to the Office of Campus Security.

Iowa law prohibits the manufacture, delivery, possession with the intent to manufacture or deliver, and possession of controlled substances. Local and state laws prohibit possession of open containers of alcoholic beverages outside of a residence or licensed liquor establishment. Possession of alcoholic beverages is prohibited for persons under the age of 21. Operating a motor vehicle while intoxicated is also prohibited.

The University recognizes all these regulations in its commitment to maintaining a healthy campus and workplace.

Morningside University promotes wellness and recognizes chemical dependency as a major threat to wholeness of personal health. The University is therefore committed to seeing that all its students and employees understand that:

- The use of alcohol and/or illegal drugs can interfere physically, mentally, socially and spiritually with the ability to perform important functions
- These drugs impair physical coordination and mental alertness and may damage the immune system, resulting in irreversible health problems and death
- Social behavior following use of alcohol or illegal drugs may be destructive to relationships

Violations of this policy may lead to required participation in a substance abuse rehabilitation or treatment program and/or disciplinary action, up to and including immediate termination of employment. Such violations may also have legal consequences.

Any employee receiving a criminal drug statute conviction for a violation occurring in the workplace shall notify Human Resources, the Office of the Vice President of Academic Affairs and Dean of the University, or the Office of Vice President for Student Affairs of such conviction not later than five days after such

conviction, and such offices will immediately report this information to the Vice President for Business and Finance. If the employee reporting such a conviction is employed under a contract or grant, Morningside University, through the Office of the Vice President of Academic Affairs and Dean of the University, will notify the appropriate granting or contracting agencies within ten days after receiving such notice of a criminal drug statute conviction. Within 30 days of the employee's conviction the University will impose corrective action on the employee, and/or require satisfactory participation in the drug abuse assistance program as a Stipulation of the Drug Free Workplace Act.

Further, an employee found to be otherwise in violation of these policies prohibiting the use of illicit drugs or abuse of alcohol on the University's campus or in connection with its activities may be required to participate in a drug abuse or rehabilitation program or may be subject to disciplinary action (up to and including suspension, suspension without pay, and termination). Such actions may also implicate local, state, and federal laws and Morningside University will cooperate, as required, with law enforcement authorities.

Health Risks Associated with the Abuse of Alcohol and Use of Illicit Drugs

Specific serious health risks are associated with the use of alcohol and illicit drugs. Health risks of using alcohol or other drugs include both physical and psychological effects. The health consequences of drugs depend on the frequency, duration and intensity of use. For all drugs, there is a risk of overdose. Overdose can result in coma, convulsions, psychosis or death. Combinations of certain drugs, such as alcohol and barbiturates, can be lethal. The purity and strength of doses of illegal drugs are uncertain.

Continued use of substances can lead to tolerance (requiring more and more of a drug to get the same effect), dependence (physical or psychological need), or withdrawal (a painful, difficult and dangerous symptom when stopping use of drugs).

The Drug Free Workplace Act applies to employees of the University and students who are Pell Grant recipients. It requires the University to certify that as a federal grantee it will provide a drug-free workplace. The Drug Free Schools and Communities Act and Amendments require that as a condition of receiving funds or any other form of financial assistance under any federal program, an institution must certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students. While these are distinct regulations, the University is stating its intent to comply with both with the policy that are in place.

Human Resources shall offer drug abuse training and treatment referral in appropriate circumstances. Student Health Services and Personal Counseling Services provide information on health issues and legal consequences associated with drug use and offer referral for counseling and treatment.

Morningside University Counseling Services provides evaluation and counseling for students in relation to abuse of alcohol and other drugs and refers students to other resources that might be appropriate for them. Lists of community and area evaluation and counseling services are available from the following offices: Counseling Services (5606), Health Service (5178), and the Human Resources Office (5114).

Should employees have any questions regarding the implications of this drug-free workplace requirement, they should contact either the Director of Human Resources, or the Vice President for Business & Finance.

Emergency Response

A written plan assists the University in handling most emergency situations and addresses situations such as severe weather, natural disasters, utility failures, and other catastrophes. Anyone observing suspicious activity should notify Campus Safety and Security immediately – phone (712) 274-5234.

In the event of a significant emergency situation, the University will issue an alert to all employees and students via text messaging and email. Employees need to register their cell phone numbers to receive these alerts. Other than for a periodic test, these messages will be sent only for very serious situations. To register, go to the portal, click on ENS and use your log-in information to access the site. At the bottom of the page, you can manage what notifications you would like to receive.

Employee Death Benefit

In an effort to help the family of a deceased employee the university instituted the following death benefit policy as of January 1, 2010.

Policy

In the unfortunate event to an employee dying while being considered an active employee of the University, the University will pay the estate of the deceased employee an amount equal to 90 days of regular pay, consistent with applicable law.

This benefit shall be in addition to any Life Insurance benefit the employee may receive.

Employee Non-Discrimination and Non-Harassment Policy (Including Sexual Harassment/Abuse)

See the University's Equal Opportunity, Harassment, and Non-Discrimination Policy.

Equal Employment Opportunity

Morningside University recognizes its moral and legal obligation to provide a work environment in which employment opportunities are open to all qualified individuals without discrimination on the basis of age, sex (including pregnancy), religion, creed, race, color, gender identity, sexual orientation, disability, genetic information, national origin, or any other characteristic protected by law. The University affirms its commitment to this principle which not only establishes the goal of achieving equal opportunity in employment, but which also detects and eliminates any elements of discrimination in employment which may be found to exist within the institution. The University also commits itself to maintaining on a non-discriminatory basis the conditions for continuing employment and for individual advancement within the job structure of the University.

**Equal Opportunity, Harassment & Nondiscrimination
Policy & Procedures¹**

FOR ALL FACULTY, STUDENTS, EMPLOYEES, AND THIRD PARTIES

Morningside University is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination, harassment, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, Morningside has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of protected class status, and for allegations of retaliation. Morningside values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

When an alleged violation of this anti-discrimination policy is reported, the allegations are subject to resolution using Morningside University's "Process A" or "Process B," as determined by the Title IX Coordinator or designee, and as detailed below. This policy and procedures will be reviewed at regular intervals by the Title IX Coordinator. The University reserves the right to make changes to this policy as necessary, and once those changes are posted online, they are in effect. During any resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party. The Title IX Coordinator may also vary procedures materially with prior written notice to the Parties upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedures.

This policy is not a contract, is not intended to afford contractual or third-party beneficiary rights to any individual and does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

To support this policy, Morningside University will conduct periodic orientation and ongoing educational programs for faculty, students, and staff concerning all areas of Title IX, Clery Act, VAWA, and Campus Save Act. Copies of this policy and procedures will be continuously available at appropriate University centers and offices.

Glossary of Policy Terms

- *Complainant* means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class as prohibited by this policy; or retaliation for engaging in a protected activity.
- *Confidential Resource* means an employee, person, or entity, who by a legal privilege, professional obligation, or otherwise must maintain confidence of communications, including reports of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).
- *Day* means a business day when Morningside University is in normal operation.

¹ ATIXA 2022 One Policy, Two Procedures Model use and adaptation of this model with citation to ATIXA is permitted through a limited license to Morningside University. All other rights reserved. ©2022. ATIXA

- *Final Determination*: A conclusion by the preponderance of the evidence that the alleged conduct occurred and whether it did or did not violate policy.
- *Official with Authority (OWA)* means an employee of the University explicitly vested with the responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of the University.
- *Process A* means the Formal Grievance Process detailed below and defined above for qualifying allegations of sexual harassment under Title IX (including sexual assault, dating violence, domestic violence, and stalking) in the United States involving students, staff, administrators, or faculty members which fall within the University's educational programs or activities. Process A complies with the requirements of 34 CFR Part 106.45.
- *Process B* means the resolution procedures for offenses that violate policies on protected class harassment or discrimination, including but not limited to discriminatory harassment, sexual harassment, sexual assault, dating violence, domestic violence, and stalking, but that do not fall under the jurisdiction or scope of Title IX.
- *Respondent* means an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class, sexual harassment, and/or retaliation for engaging in a protected activity.
- *Sexual Harassment* is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence. [See below](#), for greater detail.
- *Student* means any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing relationship with Morningside University.
- *Title IX Coordinator* is at least one official designated by Morningside University to ensure compliance with Title IX and the University's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the coordinator for specific tasks.

1. Policy on Non-Discrimination

Morningside University adheres to all federal and state civil rights laws and regulations prohibiting discrimination in private institutions of higher education on the basis of race, color, creed, national origin, sex (including pregnancy), sexual orientation, gender identity, age, disability, or other characteristic protected by law, in admission, access to, or employment in its programs and activities. To ensure compliance with these and other federal and state civil rights laws, Morningside University has developed policies and procedures that prohibit discrimination in all forms.

2. Title IX Coordinator

The Title IX Coordinator oversees implementation of Morningside University's Title IX compliance and policy of equal opportunity, harassment, and nondiscrimination. The Title IX Coordinator has the primary responsibility for coordinating Morningside University's efforts related to the intake,

investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy.

The Title IX Coordinator oversees the Title IX process and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy and these procedures. The other personnel involved in the process of investigating, responding, coordinating, or otherwise assisting in the adjudication of complaints under this policy are vetted and trained as appropriate to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

4. Administrative Contact Information

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to:

Dr. Karmen Ten Napel
Title IX Coordinator
Lewis Hall 120
1501 Morningside Ave.
Sioux City, IA, 51106
(712) 274-5191
tennapel@morningside.edu

Dr. Chris Spicer
Vice President for Academic Affairs / Title IX Deputy Coordinator
Lewis Hall 116
(712) 274-5103 / spicer@morningside.edu

Cindy Welp
Director of Human Resources / Title IX Deputy Coordinator
Lewis Hall 103
(712) 274-5114 / welp@morningside.edu

A party may also contact the Assistant Secretary for Civil Rights of the United States Department of Education.

5. Applicable Scope and Jurisdiction

General Scope: The core purpose of this policy is the prohibition of all forms of discrimination and discriminatory harassment as defined herein. Members of the University community, guests and visitors have the right to be free from discrimination, harassment, and retaliation. All members of the community are expected to conduct themselves in a manner that does not infringe upon the rights of others. The purpose of this policy is to promote compliance with applicable campus, state and federal regulations; to allow for behavior that is inconsistent with University policies to be appropriately reported, investigated, and sanctioned; and to educate all members of the University community about implications and consequences of their behavior.

This policy covers conduct that occurs at all University sponsored programs and activities, as well as conduct that occurs on the campus or on property owned or controlled by the University. The policy can also cover prohibited conduct that initially occurs off-campus when students or employees experience

continuing effects of the off-campus acts in the educational or work setting that effectively deprive them of access to the University's educational program. The Policy covers conduct perpetrated by faculty, staff, students, and third parties, and if the Respondent is unknown or not a member of the Morningside University community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report. Any person may file a complaint alleging a violation of this policy.

Scope under Title IX for Sexual Harassment: The University's scope under Title IX is limited to locations, events, or circumstances over which it substantially controls both the Respondent and the context in which the alleged harassment occurs, as well as any building owned or controlled by a student organization that is officially recognized by the University, such as a fraternity or sorority. The University's scope under Title IX is also limited to conduct against a person that occurs in the United States.

If a report or complaint falls under the University's scope under Title IX, the University will utilize Process A to respond, and will not proceed under any other University policy or procedure if doing so would interfere with any right or privilege provided to a party under Title IX. If the University determines that a report or complaint does not fall under the University's scope under Title IX, but nonetheless falls under this policy and/or its general scope, the University may still take action for such alleged conduct, including under Process "B" of this Policy.

6. Prohibited Conduct

A. Discrimination

As described in the University's Policy on Nondiscrimination, the University does not discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of such protected class characteristics.

Any member of the University community whose acts deny, deprive, or limit the educational or employment access, benefits, and/or opportunities of any member of the University community, guest, or visitor on the basis of that person's actual or perceived membership in the protected classes listed above is in violation of the University's policy on nondiscrimination.

When brought to the attention of the University, any such discrimination will be promptly and fairly addressed and remedied according to the appropriate resolution process described elsewhere in this Policy.

B. Discriminatory Harassment

Students and employees are entitled to an employment and educational environment that is free of discriminatory harassment. Morningside University's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive, subject matters protected by academic freedom.

Discriminatory harassment is defined as unwelcome conduct on the basis of actual or perceived membership in a class protected by policy or law, and which creates a "hostile environment."

Morningside University does not tolerate discriminatory harassment of any employee, student, visitor, or guest, but will still act to remedy harassment whether or not it rises to the level of creating a “hostile environment.”

A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual’s educational or employment access, benefits, or opportunities. This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe **or** pervasive **and** objectively offensive.

When discriminatory harassment rises to the level of creating a hostile environment, the University may also impose sanctions on the Respondent through application of the appropriate resolution process below. The University also reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature and not based on a protected status. Addressing such conduct may not result in the imposition of discipline under the University’s policy, but may be addressed through respectful conversation, remedial actions, education, effective alternate resolution, and/or other informal resolution mechanisms.

For assistance with reports, complaints, and resolution options and approaches, employees should contact the Director of Human Resources, and students should contact the Title IX Coordinator.

C. Sexual Harassment

Prohibited acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the offenses below:

1. Conduct on the basis of sex that satisfies one or more of the following:
 - a. Quid Pro Quo: An employee of Morningside University conditions the provision of an aid, benefit, or service upon an individual’s participation in unwelcome sexual conduct.
 - b. Hostile Environment: Unwelcome² conduct on the basis of sex that is so **severe, pervasive and objectively offensive** that it effectively denies a person equal access to a University education program or activity, including work. (Note: Alleged conduct that meets this criterion will be addressed through the Title IX resolution process, Process A. Unwelcome³ conduct on the basis of sex that is so **severe or pervasive and objectively offensive** that it effectively denies a person equal access to a University education program or activity, including work, still constitutes discriminatory sexual harassment. Alleged conduct that meets this definition will be addressed outside of the Title IX resolution process under Process B).

² Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is below the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances (“in the shoes of the Complainant”), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

2. **Sexual Assault:** One of the following offenses in which one has or attempts to have sexual contact or sexual penetration with another individual without their consent:
 - i. **Rape:** the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person without consent of the victim.
 - ii. **Fondling:** the touching of the private body parts of another person for the purpose of sexual gratification without consent of the victim.
 - iii. **Incest:** sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
 - iv. **Statutory rape:** sexual intercourse with a person who is under the statutory age of consent.

3. **Dating Violence:** Violence committed by a person who has been in a romantic or intimate relationship with another. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

4. **Domestic Violence:** Felony or misdemeanor crime of violence committed by:
 - i. Current or former spouse or intimate partner of the victim.
 - ii. Person with whom the victim shares a child in common.
 - iii. Person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.
 - iv. Person similarly situated to a spouse of the victim under the laws of the State of Iowa or the jurisdiction in which the incident reported occurred; and
 - v. Any other person against an adult or youth victim who is protected from that person's act under the laws of the State of Iowa.

To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

5. **Stalking:** Engaging in a course of conduct toward another person under circumstances that would reasonably cause a person to fear bodily injury to themselves or others or to experience substantial emotional distress.

For the purposes of this definition—

- (i) 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.
- (ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- (iii) Substantial emotional distress means significant mental suffering or

anguish that may but does not necessarily require medical or other professional treatment or counseling.

As used in the offenses above, the following definitions and understandings apply:

Consent: Consent is knowing, voluntary, and clear permission by word or action to engage in sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent. Consent cannot be inferred from lack of resistance, passivity, or lack of response.

Consent is not effective if a party is incapacitated, or it results from the use of force.

Force: Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent. Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced.

Incapacitation: Incapacitation is defined as mentally and/or physically helpless, unconscious or unaware that the sexual activity is occurring. Where alcohol and/or other drugs (including prescription drugs) are involved, incapacitation is a state beyond drunkenness or intoxication. Warning signs that a person may be approaching incapacitation may include slurred speech, vomiting, unsteady gait, odor of alcohol or other substance, combativeness, and/or emotional volatility. Incapacitation is determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be incapacitated. "Should have known" is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment.

D. Other Prohibited Offenses

In addition to the forms of discriminatory and sexual harassment described above, Morningside University additionally prohibits the following offenses as forms of discrimination/harassment when the act is based upon the Complainant's actual or perceived membership in a protected class. In this section, the definition of "consent" is the same as defined above.

1. **Sexual Exploitation**, defined as: taking non-consensual or abusive sexual advantage of another for one's own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that conduct does not otherwise constitute sexual harassment under this Policy. Examples of Sexual Exploitation include, but are not limited to:
 - a. Sexual voyeurism (such as viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent).
 - b. Invasion of sexual privacy.
 - c. Prostituting another person.
 - d. Recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent.
 - e. Distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure, including the making or posting of revenge pornography;
 - f. knowingly transmitting a sexually transmitted disease (STD) or infection (STI) or human immunodeficiency virus (HIV) to another individual without informing the other person of the infection.
 - g. exposing one's genitals to another when the exposing individual knows or should have known that the other person did not consent to such exposure and objects to such exposure; causing another to expose genitals without that person's effective consent.
 - h. Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity.
 - i. Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections.
 - j. Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity.
 - k. Knowingly soliciting a minor for sexual activity.
 - l. Engaging in sex trafficking.
 - m. Creation, possession, or dissemination of child pornography.
2. *Threatening or causing physical harm*, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person; or
3. *Hazing*, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the Morningside University community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity.

Violation of any other University policies may constitute prohibited conduct herein when a violation is motivated by actual or perceived membership in a protected class, and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities.

E. Retaliation

Retaliation occurs when an individual harasses or intimidates another person because that other person filed a complaint, participated in the resolution process of a violation of this policy, supported a Complainant or Respondent, and/or acted in good faith to oppose conduct that constitutes a violation of this policy. Harassment or intimidation includes but is not limited to threats or actual violence against the person or the person's property, adverse educational or employment consequences, ridicule, taunting, bullying or ostracism. Retaliation is prohibited under this policy and is expressly prohibited by Title VII, Title IX and other state and federal laws.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a resolution proceeding under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. Morningside University is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

7. Seeking Help After Sexual Harassment or Violence

If you are sexually assaulted or experience other violence, your first priority is to find a safe place. Next, seek medical attention; swift medical treatment is critical for protecting you from sexually transmitted diseases and preserving evidence. In Iowa, your medical exam and follow up visits are free, even if you don't report the assault to the police.

In the immediate aftermath of a sexual assault or violence, you may not know whether you will eventually want to press charges. Taking care to preserve and collect evidence does not commit you to reporting anything. It's important that you not shower, bathe, urinate, douche, smoke, brush your teeth or drink anything before going to the emergency room. It's best if you don't change your clothes, but if you do, the clothes you were wearing should be brought to the ER in a paper bag (not plastic). If you suspect you have been drugged, either refrain from urinating or urinate in a clean container and bring it with you to the ER. Leave the assault scene as is so you don't inadvertently destroy evidence before you've had time to make a decision about reporting the assault.

- Local Area Medical Care:
 - UnityPoint Health – St. Luke's; 712-279-3500
 - Mercy Medical Center; 712-279-2010

Morningside University also recommends and encourages victims involved in such incidents to seek counseling and/or identify a support person. A support person plays an important role in providing personal encouragement to a victim in a crisis situation. Information regarding counseling options, both on campus and in the community, can be obtained from the on-campus licensed professional counselor: Bobbi Meister, LISW, Personal Counselor; 712-274-5606. Complainants may also contact the following:

- Safeplace Sioux City; 24-hour Crisis Line: 712-258-7233
- National Coalition Against Domestic Violence; 800-799-7233

- Iowa Victim Service Call Center; 800-770-1650
- Rape, Assault, and Incest National Network; 712-856-4673

8. Notice/Complaints of Discrimination, Harassment, and/or Retaliation

Morningside University encourages persons who have experienced any form of discrimination, harassment or retaliation to report the incident promptly, to seek all available assistance, and where appropriate, to report the incident to local law enforcement. Morningside University takes reports of discrimination, harassment and retaliation very seriously and will work with all parties to ensure their safety and to investigate and adjudicate the situation.

A. Official University Reporting Options

Notice or complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

1. File a complaint with, or give verbal notice to, the Title IX Coordinator at the contact information listed in Section 4. Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator.

3. Report to a University Official with Authority (OWA)

An individual who is subjected to conduct covered by this Policy is encouraged to make an official University report directly to the Title IX Coordinator but may also report to a University Official with Authority, or OWAs. At Morningside University, the OWAs are:

- Morningside University Office of Human Resources
- Morningside University Student Life Office (Resident Assistant, Resident Director, Dean of Residence Life, or Vice President for Student Life)
- Director of Campus Safety and Security

A report to an OWA is expected to be transferred immediately to the Title IX Coordinator.

4. Report to Other, Non-Confidential University Employees

At Morningside University all employees (including student employees) are expected to report instances of alleged discrimination and harassment, including sexual harassment, to the Title IX Coordinator or an OWA, unless the employee is acting as a campus chaplain, campus nurse, or campus counselor covered by confidentiality as listed elsewhere in this policy. When a complainant tells a University employee, other than the Title IX Coordinator, about an incident involving conduct covered by this policy, the individual should not expect confidentiality in that communication. Likewise, any University employee is expected to promptly share with the Title IX Coordinator all known details of a report made to them concerning conduct covered by this policy. University employees are not to investigate and are not required to obtain proof of any actual policy violation.

For these reasons, Complainants may want to carefully consider whether they share personally identifiable details with non-confidential University employees. To the extent possible, information reported to any University employee will be shared only with officials with authority responsible for handling the University's response to the report. University employees expected to report who knowingly condone, fail to report, or fail to take action to remedy incidents of discrimination, harassment, and/or retaliation is a violation of Morningside University policy may themselves be subject to sanctions and/or disciplinary action, up to and including termination.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as "Take Back the Night" marches or speak-outs do not provide notice that must be reported to the Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from Morningside University.

B. Confidential Reporting/Resource Options

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with the following Confidential Resources:

- On-campus licensed professional counselors
Bobbi Meister, LISW, Personal Counselor; 712-274-5606
- On-campus health service providers and staff
Judi Neswick, Student Health Nurse; 712-274-5178
- On-campus members of the clergy
Rev. Andy Nelson, Chaplain; 712-274-5148
- Off-campus (non-employees):
 - *Licensed professional counselors and other medical providers*
 - *Local rape crisis counselors*
 - *Domestic violence resources*
 - *Local or state assistance agencies*
 - *Clergy/Chaplains*
 - *Employee Assistance Program*
 - *Attorneys*
 - *Examples:*
 - Safespace Sioux City; 24-hour Crisis Line: 712-258-7233
 - National Coalition Against Domestic Violence; 800-799-7233
 - Iowa Victim Service Call Center; 800-770-1650
 - Rape, Assault, and Incest National Network; 712-856-4673

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics and/or professional credentials, except in extreme cases of immediacy of treat or danger or abuse of a minor or individual with a disability, or when required to disclose by law or court order.

Morningside University employees who are confidential will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient, or parishioner.

C. When a Complainant Requests Confidentiality and/or Does Not Wish to Proceed

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will weigh the request for confidentiality/no formal action against the University's obligation to provide a safe, non-discriminatory environment for all students and employees, including the complainant. In conducting this analysis, the Title IX Coordinator will weigh the complainant's request and preferences against factors such as: the seriousness of the alleged misconduct; the complainants' age; whether there have been other complaints against the accused that increase the risk of the campus community; whether the alleged incident involved threatened future sexual violence or use of force or a weapon; whether an incident involved multiple respondents; whether an incident involved alcohol, drugs, or any date rape drug; whether the school has other methods for obtaining relevant evidence (i.e., security cameras or physical evidence); and, when the matter is under the scope of Title IX, to what extent non-participation by the Complainant may impact the availability of evidence and the University's ability to pursue a Formal Grievance Process fairly and effectively.

Based on this assessment, the University may decide not to honor the complainant's desire for confidentiality, and investigate and adjudicate a violation of this policy, when doing so is not clearly unreasonable. If so, the Title IX Coordinator may sign a formal complaint to initiate a resolution process. The Title IX Coordinator will not become the Complainant. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. The University will not be able to ensure the complainant's confidentiality but will still offer and provide supportive measures.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow the University to honor that request, the University will offer informal resolution options (see below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

Note that Morningside University's ability to remedy and respond to notice may be limited if the Complainant does not want Morningside University to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing Morningside University's obligation to protect its community.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by Morningside University, and to have the incidents investigated and properly resolved through these procedures.

D. Law Enforcement

Along with the on-campus reporting options described above, Morningside University strongly encourages a Complainant to make a report to local law enforcement, to the extent alleged discrimination or harassment constitutes a crime. Although reporting to law enforcement is strongly encouraged, at no time will any individual be forced to make a report to law enforcement as a

precondition to using the internal reporting/resolution processes described in this policy. The Title IX Coordinator, Deputy Coordinators, OWAs or off-campus victim advocates can assist in notifying law enforcement, if a complainant chooses.

- Sioux City Police Department (911)

9. After Notice/a Report is Made

A. Supportive Measures

Morningside University will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to Morningside University's education program or activity, including measures designed to protect the safety of all parties or Morningside University's educational environment, and/or deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator or Vice President for Student Life will promptly make supportive measures available to the parties upon receiving notice or a complaint. The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

Morningside University will maintain the privacy of the supportive measures, provided that privacy does not impair Morningside University's ability to provide the supportive measures. Morningside University will act to ensure as minimal an academic impact on the parties as possible, and without an unreasonable burden the other party.

These supportive measures may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing mutual contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence

- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

In most instances, both the complainant and the respondent will be instructed to mutually avoid all contact with the other. Such a directive serves as notice to both parties that they must not have verbal, electronic, written, or third-party communication with one another. If these instructions are not heeded, disciplinary action may be taken. In addition, a party may seek an order of protection, “no-contact” order, restraining order, or similar order issued by a criminal, civil, or tribal court. If an individual obtains an order of protection from a court in Iowa, the Title IX Coordinator should receive a copy to be aware of any limitations or restrictions and to develop a plan to abide by the court order. The University cannot enforce a violation of a court order but can assist an individual in contacting law enforcement to report a violation. If any terms of a court order are unclear in their application to the campus environment, it is up to the parties to seek clarification through the court – the University cannot render a legal opinion or give advice other than to develop a plan to reasonably prevent violations of the order.

B. Emergency Removal

Morningside University can act to remove a Respondent entirely or partially from its education program or activities on an emergency basis when the Respondent’s presence constitutes an immediate threat to the physical health or safety of any student or other individual. This risk analysis is performed by the Title IX Coordinator in conjunction with the Office of Student Life using its standard objective violence risk assessment procedures.

In all cases in which an emergency removal is imposed, the Respondent will be given notice of the action and the option to request to meet with the Title IX Coordinator and/or Vice President for Student Life prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator and/or Vice President of Student Life for the show cause meeting. The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

C. Promptness

All allegations are acted upon promptly by Morningside University once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but Morningside University will avoid all undue delays within its control.

When the general timeframes for resolution outlined in Morningside University's procedures will be delayed, Morningside University will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

D. Privacy

Morningside University will not share the identity of any individual who has made a report or complaint of harassment, discrimination, or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the resolution processes in this policy, including the conducting of any investigation or hearing.

Morningside University reserves the right to designate which Morningside University officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint. Information will be shared as necessary with Investigators, Hearing Officer/Decision Maker, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

Morningside University may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so.

E. Time Limits on Reporting

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to Morningside University's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

F. Federal Statistical and Timely Warning Obligations

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, Morningside University must publish an annual report of certain crimes that fall within the scope of this policy that have occurred and their general location (on or off campus or in the surrounding area; no addresses are given). These reports contain statistical information only. All personally identifiable information is kept confidential.

Under the Clery Act, the University must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community. Morningside University will ensure that a Complainant's name and other identifying information is not

disclosed in such a warning, while still providing enough information for community members to make safety decisions in light of the potential danger.

G. False Allegations and Evidence

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under Morningside University policy.

H. Amnesty for Complainants and Witnesses

The Morningside University community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to Morningside University officials or participate in resolution processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the Morningside University community that Complainants choose to report misconduct to Morningside University officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, Morningside University maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty to a Respondent is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a Complainant.

Resolution Process for Alleged Violations of the Policy on Equal Opportunity, Harassment, and Nondiscrimination

1. Overview

Morningside University will act on any notice or complaint of violation of the policy on Equal Opportunity, Harassment, and Nondiscrimination (“the Policy”) that is received by the Title IX Coordinator⁴ or OWA by applying these procedures, which includes two possible methods for resolution known as “Process A” or “Process B”.

2. Initiating a Formal Complaint

When the University learns of potential discrimination or harassment, in most cases outreach will be done with the Complainant to identify reporting options (discussed earlier) within and outside the University and to offer supportive measures. The Title IX Coordinator is available to meet to discuss those reporting options with the Complainant or answer questions from the Respondent.

A Complainant who proceeds with a formal complaint must do so in writing, and by filing a complaint with the Title IX Coordinator by hard copy, email, or any other writing evidencing a physical or digital signature, or otherwise verifying the Complainant is filing the complaint. If the Title IX Coordinator signs a formal complaint, the Title IX Coordinator will not become a party or Complainant for purposes of the processes below.

3. Initial Assessment of Applicable Scope/Process

Upon receipt of a formal complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, Morningside University initiates a prompt initial assessment to determine the next steps the University needs to take.

Morningside University will initiate at least one of three responses:

- a. Provide the Complainant with assistance and support only, based on the Complainant’s request that the University not take action, where that request is not clearly unreasonable and/or consistent with the University’s obligations under law.
- b. Determine the circumstances satisfy the jurisdictional requirements of Title IX at 34 CFR 106.45 and resolve the complaint under informal or formal “Process A” resolution procedures.
- c. Determine the circumstances do not satisfy the jurisdictional requirements of Title IX at 34 CFR 106.45 and dismiss the complaint under Title IX, but resolve the complaint under informal or formal “Process B” resolution procedures, or other policies and procedures, as applicable. Specifically, Process A procedures apply **only** to qualifying allegations of sexual harassment under Title IX (including sexual assault, dating violence, domestic violence, and stalking, as defined above) involving students, staff, administrators, or faculty members. If they do not, they must or may be “dismissed” as follows:

Morningside University must dismiss a formal complaint or any allegations therein from Process A if, at any time during the investigation or hearing, it is determined that:

⁴ Anywhere this procedure indicates “Title IX Coordinator,” Morningside University may substitute a trained designee.

- 1) The alleged conduct would not constitute sexual harassment as defined in the policy hereinabove, even if proven.
- 2) The University does not substantially control both the Respondent and the context in which the alleged harassment occurs, nor did it occur in any building owned or controlled by a student organization that is officially recognized by the University, such as a fraternity or sorority.
- 3) The alleged conduct did not occur against a person in the United States; and/or
- 4) At the time of filing a formal complaint, a Complainant is not participating in or attempting to participate in the education program, activity, or workplace of Morningside University.

Morningside University may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

- 1) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein: or
- 2) The Respondent is no longer enrolled in or employed by the University; or
- 3) Specific circumstances prevent Morningside University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations.

Upon any dismissal, Morningside University will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties. This dismissal decision is appealable by any party under the procedures for appeal below. A Complainant who decides to withdraw a complaint may later request to reinstate or refile it.

Dismissing a complaint under Title IX may be procedural and does not limit the University's authority to address a complaint with an appropriate process and remedies. If the Title IX Coordinator determines that the misconduct alleged does not fall within the scope of Title IX, other policies may apply and the matter may be referred for resolution, including under Process B.

Process B applies to the resolution of offenses such as violations of policies on protected class harassment or discrimination above. Process B can also apply to sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) when jurisdiction does not fall within Process A, as specified by the Title IX Coordinator.

4. Counterclaims

Morningside University is obligated to ensure that the grievance process is not abused for retaliatory purposes. Morningside University permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by the Respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator or the Investigator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

5. Disabilities Accommodations in the Resolution Process

Morningside University is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to Morningside University's resolution process.

Anyone needing such accommodations or support should contact Disability Services if a student or the Human Resources Office if an employee, who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

6. PROCESS A: Formal Grievance Process for Qualifying Allegations of Sexual Harassment Under Title IX

Process A procedures apply only to qualifying allegations of sexual harassment under Title IX (including sexual assault, dating violence, domestic violence, and stalking, as defined in this policy) involving students, staff, administrator, or faculty members.

A. Right to an Advisor

The parties may each have an Advisor of their choice present with them for all meetings and interviews within the resolution process if they so choose. A party may elect to change advisors during the process and is not obligated to use the same advisor throughout.

a. Who Can Serve as an Advisor

A party may select whoever they wish to serve as their Advisor. The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the Morningside University community.

b. Advisors in Hearings/Morningside University-Appointed Advisor

Under U.S. Department of Education regulations applicable to Title IX, cross-examination is required during the hearing, but must be conducted by the parties' Advisors. The parties are not permitted to directly cross-examine each other or any witnesses. If a party does not have an Advisor for a hearing, Morningside University will appoint an Advisor for the limited purpose of conducting any cross-examination.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If a party does not have an advisor at the hearing, the University shall provide an advisor, the selection of which will be in the University's sole discretion.

Morningside University cannot guarantee equal advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not, Morningside University is not obligated to provide an attorney.

c. Expectations of Advisors

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present.

All Advisors are subject to the same Morningside University policies and procedures, whether they are University-appointed or not. Advisors are expected to advise their advisees without disrupting proceedings. The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or Decision-maker except during a hearing proceeding, during cross-examination. In conducting cross-examination, the advisor will not be abusive towards any party or witness and will act with appropriate decorum.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

d. Sharing Information with the Advisor

Morningside University expects that the parties may wish to have Morningside University share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor, but the Advisor will be under the same expectations of privacy as the party. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the University. The University may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations.

Morningside University requires a consent and privacy form that authorizes Morningside University to share such information directly with their Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before Morningside University is able to share records with an Advisor.

If a party requests that all communication be made through their Advisor, Morningside University will not comply with that request.

B. Informal Resolution

After the filing of a formal complaint, the University may facilitate an informal resolution between the parties, and at any time prior to the Decision-Maker's determination of responsibility via the issuance of a written decision.

The Title IX Coordinator will assess the severity of the alleged harassment and the potential risk of a hostile environment for others in the community to determine whether informal resolution may be appropriate. Informal Resolution will not be available to resolve allegations involving an employee sexually harassing a student.

The University will not require the parties to participate in the Informal Resolution process as a condition of enrollment, continuing enrollment, or employment or continuing employment, or of any other right conferred by the University.

The Title IX Coordinator, or trained designee, will provide the parties with a written notice setting forth the allegations, the requirements of the informal resolution process set forth in this Policy, the right of any party to withdraw from the informal process and proceed with the formal complaint resolution process above, at any time prior to agreeing to a resolution; and any consequences resulting from the participation in the informal process, including the records that will be maintained or could be shared by the University. Both parties must voluntarily consent in writing to participation in the informal resolution process.

The Title IX Coordinator, or trained designee, will attempt to aid the parties in finding a mutually acceptable resolution to the complaint. This resolution will be reduced to writing and must be signed by the Complainant and the Respondent. Once both parties have voluntarily signed the written resolution, the written resolution becomes final and neither party can initiate the formal complaint resolution process above to resolve the allegations in the formal complaint. The written resolution is not subject to appeal.

C. Grievance Process Pool

The resolution processes below relies on a pool of trained investigators, administrators, or other individuals ("the Pool") to carry out the process. The Title IX Coordinator, in consultation with the President, appoints the Pool, which acts with independence and impartiality. The University reserves the right to appoint external Pool members with expertise in investigation and in chairing/facilitating hearings.

Members of the Pool may serve in in the following roles, at the direction of the Title IX Coordinator:

- To act as an Advisor to the parties
- To serve in a facilitation role in informal resolution if appropriately trained
- To perform or assist with initial assessment
- To investigate complaints
- To serve as a hearing facilitator
- To serve as a Decision-maker regarding the complaint
- To serve as an Appeal Decision-maker

b. Pool Member Appointment

The Title IX Coordinator appoints the Pool, which acts with independence and impartiality. Appointments may be made to serve in all roles or only one or more specific roles. The Pool members receive annual training based on their respective roles. The materials used to train members of the Pool are publicly posted here: [Title IX - MySide \(morningside.edu\)](https://morningside.edu/title-ix).

D. Formal Resolution Process

a. Notice of Investigation and Allegations

The Title IX Coordinator will provide written notice of the investigation and allegations (the “NOIA”) simultaneously to the parties.

The NOIA will include:

- The identity of the involved parties (if known),
- The misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The policies potentially implicated,
- A statement that Morningside University presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- The party’s right to have an Advisor of their choosing, who may be an attorney,
- A statement informing the parties that Morningside University’s Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process, the consequence for which is up to and including suspension or expulsion of a student or termination of an employee’s employment.
- Detail on how the party may request disability accommodations during the interview process,
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have.

The NOIA shall be provided prior to the initial interview of any party, and within a sufficient amount of time to prepare. Parties will also be provided advance notice in writing of the date, time, location, participants, and purpose of any interview, hearing, or meeting in the investigation and resolution process.

If, during the course of investigation, the University determines that additional allegations will be investigated as part of the pending complaint, the Title IX Coordinator or designee will provide written notice of the additional allegations to any identified Complainant(s) or Respondent(s).

b. Resolution Timeline

Morningside University will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business daytime period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

c. Appointment of Investigators

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints one or more investigators to conduct the investigation who have received annual training to investigate campus matters of sexual harassment and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability to conduct the investigation. The investigation team may be composed of internal Pool members, external professionals, or a combination of both.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another investigator will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the President.

d. Investigation Timeline

Investigations are completed expeditiously, normally within sixty (60) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

Morningside University will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

e. Delays in the Investigation Process and Interactions with Law Enforcement

Morningside University may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.

Morningside University will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. Morningside University will promptly resume its investigation and resolution process as soon as feasible. During such a delay, Morningside University will implement supportive measures as deemed appropriate.

Morningside University action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been

dismissed or reduced.

f. Steps in the Investigation Process

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; and obtaining available, relevant evidence, both inculpatory and exculpatory.

While in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. The University will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

All investigations will be conducted as discreetly as is practicable. No unauthorized audio or video recording of any kind is permitted during investigation meetings.

The burden of proof and the burden of gathering sufficient evidence to reach a determination of responsibility rests with the University and not with the parties. The investigation may include, but is not limited to, interviews with the Complainant, the Respondent, any witnesses identified by the parties or by the investigator as having information relevant to the complaint, and collecting and reviewing any relevant documents, communications, or physical evidence if possible. The Investigation typically includes the following:

- Interview the Complainant and Respondents separately. Each party will be asked to participate in an initial interview and may be asked to participate in a follow-up interview(s) as needed.
- Each party may offer witnesses and other information, documents, or other evidence relevant to the complaint, both inculpatory and exculpatory. Information, documents, or other evidence provided by the parties and witnesses may be shared with both parties during the investigation.
- The order of the interviews will be determined by the Investigator(s) based on the circumstances of each complaint.
- The investigator(s) will make a good faith effort to contact and interview relevant witnesses.
- In the event Complainant or Respondent request reasonable accommodations during the investigation process due to a disability, the investigator(s) will consult with the Title IX Coordinator.

Neither party will be restricted in their ability to discuss the allegations or to gather and present relevant evidence; provided, however, that such communications shall not constitute harassment or retaliation against any party.

The Investigator(s) will evaluate all relevant evidence, both inculpatory and exculpatory. The Investigator(s) will only access, consider, disclose, or otherwise use a party's treatment records made or maintained by a health care provider, or other records protected under a legally recognized privilege, if the party provides the investigator(s) with voluntary, written consent to do so. The Investigator will also deem irrelevant questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

g. Inspection and Review of the Evidence and Investigation Report

Prior to the completion of the investigation report, the Complainant and Respondent and, unless directed otherwise by the respective parties, their Advisor, will be provided the opportunity to inspect all evidence directly related to the allegations of the formal complaint, including both inculpatory and exculpatory evidence, and evidence that the University does not intend to rely on in reaching a determination. The University may require both parties and their Advisors to enter into a written agreement prohibiting the use or dissemination of evidence for any purpose other than those directly related to the parties' participation in resolution process.

Complainant and Respondent will be given *at least ten days* to inspect and review the evidence collected during the University's investigation and to submit a written response the Investigator(s) will consider in preparing a final investigation report. The parties can waive all or part of this inspection period.

The final investigation report will summarize the information and include any documents gathered. The investigative report will not include determination of responsibility for the complaint itself. Complainant and Respondent will be given at least an *additional ten days* after receiving a copy of the University's final investigation report to respond to the investigation report, in writing. In their written response to the investigation report, Complainant and Respondent may provide written comments regarding the relevance of the evidence included in or excluded from the investigation report, provide factual or other corrections to the report, and otherwise provide context for the report.

The final investigation report will be distributed, concurrently, to both of the parties and the Title IX Coordinator at least ten (10) calendar days prior to a hearing to determine responsibility.

h. Hearing Decision-maker

Morningside University will designate one or more Decision-Maker, at the discretion of the Title IX Coordinator, with one Decision-Maker designated to Chair the hearing. The Decision-Maker(s) cannot also be Investigators, Advisors, witnesses, or otherwise have had any previous involvement with the investigation.

At the discretion of the Title IX Coordinator, a Decision-Maker/Chair may be appointed to facilitate the hearing and reach a decision on responsibility for a policy violation based of a preponderance of the evidence and reserve a decision on sanctions for a separate Decision-Maker who may or may not attend the hearing. The Decision-Maker(s) may be internal or external to the University.

The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Title IX Coordinator, Chair, or designee.

i. Evidentiary Considerations in the Hearing

Any evidence that the Decision-Maker(s) determine is relevant and credible may be considered. The hearing does not consider: 1) incidents not directly related to the possible violation, unless they

evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility. This information is only considered at the sanction stage of the process.

After post-hearing deliberation, the Decision-maker renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

j. Notice of Hearing

No less than ten (10) days prior to the hearing, the Title IX Coordinator, Chair, or a designee will send notice of the hearing to the parties. of the time and date of the hearing, as well as the identities of the Decision-Maker(s). Within five (5) calendar days, either the Complainant or Respondent may request, in writing to the Title IX Coordinator, that the Decision-Maker(s) be recused because of an identified conflict of interest. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

If a party requests, the entire hearing will be conducted with the parties in separate rooms with technology enabling the Decision-Maker(s) and parties to simultaneously see and hear the witness answering questions.

k. Notice of Witnesses

At least five (5) calendar days before the hearing, the Decision-Maker(s) will notify the parties in advance which witnesses (including Complainant or Respondent) they would like to be present at the hearing. The Decision-Maker(s) or designee will notify these witnesses of the hearing date and time and that their presence has been requested. Any witness called by the Decision-Maker(s) will also be expected to answer questions from the parties.

- When notifying the parties of these witnesses, the Decision-Maker(s) will also request the parties identify any additional witnesses they wish to have present at the hearing for cross-examination.
- The Decision-Maker(s) or designee will notify relevant witnesses of the hearing date and time and that their presence has been requested by the party for cross-examination.

l. Pre-Hearing Meetings

The Chair may convene a pre-hearing meeting(s) with the parties to invite them to submit the questions or topics they wish to ask or discuss at the hearing, so that the Chair can consider and discuss their relevance ahead of time. However, this advance review discussion does not preclude a party from introducing evidence or an advisor from asking any cross-examination question at hearing.

The Chair, **only** with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party, the Chair may consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator or ask either or both to attend pre-hearing meetings.

m. Hearing Procedures

At the hearing, the Chair has the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation.

The hearing is closed to the general public. Participants at the hearing will include the Chair, any additional Decision-Makers, the parties, Advisors to the parties, any called witnesses and anyone providing authorized accommodations or assistive services. Any additional person's present must be approved by the Chair.

The Chair will answer all questions of procedure and make all evidentiary rulings. There shall be no formal pleadings, legal memorandum, or motions filed in the hearing process.

Hearings (but not post-hearing deliberations) are recorded by the University for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

The Chair conducts the hearing, which may include, but is not limited to, the following steps, in the Chair's discretion:

- The Chair explains procedures and introducing participants.
- The Chair will advise the parties if opening statements or closing statements are permissible.
- The parties may be asked if they have any additional evidence they wish the Decision-Maker(s) consider, and if the parties wish to comment on the Investigation Report and evidence. Any new evidence presented by a party, if admitted as relevant, will be provided to the other party to review and provide comment

Testimony and questioning: Parties will be allowed, through their Advisors, to cross-examine all other parties and any witnesses, including fact and expert witnesses, and to ask all relevant questions and follow-up questions including those challenging party or witness credibility, directly, orally and in-real time. Any party without an Advisor will be appointed an Advisor by the University, with selection of the Advisor being at the sole discretion of the University. The following applies to cross-examination:

- All questions are subject to a relevance determination by the Chair. The advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing. The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive.

- The Chair may ask advisors to frame why a question is or is not relevant from their perspective if the Chair so chooses. The Chair will explain any decision to exclude a question as not relevant. The Chair has final say on all questions and determinations of relevance, subject to any appeal.
- If a party's Advisor of choice refuses to comply with the University's established rules of decorum for the hearing, the University may require the party to use a different Advisor. If a University-provided Advisor refuses to comply with the rules of decorum, the Title IX Coordinator may provide that party with a different advisor to conduct cross-examination on behalf of that party.

The Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

n. Deliberation, Decision-Making, and Standard of Proof

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. The preponderance of the evidence standard of proof is used, which generally means "more likely than not." The Decision-Maker(s) will independently evaluate the evidence, without deference to the investigative report.

A written decision called a Notice of Outcome will be provided simultaneously to the parties and include the following information:

- 1) allegations of sexual harassment,
- 2) procedural history (including specifics about notifications of hearings, meetings and interviews, methods used to gather evidence and hearings held),
- 3) findings of fact supporting the decision,
- 4) conclusions regarding application of policy to the facts,
- 5) rationale for the decision/finding of responsibility as it applies to each allegation,
- 6) disciplinary sanctions imposed on respondent, if any,
- 7) whether (but not the nature of) remedies designed to restore/preserve equal access to any or all education programs or activities that will be provided to the Complainant, and
- 8) procedure and permissible bases for appeal.

The Title IX Coordinator will be responsible for coordinating the effective implementation of remedies, as well as any non-punitive or non-disciplinary supportive measures imposed.

The possible range of sanctions and remedies are detailed below. The Notice of Outcome will become final upon written notification to the parties of the outcome of an appeal or, if there is no appeal, the date on which an appeal would no longer be considered timely. The Appeal Rights and Procedures are detailed below.

o. Joint Hearings

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each

Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

p. Recording Hearings

Hearings (but not deliberations) are recorded by Morningside University for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-maker, the parties, their Advisors, and appropriate administrators of Morningside University will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

q. Sanctions

Student Sanctions

The following are the usual sanctions⁵ that may be imposed upon students or organizations singly or in combination⁶:

- *Warning*: A formal written statement that the conduct was unacceptable and a warning that further violation of any Morningside University policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Supplemental training or education*: Required reading, writing, and/or reflection that enables the student to consider the effects of his/her actions and choices.
- *Probation*: A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- *Suspension*: Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at Morningside University.
- *Expulsion/Dismissal*: Permanent termination of student status and revocation of rights to be on campus for any reason or to attend Morningside University -sponsored events. This sanction will be noted permanently as a Conduct Expulsion on the student's official transcript.
- *Other Actions*: In addition to or in place of the above sanctions, Morningside University may assess monetary fines to student accounts or assign any other sanctions as deemed appropriate.

⁵ Recipient policies on transcript notation will apply to these proceedings.

⁶ Subject to Morningside University's Student Code of Conduct.

Employee Sanctions

Responsive actions for an employee who has engaged in sexual harassment and/or retaliation include:

- *Warning*: Formal written discipline
- *Performance Improvement/Management Process*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Loss of Annual Pay Increase*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Suspension with pay*
- *Suspension without pay*
- *Termination/Revocation of Tenure*
- *Other Actions*: In addition to or in place of the above sanctions, Morningside University may assign any other sanctions as deemed appropriate.

r. Withdrawal or Resignation While Charges Pending

Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from the Morningside University, the resolution process ends, as Morningside University no longer has disciplinary jurisdiction over the withdrawn student.

However, Morningside University will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged sexual harassment, sexual misconduct, and/or retaliation. The student who withdraws or leaves while the process is pending may not return to Morningside University. Such exclusion applies to all campuses of University. A hold will be placed on their ability to be readmitted. They may also be barred from Morningside University property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely, and that student is not permitted to return to Morningside University unless and until all sanctions have been satisfied.

Employees: Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as Morningside University no longer has disciplinary jurisdiction over the resigned employee.

However, Morningside University will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged sexual harassment, sexual misconduct and/or retaliation.

The employee who resigns with unresolved allegations pending is not eligible for rehire with the Morningside University, and the records retained by the Title IX Coordinator will reflect that status.

All Morningside University responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

s. Appeals

Any party may submit a request for appeal (“Request for Appeal”). Only requests for appeals submitted in writing to the Title IX Coordinator within five (5) days of the delivery of the Notice of Outcome may be considered under these procedures. The Title IX Coordinator will transmit a timely Request for Appeal and the case file to the appropriate Appeal Officer (see Section A below) within three (3) days of receiving the Request for Appeal.

A single Appeal Decision-maker will Chair the appeal. The Decision-maker will not have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.

Upon receiving a timely Notice of Appeal, the Title IX Coordinator will determine if the request meets the grounds for appeal (A Review for Standing). This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

a. Grounds for Appeal

Appeals are limited to the following grounds:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, Investigator(s), or Decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

b. Response to Appeal

If any of the grounds in the Request for Appeal do not meet the grounds above, that request will be denied, and the parties and their Advisors will be notified in writing of the denial and the rationale.

If a timely submitted Request for Appeal meets the grounds above, then the Title IX Coordinator will notify all parties and their Advisors that an appeal is proceeding and will provide each of them the Request for Appeal by mail, email and/or hard copy as appropriate.

No later than five (5) business days after delivery of the Request for Appeal, each of the parties may submit a response to the portion of the appeal that involves them. All responses will be forwarded by the Title IX Coordinator to all parties for review and comment. The Title IX Coordinator will ensure that the Appeal Decision-Maker is provided with the following materials in addition to the Request for Appeal: (a) the Notice of Investigation and Allegations; (b) the Investigators’ Final Investigation Report; and (c) the Notice of Outcome.

Once the time to submit a response to Appellant’s Request for Appeal has lapsed, no party may submit any new request for appeal.

c. Appeal Outcome

The Appeal Officer will render a decision in no more than five (5) business days, barring exigent circumstances. All decisions apply the preponderance of the evidence standard. The Appeal Officer will send the decision (“Appeal Outcome”) to the Title IX Coordinator.

The Title IX Coordinator will send Notice of Appeal Outcome to all parties simultaneously. The Notice of Appeal Outcome will affirm, reverse, or modify the Notice of Outcome. When the Appeal Office issues its decision in writing and simultaneously to the parties, the matter is final.

d. Sanctions Status During the Appeal

Any sanctions imposed as a result of the hearing are stayed during the appeal process described above. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

t. Long-Term Remedies/Other Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop and remedy sexual harassment and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Education to the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found, as long as the measures are not disciplinary nor constitute an unreasonable burden on either party.

When no policy violation is found, the Title IX Coordinator will address any remedies owed by Morningside University to the Respondent to ensure no effective denial of educational access.

Morningside University will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair the Morningside University’s ability to provide these services.

u. Recordkeeping

Morningside University will maintain for a period of at least seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation.
2. Any disciplinary sanctions imposed on the Respondent.
3. Any remedies provided to the Complainant designed to restore or preserve equal access to Morningside University's education program or activity;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result;
6. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process; and
7. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
 - a. The basis for all conclusions that the response was not deliberately indifferent;
 - b. Any measures designed to restore or preserve equal access to Morningside University's education program or activity; and
 - c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Morningside University will also maintain any and all records in accordance with state and federal laws.

PROCESS B: Informal and Formal Resolution of All Other Complaints Outside the Scope of Title IX

Process B applies to the resolution of offenses such as violations of policies on protected class harassment or discrimination involving students, staff, faculty members, or third parties. Process B can also apply to sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) when jurisdiction does not fall within Process A, as determined by the Title IX Coordinator. All other allegations of misconduct unrelated to incidents covered by this policy will be addressed through the procedures elaborated in the respective student, faculty, and staff policies.

Any non-confidential University employees should report any information about potential violations of this policy to the Title IX Coordinator as soon as possible. The report should not be made to the person who is engaging in discrimination, harassment, or retaliation.

A report may be filed at any time regardless of the length of time between the alleged occurrence and the decision to report. However, the University strongly encourages persons to report promptly in order to facilitate an effective investigation and access to information. A delay in reporting may compromise the investigation, particularly if neither the reporter (and alleged victim if different from the reporter) nor the accused are employed by the University or enrolled as a student at the time.

a. Informal Resolution

Individuals are encouraged to tell the person causing or contributing to alleged discrimination or harassment that the conduct is unwelcome, and to stop. If this effort is unsuccessful or the complainant is not comfortable confronting the alleged perpetrator directly, the complainant may reach out to their immediate supervisor (if an employee) or the Title IX Coordinator.

The Title IX Coordinator will conduct a preliminary assessment of the report. Every effort will be made to handle such reports fairly, impartially, discreetly, and efficiently to every extent possible. If the report is under the scope of Title IX Sexual Harassment, the Title IX Coordinator will refer the complaint to Process A. If not, the Title IX Coordinator will proceed under this Process B.

Before pursuing the formal complaint process, every reasonable effort shall be made to constructively resolve issues with students, faculty, and staff. Whenever possible and safe, the problem or complaint should first be discussed with the individual involved in the complaint. If satisfactory resolution is not reached after discussion with the individual, the formal process will be initiated.

b. Formal dispute resolution and investigation process.

Upon a determination that a report or formal complaint of discrimination, harassment, and/or retaliation will not be resolved informally, the Title IX Coordinator will initiate a formal process which shall include assigning appropriate, trained University representatives to direct the investigation.

The parties will each have the opportunity to be advised by a personal advisor of their choice, at their expense, and to be accompanied by that advisor at any meeting or hearing. An advisor may only consult and advise his or her advisee, but not speak for the advisee at any meeting or hearing.

Investigation protocol:

The assigned investigator(s) shall:

- Meet with the complainant to finalize the complaint.
- Investigate the complaint as necessary based on the circumstances, including party and witness interviews and evidence gathering. The parties will each have the opportunity to participate in the investigatory process and suggest witnesses and evidence.
- Making a finding, based on a preponderance of the evidence whether a policy violation has occurred (preponderance of the evidence means “more likely than not”).

Following the investigation:

1. If the respondent is a student: Upon a finding by the investigator that the accused individual violated the policy, the matter will be referred to the Dean of Students or designee for potential sanctions, remedies, and/or appeals per the Student Handbook, without re-investigation.
2. If the accused individual is an employee: Upon a finding by the investigator that the accused individual violated the policy, the matter will be referred to the appropriate administrator/department for disciplinary action or other appropriate action as appropriate under applicable University procedures, handbooks/manuals, or contracts.

Under applicable law in cases of alleged sexual assault, dating violence, domestic violence, and stalking, the complainant will be permitted to participate in the full disciplinary process as a party. The parties will also be notified simultaneously in writing of the outcome of any disciplinary proceeding, as well as any changes to those results or disciplinary actions prior to the time that such results become final. If there is a right to appeal, the right is granted co-equally to the parties. The parties will be notified simultaneously in writing of the final outcome of an appeal, if applicable.

In all other cases, the complainant will be kept informed as appropriate to resolve the complaint and provide remedial measures.

Sanctions for policy violations may include all sanctions listed above under Process A.

Hazardous Chemical Communication (Worker Right to Know)

Many different chemicals are used on campus. They range from common household cleaning fluids to chemicals used in science experiments. While some pose no danger, others may cause or contribute to different health effects. The Hazard Communication Standard (HCS) is based on a simple concept – that employees have both the need and right to know the hazards and identities of the chemicals they are exposed to when working. They also need to know what protective measures are available and how to respond when exposed to a chemical. All chemical products are required to have a material safety data sheet (MSDS), and the University will provide labels and other forms of warning, MSDS, and information and training as appropriate and based on the circumstances, consistent with applicable law.

Nepotism

It is the policy of the University to seek the most qualified persons to fill its teaching, administrative, and staff positions. However, effective from the date of this policy, no family member may have direct supervision over the progress, performance, pay or welfare of another member of the same family and together they may not be involved with matters of financial controls and physical inventories of University properties. Any employee who becomes aware of such a relationship in the workplace is required to disclose the relationship immediately to Human Resources, and which may result in reassignment or employment action as appropriate for those affected.

Exceptions to the prohibitions in this policy will be granted only upon prior written approval by the President.

For the purpose of this policy, members of the same family include spouse, domestic partners, children, stepchildren, grandchildren, parents, grandparents, siblings, in-laws, uncles, aunts, nieces, nephews and cousins.

Outside Employment

It is the policy of the University to permit employees to hold second jobs, subject to certain restrictions as outlined below.

Restrictions to Outside Employment

The University requires that employees' activities away from the job must not compromise the University's interest or adversely affect job performance and ability to fulfill all responsibilities to the University.

Full-time employees are permitted, but are not encouraged, to engage in outside employment or other work Activity, but only consistent with this policy.

Employees are cautioned to consider carefully the demands that additional work activity will create before seeking or accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside work activity does cause or contribute to job-related problems, such employment must be discontinued; and, if necessary, normal disciplinary procedures will be followed to deal with specific problem.

The University will be particularly concerned about outside employment that –

- will reduce the employee's efficiency in working for the University or
- involves working for an organization that does a significant amount of business with the University such as major contractors, suppliers, etc.

All employees are prohibited from engaging in any activity that compromises the University's image. This prohibition includes the unauthorized use of any University tools, equipment, or resources. In addition, employees are not to conduct any outside business during paid working time.

Employees who have accepted outside employment are not eligible for paid or unpaid excused absence leave when the absence is used to work on the outside job or is the result of an injury sustained on the second job. Fraudulent use of sick leave will be subject to disciplinary action up to and including termination.

Administration

It is recommended that employees, who accept outside employment, including self-employment, should notify their immediate supervisor. The notification should state the name and address of the outside employer, the nature of the job, and the hours and days of employment.

Questions concerning this procedure should be addressed to the Human Resources Department.

Personnel Records

The official personnel records for all employees (except student employees) of the University shall be maintained in Human Resources. Documents made as part of an employee's record shall include application forms, performance information, job descriptions, resumes, vitas, salary information, and other related materials. Medical records shall not be placed in the official personnel file.

Personnel files are the property of the University and access to the information they contain is restricted. Employees may access or receive copies of their personnel file consistent with Iowa Code section 91B.

It is the responsibility of each employee to promptly notify Human Resources of any changes in personal information. Personal mailing addresses, telephone numbers, number and names of dependents,

individuals to be contacted in the event of an emergency, educational accomplishment, and other such status reports should be accurate and current at all times.

Any employee who questions the accuracy or completeness of information contained in their file should notify their supervisor, who will apprise Human Resources. Human Resources reserves authority to make the final determination as to the contents of such file. Personnel files shall be retained indefinitely for all active employees. Records of employee who have terminated University employment shall be retained in archival form for 12 years after termination.

Political Activity

Each employee of Morningside University is specifically exempted from any obligation or compulsion to support any candidate or cause even though the support of such candidates or cause may be urged or suggested by any other employee of the institution, or department. An employee of the University who may be expressing personal support for a candidate or partisan issues should do nothing to suggest or imply that they speak as a representative of Morningside University.

Morningside believes it is important for staff members to take an active interest in political and governmental activities and to support principles, issues, parties, or candidates of their choice. All such involvement must be done on an individual basis, and not as a representative of Morningside University. In addition, any political campaign activity must take place on the staff member's own time. Morningside University will not reimburse any individual for political contributions or expenditures.

Any staff member desiring to run for an elective political office or to accept an appointment to a political position should discuss the intent with the President. The potential conflict of interest in holding such an office is occasionally not resolvable, in which case the staff member should either resign or take a leave of absence, depending on circumstances.

Employees of Morningside University may serve in federal, state, local or county elective offices provided the duties and responsibilities of the participation does not interfere with the performance of the employee's work obligations to the institution. Approval will depend upon the effect the elective office will have on the employee's ability to perform his or her University duties. However, in no case will approval carry with it any obligation of Morningside University to support any candidate.

Safety and Health

It is the policy of the University that each work location is kept free of hazards that may cause physical harm or illness to employees. All members of the campus community are responsible for implementing this policy. If you observe an unsafe practice or condition, report it to you supervisor or a University administrator immediately. Direction and assistance are provided by the Safety Committee, Director of Campus Safety and Security, the Director of Physical Plant, and the Vice President for Business and Finance.

Failure to follow the following policy and procedure may result in loss of benefits to the injured or ill employee, or violation of the Workers' Compensation laws and Federal occupational Safety and Health Act.

If an employee is injured on the job, the following actions should be taken:

- Obtain first aid and medical assistance as needed. The injured party should be instructed to go to a medical care provided chosen by the University. The University retains the right to initially control medical treatment.
- Investigate each accident or occupational illness promptly and thoroughly. Supervisors should file the required safety and health reports (incident report) with the Human Resources Office.

Upon receipt of the incident report the Human Resources Office will, if appropriate, inform the employee of Workers' Compensation benefits and rights and provide the original incident report information to the insurance company.

Security Policy

Morningside University is concerned about the safety and welfare of all campus members and guests and is committed to providing a safe and secure environment. Because no campus is isolated from crime, the University has developed a series of Policies and Procedures that are designed to ensure reasonable care in protecting persons on campus.

While Morningside cannot and does not guarantee a crime or risk-free environment, the University does strive to provide a reasonably safe educational and living environment, consistent with applicable law.

Morningside University developed this policy to provide an overview of the University's Campus Safety and Security Program. The University's Department of Campus Safety and Security is responsible for campus security. The Department consists of one full-time Director of Campus Safety & Security, one full-time Assistant Director of Campus Safety and Security, one full-time Campus Safety & Security Officer and 15 to 20 part-time student Security Officers. Although personnel do not have the powers of arrest, the Department maintains an excellent working relationship with the Sioux City Police Department and other law enforcement agencies.

The Department of Campus Safety and Security provides a Campus Escort Service. If an escort is desired students should call the Security Office (274-5234).

Incident Reporting

The University's Campus Safety and Security Department handles complaints on campus and coordinates investigations with outside agencies as necessary. The University files a yearly statistical crime report with the state police and the United States Department of Education, under the Jeanne Clery Act.

Students, faculty, and staff should promptly report all crimes and medical or fire emergencies to the Campus Security Department and as necessary with local fire or police departments. When a report is received, an officer will be dispatched to the caller's location for investigation. When necessary, a follow-up investigation is conducted by the department and coordinated with local police agencies. In the case of a medical or fire emergency, the Campus Security Department notifies the appropriate emergency personnel.

Emergencies occurring within a residence hall should be immediately reported to a member of the Housing Staff. The staff member will then contact any additional emergency or security personnel needed to assist.

Facility Security

Most University facilities and corresponding programs are open to the public during respective hours of operation. Identification and/or sign in registration are not currently required.

University facilities and landscaping are maintained to minimize hazardous conditions. Malfunctioning lights and other unsafe conditions are reported immediately to the Maintenance Department for repair or correction. In addition, Lighting Reports and Physical Security Reports are compiled by the Campus Safety and Security Department and forwarded to the Maintenance Department for appropriate action.

Residence halls are a special concern. Presently, campus facilities house undergraduates. Single, mostly double, and very few triple accommodations are available. Four buildings house both genders in separate wings. Upper-class students have the opportunity to choose both their room location and roommate. Freshmen are assigned to rooms as they return admissions deposits and indicate interest in on-campus accommodations. Changes in room assignments are made upon reasonable request. Each resident is provided with a room key that operates the room door lock as well as the main entrance. Doors marked "exit only" or "emergency exit only" are not accessible from the outside. Such doors are to be used for exit purposes only. Windows are equipped with locks operable by the room occupants. Campus security officers patrol both the exterior of the residence halls and campus parking lots while residence hall staff monitor the interior of the residence halls and secure all entrances and exits. During low-occupancy periods, the residence halls are locked, and keyway cores are changed. Students who receive permission to stay on campus during such periods are registered with the Housing Department.

Local police officers monitor University-sponsored off-campus activities, such as dances and athletic events. Campus events are monitored by campus security officers.

Student Safety Education

Both the Office of Student Affairs and the Department of Campus Safety and Security provide educational materials and programs to the University community throughout the year. The vast majority of incidents on University campuses can be avoided if students recognize that they can become victims and take basic precautions, such as walking in groups at night and keeping residence hall doors locked. This message as well as specific policy issues and problems are routinely addressed at residence hall floor meetings or in student information. In addition, each residence hall room has posted information concerning emergency evacuation procedures in case of a fire or tornado and general information on campus security matters. Through these efforts University community members are encouraged to care not only for themselves, but for each other. Additional detail concerning student or residence hall regulations is included in the Student Handbook, provided to each student annually. Additional statistical analysis of crime is available upon request from the Department of Campus Safety and Security.

All federal, state and local laws and ordinances including those regarding alcohol and illegal drug possession, use and sale are applicable to the Morningside University campus. The University reserves the right to sanction individuals who violate these laws.

The possession of any type of firearm or weapon and the possession of any type of explosive, hazardous chemicals or fireworks are strictly prohibited. Background investigations are not conducted with prospective students. When information concerning criminal conduct is brought to the University's attention it is given appropriate consideration.

Students who are convicted of a criminal offense after admission are subject to the University's judicial process. If the student is found guilty by the University, penalties can range from probation up to and including suspension and/or dismissal from school.

For additional information contact:

Director of Campus Security, (712) 274-5234

For a copy of the University crime statistics, please contact:

Department of Campus Security, Morningside University
1501 Morningside Avenue
Sioux City, IA 51106

Solicitation and Distribution

Distribution, canvassing and placing of signs and posters for solicitation purposes, chain letters, and collection of any kind, and sales of tickets or merchandise are not permitted on University property unless prior approval is granted by the Vice President for Business and Finance.

Smoking Policy

It is the policy of Morningside University to comply with the Iowa Smokefree Air Act passed by the Iowa Legislature effective July 1, 2008. This law prohibits smoking anywhere on campus to include:

- Inside or outside all University buildings
- All outdoor athletic facilities
- University grounds including parking lots
- University owned vehicles

Morningside recognizes that smoking is a serious health hazard. All members of the Morningside community are asked to remind persons who are smoking that we are required to comply with the provisions of the Act. Morningside University may also include prohibitions that are above and beyond the Act.

This policy also prohibits the use of cigars, other forms of tobacco, pipes, hookahs and other smoking devices such as electronic cigarettes (e-cigs) or vaporizers within University buildings, including residence halls. Sale or distribution of tobacco products are also prohibited (Article III(B)(201)).

Individuals violating this policy will be notified of their non-compliance and continued failure to comply with this policy will constitute a violation of University Policy and may be dealt with accordingly through established, formal disciplinary procedures.

Requests for assistance and questions regarding this policy can be addressed to the Human Resource Office at (712) 274-5114.

Staff Hiring Practices Policy and Procedure

Morningside recruits on the basis of qualifications for a specific job without regard to race, color, religion, marital status, national origin, genetic information, sex, age, or the presence of any disability, sexual orientation, actual or perceived gender expression, or gender identity.

I. **Policy**

This policy sets forth the guidelines for staff recruitment.

II. **Purpose**

The purpose of this policy is to ensure that consistent guidelines are followed as exempt and non-exempt staff are hired. Consistent guidelines are necessary to ensure compliance issues are followed regarding federal, state, and local regulations.

III. **Scope**

This policy applies to all employees who are part of the search process.

IV. **Terms and Definitions**

- Requisition for Personnel Form – authorizes Human Resources to advertise the position. HR will work with hiring Supervisor/Vice President to complete form and obtain the appropriate signatures of Presidential Staff Member, Vice President for Business and Finance and President.
- Job Description – This needs to be reviewed, updated, and submitted to Human Resources prior to the posting of the position.
- Search Committee – Members chosen should be knowledgeable about the position or work closely with that position and have experience interviewing candidates.
- Reference Checks – Applicants must provide a minimum of three professional references and note their relationship on their employment application/resume. If the reference provided is a member of the Search Committee, the candidate will be asked to provide an alternate reference. Reference checks will be conducted following the on-site interview for all final candidates.
- New Employee Form – completed by the department's Supervisor. Human Resources will send a form to hiring Supervisor to complete once a verbal offer is accepted.

- Offer letter – completed by Human Resources. Information from the New Employee form is used to send an offer to selected candidate with start date, rate of pay, etc.
- Emails to applicants – Human Resources will email candidates acknowledgement, regret, postponement of searches, etc. The Chair of the Search Committee is encouraged to notify candidates that were interviewed that they did not receive the position. In some circumstances the supervisor might want to keep candidates on file for other positions they need to work with HR on this and that arrangement will be set up.
- Criminal Background Check – All offers are contingent upon a successful background check. The background check must be completed prior to an employee relocating to the area and before an employee’s first day of work at the University. HR will notify Supervisor when things are finalized and when they can move forward in the hiring process.

V. **Procedures and Guidelines**

A. **New or Replacement Positions**

1. Vice President will discuss with the President the need to fill the position
2. If the decision is to fill the position the next step is to determine job title
3. Create or update job description (use standard format provided by Human Resources)
4. HR will work with hiring supervisor/Vice President to complete “Requisition for Personnel” form for additions or replacements to their departments. This form includes the rational for the request, specifics of the position (e.g., full-time, hours per week, exempt/non-exempt) and a job description. The form can be found on the Human Resources website at <https://my.morningside.edu/offices/human-resources/forms>. An updated Job description must accompany this form.
5. It is also during this stage when it may be necessary to determine the status of a position, exempt or non-exempt. HR will provide information on FLSA to the supervisor and vice president to complete the “test for exemption” to make a determination on the status of a position. The exemption test is returned to HR to review with the Vice President of Business & Finance.
6. Human Resources/CFO will provide suggested pay range for the position based on the following considerations:
 - IAICU salary comparisons
 - CUPA salary comparisons
 - Department position equity considerations
 - Campus position equity considerations
 - Budget considerations
 - Labor market considerations
7. Following discussions about position salary range with HR/CFO if the Vice President wishes to use a different amount they may do so with the approval of the President.

8. Once the form is completed with all required signatures return to HR to have the position posted internally and then externally if necessary. The President should always be the last person to sign the form.
9. HR will receive applications and make them available for viewing online through the use of a shared drive.
10. HR will communicate to applicant about the receipt of the application and process.
11. It is the responsibility of the hiring supervisor create the hiring committee and setup interviews. HR will assist with process if requested. HR needs to be scheduled for 15 minutes with each candidate (on campus or virtual meeting) to go through benefits and general employment questions.
12. It is the responsibility of the hiring supervisor to conduct reference checks of final applicants. HR will assist with reference checks if requested.
13. All notes and comments regarding the interview process need to be submitted to HR from the hiring committee. HR needs to maintain this information on file for 1 year for liability purposes.
14. Once a decision is made and an offer of the position is made to the applicant HR must perform a criminal background check before the applicant is officially hired or can start working.
15. If the previously approved salary range is exceeded the President must authorize the salary above the stated range.
16. Complete the "New Employee Information" form and return to HR.

B. Procedures for changing current employee job/pay status

- VP or hiring supervisor request "Change in Personnel Status" form from Human Resources
- Complete form and return to Human Resources for approval or discussions with HR/CFO
- If a pay adjustment is being requested, HR/CFO will review the proposed pay adjustment based on the following considerations:
 - IAICU salary comparisons
 - CUPA salary comparisons
 - Department position equity considerations
 - Campus position equity considerations
 - Budget considerations
 - Labor market considerations
- President will make the final decision if there is a dispute of the amount.
- Once approved by CFO the form is given to the President for final approval. The President should always be the last person to sign the form.
- Completed form with all signatures is given to HR for implementation.

C. Advertising the Position

- Vacancies in administrative or staff positions in most cases are posted and communicated internally to all employees
- Human Resources will work with the hiring supervisor to develop the job posting. HR will post position to the appropriate recruiting resources. Most positions will be advertised on the University's website
<https://www.morningside.edu/about/employment/administrative-staff/>

- We post positions for a minimum of seven calendar days. The notice is designed to give equal opportunity to all candidates.
- Human Resources will work with supervisor regarding the posting and placement for the job posting prior to distribution or placement. Utilizing on online postings, newspaper ads, websites, etc. for the posting.
- Costs of recruitment, such as advertising, employment agency fees, interview and recruitment travel will be charged to a general recruitment expense account. Supervisors will need to work with Human Resources on this.

D. Re-Advertising the Position

- If the pool of the applicants is not deemed acceptable, contact Human Resources to re-advertise the position

E. Exceptions to Posting of Job Opportunities

1. Internal Transfer/Promotions

- Candidates for the filling of vacancies may be limited to current Morningside employees. If a suitable qualified replacement is found internally, the position will not need to be advertised externally. A Requisition for Personnel form still needs to be completed with all the required approvals before the position can be posted.

2. Waiver

- In cases of promotions, the posting requirement is waived.

F. Applications

- Applications and resumes are received by Human Resources and acknowledged by an email. A shared drive will be created so the immediate Supervisor and/or or Search Committee can review applications to determine which candidates will be interviewed. Allow a minimum of two weeks to receive all applications for consideration.
- The related record keeping for the position, including the names of all employees who applied and the reasons for selection, will be retained by the Human Resources and the hiring department needs to submit their notes and information regarding the process to Human Resources. The hiring department may keep a copy for their records.

G. Promotions and Transfers

- It is the policy of the University to encourage internal promotions, and for this purpose preference will be given to qualified University employees in filling vacancies.

H. Recruitment Procedure

All recruiting actions must be in conformity with applicable University policies and procedures, including the University's equal employment opportunity policy. The following procedures are summarized below:

Dept.	Notify respective VP and Human Resources department of opening.
Dept.	Work with HR regarding the completion of requisition.
Dept.	Update the job description for the open position and submit to HR.
HR	Creates job posting from job description and reviews it with hiring supervisor before posting.
HR	Shared drive created so that hiring department can view applicant's materials
HR	Post position internally for 7 days and place advertisement in appropriate online venues, websites, newspapers, or other publications if necessary.
HR	Collects applicant materials and emails/sends out acknowledgement letters to all applicants.
Dept.	Reviews qualifications and background of candidates and decide which applicants to interview.
Dept. /HR	Interview applicants and go through benefits. Hiring committee needs to provide the job description to the candidate to review during the interview.
HR	Review benefits with candidates interviewed and review applicant's material submitted during interview.
Dept.	Check references – HR will assist if requested.
Dept.	Make final hiring selection. Work with HR and VP to go through salary offer especially if it varies from the range before offer made to candidate.
Dept. /HR	Make offer to chosen candidate. Complete New Employee Form
Dept.	Complete New Employee form and send to HR which confirms name, start date, hours, and pay rate.
Dept.	Submit all notes taken during the applicant's interview to HR
HR	Send out criminal background authorization form and confirmation of employment letter to new hire.
HR	Human Resources will start creating new employee record in system once results of criminal background check are in.
HR/Dept.	HR will work with department to arrange orientation of new employee with this needs to be completed within three days of their starting date.

I. Appropriate and Inappropriate Questions

- You may discuss duties and responsibilities of the position, Morningside mission, programs, and achievements, opportunities for growth and development, qualifications, abilities, experience, education, and interests.
- You **MAY NOT** ask questions about family, race, color, national origin, religion, sex, sexual orientation, disability, age or ancestry, **DO NOT** ask questions directed at one gender or the other. **DO NOT** ask if a candidate has filed or has threatened to file a discrimination charge.

- **Avoid** any inquiry that is designed to elicit information about membership of a protected class.

What You Can and Can't Ask – Legal and Illegal Interview Questions

Areas of Inquiry	Legal	Illegal
Age	Requiring proof of age of minors	Age or age group - Birth Certificate
Ancestry/Birthplace/ National Origin	Whether applicant can submit proof of right to work in US after hiring	Whether native-born Birthplace
Citizenship	Whether applicant is US citizen	Citizen of what country
Credit Rating		Credit or credit rating
Criminal Record	Actual convictions other than misdemeanors that relate to job duties	Arrests participation in demonstrations Actual convictions other than misdemeanors that relate to job duties in states that have "check the box" laws - please reach out to Human Resources for further guidance on if this impacts your search.
Disabilities	Whether applicant is able to carry out all job assignments safely	Disability or needed accommodations
Education	Schools attended, language skills	How foreign language ability was acquired
Family/Relatives	Names of relatives already employed by Morningside (except name of spouse)	Name, employment, salary of spouse
Gender/Sex	Job restriction to one sex if Bona Fide Occupational Qualification (BFQQ)	Sex of applicant
Marital/Parental Status	Work attendance requirements if asked of both sexes	Child-care, current or future pregnancies
Military Service	Service, branch of service, and rank	Military records, type of discharge
Race/Color		Inquiry regarding race/color
Religion/Creed	Whether applicant can work normal hours and days of week	Religion, denomination, religious holidays

VI. New Employee Onboarding

A. Checklist of Items to be done before new employee starts

- HR will create new email and set up access to Faculty/Staff module in Campus Web and email the information to new employee a few days before they start
- Supervisor needs to request keys from Brett Lyon and their respective Vice President

- Supervisor needs to contact Matt Powell to set up phone and get extension number
- Supervisor needs to notify Information Services, Carla Gregg, what access employee needs to Collegix/AIMS
- Supervisor needs to notify Information Services regarding what network drive, shared drives and what modules new employees need
- Department should order and have supplies on hand for new employee – business cards, desk supplies, name plate, name tags
- Reach out to confirm start date and time and educate new employee on where to park
- Suggestion – someone in department take to new employee to lunch

B. First Day – New Employee

- Introduction to office personnel
- Tour of building showing them locations of bathrooms, offices, main conference rooms, etc.
- Assist employee making sure they have all the access to Collegix, shared drives, etc.
- Someone brings them to HR for employee orientation
- Confirm that a Campus Tour has been set up work with HR and Cindy Houlsworth
- Contact Brett Lyon and take new employee over to get picture taken for ID
- Lunch with someone from the department

C. Follow up Items

- Confirm they have the office supplies they need – talk about department process for ordering
- Confirm receipt of their parking permit
- Follow up regarding Campus Tour – any questions they have
- Take them to Facilities Building show them mailroom and introduce them to mailroom staff

D. New Staff Employee Luncheon

- Human Resources will hold a New Staff Employee Luncheon twice a year
- Supervisors should encourage and arrange schedule for new employees to attend

Technology Use Policy

Computer and E-Mail Usage

Use of Morningside University's Equipment

All Morningside University equipment, software, data, and network connections including computers, email accounts, PDAs or other electronic devices, shall be used for Morningside University-related business only. Computers, computer files, the e-mail system, and software furnished to Morningside University employees, independent contractors or volunteers (hereinafter "Users") are Morningside University's property intended for business use only.

Users are responsible for the use (and misuse) of their Morningside Network Account. Users must take reasonable precautions to prevent use of their account by unauthorized persons, including password maintenance, and report all unauthorized use to the Technology Services Center.

Confidentiality of Email Communications

Users have no expectation of privacy with respect to any electronic communication and content created, viewed or saved while using Morningside University-controlled electronic devices or networks. It is extremely important that (1) all Users who send e-mail messages recognize that there can be no assurance that they will be seen only by the intended addresses; and (2) all Users act carefully, professionally, and responsibly with respect to e-mail messages. Users should take extra care when communicating highly sensitive or confidential information. Users should be aware that in the event of litigation, any electronic communications stored, transmitted or received on Morningside University-owned equipment (even deleted versions) could be discoverable by another party and may be used as evidence in a trial.

Morningside University reserves the right to monitor, access and disclose computer files on Morningside University controlled electronic environment and messages sent over its e-mail system and/or networks, including for disclosure of appropriate e-mail messages or computer files to law enforcement officials, with or without notice to any User(s) who may have created such a computer file or sent or received such messages. It also reserves the right to destroy any and all computer files and messages at any time pursuant to Morningside University's Record Retention and Document Destruction Policy¹, subject to limitations required by law enforcement officials or other legal authority.

Compliance with Morningside University's Policies and Procedures

Users must adhere to all of Morningside University's policies and procedures when using Morningside University's equipment, software, data, and network connections including when doing so to engage with other users online via social networking or in virtual spaces. This includes Morningside University's workplace policies outlined in the Employee Handbook and FERPA policies. Any conduct that would be prohibited by these policies is also prohibited online or in virtual contexts.

Any violation of this policy or any other applicable policy will be grounds for discipline, up to, and including, termination of employment or dismissal from independent contractor or volunteer status.

For example, email messages, or social media posts that include obscene statements or derogatory comments about co-workers and students should never be created or transmitted. Similarly, email messages or social networking posts containing improper or offensive materials on topics such as color, race, religion, national origin or ancestry, sex, age, disability or any other legally protected status should

never be created or transmitted. Morningside University believes that gossip regarding any member of Morningside University's community is potentially harmful and could be destructive in a productive environment. As such, use of Morningside University's equipment, including its email system for gossip is discouraged.

Users are prohibited from making discriminatory, retaliatory, defamatory, libelous or slanderous, threatening, and/or sexually explicit comments when using Morningside university's equipment, software, data, and network connections, or discussing Morningside University, its administrators, employees or students. Users should be aware that Morningside University's anti-retaliation policy prohibits retaliation against any individual who in good faith reports an incident of discrimination, harassment, bullying, abuse, or the waning signs thereof, or who cooperates with an investigation regarding any matter covered by the policy. This includes retaliation against any individual who notifies Morningside University of inappropriate online activity by User.

Any User online content that references Morningside University, its policies or its community members, must clearly state that it expresses the views of the User and does not represent, in any capacity, the views of Morningside University.

If Users receive external or internal e-mail that contains material that would violate Morningside University's non-harassment policyⁱⁱ, they should immediately delete the e-mail and inform the sender to refrain from sending such e-mail in the future.

E-mail may not be used to solicit others or promote commercial ventures, religious or political causes/views, outside organizations, or other non-Morningside University matters, such as, jokes, cartoons, without prior approval from the President or a Vice President.

Compliance with Intellectual Property Laws

Morningside University purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, Morningside University does not have the right to reproduce such software for use on more than one computer. Users may only use software on local area networks or on multiple machines according to the software license agreement. Morningside University prohibits the illegal duplication of software and its related documentation.

Use of Morningside University's logos, branding materials, or any other intellectual property is strictly limited to business use and only by those who are duly authorized to act on the Morningside University's behalf.

Reporting Suspected Violations

Users should notify their immediate supervisor, the Human Resources Department or any Morningside University administrator upon learning that an authorized user, including an employee, student, independent contractor or volunteer has violated this policy. Failure to report another user's known violation of this policy may subject the user to discipline, up to and including termination of employment or dismissal from independent contractor or volunteer status.

Users should notify their immediate supervisor and the Technology Services Center if they suspect an unauthorized user has accessed equipment, software, or data belonging to Morningside University.

Violations of this Policy

Users who violate this policy will be subject to disciplinary action, up to and including termination of employment or dismissal from independent contractor or volunteer status. Failure to report a known violation by another user is also a violation of this policy that may subject the user to discipline, up to and including termination of employment or dismissal from independent contractor or volunteer status.

BLOGGING POLICY

Scope

This policy applies to any employee, independent contractor or volunteer (hereinafter "User") who engages in blogging activity on Morningside University's equipment. This policy also applies to any User who engages in blogging activity on any digital equipment that references or refers to Morningside University, its policies or its community members. Blogging activity is broadly defined as any communication posted on the internet by a User.

Compliance with Morningside University's Policies and Procedures

Any User who engages in blogging activity must abide by all of Morningside University's policies and procedures that include, without limitation, Morningside University's non-disclosure policies, confidentiality policies, anti-discrimination policies, anti-retaliation policies, anti-harassment policies and computer use policies. Any conduct that would be prohibited by these policies is also prohibited when blogging.

Users are prohibited from making discriminatory, retaliatory, defamatory, libelous, or slanderous, threatening, and/or sexually explicit comments when discussing the Morningside University, its administrators, employees or students. Users should be aware that Morningside University's anti-retaliation policy prohibits retaliation against any individual who in good faith reports an incident of discrimination, harassment, bullying, abuse, or the warning signs thereof, or who cooperates with an investigation regarding any matter covered by the policy. This includes retaliation against any individual who notifies Morningside University of inappropriate blogging activity by User.

Any User blog that references Morningside University, its policies or its community members, must clearly state that it expresses the views of the User and does not represent, in any capacity, the views of Morningside University.

Compliance with Intellectual Property Laws

Use of Morningside University's logos, branding materials, or any other intellectual property is strictly limited to business use and only by those who are duly authorized to act on the Morningside University's behalf.

Violations of this Policy

Morningside University reserves the right to take disciplinary action up to and including termination or dismissal from independent contractor or volunteer status of any User whose blog violates any Morningside University policies.

Morningside University reserves the right to monitor User blogging activity that is conducted on Morningside University's equipment or server.

If Morningside University detects a violation(s) of its policies and/or applicable laws because of:

- (1) Activity conducted on institution-controlled equipment on any site (public or internal); or

(2) Activity conducted on Morningside University's server or cloud on any site (public or internal) on any equipment; Morningside University reserves the right to authorize its IT department to disable or remove any content from an institution-controlled server, site, or institution-controlled equipment using any legally available means.

Copyright Materials

The use of copyright materials, such as films, videos, filmstrips, electronic media, etc., for public performance must comply with the Federal Copyright Act (Title 17, United States Code, Section 101 and following), Digital Millennium Copyright Act (DMCA), and Technology, Education, and Copyright Harmonization Act (TEACH). Copyrighted materials used for educational purposes in a classroom setting must comply with the Fair Use Guidelines of the Copyright Act which may be found in the Copyright Act at Section 107. Further copyright exceptions for academia are found in Sections 108 (reproduction by libraries and archives), 109 (first sale), and 110 (use of materials in an educational setting). Copyrighted materials used for recreational purposes as public performance, outside of the private sphere of one's home, are required to obtain a public performance license. To access information on purchasing the rights to show copyrighted materials or purchase a public performance license, contact the Vice President for Business and Finance.

Tobacco Policy

Morningside University facilities and grounds, including vehicles owned or leased by Morningside University, are off limits for tobacco use, including but not limited to cigarettes, cigars, chewing tobacco, snuff, pipes, snus, Electronic Smoking Devices (ESD) and nicotine products that are not Food and Drug Administration (FDA) approved for tobacco cessation. This requirement extends to students, employees, and visitors. This policy applies at all times, including school-sponsored and non-school-sponsored events on Morningside premises. Persons failing to abide by this policy are required to extinguish their smoking material, dispose of the tobacco/nicotine product, or leave Morningside University premises immediately.

Volunteerism Policy

Morningside University recognizes it is our responsibility to help enrich our surrounding communities of residence and work. We encourage our employees to become involved in their communities, lending their voluntary support to programs that positively impact the quality of life within these communities.

The following guidelines are for the Morningside University employees who serve as volunteers in community programs that are either of personal interest or are University related initiatives:

- Volunteer time should not conflict with work schedule and other work-related responsibilities, create need for overtime, or cause conflicts with other employees' schedules.
- Employees must get preapproval from their supervisor before time off can be taken for volunteer activities. It is at the supervisor's discretion to approve time off for such activities.
- Should an employee volunteer their time for personal interest programs, which are those programs whose goals are considered strategically relevant to the mission of the University but not related to University activities, paid leave should be taken.

- Should an employee volunteer their time for a University related program, which are programs whose goals are considered of strategic importance to the University and for which the University is involved, paid leave is not required to be taken.

The Human Resource Department may be contacted at 274-5114 for any questions.

Weapons Policy

Morningside University prohibits possession, use, and transportation of any dangerous or potentially dangerous weapons described below on all University properties.

1. Fixed blade knives concealed on the person or in the vehicle (e.g., Bowie knife, knife, or instrument of like kind or description)
2. Shotgun or rifle or other shoulder gun
3. Pistol or revolver
4. Air gun (e.g., air or gas-powered rifle or pistol)
5. Bow and arrow (e.g., archery equipment)
6. Slingshots (including throwing weapons)
7. Swords
8. Crossbows
9. Brass knuckles
10. Fireworks or explosive devices

This policy shall apply to all faculty, staff, students at Morningside University, and to all visitors to the campus or University properties. This policy shall not apply to duly authorized law enforcement officials in the lawful discharge of their duties.

Temporary exclusions may be granted by written permit only by the Director of Campus Safety & Security or by an authorized designee made by the Director of Campus Safety & Security for job related, educational, or demonstration purposes.

Where applicable, all federal, state, and local laws and ordinances will be strictly enforced by the Morningside Campus Safety & Security Department and respective mutual aid agencies and shall be separate from this administrative policy.

Whistleblower Policy

I. Purpose and Applicability

The purpose of this policy is to set forth the Morningside University policy on disclosure of misconduct and to protect individuals from retaliation in the form of an adverse employment action for disclosing what they believe evidence certain unlawful or unethical practices. This policy is applicable to all employees of Morningside University and to applicants of jobs at Morningside University.

II. Statement of Policy

It is the policy of Morningside University that employees and applicants shall be free without fear of retaliation to report conduct within Morningside University that they reasonably believe may constitute misconduct including but not limited to, the following: wire fraud, mail fraud, bank fraud, securities fraud or questionable accounting and internal controls, auditing matters, harassment, discrimination, hostile workplace, safety and security issues, illegal or unethical business practices, wrongful termination, hate messages, faculty and staff handbook violations of laws, mismanagement, waste of institution resources, and abuse of authority.

A representative of Morningside University shall not take or refuse to take any employment action in retaliation against an employee or applicant who reports possible misconduct under this policy in good faith or who, following such disclosure, seeks a remedy provided under this policy or any law or other Morningside University policy. However, employees or applicants who knowingly file false or misleading reports, or without a reasonable belief as to truth or accuracy, will not be protected by this policy, and in the case of an employee, may be subject to discipline, including termination of employment.

III. Process for Disclosure

- A. An employee or applicant shall disclose all relevant information regarding evidenced misconduct to the President in a signed written document within ninety (90) days of the day on which they first knew of the misconduct. If the employee or applicant would rather contact a source outside of Morningside University, they may contact the confidential Campus Conduct Hotline service provided by EIIA. Campus Conduct Hotline reports may be made by calling toll-free (866) 943-5787
- B. The president shall consider the disclosure and take whatever action he or she determines to be appropriate under the law and circumstances of the disclosure.
- C. In the case of disclosure of misconduct involving the President, the disclosure shall be directed to the Human Resource Director. The Human Resource Director shall consider the disclosure and take whatever action they determine to be appropriate under the law and circumstances of the disclosure. This includes possible notification of the Board Chair.
- D. The disclosure recipient will be responsible for:
 - Ensuring all investigations are carried out in a fair and unbiased manner.
 - Ensuring that those making complaints and/or reporting compliance concerns are treated fairly, their confidentiality is protected to the extent the law allows, and no retaliation takes place.

IV. Complaints of Retaliation as a Result of Disclosure

- A. If an employee(s) or applicant believes that they have been retaliated against in the form of adverse employment action for reporting possible misconduct under this policy, they may file a written complaint requesting an appropriate remedy.
- B. For purposes of this policy, an adverse employment action shall be defined as actions including discharge, demotion, suspension, being threatened or harassed, or in any other manner

discriminated against with respect to compensation, and conditions or privileges of employment. This policy does not prohibit an employment action that would have been taken regardless of a disclosure of information.

V. Process for Adjudication of Complaints Stemming from Disclosure

- A. An employee or applicant must file a complaint with the President within ninety (90) days from the effective date of the adverse employment action from the date on which the employee or applicant should reasonably have had knowledge of the adverse employment action.
- B. Complaints shall be filed in writing and shall include:
 - Name and work address of the complainant
 - Name and title of Morningside University official(s) against whom the complaint is made
 - The specific type(s) of adverse employment action(s) taken
 - The specific date(s) on which the adverse employment action(s) were taken
 - A clear and concise statement of the facts that form the basis of the complaint,
 - A clear and concise statement of the complainant's explanation of how their report of possible misconduct is related to the adverse employment action; and
 - A clear and concise statement of the remedy sought by the complaint
- C. Within sixty (60) days of receipt of complaint, the President or (Human Resource Director in the case involving the President) shall consider the written complaint, shall conduct, or have conducted an investigation which, in their judgment, is consistent with the circumstances of the complaint and disclosure, and shall report to the complainant the conclusions of the investigation absent overriding legal or public interest reasons. The identity of the complainant and the subject of the complaint shall be kept confidential to the extent possible within the legitimate needs of the law and the investigation.
- D. The determination shall be in writing and shall include the findings of fact, the conclusions of the investigation, and if applicable, a specific and timely remedy consistent with the findings. The decision of the President or Human Resource Director shall be final.

VI. False Allegations of Wrongful Conduct

Any employee who knowingly makes false allegations of alleged wrongful conduct shall be subject to discipline, up to and including termination of employment, in accordance with University rules, policies, and procedures.

VII. Policy is not a Contract

This policy is not a contract, and it can be modified at any time, with or without notice. It does not provide greater or lesser rights than applicable law provides.

Workplace Violence Policy

I. Purpose

Morningside University is committed to maintaining an environment that is safe and free from violence and will not tolerate violent or threatening behavior. Morningside University has a “zero tolerance” for threatening or violent behavior on its campus.

II. Scope

This Policy applies to all students, faculty, staff, visitors, volunteers, vendors and contractors on University premises and at University sponsored events.

III. Objective

The objective is to define standards of conduct and protocols designed to protect the health, safety, and welfare of the Morningside University community and to protect the University facilities in accordance with the mission of Morningside University.

Acts of violence, threats, and aggression are considered to be misconduct and will be taken seriously and immediately investigated. Individuals who make substantial threats, exhibit threatening behavior, or engage in violent acts on Morningside University property will be removed from the campus as quickly as safety permits. Violations of this policy will result in sanctions up to and including termination of employment, suspension, or expulsion and/or permanent removal from Morningside University and its grounds.

IV. Definitions

The following definitions apply to this policy:

"Physical Attack" means any form of aggression resulting in a physical assault with or without the use of a weapon.

"Threat" includes a communicated intent to inflict physical or other harm on any person or property.

"Threatening Behavior" means any verbal, physical or visual behavior that is provoking and unsafe, which by its very nature could cause physical or other harm to any person or property. It may or may not include an actual physical attack.

"Violence" means any threats, threatening behavior or conduct against persons or property that is sufficiently severe, offensive, or intimidating to alter the employment conditions or learning environment at Morningside University and/or creates a hostile, abusive or intimidating work environment for one or more students or employees. Acts of violence include verbal or physical actions that create fear or apprehension of bodily harm or threaten the safety of a supervisor, co-worker, faculty member, student, independent contractor, volunteer, or visitor to Morningside University.

V. Prohibited Behavior

Violence, threats of violence, threatening behavior, or physical attacks by an employee, student or visitor to Morningside University are violations of this policy and are strictly prohibited. Violations of this policy will result in discipline, up to and including termination, expulsion, or removal from campus.

Examples of such behavior include on or off duty or off premises acts that adversely affect Morningside University, include but are not limited to:

- Any attack which involves violence
- Any act which involves a physical attack
- Behavior or actions that would be interpreted by a reasonable person as carrying a potential for violence and/or acts of aggression
- Any act that threatens harm to another person or damage to property
- Domestic violence
- Sending threatening, intimidating letters, notes or emails or use of any other social media
- Verbally threatening to harm another person or destroy property
- Using threatening, intimidating or abusive language and/or gestures
- Threatening to harm an individual or his or her family, friends, or their property
- The intentional destruction or threat of destruction of property owned, operated, or controlled by Morningside University
- Making harassing or threatening telephone calls, letters, e-mail messages, or other forms of written or electronic communications, including use of social media

The following conduct also violates this policy:

- Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on Morningside University property. This prohibition includes dangerous chemicals and any other implement for infliction of bodily injury or death. Possession includes, but is not limited to, the presence of a weapon on the employee's person, in their vehicle, desk, locker, lunch box, purse, offices, or file cabinets.
- Refusing to submit to an inspection for the possession of a weapon that is requested by Morningside University.
- Refusing to participate in an investigation pertaining to allegations or suspicion that an act of violence has or is likely to occur, or an investigation pertaining to the possession of a weapon by the employee or a co-employee.
- Intentionally providing false information or intentionally withholding information during an investigation pertaining to allegations or suspicion that an act of violence has or is likely to occur, or an investigation pertaining to the possession of a weapon by the employee or a co-employee.

VI. Seeking Emergency Assistance

Should a violation of this policy occur, and you need immediate assistance, contact Campus Safety and Security at 712-274-5234 or call the Sioux City Police Department at 712-279-6960

VII. Seeking Assistance from Morningside University Resources

Morningside University provides resources to address potential or actual acts of violence and aggression or other violations of this policy. Individuals are encouraged to seek assistance from Campus Security, Campus Conduct Hotline, Human Resources and Counseling Services, as set forth below.

Departments are encouraged to offer training regarding Violence in the Workplace to be arranged with Campus Security and Human Resources. For student programs, contact Campus Safety and Security or Residence Life.

VIII. Reporting a Violation of this Policy

Any member of Morningside University community, including contractors or visitor can report a violation of this policy and seek assistance. In general, threats should be reported to the following departments, depending on the identity of the persons involved and the perceived imminence or gravity of the threat:

1. Campus Safety and Security serves members of the Morningside University community, contractors and visitors who experience violence or threats of violence. Campus Security provides consultation and preventive services as well as an immediate law enforcement response.

Campus Safety and Security
Olsen Student Center
712-274-5234

2. The Office of Student Services, which will address violence or threats of violence perpetrated by a student. Members of the Morningside University community, contractors and visitors concerned about such violence should contact one of the following departments Campus Safety and Security, Residence Life staff, or Student Services.

3. The Office of Human Resources, which will address violence or threats of violence that involves a faculty or staff member. Morningside University employees, contractors and visitors concerned about violence should report their concerns to the appropriate supervisor and/or Human Resources. Supervisors receiving a report should contact Campus Safety and Security and the Office of Human Resources immediately.

4. Upon receiving a credible report of a threat, the above departments are responsible for assessing the threat, creating an assessment team, and implementing the threat assessment response if necessary.

IX. Responsibilities and Implementation of this Policy

In keeping with the spirit and intent of this policy, and to ensure that Morningside University's objectives in this regard are attained, it is the responsibility of all members of Morningside University's community to help prevent violence.

It is the commitment of Morningside University to:

- Take prompt and remedial action, up to and including termination of employment or expulsion, against any employee or student who engages in any of the conduct defined above.
- Take appropriate action in dealing with vendors or visitors to Morningside University's facilities who engage in such behaviors. Such action may include notifying the police or other law enforcement personnel.
- Prohibit students, employees, guests, vendors, and visitors from bringing unauthorized firearms or other weapons onto Morningside University premises.
- Establish appropriate security measures at the property to promote safety and security.

X. Non-Retaliation

Morningside University prohibits retaliation against any individual who in good faith reports a potential violation of this policy, cooperates with an investigation regarding any matter covered by this policy, or who reports, in good faith, an incident of abuse or other warning signs. An individual bringing a complaint or assisting in the investigation of such complaint will not be adversely affected in their terms and conditions of employment or educational experience, discriminated against, or discharged because of the complaint or assistance, provided that the complaining individual has not violated this policy. Retaliation will result in separate discipline up to, and including dismissal, expulsion, or removal from Morningside University.

XI. Confidential Counseling

1. Morningside University employees and family members may contact the Employee Assistance Program for any personal concerns related to violence or aggressive behavior. UnumProvident sponsors the Morningside Employee Assistance Program, please call 1-800-854-1446 for counseling assistance.
2. Morningside University employees or students may contact the Campus Conduct Hotline by calling 1-866-943-5787.
3. Student Personal Counselor: Bobbi Meister, Lewis Hall, 2nd Floor, 712-274-5606
4. **National Sexual Assault Hotline: (800)656-HOPE (4673)** Information, support, intervention, and local resources
5. **National Domestic Violence Hotline: (800)799-7233** or TTY: 1(800) 787-3224
Crisis Intervention, safety-planning, information, and referrals
6. **National Center for Victims of Crime - Stalking Resource Center: (800) FYICALL (304-2255)** M-F 8:30am - 8:30pm EST, otherwise email at: gethelp@NCVC.org. Crisis Intervention, information, and support

Morningside University reserves the right to amend or modify this policy as necessary.

ⁱ Record Retention and Document Destruction Policy is available in the Business Office.