



EMPLOYEE HANDBOOK
(for non-faculty employees)

**MERCER UNIVERSITY
EMPLOYEE HANDBOOK
(for non-faculty employees)**

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1. INTRODUCTION

A LETTER FROM THE PRESIDENT

I wish to extend greetings to all employees of the University. To the experienced members of the community, I express appreciation for your contributions; and to you who are just now joining us, I offer a sincere welcome to the Mercer family.

No job at Mercer is unimportant or unrelated to the University's pursuit of its purpose, and the successful achievement of its mission depends upon the dedicated performance of each one who serves here. Mercer also has much to give to you, and I hope you will take full advantage of the opportunities for education and enrichment available on campus.

If the University receives from us the best we can give and we fully share in what it has to offer, Mercer will be, for all of us, a happy and rewarding place to work.

William D. Underwood

ABOUT THIS HANDBOOK

The purpose of this Handbook is to provide you with information about Mercer University and its policies. Please read it carefully and retain it for future reference. The policies described in this Handbook are subject to change at the sole discretion of the University. From time to time, you may receive updated information concerning changes in policy. Should you have any questions concerning any policies, please ask your supervisor or a representative of Human Resources for assistance.

This Handbook is not a contract guaranteeing employment for any specific duration. Although we hope that your employment relationship with Mercer will be long-term, either you or the University may terminate the employment relationship at any time.

This Handbook is intended for non-faculty employees. While many of the policies and benefits described in this Handbook are the same for all employees of the University, there are some differences in the terms and conditions of employment for faculty members, and the University Faculty Handbook has been prepared for faculty employees. There are also some differences for employees at the Mercer Engineering Research Center (MERC), including different holidays and different tuition benefits.

MERCER HISTORICAL SKETCH

Mercer University began life in 1833, with an enrollment of 39 students in the tiny village of Penfield in Green County, Georgia. It was not then called Mercer University, but Mercer Institute, and it was not coed, but a school for boys and young men.

The University, a faith based institution, is named for Jesse Mercer (1769-1841), a distinguished Baptist clergyman and a pioneer in Christian education in Georgia.

Mercer became a university in 1839, just six years after its beginning, even though it had only 95 college and preparatory students that first year in its elevated status. In 1871, after nearly 40 years of struggle to survive in a rural community, Mercer moved to Macon, about 70 miles away. The growth that would bring the University into the ranks of outstanding private universities had begun.

The University employs approximately 1,341 employees and has a total enrollment of over 7,300 students, with campuses in Macon and Atlanta and educational centers throughout Georgia. Mercer is a comprehensive university, comprised of the following colleges and schools:

- The College of Liberal Arts in Macon, the oldest and largest school and the traditional heart of the University;
- The Walter F. George School of Law, Macon, established in 1871;
- The College of Pharmacy and Health Sciences, Atlanta, which was founded in 1903 and became a part of Mercer in 1959;
- The School of Medicine, Macon, which accepted its first students in 1982 and graduated its first class in 1986;
- The Eugene W. Stetson School of Business and Economics, established as separate schools in Macon (1984) and Atlanta (1983) and now a unified school with undergraduate education centered in Macon and graduate education centered in Atlanta;
- The School of Engineering, Macon, established in 1984;
- The Mercer Engineering Research Center (MERC), Warner Robins, established in 1987 to initiate development of a nationally-recognized research organization within Mercer University;
- The Tift College of Education, established in 1995, has educational centers in Macon and other cities in Georgia;

- The McAfee School of Theology, Atlanta, established in 1996, offers the master of divinity degree;
- The Georgia Baptist College of Nursing of Mercer University, Atlanta, which was founded in 1901 and became a part of Mercer in 2001;
- The College of Continuing and Professional Studies, established in 2003; and
- The Townsend School of Music, Macon, established in 2006.

MISSION/UNIVERSITY GOALS

The Mission of the University:

Mercer University is a faith based institution of higher learning that seeks to achieve excellence and scholarly discipline in the field of liberal learning and professional knowledge. The University is guided by the historic principles of religious and intellectual freedom, while affirming religious and moral values that arise from the Judaeo-Christian understanding of the world.

Statement of University Goals:

- To offer undergraduate, graduate and professional programs based upon a strong liberal arts foundation.
- To support a highly-qualified faculty that is student and teaching oriented and is engaged in scholarly, research and professional activities.
- To foster independent and critical thinking and a continuing interest in learning.
- To foster intellectual and spiritual freedom in an environment that encourages tolerance, compassion, understanding and responsibility.
- To offer a variety of intellectual, cultural, recreational and spiritual activities designed to enlarge capacity for improved judgment and moral, ethical and spiritual growth.
- To encourage the enrollment of qualified persons from diverse backgrounds and situations.
- To contribute campus resources in partnership with other institutions and agencies to improve the educational, social and economic development of the community.

2. EMPLOYMENT POLICIES

EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION (Revised 8/24/11)

Mercer University is committed to a policy of equal opportunity in employment without regard to race, color, national origin, disability, veteran status, sex, sexual orientation, genetic information, age, or religion (except in limited circumstances where religious preference is both permitted by law and deemed appropriate as a matter of University policy). This policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, termination, transfer, leaves of absence, compensation and training programs.

In addition, as a federal contractor, the University has adopted an Affirmative Action Plan in accordance with applicable legal requirements. This plan is reviewed and updated annually. Employees and applicants may access, upon request, the full affirmative action plan at locations and times posted in the Human Resources office.

Mercer University will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. Mercer University prohibits any form of unlawful employee harassment based on race, color, national origin, disability, veteran status, sex, sexual orientation, genetic information, age or religion. For additional information with respect to sexual harassment, see Section 5 of this Handbook.

Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor, the Equal Opportunity Officer/Title IX Coordinator, the supervisor of the person behaving objectionably, or for sexual violence/sexual harassment with the Office of Civil Rights. Employees can raise concerns and make reports without fear of reprisal, harassment, intimidation, threats, coercion or discrimination.

Mercer University maintains an audit and reporting system to determine overall compliance with its equal employment opportunity mandates and to respond to any specific complaints applicants or employees file with the Mercer University's equal employment opportunity office. The Associate Vice President for Human Resources [1400 Coleman Avenue, phone (478) 301-2786] is the Equal Opportunity/Affirmative Action Officer/Title IX Coordinator and is responsible for monitoring and coordinating compliance with this policy and applicable laws and regulations, including Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Sections

503 and 504 of the Rehabilitation Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, Executive Order 11246, and other federal and state laws. Grievance procedures for complaints of discrimination by non-faculty employees are described in Section 5 of this Handbook.

THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

OVERVIEW:

The HIPAA Law is a regulatory requirement imposed on Healthcare organizations and other organizations that hold medical information. The Law is designed to protect patients' rights and to create the standardization of healthcare information. The Law regarding Healthcare Payment, Treatment, or Healthcare Operations is outlined as the Rules for Administrative Simplification.

The Law became effective in 1996, but the implementation of the Law has been rolled out into regulations since 2002.

The regulations of the HIPAA Law cover the following areas of healthcare:

- Privacy of Health Related Information
- Standardization of Electronic Billing Transactions and Code Sets
- Standardization of Healthcare Identifiers
 - Plan
 - Employer (Plan Sponsor)
 - Provider
 - Patient
- Security of Healthcare Facilities and Healthcare Information
 - Physical
 - Electronic

HIPAA is a regulatory requirement, and Mercer University mandates that all Health activities and Health (Medical) information be in compliance. All employees, staff, faculty, and students who use, hold or come in contact with Medical information need to be trained in the HIPAA Law and the Mercer HIPAA Policies and Procedures.

Any questions about HIPAA or Mercer's HIPAA Policies and Procedures need to be directed to the Mercer HIPAA Privacy Officer, Jim Calhoun.

PROCEDURE:

The physical protection of Protected Health Information (PHI), which is information

that is identifiable and contains health status, treatment, diagnosis, or other sensitive health information of a specific individual, is critical and is required by Mercer University under its HIPAA Policies. PHI must be physically secured in such a manner as to prevent unauthorized access. Guidelines for maintaining physical security include but are not limited to the following:

- Each organization will designate faculty, staff, and students that have a need to know; the list of authorized individuals will be kept on file with the University HIPAA Privacy Officer.
- All PHI will be stored in locking file cabinets with access limited to those with proper authorization. Locking file cabinets should be uniquely keyed.
- All PHI will be stored in locking file cabinets in locations secured by locks during times when authorized personnel are not in the area.
- All PHI that is outside of the file cabinets during normal operations will be kept confidential and from the view of unauthorized individuals.
- All file folders or documents that contain PHI will be secured when all authorized personnel leave the work area.
- All computer screens containing PHI will have timeouts and screen savers installed that protect the viewing of the information by unauthorized personnel. Computer screens will be oriented in a manner that prevents unauthorized individuals from accessing PHI.
- When PHI is removed from a secured area, it will be transferred in a format that maintains its confidentiality. This can be accomplished by securing data in closed envelopes, folders, boxes, etc. This information must be kept from casual view.

These guidelines are to be considered the minimum required by all schools, colleges, departments, or programs. If necessary, more stringent procedures may be initiated.

COMMUNICATIONS GUIDELINES:

Purpose:

To provide guidelines on how to handle Protected Health Information that is provided by an individual (student, staff, faculty) to another individual for decision purposes. This guideline is to protect both the individual and Mercer University from the errant disclosure of Protected Health Information.

Definition:

Protected Health Information (PHI): Information that is covered under the Health

Insurance Portability and Accountability Regulations (HIPAA) regarding privacy. The PHI consists of information regarding treatment, diagnosis, medication, or procedures that can be specifically identified to an individual through oral, written, or electronic communication.

Policy:

The following are the policies that govern the HIPAA Communications Guidelines:

- **Receiver's Responsibility:** According to HIPAA law, the providing of Protected Health Information by the individual is considered confidential in a one on one basis. Therefore, there is no issue with receiving this information. The HIPAA Confidentiality and Privacy requirement is based on what one does with the information received. The communication of this information is restricted and does need to comply with HIPAA Regulations. It is advised not to communicate this information.
- **Communication of Protected Health Information:** If communication of the information received is required to perform work or accommodation for an individual, then the receiver should contact the University HIPAA Privacy Officer for instruction on proper HIPAA compliant communication of the Protected Health Information.
- **HIPAA Privacy Baseline:** All identified Protected Health Information needs to be kept secure, private, confidential and communication of this information needs to follow all established Mercer University HIPAA Policies and Procedures.

The best course of action is to not solicit nor receive any medical or health related information about an individual that could be interpreted or assumed to be Protected Health Information.

RESTRICTIONS ON EMPLOYMENT

- A. Employment of Relatives:** Mercer University permits the employment of qualified relatives of employees only where such employment does not, in the opinion of the University, create actual or perceived conflicts of interest. Relatives shall not be employed in regular positions in the same department, where one has direct or ultimate administrative responsibility over the other. That is, no employee is permitted to work in a regular position within the "chain of command" of a relative such that one relative's work responsibilities, salary, or career progress could be influenced by the other relative. If employment of a relative is proposed, the recommendation of the department head must be accompanied by a written justification of the need for employment of the relative and approved by the Associate Vice President for Human Resources.

- B. Employment of Minors:** Federal law prohibits the hiring of persons under the age of 16 years for most occupations. In the case of hazardous occupations, this limit is 18 years. The employment of all persons under the age of 18 years must be in compliance with applicable law and approved by the Associate Vice President for Human Resources.
- C. Employment of Students:** Employment of students who are enrolled in the University is coordinated through the Student Financial Planning Office and the Office of Student Employment, which must approve hours of work and rates of pay, in accordance with Federal financial aid regulations. Undergraduate students currently enrolled at Mercer University may not be considered for regular full-time employment unless they are within 30 days of completing a degree.

OUTSIDE EMPLOYMENT

An employee's job at the University is generally expected to be his or her primary occupation. However, outside employment is allowed if it does not interfere with the individual's University responsibilities and if it is approved in advance by the employee's supervisor. Outside employment is not permitted where, in the opinion of the University, the outside job creates an actual or perceived conflict of interest or brings discredit to the University. No University funds, equipment, or facilities may be used in outside employment without appropriate payment or reimbursement to the University, unless otherwise authorized by the President of the University.

If an exempt employee is asked by another department within the University to perform services for additional compensation which are not part of the employee's primary job, the employee may accept such an assignment but must perform the additional services outside of the normal working hours of the employee's regular position or take vacation leave. Non-exempt employees must accurately report time worked on additional projects in compliance with the Wage and Hour Laws of the Fair Labor Standards Act. Non-exempt employees are precluded from taking additional jobs at the University which would cause all hours to be paid at an overtime rate of pay. Non-exempt personnel are not allowed to accept employment or perform services for additional compensation from another department without prior approval from the current supervisor and the Associate Vice President for Human Resources.

CATEGORIES OF EMPLOYMENT (Revised 9/19/11)

For purposes of human resource administration, including eligibility for overtime and employee benefits, the University categorizes its employees as follows:

- A. Full-time Regular Employees:** Employees hired to work a minimum of thirty (30) hours a week on a regular basis. Such employees may be "exempt" or "nonexempt" and may or may not be "classified employees" as defined below.
- B. Part-time Employees:** Part-time employees may be "exempt" or "nonexempt" as defined below. There are two categories of part-time employees:
- Category I --** Employees hired to work less than thirty (30) hours a week on a regular basis, but who work at least 1000 hours a year. Employees in this category are sometimes referred to as **regular part-time employees**.
- Category II --** Employees hired to work less than 1000 hours a year, including those who work an irregular schedule or varied hours.
- C. Temporary Employees:** Employees engaged to work full time or part time on the University's payroll with the understanding that their employment will be terminated no later than upon completion of a specific assignment, or when the supervisor determines the services provided by the temporary employee are no longer needed. Temporary assignments are for durations of six months or less. Such employees may be "exempt" or "nonexempt" as defined below. (**Note:** Employees hired from temporary employment agencies for specific assignments are employees of the respective agency and not of the University.) Temporary employees are not eligible for benefits, other than those federally mandated, and service as a temporary employee is not credited for purposes of benefits or seniority if the temporary employee is subsequently employed as a regular employee, except for the eligibility for Family and Medical Leave Act leave as required by federal law.
- D. Student Employees:** Persons currently enrolled in the University on a full-time basis who work for the University in some capacity. Student employees must register and coordinate employment activities through the appropriate Financial Aid Office of their college or school. Their hours of employment may be limited, they are not eligible for benefits, and service as a student employee is not credited for purposes of benefits or seniority if the student employee is subsequently employed as a regular employee. Full-time undergraduate students are not eligible for consideration for regular University positions unless they are within 30 days of completing their degree requirements.
- E. Non-exempt Employees:** Employees who are required to be paid overtime at the rate of time and one half (i.e. one and one-half times) their regular rate of pay for all hours worked beyond forty hours in a workweek, in accordance with applicable federal wage and hour laws, or they may opt for compensatory time as long as the time is compensated within the pay period in which it is earned.
- F. Exempt Employees:** Employees who are not required to be paid overtime, in

accordance with applicable federal wage and hour laws, for work performed beyond forty hours in a workweek. Executives, professional employees, and certain employees in administrative positions are typically exempt.

- G. Classified Employees:** Employees whose positions are included in the University's classification system. In general, all full-time regular employees are classified employees except faculty, executives, and employees in certain administrative and professional positions. Classified employees may be "exempt" or "nonexempt" as defined above.

ORIENTATION

On the first day of employment, the employee should schedule time in the Human Resources Office to complete the I-9 as required by the Immigration and Naturalization Act as amended, and to complete other forms required for payroll purposes. During the first month of employment the employee will be scheduled for a New Employee Orientation Program which will provide them with information regarding basic University Policies, affirmative action plans, benefit programs, and other information to acquaint them with the University.

We encourage the employee to ask any questions they may have during this orientation so that they will understand all the policies and benefits that affect and govern their employment relationship with the University.

PROBATIONARY PERIOD FOR CLASSIFIED EMPLOYEES

New classified employees are required to serve a probationary period. Continuing classified employees may be placed in a probationary status for disciplinary reasons at any time during their employment at the University.

Classified employees are in a probationary status during the first 90 work days of employment. During this probationary period, an employee may not apply for a transfer or promotion outside of their initial employing department, or receive a salary increase. Before this probationary period ends, the employee should be evaluated by the supervisor, and a specific recommendation must be made for continued employment beyond the probationary period. In certain circumstances, such as when there has been a change of supervisors or when there has been deficiencies in performance, the probationary period may be extended for an additional 90 days. These extensions may be granted when there has been a change of supervisors, quality of work has not been satisfactory, excessive absenteeism, tardiness, or the work habits need improvement. When extensions are granted, the additional probationary period shall include counseling of the employee in order to provide an opportunity to correct the apparent deficiency.

During this probationary period, if job performance is not satisfactory to the supervisor, the employee shall be terminated without prejudice and no formal evaluation of the employee is required. However, even during this period, discussion should be held with the employee notifying them of the performance or behavioral concerns so corrective measures may be taken. Termination of the probationary employee may be done summarily. The successful completion of this probationary or introductory period should not be construed as creating a contract or as guaranteeing employment for any specific duration or as establishing a “just cause” standard for termination.

A supervisor, with the approval of the next level of supervision and the Associate Vice President for Human Resources, may place a classified employee in a probationary status at any time during the employment period, not to exceed 90 work days, to enforce work rules or performance standards. A written notification shall be forwarded to the employee, with a copy to the Human Resources Office, advising the employee that they are being placed on a probationary status for the amount of time specified. This written notification shall state concisely the reason for the probation. The supervisor shall conduct a meeting with the employee at least once in the middle of the probationary period to counsel and advise the employee. Written documentation of this counseling session will be forwarded to Human Resources.

An employee who is placed back on probation may not apply for a transfer or promotion until their probationary status has been removed.

PROMOTION AND TRANSFER OPPORTUNITIES

The University provides opportunities for internal transfers and promotions. Vacancies are normally posted on the Mercer University Human Resources web site (www.mercer.edu/hr) so that interested employees may apply.

As vacancies occur, employees interested in transfer or promotion should follow the procedures for application in the posting notice. In cases where the position may be filled by a transfer or promotion within a department, the updated resume may not be necessary. However, the employee must notify their supervisor of their interest in the position in order to be considered. Where there are applicable skills tests associated with the vacant position, the employee must be retested to certify their current skill level. In addition, if the position requires background and credit checks, the employee must complete the necessary authorization forms in order to be considered. Because of SACS standards, any promotional opportunity where a college degree is required, the employee must have a degree conferred from an accredited college or university.

Classified staff who are on probation may not apply for transfer or promotional opportunities to other departments, but may be considered for opportunities within the

department in which they are currently employed.

It is advised that employees who are applying for transfer or promotional opportunities outside of their department notify their supervisor of their candidacy for a vacancy once they have been advised they will be interviewed. The employee must notify the supervisor if they are selected for the vacancy.

Classified employees who are transferring or receiving a promotion must provide 10 working days' advance notice, unless both the present and prospective supervisors agree to waive this requirement.

For administrative and professional positions, at least 30 days' notice should be given to the present supervisor.

RESIGNATION OR TERMINATION OF EMPLOYMENT

An employee may resign at any time during the employment period. Classified employees are urged to notify the University at least ten working days in advance of their intended termination date. Administrative and professional staff are urged to give at least 30 days' advance notice. Accrued vacation is not regarded as part of the notice. Such notice should preferably be given in writing to the supervisor.

As mentioned elsewhere in this Handbook, classified and other non-faculty employment relationships at Mercer are on an at-will basis. Thus, although the University hopes that its relationships with employees are long-term and mutually rewarding, the University reserves the right to terminate the employment relationship at any time. The following guidelines will normally apply to the termination of non-faculty employees:

- A. **Classified Employees** - Classified personnel may be terminated during the initial or 90-day probationary period without being provided cause or access to the Grievance Policy/Procedure. Advance notice to the employee of the termination is not required.

After classified personnel have successfully completed the probationary period, if the employee is being terminated due to performance deficiencies or improper employee behavior, normally, corrective measures or disciplinary action short of termination may have been imposed before termination is approved. The recommendation must be reviewed with the Associate Vice President for Human Resources before it is implemented. Normally, ten working days of notification will be given to the employee prior to the actual termination date. In extreme cases, classified personnel may be terminated immediately if the employee's continued presence would be detrimental to the best interest of the University. The recommendation for immediate termination must be coordinated with the Associate Vice President for Human Resources.

- B. **Administrative and Professional Employees** - Administrative and professional employees may be terminated at any time without advance notice, although reasonable advance notice or severance salary is normally given unless the reason for the termination is serious misconduct. The recommendation for immediate termination must be coordinated with the Associate Vice President for Human Resources.

PERSONNEL FILES

A personnel record is maintained for each employee in the Human Resources Office and includes such information as the application for employment, resumes, references, transcripts if applicable, appointment letters, position assignments, transfers, promotions, evaluations, correspondence, and disciplinary actions, etc.

The supervisor must notify Human Resources of any changes in regards to salary, title, position assignments and pertinent employment related correspondence, i.e., disciplinary actions, etc.

To ensure that the employee's personnel file is up to date, the employee should notify Human Resources of any change of name, address, telephone number, marital status, or any other personal data, as soon as such a change occurs.

Employees have a right to review their files within normal business hours. No records shall be removed from the employee's file. If a copy of the file is requested, the employee will be charged a reasonable fee for reproduction.

3. COMPENSATION POLICIES

WORK HOURS

Monthly Employees:

The workweek is based on the calendar week, Sunday thru Saturday.

The normal workweek schedule for full-time employees is 37.5 or 40 hours, depending upon the job classification and specific departmental and college requirements. However, for purposes of benefit programs, the University considers an employee who works 30 hours a week a full-time employee as well. Employees are expected to report to work on time and to remain on the job throughout their regular working hours. The normal operating hours are 8:30 a.m. to 5:00 p.m., departments in Physical Plant and the Campus Police may have shift hours, and hours which may shift to an earlier starting time due to the weather conditions.

Lunch breaks are normally taken between the hours of 11:00 a.m. and 2:00 p.m. Special arrangements may be made with advance approval of the department supervisor.

The workweek for an employee, or a group of employees, cannot be changed without the approval of an officer of the University for the area affected and with consultation of the Associate Vice President for Human Resources.

Biweekly Employees:

The workweek is based on the calendar week, Thursday through Wednesday.

The normal workweek schedule for full-time employees is 37.5 or 40 hours, depending upon the job classification and specific departmental and college requirements. However, for purposes of benefit programs, the University considers an employee who works 30 hours a week a full-time employee as well. Employees are expected to report to work on time and to remain on the job throughout their regular working hours. The normal operating hours are 8:30 a.m. to 5:00 p.m., departments in Physical Plant and the Campus Police may have shift hours, and hours which may shift to an earlier starting time due to the weather conditions.

Lunch breaks are normally taken between the hours of 11:00 a.m. and 2:00 p.m. Special arrangements may be made with advance approval of the department supervisor.

The workweek for an employee, or a group of employees, cannot be changed without

the approval of an officer of the University for the area affected and with consultation of the Associate Vice President for Human Resources.

TIME RECORDS

In order to comply with the provisions of the Fair Labor Standards Act, federal legislation, and related regulations, the University must require employees who are designated as non-exempt (see "Categories of Employment" - Section 2) to submit a time record for each pay period. The time record is the official document for determining the amount of pay an employee is due for work performed during a given pay period. After reviewing the form and resolving any discrepancies, the supervisor signs the form and forwards it to payroll. Authorizing signatures must be in original form. Signature stamps are not acceptable.

Employees must ensure that their actual hours worked and leave time taken are recorded accurately. Falsification of a time record is a breach of University policy and is grounds for disciplinary action, including the possibility of termination.

Where time clocks are used, employees are responsible for clocking in at the appointed starting time, clocking out for lunch, clocking in after lunch, and clocking out at the end of work time. Failure to clock in or out could result in the loss of pay for time during which the employee may actually have worked.

PAY PERIODS AND RECEIPT OF CHECKS

Non-faculty employees are normally paid by check either on a bi-weekly or monthly basis. Employees paid on a bi-weekly basis normally receive paychecks every other Friday. Employees paid on a monthly basis normally receive paychecks on the last working day of the calendar month. Exceptions may be made when the employee designates in writing another individual to receive the check or when the employee will be on an extended leave of absence. All required deductions (such as for federal and state taxes) and all authorized voluntary deductions will be withheld automatically from employee paychecks. Paychecks are generally sent to a designated departmental representative for distribution to individual employees.

All regular employees may authorize direct deposit of their paychecks to their personal bank accounts. Information on direct deposit procedures and authorization forms are available in the Benefits & Payroll Office or online at www.mercer.edu/payroll.

All employees should review their paycheck for errors. If a mistake is found or there are questions, the employee should contact his/her supervisor, the Payroll Office, or the Human Resource Office immediately to answer questions and to make corrections.

Questions regarding time and/or hours worked, holiday pay or sick leave pay can be discussed by the employee with his/her supervisor or department head, the Human Resource Office, or the Payroll Office for clarification of questions regarding salary and paychecks.

POLICY OF DEDUCTIONS FROM SALARIES

Mercer University is committed to compliance with all provisions of the Fair Labor Standards Act.

Mercer University intends to pay salaried, exempt employees on a salary basis and will not make deductions from salary that are prohibited under the Fair Labor Standards Act. Employees who believe that improper deductions from their salary have been made should notify the Payroll Administrator or the Associate Vice President of Benefits and Payroll as soon as possible. If an investigation reveals a salary was reduced in error, the University will reimburse the employee for any improper deductions and take good faith measures to prevent improper deductions in the future.

OVERTIME

Non-exempt employees may be required to work overtime when the need arises. When overtime is necessary, supervisors will attempt whenever possible to provide reasonable advance notice to the affected employees. Overtime work must be authorized in advance by the appropriate supervisor. Overtime is all work performed by an employee in excess of the employee's regular budgeted hours per week. All overtime up to and including 40 total hours worked in a workweek will be compensated at the employee's regular hourly rate of pay. All overtime in excess of 40 total hours worked in a workweek will be compensated at one and one-half times the employee's regular hourly rate of pay.

When overtime hours have been worked, they must be recorded on the employee's time record form for each workweek. Compensation for overtime is normally paid on the overtime payroll run for monthly employees and on the regular payroll run for bi-weekly employees, unless the overtime hours are offset by a proportionate number of time-off hours in accordance with the following Time-Off Plan.

Time-Off Plan for Overtime: A supervisor may schedule time off within the same pay period to offset the overtime hours worked by non-exempt employees, as long as all the following conditions are met:

1. The employee must either be paid at a fixed hourly rate or paid a regular salary for a fixed number of hours per week.

2. The employee's regular pay period must be longer than a week (i.e. bi-weekly or monthly).
3. The time off granted must be at the rate of one hour off for every hour of overtime worked up to 40 hours in a workweek, and at the rate of one and one-half hours off for every hour of overtime worked in excess of 40 hours in a workweek. Whenever possible, the time off will be granted at a time agreeable to both the supervisor and the employee.
4. The offsetting time off must be taken during the same pay period in which the overtime was worked. The time off may be spread over several days of the pay period, and it may be granted before or after the overtime work is performed, as long as it is taken within the same pay period. Any overtime which has not been offset by time off taken within the pay period must be paid in cash on the employee's regular payday.
5. The time report must accurately record hours worked, on the days they are actually worked, and time off taken.

4. TIME-OFF BENEFITS

VACATION

Because we recognize the importance of vacation time in providing the opportunity for rest, recreation and personal activities, the University grants paid vacations to its regular full-time employees and part-time employees defined as Category I (see Section 2 of this Handbook).

A. Eligible classified employees accrue vacation leave each year, beginning with their date of employment, as follows (accrual is a ratio to the percentage of time worked):

Length of Service & Annual Accrual Rates

0 - 5 Years	=	10 days
6 - 10 Years	=	12 days
11 - 15 Years	=	15 days
Over 15 Years	=	18 days

Vacation leave does not accrue during an unpaid leave of absence.

Vacation may be taken as time accrues at any point during the year and may be taken as weekly periods or as individual days as long as the periods chosen meet with departmental approval. Whenever possible, the employee should submit a vacation request to his/her supervisor at least two weeks prior to the date they wish their vacation to begin.

Employees are encouraged to take earned vacation annually. The maximum amount of accrued vacation time that may be carried over is the amount earned in a two-year period. No payments will be made in lieu of taking vacation, except for accrued unused vacation at the time of termination.

If a holiday is observed or special days are designated as non-duty days for all employees, such time will not be charged against accrued vacation.

Vacation leave will be used to subsidize sick leave or bereavement leave upon exhaustion of accrued sick leave.

Time away from work must be charged to either sick leave, if appropriate, or vacation. Unpaid leave will only be designated after all accrued leave is exhausted.

B. Full-time regular administrative, professional staff and 12-month faculty are entitled to 22 working days of vacation a fiscal year. Such employees are encouraged and expected to use vacation time in the year it is earned. A maximum of eleven days of vacation may be carried over into the next fiscal year. Thirty-three working days is the maximum amount of vacation time that may be available to the employee at any time. In no instance will administrative, professional and 12-month faculty personnel be paid for carry-over days upon separation from the University. Upon resignation or termination, unused vacation will be paid based on proration of the year worked.

No payments will be made in lieu of taking vacation.

Vacation leave will be used to subsidize sick leave or bereavement leave upon exhaustion of accrued sick leave.

Time away from work must be charged to either sick leave, if appropriate, or vacation. Unpaid leave will only be designated after all accrued leave is exhausted.

HOLIDAYS

The University usually provides paid time off to all full-time regular employees and Category I part-time employees (see "Categories of Employment" in Section 2 of this Handbook) on the following holidays:

- * New Year's Day
- * Martin Luther King Day
- * Good Friday
- * Memorial Day
- * Independence Day
- * Labor Day
- * Thanksgiving Day
- * Day following Thanksgiving Day
- * Christmas Eve
- * Christmas Day

Category II part-time employees are eligible for holiday pay only if the University is closed on a day they are normally scheduled to work.

Temporary and student employees are not eligible for holiday pay.

Holidays falling on a Saturday are normally observed on the preceding Friday. Holidays falling on a Sunday are normally observed on the following Monday. The President of the University may elect to shift the date of a holiday or to designate other

holidays during the year.

In order to be eligible to receive holiday pay, the employee is required to work, or be in a pay status, their regularly scheduled hours the workday preceding **and** the workday following the holiday. An approved vacation day or any other excused and paid day off is considered a day worked for purposes of holiday pay eligibility.

MEDICAL AND FAMILY LEAVE POLICIES **(Revised 4/29/09)**

The University recognizes that inability to work because of illness or injury or because of pressing family needs may cause hardship to employees. In an effort to accommodate employees' medical and family leave needs, the University provides paid and unpaid leaves for eligible employees, as follows:

A. Paid Sick Leave

Paid sick leave may be granted for any of the following reasons, upon approval of the employee's supervisor:

1. Illness or injury: including work related events;
2. Medical or dental treatment or consultation;
3. Pregnancy or pregnancy-related medical conditions; or
4. Illness, injury or disability of a member of the employee's immediate family requiring the employee's presence.

Full-time regular classified employees accrue paid sick days at the rate of one working day per calendar month of service. Category I part-time employees accrue paid sick days in a ratio proportionate to their percentage of time worked. Category II part-time employees and temporary employees are not eligible for paid sick leave. Regular full-time classified personnel with ten years of service, and who are in the process of applying for long-term disability benefits, will be allowed to apply for additional sick time with pay to cover the difference between their accrual and the six-month waiting period for long-term disability insurance benefits. *The maximum amount of time a classified employee will be kept in a full pay status will be six months inclusive of the sick and vacation accruals.*

Eligible employees may carry over unused sick days from year to year, up to a maximum of 90 days, to ensure that such days are available in the event of a long-term illness. However, no employee is paid for accrued unused sick days at the time of termination. Paid sick leave may not be used for reasons other than those listed above. If an illness extends beyond the employee's accrued sick leave, the employee's pay will continue for the period of any accrued vacation.

Full-time regular administrative and professional staff do not accrue sick days, but the University may authorize continuation of full or partial salary for brief periods in the event of the employee's illness or temporary disability (including pregnancy), with the approval of the employee's supervisor in consultation with the Associate Vice President for Human Resources. The employee's pay will also continue for the period of any accrued vacation. *The maximum length of time a regular administrative and professional staff employee will be kept in a full pay status will be six months inclusive of allocated sick and vacation pay.*

Longer-term illnesses are covered under the leave policies described below and may be covered under the long-term disability insurance benefit plan.

B. Family and Medical Leave Act - (FMLA) Leave

In accordance with the Family and Medical Leave Act of 1993 and applicable regulations, the University provides up to 12 workweeks of FMLA leave each year to eligible employees for any of the following reasons:

1. For the birth of the employee's child and to care for the newborn child;
2. For placement with the employee of a son or daughter for adoption or foster care;
3. To care for the employee's spouse, son, daughter or parent with a serious health condition;
4. For a serious health condition that makes the employee unable to perform the functions of the job;
5. To take leave because of any qualifying exigency as defined by the Department of Labor arising out of the fact that the spouse, son, daughter or parent is on active duty or has been notified of an impending call or order to active duty in the National Guard or Reserves in support of a contingency operation. 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; or
6. To take up to 26 weeks of leave during a single 12-month period to care for a spouse, son, daughter, parent or next of kin, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. For purposes of this use, a covered service member is defined as a current member of the Armed Forces, including a member of the National Guard or Reserves.

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

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (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.

You are eligible for FMLA leave if you have at least 12 months of service at Mercer and if you have worked at least 1250 hours during the 12-month period preceding the start of the leave.

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the University's normal absence notification procedure. Employees must provide sufficient information for the University 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 must also inform the University if the requested leave is for a reason for which FMLA leave was previously taken or certified. If the leave is for a serious health condition, you will be required to provide a Certification of Health Care Provider. Notification forms and forms for obtaining medical certification are available in Human Resources. Failure to provide the certification when requested will result in disciplinary action up to and including termination.

The University will inform employees requesting leave whether they are eligible under FMLA. If they are, the notice provided will specify any additional information required as well as the employees' rights and responsibilities. If the employee is not eligible, the University will provide a reason for the ineligibility.

FMLA leave is unpaid leave. Any accrued paid leave (paid sick leave or vacation) must be used first, but paid leave will not count against the 12-week FMLA leave entitlement. During periods of FMLA leave, the University will maintain your coverage under the University's group health plan under the same terms and conditions as if you were not on leave. You must continue to pay any share of health plan premiums you would have paid, either by prepayment or at the same time as payments would have been due. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Under certain circumstances, FMLA leave may be taken intermittently (in separate blocks of time) or on a reduced leave schedule (by reducing the employee's usual working hours per workweek or workday). During intermittent leave, employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly

disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis. Where the leave is because of a birth, adoption or foster care placement, an employee may take intermittent or reduced schedule leave only if the supervisor and Associate Vice President for Human Resources agree. Where the leave is because of a serious health condition, an employee may take intermittent or reduced schedule leave only when medically necessary, and in such a case the employee may be required to transfer to an alternative position which better accommodates recurring periods of leave. During this intermittent leave, the use of any accrual of vacation and sick leave which is related to the FMLA condition will count as FMLA leave.

Employees on FMLA leave may be required to report periodically on their status and intent to return to work, and re-certification of medical conditions may be requested at reasonable intervals.

Upon return from FMLA leave, most employees will be restored to their original positions or to equivalent positions with equivalent pay, benefits and other employment terms. Where the leave was because of the employee's serious health condition, the employee will be required to present certification from the health care provider that the employee is able to resume work.

In compliance with the law, the University will not interfere with, restrain, or deny the exercise of any right provided under FMLA, nor will the University discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Any concerns regarding FMLA issues should be directed to the Associate Vice President for Human Resources. However, an employee may also file a complaint with the U.S. Department of Labor or may file a private lawsuit.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

C. Additional Unpaid Medical Leave

Full-time regular employees and Category I part-time employees who have completed at least ten years of service may be granted additional unpaid medical leaves of absence. The total period of absence (including paid leave and FMLA leave) may not exceed one year. If additional leave is granted, the employee may continue coverage under the University's group health plan upon payment of the total costs of such coverage. The University will endeavor to place employees returning from such leave in their former positions or in positions comparable in status and pay, subject to budgetary restrictions, the University's need to fill vacancies, and the ability of the University to find qualified temporary replacements.

D. Bereavement Leave

Sick leave may also be approved for bereavement purposes. Up to five days may be approved for immediate family members (spouse, child or parent) and up to three for the bereavement of extended family members (siblings and grandparents). Accrued vacation may be taken for absences in excess of these described limitations.

MILITARY LEAVE

Reserve Duty

Regular employees will be paid while engaged in the performance of military duty in the reserves, and while going to and from such duty during normal working hours, but the maximum length of military leave with pay is eighteen (18) eight-hour workdays in any one calendar year. This paid military leave may not exceed eighteen (18) workdays in any one continuous period of absence. At the expiration of paid military leave, at the employee's discretion, he or she may use accrued annual leave to cover unpaid military leave absences.

Active Duty

Notwithstanding the paid reserve duty military leave limitation of eighteen (18) days set forth above, in the event that the employee is called up to active military duty, the employee shall be paid his or her salary for a period not to exceed thirty (30) days in any one fiscal year, and not exceeding 30 days in any one continuous period of such active duty service. At the expiration of paid military leave, at the employee's discretion, he or she may use accrued annual leave to cover unpaid military leave absences.

Employees returning from an active duty military leave of absence will be rehired in accordance with applicable federal and state laws pertaining to re-employment rights. Personal leave without pay may be granted for a period not to exceed one (1) year. Under federal law, individuals returning from up to five (5) year's active duty may have certain re-employment rights for a period of time.

An employee's request for a military leave of absence must be accompanied by a written copy of orders placing the employee on active duty. These orders are to be forwarded to the Human Resources Department for inclusion in the employee's personnel file. The employee's department must also submit a payroll action form documenting the anticipated dates of absence with orders attached.

JURY AND WITNESS DUTY LEAVE

When an employee is summoned to jury duty or subpoenaed to appear as a witness in a court action in which neither the University nor the employee is a party, the University will continue to pay the employee's regular salary. The employee is responsible for notifying his or her supervisor or department head of impending jury or witness duty immediately upon receipt of the notice to serve. In any case where jury duty is expected to extend beyond two weeks, the employee should contact his or her supervisor and Human Resources to make special arrangements for extended leave (with pay). Mercer will make no attempt to have the employee's service on a jury postponed except where University conditions necessitate such action. If an employee is temporarily relieved of jury duty on any given day, but still is subject to subpoena, the employee should return to work for the remainder of the day, unless the court directs otherwise.

5. EMPLOYEE CONDUCT

ABSENTEEISM AND TARDINESS

Employees are required to report for work and to be prepared for duty at the beginning of the work period. If the employee expects to be absent or tardy, they should notify their supervisor before the work period begins whenever possible, but they must notify their supervisor or department head within one hour after the work period has begun unless they are granted an authorized medical leave (see the policies earlier in this Handbook).

Absenteeism or tardiness that is unexcused or excessive may be grounds for disciplinary action, including dismissal.

Absent and a known serious health condition: Mercer considers use of more than one day a month excessive and abuse of our sick leave policy.

Employees having an urgent reason for leaving the work site must have authorization from their supervisors prior to departure. Failure to notify the supervisor could result in disciplinary action.

GUIDELINES FOR APPROPRIATE CONDUCT (Revised 8/3/11)

Employees of the University are expected to accept certain responsibilities, adhere to acceptable principles in matters of personal conduct, and exhibit a high degree of integrity at all times. Whether they are on duty or off, their conduct reflects on Mercer University. Employees are, therefore, encouraged to observe the highest standards of professionalism at all times.

Types of behavior and conduct that are considered inappropriate for University employees include, but are not limited to, the following:

1. Falsifying employment or other University records, including time cards or time sheets.
2. Violating the University's nondiscrimination and/or harassment policies (described in this Handbook).
3. Soliciting or accepting money and/or gratuities from students or vendors.
4. Excessive absenteeism or tardiness.
5. Excessive, unnecessary or unauthorized use of University supplies or equipment,

especially for personal purposes.

6. Reporting to work with prohibited substances or alcohol in your system is prohibited.
7. Violating the University's drug-free workplace and campus program (described later in this Handbook).
8. Fighting or using obscene, abusive, or threatening language or gestures.
9. Theft of property from co-workers, students or the University.
10. Unauthorized possession of firearms, weapons of any kind, or explosives on University premises or while on University business.
11. Disregarding safety, fire, traffic or parking rules.
12. Smoking in an unauthorized area.
13. Insubordination.
14. Willful failure to perform assigned duties or to follow instructions.
15. Lending or permitting the duplication of University keys to an unauthorized person.
16. Manipulation of computer data banks by causing false input or removal of computer data.
17. Gambling or conducting games of chance on University premises.
18. Conviction of a felony.
19. Charging telephone calls or personal expenses to University accounts.

Should the employee's performance, work habits, overall attitude, conduct or demeanor become unsatisfactory in the judgment of the University, based on violations of the above or of any other University policies, rules or regulations, they will be subject to disciplinary action, up to and including dismissal.

PERFORMANCE EVALUATIONS

All classified employees are evaluated on a periodic basis by their supervisors. The purpose of the evaluation is to appraise the performance of the employee, provide opportunities to improve performance, improve communication between the supervisor and employee, identify superior and inferior performance, and identify training needs and opportunities for development of the employee.

Newly-hired classified employees are evaluated just prior to the completion of the probationary (introductory) period. Such evaluations include specific recommendations for either continued employment or for termination.

Performance Appraisal/ Development forms are made available to each department. After completing the form, the supervisor will discuss its contents with the employee, and the employee should acknowledge the discussion by signing the form. The employee may, within five working days, note objections to the evaluation on the form or in a separate memorandum. Both the evaluation and any objections noted by the employee become part of the employee's personnel file. Once the employee has signed the completed form, no changes, additions or deletions will be made without the employee's knowledge.

Administrative and Professional Staff

Department Heads/Supervisors of Administrative/Professional Staff must evaluate the performance of their professional staff on a periodic basis. Copies of these evaluative documents must be sent to Human Resources for retention in the Personnel files for SACS Accreditation Reviews.

GRIEVANCE PROCEDURES

The University has established the following grievance procedures in an effort to resolve complaints by non-faculty employees:

1. These procedures apply to all complaints by non-faculty employees alleging violation of University policies prohibiting discrimination in employment on the basis of race, color, national origin, disability, veteran status, sex, sexual orientation, age or religion (except in limited circumstances where religious preference is both permitted by law and deemed appropriate as a matter of University policy). This procedure is intended to provide the grievance procedure required under Title IX, Section 504 and similar Federal laws and regulations prohibiting discrimination in employment. These procedures also apply to other complaints by employees involving adverse employment actions, including actions with respect to salary, fringe benefits, workload and work assignment. Any complaint must be brought by an individual and shall not be brought on behalf of a class.
2. This procedure is designed to be used only after full consultation and informal negotiation or mediation have failed to produce an acceptable resolution of the complaint. Employees who believe they have been discriminated against in violation of the University's policy of equal employment opportunity should contact the Equal Opportunity Officer (see Section 2 of this Handbook). The Equal Opportunity Officer will discuss the matter with the employee's supervisor and/or with the supervisor's supervisor, as she deems appropriate, in an attempt to resolve the matter informally. The Equal Opportunity Officer may involve an external mediator in an effort to reach a resolution on which the parties can agree. In cases not alleging discrimination, the complaining employee should contact his or her supervisor in an effort to resolve the matter informally.
3. After a period of informal discussion, but within 90 days after the occurrence of the action complained of, an employee who wishes to invoke the formal grievance procedure shall file a written complaint with the Associate Vice President for Human Resources.

4. The complaint shall identify the complainant and the respondent and shall describe the action complained of and the desired remedy. The respondent will generally be the individual responsible for the action complained of. In questionable cases, the Associate Vice President for Human Resources will designate the respondent. Upon receipt of the complaint, the Associate Vice President for Human Resources shall promptly send copies to the respondent and to the appropriate Dean, Director or other unit head.
5. Within 30 days of receipt of a copy of the written complaint, the respondent shall submit to the Associate Vice President for Human Resources a written answer to the complaint. The Associate Vice President for Human Resources shall promptly send copies of the answer to the complainant and the unit head.
6. Within 30 days of receipt of the written answer, unless the complainant withdraws the complaint, a grievance committee shall be selected. Arrangements for such selection shall be made by the Associate Vice President for Human Resources. The grievance committee shall consist of three employees who have not been involved in the grievance. The manner of selection of the committee shall be as follows:
 - (a) One member shall be selected by the complainant;
 - (b) One member shall be selected by the Dean, Director or other head of the unit in which the complainant works;
 - (c) The third member, who shall chair the committee, shall be selected by the two members selected in steps (a) and (b) above.
7. The grievance committee shall receive copies of the complaint and answer and shall have broad power, in its discretion, to request additional evidence, to conduct personal interviews with the parties to the grievance and with witnesses, and/or to hold a hearing on the matter. Any hearing shall be conducted by the chair under informal procedures. The parties may be assisted in preparation for any hearing by legal counsel of their choice or by other advisors within the University; but in order to preserve the informal, non-judicial nature of these procedures, legal representation shall not be allowed at any hearings that may be conducted.
8. The grievance committee and the parties shall not discuss information of a private or confidential nature obtained in the course of these procedures. Any such disclosure, except where required by law, shall be grounds for disciplinary action.
9. The grievance committee shall prepare a written report of its findings and recommendations within 30 days of its receipt of the complaint and answer unless more time is reasonably required by either party or by the committee. The report shall be sent to the Associate Vice President for Human Resources, the complainant, the respondent, and the appropriate unit head.

10. Within 30 days of receipt of the committee's report of findings and recommendations, the Associate Vice President for Human Resources shall make a decision accepting, rejecting or modifying the committee's findings or recommendations. The decision shall be communicated in writing to the individuals who received the committee's report.
11. Either the complainant or the respondent shall have 10 days after receipt of the decision to request review by the President. Any such request shall be in writing and shall be submitted to the President, who shall make a decision within 30 days of receipt of the request. The President's decision is final.

POLICY PROHIBITING SEXUAL HARASSMENT **(Revised 8/9/11)**

The University is committed to maintaining an environment in which the dignity and worth of all members of the institutional community are respected. Sexual harassment harms the environment the University seeks to maintain and is unequivocally prohibited. Moreover, sexual harassment/sexual violence is a form of sex discrimination and violates Federal laws, including Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972 and further amendments. Sexual harassment may involve the behavior of a person of either sex against a person of the opposite or same sex, when that behavior falls within the following definition.

Definition

Sexual harassment and sexual violence is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or status in a course, program, or activity; or
- (b) submission to or rejection of such conduct is used as a basis for an academic, employment or placement decision affecting the individual; or
- (c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or educational experience or creates an intimidating, hostile, or offensive environment for working or learning.

Examples

Examples of conduct prohibited by this policy include, but are not limited to:

- (a) persistent, unwelcome flirtation, advances or propositions of a sexual nature;
- (b) repeated insults, jokes, anecdotes or gestures that are commonly considered by people

of a specific sex to be demeaning to that sex;

(c) repeated, unwelcome comments of a sexual nature about an individual's body or clothing or about sexual activity or speculations about previous sexual experience;

(d) unnecessary and unwelcome touching, such as patting, pinching, hugging or repeated brushing against an individual's body;

(e) direct or implied threats that submission to or rejection of requests for sexual favors will affect decisions regarding such matters as an individual's employment, work assignments or status, salary, academic standing, grades, receipt of financial aid, or letters of recommendation; and

(f) unwarranted use of sexually suggestive materials.

A faculty member's choice of teaching techniques, selection of instructional materials, or other conduct through which the faculty member seeks to communicate with students in an instructional setting shall not be prohibited under this policy if the faculty member claims that the conduct is legitimately related to the subject matter of the course, unless the applicable grievance board or hearing committee finds that the faculty member's claim is clearly unreasonable.

Responsibilities

All members of the University community are responsible for ensuring that their conduct does not sexually harass any other member of the University community, whether on the University premises or any off campus location. This same responsibility extends to employees of third parties doing business with the University or on University premises and to campus visitors.

University administrators and supervisors have the further responsibility of preventing and eliminating sexual harassment within the areas they oversee. If University administrators, faculty, and staff know sexual harassment is occurring, receive a complaint of sexual harassment or sexual violence, or obtain other information indicating possible sexual harassment, they must take immediate steps to ensure the problem is addressed, even if the problem or alleged problem is not within their area of oversight, by reporting the behavior of concern to the appropriate authority charged with investigating such concerns.

Counseling, Advice and Informal Resolution

In many instances, informal discussion and mediation can be useful in resolving perceived instances of sexual harassment. Problems are sometimes easier to resolve when an informal atmosphere encourages people to identify the difficulty, talk it out, and agree on how to deal with it.

Problems, questions and grievances may be discussed with the Associate Vice President for Human Resources/Equal Opportunity Officer/Title IX Coordinator at Mercer University or the Office of Civil Rights (see Section 2.14 of the Faculty Handbook / Section 2 of the Non-Faculty Employee Handbook). The role of the supervisor at this point is to counsel the complainant about sources of further assistance, including the Equal Opportunity Officer/Title IX Coordinator and others who may be designated to help resolve the problem informally. Once a supervisor has been advised of a perceived instance of sexual harassment, the supervisor should notify the Associate Vice President for Human Resources. Alternatively, the employee may ask the Associate Vice President for Human Resources/Equal Opportunity Officer/Title IX Coordinator to meet with the person causing the problem. In other cases, it may be necessary to arrange for a change in work assignment or for a re-evaluation of the employee's work.

At any time during this informal process, the complainant has the right to end the informal process at any time and begin the formal grievance complaint process. In cases involving allegations of sexual assault, mediation will not be used to resolve such complaints. Throughout the advising and informal resolution process, the information provided by the complaining employee will ordinarily be held in confidence unless and until the employee agrees that another party or parties must be informed to facilitate a solution. The employee's identity will ordinarily not be revealed to the person against whom the complaint is made without the consent of the employee.

Formal Grievance Procedures

Any employee who believes he or she has been subjected to sexual harassment/sexual violence may file a formal complaint with any member of the Discrimination and Harassment Prevention Board or the Associate Vice President of Human Resources/Equal Opportunity Officer/Title IX Coordinator, either initially or after having sought informal resolution as described above, with the possible outcome of disciplinary action against the accused. The formal report will be taken by the Associate Vice President of Human Resources, signed by the complainant, and must describe the specific action(s) complained of. Requests for confidentiality regarding name or other identifiable information of the complainant may not be possible and will be weighed against the following factors: the seriousness of the alleged harassment; the complainant's age; whether there have been other harassment complaints about the same individual; and the alleged harasser's rights to receive information about the allegations if the information is maintained by the school as an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g:34 C.F.R. Part 99. The complaint will be investigated and resolved in accordance with the Grievance Procedure described in Section 2.11 of the Faculty Handbook / Section 5 of the Non-Faculty Employee Handbook. If the accused is a faculty member and the conduct is considered adequate cause for dismissal, the accused will be entitled to invoke the procedures in Section 2.08 of the Faculty Handbook.

Consensual Relationships

Romantic and sexual relationships between faculty members, staff, and students and between supervisors and subordinates do not necessarily involve sexual harassment. However, the powers faculty members exercise in evaluating students' work, awarding grades, providing recommendations and the like will generally constrain a student's actual freedom to choose whether to enter into a romantic or sexual relationship with a faculty member. Subordinates, likewise, may not feel fully free to reject or end a romantic or sexual relationship with their supervisor.

Therefore, where such a power differential exists, it may be exceedingly difficult to defend against a charge of sexual harassment on the grounds that the relationship was consensual. In internal proceedings, the University generally will be unsympathetic to a defense based on consent when the facts establish that the accused had the power to affect the complainant's academic or employment status or future prospects.

Even genuinely consensual relationships between faculty members, staff, and students and between supervisors and subordinates may be problematic. For example, they may result in favoritism or perceptions of favoritism that adversely affect the learning or work environment. Consensual relationships involving a power differential, therefore, may violate University policy and equal opportunity law.

POLICY PROHIBITING OTHER DISCRIMINATORY HARASSMENT

Harassment on the basis of race, color, national origin, disability, veteran status, sex (i.e. sex-based harassment that is non-sexual in nature), sexual orientation, genetic information, age or religion constitutes discrimination in employment and as such violates the University's equal opportunity policy as well as federal and state laws.

Definition

Harassment is defined as verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, national origin, disability, veteran status, sex (i.e. sex-based harassment that is non-sexual in nature), sexual orientation, genetic information, age or religion, or that of his or her relatives, friends or associates, and that:

- (a) has the purpose or effect of creating an intimidating, hostile, or offensive work environment;
- (b) has the purpose or effect of unreasonably interfering with an individual's work performance; or
- (c) otherwise adversely affects an individual's employment opportunities.

Examples

Examples of conduct prohibited by this policy include, but are not limited to:

- (a) epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to race, color, national origin, disability, veteran status, sex (i.e. sex-based harassment that is non-sexual in nature), sexual orientation, genetic information, age or religion; and
- (b) written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, national origin, disability, veteran status, sex (i.e. sex-based harassment that is non-sexual in nature), sexual orientation, genetic information, age or religion and that is placed on walls, bulletin boards, or elsewhere on University premises or is circulated in the workplace.

The standard for determining whether conduct relating to race, color, national origin, disability, veteran status, sex (i.e. sex-based harassment that is non-sexual in nature), sexual orientation, genetic information, age or religion is sufficiently severe or pervasive to create a hostile or abusive work environment is whether a reasonable person in the same or similar circumstances would find the conduct intimidating, hostile or abusive. This standard includes consideration of the perspective of persons of the alleged victim's race, color, national origin, disability, veteran status, sex (i.e. sex-based harassment that is non-sexual in nature), sexual orientation, genetic information, age or religion.

The responsibilities of members of the University community to prevent and eliminate harassment on these bases; the procedures for counseling, advice and informal resolution; and formal grievance procedures are the same as those described above under the Policy Prohibiting Sexual Harassment.

DRUG-FREE WORKPLACE AND CAMPUS POLICY **(Revised 3/1/11)**

Mercer University shares the widespread national concern with the serious threat to health, safety, and welfare posed by the unlawful use of drugs and the abuse of alcohol, especially in the workplace and on college campuses. As a matter of University policy, growing out of the University's historic mission and character, and in keeping with applicable Federal and State laws, the University has adopted and is implementing a program to provide a drug-free workplace and campus for all its students and employees and to prevent the illicit use of drugs and abuse of alcohol.

The unlawful possession, use, distribution, dispensing or manufacture of illicit drugs

or alcohol at any time on any University property or as part of any University-sponsored activity is absolutely prohibited.

As a condition of employment at Mercer, all employees must abide by these standards of conduct, and disciplinary sanctions will be imposed for violation. Among the sanctions that may be imposed are: reprimand, probation, suspension, expulsion or termination of employment, and referral for prosecution. Ordinarily the sanctions for drug-related violations will be suspension or termination of employment. However, in the University's sole discretion, an employee may be permitted to continue in employment if he or she satisfactorily participated in an approved rehabilitation program.

Nothing in this policy is intended to affect the procedural rights of employees (including faculty members) under existing grievance or review procedures. However, once the University has determined, after reasonable inquiry, that a violation of this policy has occurred, the employee may be subject to immediate suspension without pay pending the conclusion of such procedures. If no existing procedures are in place for an alleged violation by a particular employee, the University will adapt other review procedures so as to ensure the individual the opportunity for a fair review, including the right to be heard.

Any employee convicted of any drug-related criminal statute must notify the Associate Vice President for Human Resources, in writing, no later than 5 days after such conviction regardless of where the offense occurred. This is because under Federal and State laws, the University must notify Federal agencies of drug-related convictions of employees involved in work under a grant or contract. However, a criminal conviction shall not be necessary to find that an employee has violated these standards of conduct, and the University need not, and ordinarily will not, defer its own actions and sanctions pending the outcome of any criminal proceeding.

The complete Drug-Free Workplace and Campus Policy is available in Human Resources, and copies are distributed annually to employees in accordance with Federal law.

TOBACCO-FREE POLICY (Revised 6/20/11)

Mercer University is committed to the health and well-being of the members of its student body, faculty, and staff. The University not only has a vested interest in the vitality of its students and those who administer and operate the University's programs of education, research, and service, but also wishes to promote the advancement of health in general and the maintenance of a healthful environment. The University and its medical, nursing, and pharmacy and health science schools, moreover, have substantial commitments to health-related research and teaching.

The Surgeon General of the United States has determined that cigarette smoking is the largest preventable cause of illness and premature death in the United States; it is associated annually with the unnecessary deaths of thousands of Americans. Research findings now indicate that users of smokeless tobacco and non-smokers who are regularly exposed to tobacco smoke are also at increased risk.

In response to these considerations, the University has adopted as its goal that of achieving an environment as close to tobacco-free as possible. The following guidelines are designed to achieve a relatively tobacco-free environment on the Mercer campuses:

- Smoking is prohibited in all indoor locations. All buildings on all campuses are tobacco-free.
- Smoking is prohibited within 25 feet of all building entrances, air intakes, and windows.
- Residence hall public spaces (lobbies, hallways, lounges, recreation areas, restrooms) and rooms are tobacco-free.
- Use of smokeless tobacco products is prohibited in all university facilities, except in individual residence hall rooms and apartments.

It is the responsibility of each member of the Mercer community to observe this Tobacco-Free Policy and these guidelines. This policy relies on the thoughtfulness, consideration, and cooperation of smokers and non-smokers for its success. Individuals who are smoking inside a building must be directed to the outdoors. Visitors must observe this Tobacco-Free Policy. Department heads, building stewards, and sponsors/hosts of University events are responsible for visitors' compliance with the University's Tobacco-Free Policy. The University expects a good faith, common sense, and courteous approach by students and employees in resolving conflicts within the requirements of this policy.

Violation of policies should be reported to Student Affairs for students and Human Resources for employees.

SOLICITATION AND DISTRIBUTION OF LITERATURE

In the interest of maintaining a proper campus environment and preventing interference with work and inconvenience to others, the University regulates solicitation and distribution of literature on its campuses.

For purposes of this policy, solicitation includes (1) soliciting business of any type, including the selling of products or services; (2) soliciting funds, including debt collection, or political or petitionary support of any kind; and (3) conducting opinion, investigatory or other types of surveys or polls. Distribution includes posting, placing on cars, stuffing university mailboxes, handing out or otherwise distributing any type of literature, pamphlets, product samples or other materials.

By non-employees: Unauthorized solicitation or distribution for any purposes on the University's property by non-employees is prohibited. Business contacts by unauthorized sales representatives during normal business hours with University employees are not permitted.

By employees: Solicitation by the University's employees in working areas during the working time of either the person soliciting or the person being solicited is prohibited. Distribution by employees of materials unrelated to work performance is not permitted in working areas of the University at any time. Solicitation and distribution during non-working time in non-working areas (e.g. cafeterias, break rooms and similar areas) are permitted.

Banners and posters which announce events of interest to students and employees may be displayed in designated areas on the campus after approval. Individuals who have approval to put up banners and posters must take them down at a designated time agreed upon when approval is granted.

CRIME AWARENESS AND CAMPUS SECURITY

Mercer University places a high priority on keeping its campus safe for its students, employees and visitors. The Mercer Police Department has primary responsibility for the security of the campus. Mercer Police officers are all certified by the Georgia Peace Officer Standards and Training Council as having met the qualifications and training requirements for police officers in Georgia, and they are authorized to exercise law enforcement powers on the campus, including the power of arrest.

More information on campus security policies, crime prevention programs, and campus crime statistics is provided and distributed annually in a Crime Awareness and Campus Security Report for each campus and is available in the Human Resources Office and Mercer Police Office.

OCCUPATIONAL SAFETY AND HEALTH PROGRAMS

The University offers programs and plans to recognize and minimize the risks to specific employees or groups of employees who may be exposed to specific hazards while performing assigned tasks and regular duties. The Health and Safety Office offers an OSHA Hazard Communication Program, OSHA Bloodborne Pathogens Program, General Laboratory Safety Program, and other associated Occupational Health Programs which are custom designed for the various specialized work environments within the University. Employees and/or job classifications identified to have potential exposure to hazardous conditions in the workplace can receive information concerning their rights and

responsibilities from the Human Resources Office, the Associate Vice President for Research and Biosafety, the Office of Sponsored Programs, and the Health & Safety Office.

REPORTING SUSPECTED IMPROPER CONDUCT

In all its business practices, and particularly in its dealings with the Government, the University seeks to conduct itself with the highest degree of integrity and honesty. Through its Internal Audit Department and through external audits, the University periodically reviews its business practices, policies, procedures and internal controls for compliance with standards of business ethics and with the special requirements of Government contracting.

Any employee who suspects that improper or illegal conduct or any other irregularities have occurred, especially in connection with Government contracts, is expected and encouraged to promptly report such concerns so that the matter may be investigated and corrective action taken where appropriate. Such reports may be made to your supervisor, who will refer the matter to the Internal Auditor for investigation, or you may report suspected improper conduct directly to the Internal Auditor, using a Confidential Hotline (Phone: 478-301-4636). The University will not discharge or otherwise retaliate against any employee for disclosing information to appropriate University or Government officials which the employee reasonably believes evidences a violation of any Federal law or regulation relating to Federal contract procurement, charges to the Government, or the subject matter of Federal contracts.

GIFTS AND GRATUITIES

Mercer University requires all employees to act with integrity and good judgment and to recognize that accepting personal gifts from current or prospective vendors may cause legitimate concerns about a conflict of interest. In order to avoid a perceived conflict of interest, at no time should an officer or employee of Mercer University solicit or accept any gift, gratuity, or offer of entertainment having a value in excess of \$250 from any individual or company that is doing, or seeking to do, business with the University.

Exceptions to this policy may be considered on a case-by-case basis, subject to the requirement that the employee discloses the proposed gift or gratuity in advance, and that acceptance of the gift or gratuity is pre-approved by the employee's supervisor.