



## **Exempt Employee Handbook**

Prepared by the Office of Human Resources

Revised March 29, 2018

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## PREFACE

This *Handbook* has been prepared to acquaint exempt employees with the basic policies and practices of the University. While this *Handbook* is not intended to cover all circumstances or all topics relating to employment at Western New England University, it is important that the entire booklet is read and all regulations understood. Revisions will be made from time to time as policies and/or procedures are updated. Western New England University adheres to the principle of employment-at-will, which allows the University or the employee to terminate the employment relationship at any time. Fairness and good faith dictate that the unique circumstances of each case be considered when the University makes any decisions regarding the termination of employment.

Western New England University reserves the right to modify, revoke, suspend, terminate, or change any or all such plans, policies or procedures contained in this Handbook, in whole or in part, at any time, with or without notice. While the University expects that its employees will comply with the regulations and procedures which follow, the language used in this Handbook is not intended to create, nor is it to be construed, to constitute a contract of employment between Western New England University and any one or all of its employees.

## ABOUT WESTERN NEW ENGLAND UNIVERSITY

### THE UNIVERSITY

Western New England University is a private, comprehensive, coeducational institution located on a 215-acre campus in a suburban neighborhood four miles from downtown Springfield. Originally founded in 1919 as the Springfield Division of Northeastern University, it became established with its own charter and identity as Western New England College in 1951. Building of the new and current campus began in 1958.

### WHO WE ARE

Western New England University, a comprehensive private institution with a tradition of excellence in teaching and scholarship and a commitment to service, awards undergraduate, master's, and doctoral degrees in various departments from among our Colleges of Arts and Sciences, Business, Engineering and Pharmacy, and the School of Law. One of only a few U.S. comprehensive institutions enrolling under 5,000 students recognized with national and international accreditations at the highest levels in law, business, engineering, and social work, we serve students predominantly from the northeastern U.S., but enroll students from across the country and around the world. The vast majority of undergraduate students reside on campus. Our 215-acre campus in Springfield, Massachusetts is remarkable for its beauty, security, and meticulous upkeep.

### OUR MISSION

The hallmark of the Western New England experience is an unwavering focus on and attention to each student's academic and personal development, including learning outside the classroom. Faculty, dedicated to excellence in teaching and research, and often nationally recognized in their fields, teach in an environment of warmth and personal concern where small class sizes predominate. Administrative and support staff work collaboratively with faculty in attending to student development so that each student's academic and personal potential can be realized and valued. Western New England develops leaders and problem-solvers from among our students, whether in academics, intercollegiate athletics, extracurricular and cocurricular programs, collaborative research projects with faculty or in partnership with the local community.

At Western New England, excellence in student learning goes hand in hand with the development of personal values such as integrity, accountability, and citizenship. Students acquire the tools to support lifelong learning and the skills to succeed in the global workforce. Equally important, all members of our community are committed to guiding students in their development to become informed and responsible leaders in their local and global communities by promoting a campus culture of respect, tolerance, environmental awareness, and social responsibility. We are positioned well to accomplish these goals as a truly comprehensive institution whose faculty and staff have historically collaborated in offering an integrated program of liberal and professional learning in the diverse fields of arts and sciences, business, engineering, law, and pharmacy.

## OUR CORE VALUES

- **Excellence in Teaching, Research, and Scholarship**, understanding that our primary purpose is to provide an outstanding education supported by faculty with the highest academic credentials, and with national prominence in their fields.
- **Student-centered Learning**, providing an individualized approach to education which includes a profound commitment to small class sizes, personalized student-faculty relationships, and student engagement and personal growth both within and beyond the classroom.
- **A Sense of Community**, treating every individual as a valued member of our community with a shared sense of purpose and ownership made possible by mutual respect and shared governance.
- **Cultivation of a Pluralistic Society**, celebrating the diversity of our community, locally and globally, and creating a community that fosters tolerance, integrity, accountability, citizenship, and social responsibility.
- **Innovative Integrated Liberal and Professional Education**, constituting the foundation of our undergraduate and graduate curriculum, providing global education, leadership opportunities, and career preparation.
- **Commitment to Academic, Professional, and Community Service**, promoting opportunities for all campus community members to provide responsible service of the highest quality to others.
- **Stewardship of our Campus**, caring for the sustainability and aesthetics of the environment both within and beyond the campus.

## OUR VISION FOR APPROACHING OUR SECOND CENTURY

In 2019 Western New England will celebrate its Centennial as an institution of higher education. Our focus will continue to be on the whole student, but in a twenty-first century context highlighting the demands of a diverse and global society, the accelerating pace of technology, and the necessity of attention to environmental sustainability. Our next decade will be marked by a continued dedication to excellence, visionary thinking, flexibility, and entrepreneurial spirit. We must continue to develop as a comprehensive institution offering an integrated program of liberal and professional undergraduate and graduate education while establishing ourselves in a position of regional leadership and national recognition.

## HISTORY OF THE UNIVERSITY

In 1919, the education committee of the Springfield Central YMCA, after experimentation with informal classes, decided to offer college-level courses for credit. As a result, the Springfield Division of Northeastern University, known as Springfield-Northeastern, was established. Classes, held in the evening in the YMCA building on Chestnut Street for students studying part-time, were offered in law, business, and accounting. The first thirteen graduates emerged in 1922 with the degree Bachelor of Commercial Science. In 1923, the first seven law graduates were recognized.

The parent institution, now Northeastern University, decided to cease operations in Springfield. In 1951, an autonomous charter was obtained to grant and confer the degrees of Bachelor of Business Administration and Bachelor of Laws. The Springfield Division of Northeastern University became Western New England College. Dr. John D. Churchill, who had served as director of the Springfield-



Northampton Division from 1919 to 1951, became the institution's first president, serving until 1954. The demand for education following the Second World War compelled the College's officials to add academic programs at a new, larger site.

On April 26, 1956, early in the presidency of Dr. Beaumont A. Herman, the actual purchase of land for the current Wilbraham Road campus was completed. In that same year the first day program was started; it was in engineering, with 53 students enrolled. The first building, originally known as East Building, and later renamed Emerson Hall in recognition of the institution's first trustee chairman, Robert R. Emerson, opened in 1959. The charter was expanded in that same year to permit the ability to grant the bachelor's degree in any field of business administration, science, engineering, education, and law, and certain master's degrees.

The College of Arts and Sciences was established in 1967, and in 1968, permission was granted to award all degrees as usually conferred in the Commonwealth of Massachusetts, except for the doctorate. In 1970 the Western New England University School of Law began awarding the Juris Doctor degree. The University received accreditation as a general-purpose institution in 1972.

The University flourished on its new campus. The decades of the Sixties, Seventies, and Eighties saw the University's academic programs expanding, its student body growing, and the addition of a number of buildings, including the D'Amour Library, the S. Prestley Blake Law Center, and St. Germain Campus Center.

In 1993, the Alumni Healthful Living Center, a modern athletic and fitness center, was dedicated. In 1999, the LaRiviere Center, a residential living and learning center featuring suite-style living with a computer lab and meeting rooms, opened, followed by the Evergreen residence in 2001 and the Welcome Center in 2002. The campus was originally 34 acres and has grown to 215 acres of contiguous property located four miles east of downtown Springfield. In 2004, the George E. Trelease Memorial Baseball Park was built. The Park includes a natural grass field, dugout, 500-seat grandstand, press box, and electronic scoreboard. Suprenant Field underwent a major renovation in 2007 adding new bench shelters, a portable press box, and a fence, which brought it into NCAA compliance to host NCAA Tournament games. The S. Prestley Blake Law School was renovated in 2008, introducing a new 10,500- square-foot wing and a complete restructuring of the law library to all three floors including technological upgrades and more convenient ways of obtaining library materials. In 2009, Southwood Hall, an eco-friendly apartment-style housing of approximately 148 students, featured Western New England's first single-bedroom suites as well as a full bathroom, kitchen, and a living room. Shortly after in 2010, Western New England's Golden Bear Stadium was reequipped with all new turf. Later that same year, the institution unveiled its new Center for Sciences and Pharmacy. The 127,000 square-foot

facility now houses programs in biology, chemistry, physics, psychology, neuroscience, and pre-pharmacy as well as Western New England's College of Pharmacy.

## **OUR COMMITMENT TO CIVILITY AND DIVERSITY**

A distinguishing characteristic of Western New England University is a commitment to civility and diversity. Western New England University expects that each member of our community will be treated with civility, respect, and dignity. If a disagreement occurs between individuals and/or groups, we expect that the merits of opposing positions will be discussed without resort to insult, personal

attack, or bias. Behavior or conduct that is biased or harassing will not be tolerated.

Our learning community celebrates the diverse traditions, life circumstances, birth origins, ethnicities, and cultural beliefs of all members. We believe that education should enable and empower community members to live, learn, and work in an environment sensitive to diversities in cultural tradition, ethnicity, gender or gender expression, geographic origin, physical or intellectual ability, political inclination, race, religion, sexual orientation, and socio-economic status.

In our programs and educational practices, we commit to preserving human dignity and honoring individual identity. We seek to build a community defined by its differences and characterized as a safe, positive, and supportive environment. We encourage our campus community to seek out opportunities to expand and enhance our understanding of others and to develop a broad, sustainable perspective as global citizens and leaders.

Western New England University is firmly committed to addressing bias and bias-based incidents in a timely-manner. Complaints of unlawful discrimination shall be addressed according to the policies and procedures set forth in the Western New England University Discrimination/Harassment/Sexual Misconduct/Title IX Policies and Procedures, also contained in student and employee handbooks.

*Revised: May 30, 2017*

## **POLICY STATEMENTS**

**Adhering to the following policies is a condition of employment.**

### **DISCRIMINATION/HARASSMENT/SEXUAL MISCONDUCT/TITLE IX POLICY AND PROCEDURES**

#### **Introduction**

Western New England University is committed to the principle of equal opportunity in education and employment. The University prohibits discrimination against any employee, applicant for employment, student or applicant for admission on the basis of any protected class. Protected classes include: age, color, creed, disability, ethnicity, gender identity, gender expression, genetics, national origin, pregnancy, race, religion, ancestry, sex, sexual orientation, genetics, active military or veteran status or any other protected category under applicable federal and state or local law.

The University provides equal access and participation in all University activities without regard to sex. Sexual misconduct including sexual harassment, sexual assault and sexual exploitation are forms of sex discrimination and prohibited under Title IX of the Higher Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, and Chapters 151B and 151C of the Massachusetts General Laws. If this conduct occurs off campus, it may fall under the purview of Title IX and Title VII and the University reserves the right to act on incidents occurring off campus.

In addition to the above mentioned regulations, the University also complies with the Violence Against Women Reauthorization Act of 2013 (VAWA)<sup>1</sup>, The Clery Act<sup>2</sup> and The Campus SaVE Act<sup>3</sup>.

Because the University takes allegations of discrimination/harassment seriously, the University will respond promptly to complaints of discrimination/harassment and will take appropriate action where it is determined that such inappropriate conduct has occurred. Furthermore, the University will act promptly to eliminate the conduct and impose such corrective action and sanctions as necessary.

This policy applies to any individual of either sex who participates in the University community as a student, faculty, staff member, visitor or any other persons having dealings with the institution."

The Assistant Vice President/Director of Human Resources serves as the EEO Officer and ADA 504 Coordinator and oversees the University's compliance efforts with discrimination and equal opportunity.

The General Counsel serves as the Title IX Coordinator and oversees the University's compliance efforts with harassment and sexual misconduct.

Internal inquiries or reports about violations of this policy may be made to:

***Title IX Coordinator***

Cheryl Smith  
General Counsel and Title IX Coordinator  
Deliso Hall, Room 102  
(413) 782-1542  
csmith@wne.edu

***ADA/504 Coordinator, Equal Employment Opportunity Officer***

Joanne Ollson  
Assistant Vice President and Director of Human Resources  
Rivers Hall, Room 104  
(413) 782-1343

***Deputy Title IX Officers***

Sean Burke- Student Affairs  
Associate Director of Residence Life for Operations  
St. Germain Campus Center, Room 222  
(413) 782-1316  
sean.burke@wne.edu

Lori Mayhew- Athletics  
Alumni Healthful Living Center, Room 105B  
Assistant Director of Athletics/Equipment  
Director/Softball Coach  
(413) 796-2227  
lori.mayhew@wne.edu

Inquiries may be made externally to:

Office for Civil Rights (OCR)

US Department of Education  
400 Maryland Ave SW  
Washington, DC 20202-1100  
Customer Service Hotline # (800) 421-3481  
Facsimile (202) 453-6012  
TDD# (877) 521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

Boston Office-EEOC  
John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
Phone: 1-800-669-4000  
Fax: 617-565-3196  
Complaints can be filed Monday through Friday, from 8:30am to 3:00 pm.

Massachusetts Commission Against Discrimination (MCAD)  
436 Dwight Street, Room 222  
Springfield, MA 01103

### **Accommodation of Disabilities**

The University is committed to full compliance with the American with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against qualified persons with disabilities.

The Assistant Vice President of Human Resources has been designated as the ADA/504 Coordinator for the University, responsible for coordinating efforts to comply with all disability laws.

Employees requesting reasonable accommodation should complete the ADA Accommodation Request Form found on the Human Resources web page at:

[http://www1.wne.edu/assets/45/ADA\\_Accommodations.pdf](http://www1.wne.edu/assets/45/ADA_Accommodations.pdf)

Students requesting accommodation should contact the Office of Student Disability Services located in Herman Hall, Room 105.

### **Prohibited Conduct**

#### **Discrimination and Harassment<sup>4</sup>**

Harassment constitutes a form of discrimination that is prohibited by law. Members of the Western New England University community, guests and visitors have the right to be free from discrimination and harassment. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the right of others. The University supports a zero tolerance approach to discrimination and harassment and complies with all applicable federal and state laws.

## Sexual Misconduct

A violation of this policy may occur if one party engages in sexual activity with another party without consent.<sup>5</sup> In order for individuals to engage in sexual activity of any kind with each other, there must be clear knowing and voluntary consent prior to and during sexual activity. Effective consent means that a person is able to make free, informed, and reasonable choices and decisions, and is not incapacitated by intoxication or other drug consumption (be it voluntary or otherwise), by disability, or by fear.

Consent is effective when it has been clearly communicated. Consent may never occur if a person is unconscious, unaware, or otherwise physically helpless.

Anything but a clear, knowing and voluntary consent to any sexual activity is equivalent to a “no.”

Coercing someone into sexual activity violates this policy in the same way as physically forcing someone into sex. Coercion occurs when someone is pressured for sex.

In short, consent must include explicit communication and mutual approval of the sexual activities in which the parties are involved. For consent, individuals involved in the sexual activity must willingly and knowingly engage in the activity. As a result, consent cannot be given due to physical force, intimidating behavior, threats, or coercion. Engaging in sexual activity with someone through force, intimidation, threats, or coercion is a violation of this policy. Further consent cannot be given by an individual who is incapacitated. For example, consent cannot be given by those incapacitated by alcohol or drugs, or by individuals who are unconscious. Knowingly engaging in sexual activity with someone who is incapacitated or who otherwise cannot give explicit consent is a violation of this policy. Sexual misconduct offenses include but are not limited to, sexual harassment, sexual assault, and sexual violence as defined below.

## Sexual Harassment

The Western New England University community defines sexual harassment as:

- unwelcome, gender-based verbal or physical conduct that is,
- sufficiently severe, persistent or pervasive that it,
- has the effect of unreasonably interfering with, denying or limiting someone’s ability to participate in or benefit from the university’s educational program and/or activities, and is

based on power differentials (*quid pro quo*), the creation of a hostile environment or retaliation.

In Massachusetts, the legal definition for sexual harassment is: sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or,
- (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive environment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating an environment that is hostile, offensive, intimidating, or humiliating may also constitute sexual harassment. Sexual harassment can involve a male harasser and female victim, female harasser and male victim, or parties of the same gender. Sexual harassment can also take place on the basis of gender identity or sexual orientation.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances -- whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.

Western New England University recognizes that our community is not limited to our physical campus and includes "online" and "offline" interactions and postings.

**The University, in compliance with the Violence Against Women Reauthorization Act Of 2013 also prohibits conduct as follows:**

**Sexual Assault:**

The term 'sexual assault' means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent<sup>6</sup>.

Sexual assault includes, but is not limited to:

- Intentional touching of another person's intimate parts without that person's consent; or other intentional sexual contact with another person without that person's consent; or
- Coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's consent; or
- Rape, which is penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person's consent.<sup>7</sup>

**Domestic Violence<sup>8</sup>:**

Domestic violence means a felony or misdemeanor crime of violence committed by the victim's current or former spouse, current or former cohabitant, persons similarly situated under domestic or family violence

laws, or anyone else protected under domestic or family violence laws.

### **Dating Violence<sup>8</sup>:**

Dating violence means violence by a person who has been in a social, romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type, and frequency or interaction.

### **Stalking<sup>8</sup>:**

Stalking means a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his or others' safety, or to suffer substantial emotional distress.

### **Other Offenses (that may fall under Title IX as prohibited)**

Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;

Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of gender;

Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;

Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the university community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy); Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally (that is not speech or conduct otherwise protected by the 1st Amendment).

Demonstrating abusive behavior toward another person, including but not limited to verbal or written statements including Internet/electronic communications (that is not speech or conduct otherwise protected by the 1st Amendment).

### **Retaliation**

Any retaliation against an individual who has complained about discrimination, harassment or retaliation against individuals for cooperating with an investigation of a discrimination/harassment complaint is unlawful and will not be tolerated.

### **Remedial Action**

The University reserves the right to take whatever remedial measures it deems necessary in response to allegations of discrimination, harassment or retaliation in order to protect the rights and personal safety of community members. Such measures include but are not limited to, modification of living/academic arrangements, escort services, no contact orders, interim suspension, reporting the matter to campus and/or local police.

### **Reporting**

There are three federal laws that establish responsibilities for employees of universities to report certain types of crimes and incidents, especially sexual misconduct: the Clery Act, Title IX of the Higher Education Amendments of 1972, and Title VII of the Civil Rights Act of 1964. Each of these areas of federal law has a different purpose, but generally the laws are intended to protect members of the campus community,

visitors and guests from criminal and discriminatory behavior. The responsibilities established by these laws give rise to the term “responsible employees.”

The University has defined all employees, both faculty and staff, as responsible employees (except for health care professionals and any other individuals who are statutorily prohibited from reporting). When an employee becomes aware of an alleged act of sexual harassment, sexual misconduct discrimination, sexual assault, domestic violence, dating violence, or stalking, the employee must promptly contact the Title IX Coordinator or one of the Deputy Coordinators. The Coordinator or Deputy will use the Complaint Reporting Form ([see Attachment](#)) when gathering the initial information. If the complainant does not want to meet with the Title IX Coordinator or Deputy the employee receiving the complaint should print the form and complete with the complainant. The printed form should be hand delivered to the Title IX Coordinator and not sent electronically or through regular campus mail.

If an employee thinks that a complainant may report an act of sexual misconduct, the employee should inform the complainant that the University will maintain the privacy of the information to the greatest extent practicable. *The employee may be required to report the act and reveal the names of the parties involved.* If the complainant wishes to proceed, the employee should inform the complainant of the implications of sharing the names of the parties involved, which puts the University on notice.

If the complainant decides not to share the information with the employee, the employee should refer the complainant to resources on campus who have the ability to maintain confidentiality by virtue of their role. These on-campus resources include the Counseling Center, Health Services and Spiritual Life. Spiritual counselors, professional medical care providers, mental health providers, and those who report to them are under no obligation to report any details to the Title IX Coordinator. Non-professional counselors are not required to report incidents of sexual violence in a way that identifies the victim without the victim’s consent. If the complainant shares the information but indicates they will not participate in the investigative process, the employee must report this information to the Title IX Coordinator.

On-campus resources are available to members of the campus community. There are a number of off campus resources that complainants can be referred to as well. All complainants should be given a copy of the Harassment, Discrimination and Retaliation Reporting Pamphlet and the Emergency Information and Resources document.

### **Investigation**

When the University receives a complaint, it will promptly investigate the allegation in a fair and expeditious manner. In compliance with OCR guidelines, the University will complete all investigations within a 60 business day time period which can be extended for appropriate cause by the Title IX Coordinator. At the close of the investigation, the Title IX Coordinator will report that a) the case should proceed under this policy; b) the case should proceed under other student/faculty disciplinary policy; or c) no further action is warranted.

Prior to any hearings, the investigator will interview all parties and witnesses, compile statements, verify statements, gather documentation, review evidence, conduct research and draft a report to submit to the governing disciplinary board (students) or hearing committee (faculty, staff ) if one has been



convened.

If a student/employee who is party to a Title IX Investigation chooses legal counsel as an advisor, all communication as to process and procedures relevant to the University's investigation and hearing process will be communicated directly to the party's legal counsel by the office of the General Counsel of the University.

## **Resolution, Disciplinary Action and Sanctions**

**Informal Resolution-** Some claims of discrimination and harassment may be resolved informally, these claims do not include incidents of sexual violence. Some examples of informal resolutions include:

- Mediation between the complainant and respondent; and
- Conducting educational programs for groups or individuals.

The purpose of informal resolution is to implement an appropriate solution acceptable to all parties concerned. The Title IX Coordinator will work with the Complainant and Respondent to reach an informal resolution. If the Respondent is a faculty member the Dean of the respective School will participate in the resolution process. At the conclusion of the informal process a memorandum of understanding will be signed by both parties.

In the event that the informal process does not achieve resolution of the issue, the formal resolution process will be implemented.

**When the Respondent is a student the procedure for Resolution of Claims outlined in the Student Code of Conduct will apply ( <http://www1.wne.edu/student-activities/doc/handbook-2016-2017-final1.pdf>).**

### **Formal Resolution**

When a complaint is resolved through formal resolution, a Discrimination/ Harassment Hearing Committee will be convened. The Committee will consist of five (5) members of the Western New England community appointed by the President to serve two- year terms. Quorum will be 3 members. The Committee will be comprised of two (2) tenured faculty members referred to the President by the University Senate, one (1) non-exempt staff, one (1) exempt staff, all from different departments. Non-exempt and exempt staff will be selected by the President in consultation with the Assistant Vice President and Director of Human Resources. Replacement of faculty representatives on the Committee will be made by the University Senate. The President will designate a Chair of the Committee, based on such considerations as experience, continuity, and sensitivity to the concerns of those affected by the discrimination/harassment.

At any given time, there should be no more than three (3) persons of the same gender on the Committee. Two (2) additional members who are students will sit on the Committee when a complaint directly involves a student. For complaints involving graduate students, pharmacy students or law students, at least one (1) of the two (2) student members of the Committee will be a graduate student, law student, or pharmacy student as appropriate to the case. Student Committee Members can serve no more than two (2) consecutive one-year terms and will be recommended by the Student Senate

Governing Boards.

### **Initiation of the Hearing Procedure**

A copy of the complaint along with the investigator's report will be delivered to the Chair of the Committee. The investigator's report will include the respondent's response, witness statements, and all other relevant information documented during the investigation.

Within 10 days of receiving the information, the Chair of the Committee will send a list of Committee members to both the complainant and respondent. Either party may challenge any member's eligibility for cause in writing to the Chair, within two (2) working days of receiving the list. Any such challenge will be ruled upon by the Chair of the Committee. Any Committee member with previous knowledge of the incident will present that information to the Committee chair. If the Chair is released by challenge or disqualification, the Committee will elect a Chair, *pro tempore*. If by challenge, disqualification or unavailability, fewer than three (3) members of the Committee remain eligible, another member will be appointed by the President *pro tempore*.

No hearing will be held without the parties being given at least seven (7) calendar day notice. Each party may be accompanied during each session by one (1) advisor. If the advisor is an attorney, the advisor must be informed that they are not acting as legal counsel or advocate. The advisor will not participate in the session, but may observe and consult freely with the person whom they are advising.

Any party who is part of a Title IX proceeding may seek assistance from an advisor of the party's choice who is either a member of the University community (current student, alumnus, faculty member, or staff), family member, or legal counsel. The advisor's role is to provide clarification as to process and procedure, and offer general support to the party. The advisor's role is not to defend, speak on behalf of or otherwise advocate on behalf of, a complainant or respondent.

Advisors are permitted to attend meetings and hearings, but may not speak during a hearing. A Hearing Officer, at his/her discretion, may seek out clarification from an advisor. Advisors are not permitted to question any witnesses prior to or during a hearing. If an advisor has first-hand information as to an incident or situation, the advisor may provide a written statement to the Hearing Officer at the time of the scheduled hearing. An advisor may write a note to a student party during a hearing, and may request a brief recess to confer with a student party.

An advisor may review and read the investigative record and take notes. No copies of any investigative materials will be given to the advisor.

Any advisor who in the University's discretion is deemed to be disruptive or disrespectful during any hearing, meeting, or through any investigative process, will be asked to remove him/herself from the process. The University will not postpone or continue an investigation, a hearing, or a meeting because of the removal of an advisor who does not comply with the University's participation guidelines.

### **Conduct of Formal Hearings**

The formal hearing will be recorded for the Committee's use in deliberations. The recording will not be transcribed but will be stored securely and confidentially by the General Counsel. Upon receipt of signed written request, a copy of the recording will be made available to either party by the General Counsel's office. The Committee alone may question witnesses and parties. Each party has the right to be present for the entirety of the hearing. In the course of the hearing, each party may submit in writing, questions to be asked by the Committee. However, the Committee reserves the right to decline to pursue any such questions. The Respondent has the right to refuse to testify.

The Complainant and Respondent may request witnesses and present documentary evidence. Witnesses will be present at the hearing only when giving testimony. Each party may bring any number of witnesses; however the actual number of witnesses heard will be at the discretion of the Committee. The Committee may refuse to accept or hear any evidence that it deems irrelevant or unreliable. Rules of evidence used in courts of law are not used in this process.

### **Findings of the Committee (Preponderance of the evidence Standard)**

After the hearing, the Committee will find one of the following:

- that it is more likely than not that the alleged violation occurred, or
- that it is more likely than not that the alleged violation did not occur.

### **Decision and Written Report**

The Committee will deliberate in closed session to determine whether the responding party is responsible or not responsible for the violation in question. The Committee will base its findings and recommendation on a preponderance of the evidence standard.

The Chair will prepare a written deliberation report and deliver it to the Title IX Coordinator detailing the finding, the evidence heard, and how each member voted. The report should conclude with the recommended sanctions. All findings by the Committee shall be based on a majority vote of the panel. The Committee members must sign the written report.

After consultation with the Title IX Coordinator the employee's immediate supervisor will determine and impose sanctions in writing to the respondent. Disciplinary action will be taken by the respondent's supervisor for staff and Deans of the respective School or College for faculty.

The Title IX Coordinator will inform the party bringing the grievance of the final determination within 2-3 days of the hearing. The notification will be made in writing and delivered in person or certified or overnight mail.

### **Sanctions (Faculty, Administration, Staff)**

Sanctions imposed by the Committee will be commensurate with the seriousness of the conduct, and

will be adequate and sufficient to demonstrate the University's commitment to taking strong and effective measures to both remedy and prevent further violations. The assessment of the severity of the sanction will be based on both the current case and the Respondent's previous record of misconduct (if applicable). Any sanctions imposed on tenured faculty will be pursuant to the procedures delineated in the appropriate faculty handbook. Sanctions might include, but are not limited to:

- a written apology;
- a transfer or change in department or teaching assignment;
- a warning, meaning a written statement that the Respondent violated this policy, which would be placed in the Respondent's permanent record;
- a referral for counseling and/or training (failure to fulfill the sanctions shall be cause for sanctions of a more serious nature);
- probation for a slated period of time within which the Respondent's rights to participate in University-sponsored activities and/or access to facilities may be limited or removed;
- suspension (with or without pay) meaning a separation from the University for a slated period of time or until specific conditions are met; or
- dismissal, meaning permanent removal from employment or University programs, facilities, and property.

The appropriate administrative officer of the University will be notified of any sanction recommending termination from employment at the University.

### **Summary Suspension**

The University reserves the right to take necessary and appropriate action to protect the educational environment, and the safety and well-being of members of the University community. In the event that any individual charged with violation of the University's Equal Opportunity – Nondiscrimination-Harassment Policy is deemed a serious risk to the safety and security of the University and/or its campus community, the University reserves the right to summarily suspend that individual. The University reserves its right to suspend that individual with or without pay and benefits (tenured faculty can only be suspended with pay and benefits) and exclude that individual from campus, except as necessary to participate in the formal hearing process delineated above.

Nothing in this policy shall limit the authority of the University, or any of its constituent parts, to take such actions as the appropriate University officer or Dean or his/her designee deems necessary to protect the physical safety of the members of the University community, or to maintain conditions compatible with the educational process or institutional integrity of the University or any of its constituent parts.

### **Appeals (Faculty, Administration, Staff)**

#### **Notice of an appeal**

Respondents and Complainants may appeal by filing written notice with the Title IX Coordinator within 14 calendar days from the day a sanction is or is not imposed. Respondents and Complainants

seeking an appeal must specify the grounds for the request. Respondents and Complainants who fail to file an appropriate written request for an appeal within fourteen (14) days waive their rights to appeal.

### **Grounds for appeal**

Appeals will be considered only in one or more of the following circumstances:

- when a Respondent or Complainant deems the sanction inconsistent with the gravity of the offense, except in the case of termination of employment as provided in the Western New England University Faculty handbook where review is automatic;
- when new evidence that was not available at the time of the hearing becomes available within the above referenced fourteen (14) calendar day period; or
- when there has been a substantial and material procedural error during the hearing process.

### **Review**

A three member appeals panel will be designated by the Title IX Coordinator in consultation with the President of the University. Appeal panel members may not include individuals who had previously been involved in the grievance process. The appeal panel will have the authority to:

- affirm;
- reverse;
- modify the sanctions; or
- remand the matter for further investigation or consideration by the Committee (only available where there is new evidence or where there is a substantial and material procedural error).

The original decision and sanction will stand if the appeal is not timely or is not based on the grounds cited above. After conferring with the appeals panel, the Title IX Coordinator will deliver a written decision on the appeal to all parties within 3 business days from the review of the appeals panel. Decisions of the appeals panel are final.

### **Appeals for tenured faculty only**

Should any tenured faculty member at the University desire to pursue an appeal of any actions imposed on him/her through these procedures, the affected faculty member will avail himself/herself of procedures delineated in the appropriate faculty handbook.

### **Substitutions**

In the event that the Respondent is the President, the Chairman of the Board of Trustees will receive the report of the Committee and determine, with the Board of Trustees, any sanctions to be imposed in accordance with the Bylaws of Western new England University. The decision of the Board will be final.

## **Confidentiality**

Through all investigations and hearings of complaints arising from discrimination and harassment, both formal and informal, the confidentiality of the proceedings and the identities of parties to the complaint shall be protected to the fullest extent practicable under the facts and circumstances of each case.

## **Rights of the Complainant and Respondent**

- The right to be treated with respect by University officials.
- The right to be notified of available counseling, mental health or other services, both on and off campus.
- The right not to be discouraged by University officials from reporting an assault to both on campus and off campus authorities.
- The right to be free from retaliation.
- The right to have a single advisor present during the process.
- The right to be informed in advance, when possible, of any public release of the information regarding the complaint.
- The right to written notice of the outcome and sanction of the hearing.
- The right to a fundamentally fair hearing as defined in these procedures.
- The right to an outcome based solely on the evidence presented during the process.
- The right to be informed in advance, when possible, of any public release of the information regarding the complaint.

## **Training**

The University will offer education programs annually to all employees and students about the topics outlined in this policy. Additionally, the University will offer prevention and awareness programs to all new students and employees as part of the orientation processes.

## **Revisions**

This policy will be reviewed and updated annually by the Title IX Coordinator.

*Revised as of 4-10-2017*

1. Violence Against Women Reauthorization Act Of 2013
2. 20 U.S.C.A. § 1092 (West); 34 C.F.R. § 668.46
3. Violence Against Women Reauthorization Act Of 2013 § 304
4. M.G.L.A. 151B § 4
5. There is no legal definition of consent in Massachusetts.
6. Violence Against Women Reauthorization Act Of 2013
7. White House Task Force to Protect Students from Sexual Assault
8. Violence Against Women Reauthorization Act Of 2013

## **SOCIAL SECURITY NUMBER PRIVACY POLICY**

Western New England University recognizes that it collects and maintains confidential information relating to its students, employees, and individuals associated with the University and is dedicated to ensuring the privacy and proper handling of this information. The primary purpose of this Social Security Number (hereinafter "SSNs") Privacy Policy is to promote awareness and procedures that protect the privacy of SSNs in accordance with the Family Educational Rights and Privacy Act of 1974 as well as all other applicable Federal and State statutes and regulations. The University is guided by the following objectives:

1. Broad awareness of the confidential nature of SSNs;
2. Reduced reliance upon SSNs for identification purposes;
3. A consistent policy towards and treatment of SSNs throughout the University; and
4. Increased confidence by students and employees that SSNs are handled in a confidential manner.

### **Applicability**

This Policy applies to all University employees, including exempt and non-exempt staff, faculty, and academic staff, as well as student and temporary employees of the University

### **Access and Storage of SSNs**

Western New England University will not use SSNs as the primary identifier or key in any new University information systems or databases unless required by law or to meet the institutional obligations that have been approved by the President or Board of Trustees. It is the policy of Western New England University that SSNs will not be used as the primary identifier or key in any existing University information systems or databases. Some current databases may have SSNs as key and exception to this policy will be allowed if a phase off plan is defined.

The University restricts access to SSNs to those employees that have a demonstrated and legitimate business purpose or defined legal need as verified through employee and department supervisors. Department supervisors and managers are responsible for the implementation of this restriction access issue through appropriate oversight and training of staff.

Any SSN data stored, downloaded, or otherwise held outside of approved University electronic information systems must be physically and technologically secured. Devices and media covered by this policy include, but are not limited to:

1. Printed reports and spreadsheets,
2. University owned PCs, laptops, and servers, and
3. Portable electronic storage devices including 'floppy' disks, CDs, flash drives, and memory sticks.

All employees having access to computers shall maintain the confidentiality of SSNs in a manner consistent with practices promulgated by the Office of Information Technology including the use of

password protected screen savers activated after five minutes of inactivity, boot up passwords, and automatic drive overwrites.

Employees are prohibited from storing data containing SSNs on any electronic media or storage devices accessible to non-University employees, or other individuals not covered by this policy.

## Prohibited Disclosures

University employees shall maintain the confidentiality of SSNs at all times and shall continue to maintain confidentiality regardless of their future employment status.

Employees are specifically prohibited from the following:

1. Publicly displaying SSNs in any form or on any media.
2. Using SSNs as a primary key or identifier except where explicitly authorized above or otherwise approved by the University's President or General Counsel.
3. Visibly printing the SSNs on any form of identification authorized by the University.
4. Mailing a paper document or transmitting an electronic document (hereinafter "mailing") containing SSNs unless:
  - a. The document is required by Federal or State law or regulation, court order, or otherwise approved by the University's General Counsel.
  - b. The document is sent as part of an application or enrollment process initiated by the individual.
  - c. The document is sent to establish, confirm the status of, service, amend, or terminate an account, contract, policy, or employee or health insurance benefit, or to confirm the accuracy of a SSN of an individual who has an account, contract, policy, or employee or health insurance benefit.
  - d. The document is mailed in accordance with approved administrative use to:
    - (1) Verify an individual's identity, or accomplish similar administrative purposes related to existing or proposed accounts, transactions, products, services, or employment.
    - (2) Investigate an individual's claim, credit, criminal, or driving history.
    - (3) Detect, prevent, or deter identity theft or other crime.
    - (4) Lawfully pursue or enforce the University's legal rights.
    - (5) Provide or administer employee or health insurance benefits, claims, or retirement programs.
  - e. The document is mailed in a manner consistent with and for a purpose consistent with the Gramm-Leach-Bliley Act, the Health Insurance Portability and Accountability Act, or other applicable Federal and State statutes and regulations.
  - f. The document is an exception approved by the University's General Counsel.
  - g. The electronic transmission of SSNs data includes encryption both at the file level and during transmission.



## **Authorized Uses**

This Policy does not prohibit the use of SSNs where authorized or required by Federal or State statute, regulation, court order, or pursuant to legal discovery or process.

Additionally, this Policy does not prohibit the use of SSNs by the Department of Public Safety for criminal investigation purposes or the provision of SSNs to appropriate state agencies for the enforcement of support orders, law enforcement agencies, courts, or prosecutors as part of a criminal investigation or prosecution.

## **Disposal of SSNs**

All documents and storage media shall be destroyed when no longer needing to be retained pursuant to University document retention policies. Paper and digital media shall be shredded. Electronic documents shall be destroyed in a manner consistent with practices promulgated by the Office of Information Technology.

## **Violations**

Employees must immediately report any inappropriate disclosure of a SSN to their supervisor. The supervisor will report the disclosure to the Office of the General Counsel. Should the inappropriate disclosure occur within the Office of the General Counsel, such disclosure should be reported to the President of the University.

Violations of this Policy may result in disciplinary action up to and including termination of employment.

## **Resources**

Any questions regarding this Policy may be directed to the Office of General Counsel at extension 1542 or 2005.

# **EMPLOYEE CONFLICT OF INTEREST POLICY**

## **Section 1. Statement of Policy**

It has been and shall continue to be the policy of the University that all full-time and part time regular staff avoid any conflict, or appearance of conflict, between personal interests and the interests of the University in dealing with any organization or third party. When staff are aware that such organization or individual (i) has or seeks to have a business relationship with the University, or (ii) has objectives or interests that may be adverse to the University's interests, staff are expected to avoid such conflicts of interest, to disclose any personal interest that may conflict with their obligations to the University, and to refrain from influencing any decision of the University on a matter in which such a conflict exists.

Staff are presumptively considered to have a conflict of interest when they have an existing business relationship, family relationship or a relationship with a provider of services that impairs or might appear to impair the individual's independent judgment in the discharge of responsibilities to the University, or receives, or may receive a material, financial, or other benefit from access to University

information.

This policy is to be interpreted and applied in a manner that will best serve the interests of the University. In some cases it may be determined that after full disclosure of those concerned, the University's interests are best served by participation by the individual despite an apparent conflict of interest.

All staff shall be advised of this policy during their orientation to the University, and sign a Certificate of Compliance at that time.

## **Section 2. Definitions**

### **Business Relationship<sup>1</sup>**

A business relationship is a relationship between two persons that includes any of the following:

One person is employed by the other in a sole proprietorship, or by an organization with which the other is associated as an employee, director, officer, key employee, or greater than 35% owner.

One person is transacting business with the other (other than in the ordinary course of either party's business on the same terms as are generally offered to the public), directly or indirectly, in one or more contracts of sale, lease, license, loan, performance of services, or other transaction involving transfers of cash or property valued in excess of \$10,000 in the aggregate during the organization's tax year. Indirect transactions are transactions with an organization with which the one person is associated as an employee, director, officer, key employee, or greater than 35% owner.

The two persons are each director, employee, officer, or greater than 10% owner in the same business or investment entity.

Ownership is measured by stock ownership (either voting power or value) of a corporation, profits or capital interest in a partnership or limited liability company, membership interest in a nonprofit organization, or beneficial interest in a trust. Ownership includes indirect ownership (e.g., ownership in an entity that has ownership in the entity in question); there may be ownership through multiple tiers of entities.

### **Family Relationship<sup>2</sup>**

Family Relationship includes your spouse, ancestor, sibling (whether whole or half blood, biological or adopted), child (whether biological or adopted), grandchild, great-grandchild, brother-in-law, sister-in-law, father-in-law, and mother-in-law. Family Relationship also includes the spouse of a sibling, child, grandchild, or great-grandchild.

### **Services**

Services includes work of any nature or services performed in any capacity, whether as part-time staff, full-time staff, independent contractor, consultant, or otherwise.

<sup>1</sup> IRS, *Instructions for Form 990 Return of Organization Exempt From Income Tax*, Cat. No. 11283J, 42 (2008).

<sup>2</sup> *Id.* at 46.

### **Section 3. Annual Disclosures, Certification, and Implementation**

At least once a year, staff are expected to review this Policy.

On an annual basis, staff will be asked to disclose any possible business, familial, or service relationships that reasonably could give rise to a conflict of interest involving the University, and to acknowledge, by affixing their signature to a Certificate of Compliance, that they are acting in accordance with the letter and spirit of this Policy, and have made all disclosures required under the terms of this Policy.

The completed Certificates of Compliance shall be returned to the Office of Human Resources for filing in the staff's personnel file.

The Manager of Employment & Employee Development shall review all completed certificates of compliance annually. In the event that the Manager of Employment & Employee Development determines that there is a conflict of interest, her finding of a potential conflict of interest will be submitted to the Vice President of Finance and Administration and the Assistant Vice President and Director of Human Resources.

In the event that the Vice President of Finance and Administration, Assistant Vice President and Director of Human Resources, and the General Counsel deem there to be an actual conflict of interest, the following actions may be requested:

Staff will refrain from influencing any decision or action on the matter in conflict.

The University will cease conducting business and/or transactions as to the persons or entity involved in the actual conflict.

A neutral third-party will review the transaction and/or business relationships to determine that it is an arm's length relationship and in the University's best interests.

### **Section 4. Ongoing Assessment of Potential Conflicts**

Any members of the staff who are uncertain whether they have a potential conflict of interest in any matter, or who desires assistance in interpreting and construing the terms of this Policy, may seek advice from the Vice President for Finance and Administration. In consultation with the Assistant Vice President and Director of Human Resources, as well as the General Counsel, the Vice President for Finance and Administration will determine whether a conflict of interest exists. If any staff perceives the existence of a potential or actual conflict of interest involving another staff member they shall immediately notify the Vice President of Finance and Administration, who, in consultation with the Assistant Vice President and Director of Human Resources as well as the General Counsel will determine whether a conflict of interest exists.

If the Vice President for Finance and Administration, the Assistant Vice President and Director of Human Resources, or the General Counsel is uncertain whether they have a potential conflict of interest in any matter or if they desire assistance in interpreting and construing the terms of this Policy, they may seek advice from the President of the University. In consultation with the Chairman of the Board of Trustees, the President will determine whether a conflict of interest exists. If any staff perceives the existence of a potential or actual conflict of interest involving the Vice President for Finance and Administration, the Assistant Vice President and Director of Human Resources, or the General Counsel, they shall immediately notify the President of the University, who in consultation with the Chairman of the Board of Trustees will determine whether a conflict of interest exists.

## **Section 5. Interpretation of Policies**

This policy is to be interpreted and applied in a manner that will best serve the interests of the University. In some cases it may be determined that after full disclosure of the facts, the University's interests are best served through participation by the individual despite an actual conflict of interest. Under such circumstances, either:

The Vice President for Finance and Administration after consultation with the Assistant Vice President and Director of Human Resources, as well as the General Counsel, may authorize an exception to the provisions in this policy, or

The President after consultation with the Chairman of the Board of Trustees may authorize an exception to the provisions in this policy.

## **WHISTLE BLOWING POLICY**

### **Purpose**

The purpose of this policy is to enable employees to report concerns, based on reasonable grounds, through appropriate and confidential channels to management without risk of retaliation or dismissal.

### **Statement of Policy**

It is the policy of Western New England University that any faculty, administration, or non-exempt staff shall be free, without fear of retaliation or dismissal, to make known allegations of alleged misconduct existing within Western New England University that he or she reasonably believes evidences:

- An abuse of authority, gross misconduct, unethical behavior, or
- A gross waste of money; theft, bribery, corruption, or
- A substantial and specific danger to public health or safety; or
- A violation of law, failure to comply with University policies, or
- An attempt to suppress or conceal any information relating to the above.

Reported violations will be promptly investigated and treated confidentially to the greatest extent possible. It is imperative that the employee reporting the alleged misconduct not conduct a preliminary investigation of his/her own part, as investigations of alleged misconduct may involve complex legal issues. Employees who act on their own may compromise the integrity of an investigation and adversely affect both themselves and the University.

A representative of the University shall not take any personnel action as retaliation against an employee who discloses information regarding misconduct under this policy or who, following such disclosure, seeks a remedy provided under this policy or any law or other University policy. However, anyone filing a complaint that does not act in good faith, or makes an allegation without having reasonable grounds for believing it to be substantially true, or makes it for purposes of personal gain or makes it maliciously may be subject to discipline up to and including termination.

## Process of Disclosure

The disclosure process is as follows:

An employee shall disclose all relevant information regarding evidenced misconduct to the Chairperson of the Audit Committee in a written document within one-year of the day on which he/she knew or reasonably should have known of the misconduct. The written document should be sent to: [Whistleblower@wne.edu](mailto:Whistleblower@wne.edu).

The writing alleging misconduct must include the following:

- name(s) and contact information of complainant(s);
- name and title of the University official(s) against whom the allegation(s) is made; and
- a specific description of the alleged misconduct, including dates, times, and any other relevant information needed to substantiate the allegation(s);

The Chairperson of the Audit Committee shall investigate the disclosure and take whatever action necessary and appropriate under the law and circumstances of the disclosure.

In the case of disclosure of misconduct involving the Chairperson of the Audit Committee, the disclosure shall be directed to the Chairperson of the Board of Trustees of the University. The Chairperson of the Board shall investigate the disclosure and take whatever action necessary and appropriate under the law and circumstances of the disclosure.

**In investigating the disclosure, the Chairperson of the Audit Committee (or the Chairperson of the Board of Trustees)** may seek input from any individual and/or department within the University community, which he/she feels may be useful in investigating the disclosure.

## Complaints of Retaliation as a Result of Disclosure

If an employee believes that he or she has been retaliated against in the form of an adverse personnel action for disclosing information regarding misconduct under this policy he or she may file a written complaint requesting an appropriate remedy.

For purposes of this policy, adverse personnel action shall be defined as actions such as: a disciplinary suspension; a decision not to promote; a decision not to grant a salary increase; a termination; an involuntary demotion; rejection during probation; a performance evaluation in which the employee's performance is generally evaluated as unsatisfactory; an involuntary resignation; an involuntary retirement; and involuntary reassignment to a position with demonstrably less responsibility or status

as the one held prior to the reassignment; or an unfavorable change in the general terms and conditions of employment.

### **Process for Adjudication of Complaints Stemming From Disclosure**

An employee may file a complaint with the Assistant Vice President and Director of Human Resources within thirty calendar days from the effective date of the adverse personnel action or from the date on which the employee or applicant should reasonably have had knowledge of the adverse personnel action. Complaints shall be filed in writing and shall include:

- name(s) of complainant(s);
- name and title of the University official(s) against whom the complaint is made;
- the specific type(s) of adverse personnel actions(s) taken;
- the specific date(s) on which the adverse personnel 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 his/her previous disclosure of misconduct is related to the adverse personnel action; and
- a clear and concise statement of the remedy sought by the complainant.

Barring any documented unforeseen circumstances, within sixty calendar days of receipt of the complaint, the Assistant Vice President and Director of Human Resources shall consider the written complaint and shall conduct an investigation that, in his/her judgment, is consistent with the circumstances of the complaint and disclosure. In the event that the complaint stemming from disclosure involves the Assistant Vice President and Director of Human Resources, the complaint shall be filed with the Vice President for Finance and Administration and process for adjudication described herein shall apply. In investigating a complaint of adverse personnel action, the Assistant Vice President and Director of Human Resources (or Vice President for Finance and Administration) may seek input from any individual and/or department within the University community, which he/she feels may be useful in the investigation. He/she shall provide the complainant with a determination regarding the complaint as follows:

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

For purposes of this policy a remedy may include back pay, promotion, reinstatement, reassignment, removal of detrimental material from institutional files, a written correction of institutional records, appointment, a change in the terms and conditions of employment, or any other action considered by the Assistant Vice President and Director of Human Resources to be consistent with the findings.

In the event that a complainant is not satisfied with the investigation, findings, and/or remedies issued by the Assistant Vice President and Director of Human Resources (or Vice President for Finance and Administration), the complainant may elect to have the Audit Committee review the investigation, its findings, and the remedies, if any. The Audit Committee may only consider new evidence if it was not available during the initial investigation. The Audit Committee can also determine whether the findings and/or remedies are consistent with the gravity of the adverse personnel action.

## **WORKPLACE VIOLENCE**

Western New England University is committed to preventing violence in the workplace and to maintaining a safe work environment. Western New England University has adopted the following guidelines to address intimidation, harassment, or other threats or acts of violence that may occur on its premises.

All employees, regardless of position or rank, must be treated with courtesy and respect. Employees are required to refrain from fighting, "horseplay" or other conduct that may be dangerous to others or risk appropriate disciplinary action. Conduct prohibited by this policy includes any physical assault such as hitting, pushing, punching, pinching, kicking, holding, impeding or blocking the movement of another person. Western New England University prohibits on its premises all types of firearms, with the exception of authorized public safety employees; explosives, and/or martial arts weapons. The University also prohibits any employee from carrying on his/her person or under his/her control in a vehicle, any object that may be used to threaten, harass, and/or injure. Additionally, the University prohibits any employee from carrying on his/her person or under his/her control in a vehicle any illegal weapon as defined by federal or state law.

Conduct that threatens, intimidates or coerces another employee, student, parent, or visitor to the Campus, at any time, will not be tolerated. Any such activity will be grounds for disciplinary action up to, and including, termination of employment.

Any physical or verbal conduct or action that you observe which you believe is prohibited by this policy must be reported as soon as possible to your immediate supervisor, the Department of Public Safety, or any member of the administration. All reports of potential violations of this policy will be promptly and thoroughly investigated.

Anyone who is found to have engaged in conduct or actions prohibited by the University's Workplace Violence policy will be subject to disciplinary action up to and including discharge.

## **Firearms, Ammunition, and Weapons Policy**

Applicable to all students, staff, and faculty

1. The possession, sale, and/or unauthorized use on University property of firearms or other dangerous weapons, or ammunition, explosives, combustible fuels, firecrackers, and potential ingredients thereof is forbidden by University policy.
2. Western New England University's policies comply with Massachusetts law. In Massachusetts, it is illegal for anyone to carry firearms (including unloaded weapons) or ammunition (including some forms of knives/other weapons) on the property of a college or university in the state, unless given express written consent by the University.
3. Western New England University considers any threats involving deadly weapons (firearms, rifles, shotguns, machine guns or assault weapons), explosives, bombs, chemical or biological agents, or any other deadly weapons actionable by University and local authorities, and punishable by fines and/or imprisonment.
4. Recreational devices like paintball guns, BB guns, and sling shots are not allowed on campus unless part of a University approved activity.
5. The University also prohibits any member of the community from carrying on his/her person or

under his/her control in any vehicle, any object that may be used to threaten, harass and/or injure.

In conclusion, in accordance with Massachusetts General Law Chapter 269 Section 10J, weapons are prohibited on the grounds of the University with the exception of law enforcement officers duly authorized to carry such weapons. No person shall be permitted to carry firearms or other weapons, concealed or not concealed, with or without a concealed weapon permit, while on properties owned or controlled by the University.

For the purposes of this policy, the term “weapons” includes, but is not limited to: firearms of any nature or description, including shotguns, rifles, pistols, and revolvers, paint ball guns, or BB/pellet guns; firearm replicas; ammunition; martial arts-type weapons; explosives (including fireworks); bows, crossbows, arrows; slingshots; switchblade knives, double-edged knives, hunting (pocket-style) knives with a blade length of three inches or greater; swords; pointed metal darts; (unauthorized) pepper spray; or any other destructive device or instrument that may be used to do bodily injury or damage to property. In addition, items that may be used as weapons, whether or not they fit the definition above, will be subject to seizure.

## **DRUG-FREE WORKPLACE POLICY**

In accordance with the provisions set forth in the Drug-Free Workplace Act of 1988, it is the policy of the University to maintain a drug-free workplace. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace is strictly prohibited. Employees found to be in violation of this policy will be required to participate in a drug counseling or rehabilitation program and/or be subject to disciplinary actions, including suspension and termination. A conviction on drug offense charges in the workplace may result in immediate termination. Employees are hereby required to report to the University any conviction on drug offense charges in the workplace within five days after such conviction. Failure to report such a conviction may also result in immediate termination. In support of this policy it shall be the practice of the University to maintain a drug-free awareness program and a service for drug counseling and rehabilitation for all employees.

## **SMOKING POLICY**

In compliance with Massachusetts Smoke-Free Workplace Law, M.G.L. Ch. 270 §22, the University is instituting a new smoking policy. This policy prohibits the use of any smoking paraphernalia, including electronic cigarettes and/or vapor smoking devices, within 25 feet of any University building, its entrance or windows.

Furthermore, no smoking is permitted within any University building.

The University anticipates the full cooperation of its students, faculty, staff, vendors, and visitors as to their compliance with this policy.

## **OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION**

In accordance with duties set forth in the Occupational Health & Safety Act of 1970, it is the policy of the University to furnish employees with a "place of employment which is free from recognized hazards that



are causing or are likely to cause death or serious physical harm" and to "comply with occupational safety and health standards promulgated under this Act." Under this Act it is also the duty of each employee to "comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act which are applicable to his own actions and conduct." To comply with this act, the University has several written programs to clarify individual roles and responsibilities under the specific standards of this Act. A list of these programs and the text of the current version of each program can be found at the University's Environmental and Safety Compliance website:

<https://www1.wne.edu/facilities/environmental.cfm>

## **MATERIAL SAFETY DATA SHEETS**

Two of the required programs under the OSHA Act, the Hazard Communication Standard (29 CFR 1910.1200) and the Laboratory Standard (29 CFR 1910.1450), require the University to make available a Material Safety Data Sheet for each hazardous chemical used on campus. These documents are available as an electronic binder at the Environmental and Safety Compliance website

<https://www1.wne.edu/facilities/environmental.cfm>

From the ES&C home page, click the blue button (Direct Access to MSDSonline) and enter your user name and password. You will then be able to conduct your search. More detailed instructions on performing specific MSDS searches can be found under the Resources section on the left hand side of the page.

## **ACCEPTABLE USE OF TECHNICAL RESOURCES**

It is the responsibility of the employee to review the University's policy with respect to using computers. Click below to review this important document, which is on the Office of Information Technology:

[https://www1.wne.edu/information-technology/policies\\_doc/acceptable-use-policy.cfm](https://www1.wne.edu/information-technology/policies_doc/acceptable-use-policy.cfm)

## **SOCIAL MEDIA NETWORKS**

Social networking via Facebook, MySpace, Twitter, Google+, YouTube, Flickr, InstaGram and other digital platforms/social media has grown significantly. Members of the University community must be aware of policies and laws that apply to social networking, including other related University policies including but not limited to the University's Acceptable Use of Technical Resources Policy (including the preamble) ([https://www1.wne.edu/information-technology/policies\\_doc/acceptable-use-policy.cfm](https://www1.wne.edu/information-technology/policies_doc/acceptable-use-policy.cfm)), and the University's Discrimination/Harassment/Sexual Misconduct/Title IX Policy and Procedures that can be found here: <http://www1.wne.edu/title-ix/index.cfm>.

It is important to understand that information posted online, including pictures and text, may become virtually impossible to remove from the Internet even after attempts to delete the material.

Additionally, pictures and texts posted within on-line services can become the property of these sites once posted. Therefore, do not post information that you do not want available to a world-wide audience at the time of posting, and at anytime in the future. On sites such as Facebook, be cautious to "friend" or confirm friendships with anyone you do not know because the person may be able to see personal information you have on your profile and leave your account vulnerable to being hacked. It is important that any user of a social media site be aware of the privacy settings and be fully aware

of what is being shared to the world at large.

Today, many potential employers, scholarship committees, graduate school admissions committees, or even potential roommates perform “background checks” by searching the Internet. Thoughtfulness and caution should be exercised by all students and employees using social media sites. All content posted to a social site should be considered public in nature and treated as such. Posting information that may appear harmless such as your name, address, birthday, hometown, and photos can aid someone to steal your identity or commit other civil or criminal acts.

Federal and state laws apply to all members of the University community who use social networking sites. Cyberstalking, copyright infringement, defamation, invasion of privacy, obscenity, pornography, and sexual harassment are common legal concerns. Violation of any of these laws could subject members of the University community to civil and criminal actions and/or internal discipline action, up to and including termination for faculty and staff, or dismissal from the University as to students.

## **POLICY ON STORAGE, RETENTION AND RETRIEVAL OF ELECTRONIC DATA**

It is the responsibility of the employee to review the University’s policy with respect to electronic data policy. Click below to review this important document, which is on the Office of Information Technology:

[Policy on Storage, Retention, and Retrieval of Electronic Data](#)

## **WEATHER RELATED UNIVERSITY CLOSINGS**

From time to time, weather conditions may cause the University to close to protect the safety of students, faculty and staff. When this occurs, staff will be paid for the time they would have normally worked. Staff members who believe it is in their best interest to leave campus before the University has officially closed, or who choose not to report to work when the University has not officially closed must inform their supervisors of their leaving/absence. Available vacation, personal time, or floating holiday time must be used to cover their early departure or absence. If such time is not available, the staff member must take the time off without pay.

## **POLITICAL & CAMPAIGN ACTIVITIES POLICY**

As an institution of higher education, Western New England University is a nonprofit entity subject to federal, state, and local laws and regulations regarding political and campaign activities. While all members of the University community are free to express political opinions and engage in political activities, it is important that they do so only in their individual capacities and avoid even the appearance that they are speaking or acting for the University in political matters.

Notwithstanding the above, the University does not seek to inhibit the expression of personal political views by any individual in the University community. Faculty, students, and staff may support candidates for office or in furtherance of political causes. There is no restriction on discussion of political issues or teaching of politics or campaign-related topics.

This policy statement addresses campaigns for political office and provides specific guidelines on activities related to campaigns. It also addresses how individuals can avoid having their personal opinions appear to be those of the University as an entity. The following statements provide the foundation for the more specific guidelines:

- Individuals taking political positions for themselves or groups with which they are associated, but not as representatives of the University, should clearly indicate, by words and actions, that their positions are not those of the University and are not being taken in an official capacity on behalf of the University.
- During election campaigns the University, or groups affiliated with the University, may use auditoriums or other facilities for public forums provided that all major party candidates for a public office, or for the nomination of a particular party, are given equal access and opportunity to speak. Alternative candidates will be extended an opportunity to present their viewpoints as space and availability allow.
- The University is legally prohibited from endorsing candidates for political office or making any contribution of money, goods, or services to candidates; therefore it is important that no person intentionally or unintentionally causes the University to make such an endorsement or contribution.

## Guidelines

The following guidelines are intended to aid all Western New England University community members, including, but not limited to, students, staff, and faculty in acting consistently with the legal restrictions on the University.

## Activities Requiring the Use of Facilities or Open Areas on Campus

Political activities that do not reasonably imply University involvement or identification may be undertaken so long as regular University procedures are followed for the use of facilities. Examples of activities, which do not imply University involvement, are:

- Genuine curricular activities aimed at educating students with respect to the political process.
- Use of areas associated with social activities for the distribution of information about political activities and campaigns. No political fundraising is allowed on such an occasion.
- Use of auditoriums or other facilities by members of the Western New England University community for partisan political purposes. If an event includes the invitation of a candidate for political office and the event will be advertised and open to the public, then all major party candidates for that office must be offered equal access and an opportunity to speak. Alternative candidates will be extended an opportunity to present their viewpoints as space and availability allow. In any case, the individual or group reserving the facility must pay the usual and normal charge, if any, for use of the facility. No political fundraising is allowed at such an event.
- Political activities sponsored by the University may include public forums to which all major party candidates for a public office or for the nomination of a particular party are invited and given equal access and opportunity to speak. Alternative candidates will be extended an opportunity to present their viewpoints as space and availability allow. If candidates are invited individually, all major party candidates for the position must be invited and none favored in relation to the activity. Neither political fundraising, nor the use of University equipment (e.g. telephones or University email), is permitted.

## Campaign and Political Activities

Western New England University may not engage in partisan political activity; therefore, no person may engage in such activity in the University's name or on its behalf. For example:

Any and all political activity in support of or opposition to any candidate for elective public office (including giving or receiving funds or endorsements) directly or indirectly using the name of the University is prohibited. Use of University resources for such purposes is also prohibited. When the University's name appears as part of the name of a student organization, such as "Western New England University Students for George Washington," the organization must make clear that the opinions expressed are those of the individuals in the organization, and not an official opinion of Western New England University or its trustees.

Lobbying or attempting to influence federal, state, or local legislative action or a legislative or administrative official or staff member by using the name of the University may only be authorized by the President or her or his designee. Any lobbying activity, even when authorized, must be conducted in compliance with applicable law. No person may use federally funded contract or grant money received by the University for lobbying activities. Note, however, that individuals may individually attempt to influence the legislative process and use their University title for identification so long as such actions or writings are accompanied by a statement that the person is speaking as an individual and not as a representative of the University. (e.g. "The opinions expressed in this letter are those of the individual(s) signing below and not an official opinion of Western New England University or its trustees.")

University office addresses and e-mail addresses may not be used as a return mailing address for political messages sent by University employees. University telephones may not be used for partisan political purposes. However, campus residential telephone services may be used for these purposes. University services, such as interdepartmental mail, electronic mail, and mailing lists; equipment, such as duplicating machines, computers, facsimile machines; and supplies may not be used for partisan political purposes. No University employee may, as part of his or her job, be requested to perform tasks related to partisan political purposes.

### **Use of the Western New England University Name and Logo(s)**

The name or logo(s) of the University may not be used on letters or other materials intended for partisan political purposes.

### **Responsibility for Interpretation**

The Office of the General Counsel interprets and applies these policies and guidelines. All questions on whether planned activities are consistent with the University's obligations should be addressed directly to the Office of the General Counsel at (413) 782-1542. In addition, students and student groups planning political or campaign activities should discuss their plans with the Vice President of Student Affairs and Dean of Students or her or his designee.

## **WORKFORCE REDUCTION POLICY AND PROCEDURES**

Western New England University is committed to ensuring that workforce reductions are made after careful analysis, and that any affected employees are offered opportunities for reemployment,

reassignment, and outplacement assistance.

Reduction in workforce at Western New England University is the elimination of a position because of financial reasons, lack of sufficient work, reorganization, or other factors that require a reduction in personnel or hours worked.

### **Workforce Reduction Process**

1. Prior to any action being taken, the President's Staff member overseeing the affected department will present the workforce reduction plan to other members of the President's Staff. The plan for a reduction in personnel must be presented in writing, and must include a rationale for eliminating or reducing programs or services and an explanation of the benefit to be derived, such as reallocation of resources, budget reduction, enhanced productivity and efficiencies. The written plan must also include a description of how functions and operations will be performed after the reduction.
2. The President must approve the plan before notification is given to the affected employee.
3. The department head in conjunction with the AVP of Human Resources or designee will evaluate affected employees to determine qualifications and abilities to perform other positions in the department, or positions currently vacant at the University. Affected employees will be screened by Human Resources for available positions prior to any openings being posted or advertised. Prior performance evaluations, educational credentials, and specific job qualifications will be considered.

### **Notice to Employee**

The employee will meet with his/her supervisor and the AVP of Human Resources or designee to discuss the reduction. During this meeting a letter detailing the termination will be reviewed with the employee as to continuation of benefits, severance, and COBRA. Arrangements will be made at this time concerning the return of any University or personal property.

The termination letter will provide that there is no appeal to this decision.

### **Severance**

Western New England University provides four weeks of pay in lieu of notice in the event of a reduction in workforce. The University will also provide an additional four weeks of severance to employees with more than 10 years of service who are affected by a reduction in workforce. Severance is calculated on base pay only. Employees may choose to receive severance pay as a salary continuation benefit (continued payments on scheduled paydays) or in a lump sum.

### **Fringe Benefits**

All coverage under group benefit plans will cease on the last day of employment, consistent with University policy. The University will continue to pay its portion of the health insurance premium for

four weeks from the date of reduction if the employee elects coverage under COBRA. Employees who are eligible for an additional four weeks of severance, based on 10 years or more of service, will also be eligible for University payment of its portion of the health insurance premium if the employee chooses COBRA coverage.

Affected employees will receive payment for accrued vacation time and floating holidays.

Access to all buildings, technological resources and University systems will normally cease immediately. Employees who have adjunct appointments will retain certain access rights and technology benefits.

### **Reemployment and Benefits**

1. An employee released through a reduction in workforce will be notified by Human Resources of any position for which the employee may be qualified for a three-month period following the last date of employment. A position will not be automatically awarded to the former employee; however, the former employee will be given consideration during the hiring process based on demonstrated skills and qualifications.
2. An employee through reduction in workforce and re-employed by the University within three months from the last date of employment will have his or her sick leave balance restored (if non-exempt). Any employee re-hired will be paid within the salary range of the new position, not his/her former salary.

### **Outplacement Service**

An employee released through reduction in workforce may be eligible for outplacement services. Outplacement services will be provided by an external vendor contracted through the University. The level of outplacement assistance will be determined by years of service and position held. The University will determine the scope of the outplacement service provider.

### **WORK FURLONGHS**

The University reserves the right to furlough University personnel for up to 10 days within any fiscal year (July 1 through June 30). Work furloughs are equivalent to leave without pay and are designed to reduce salary and wage expenditures while protecting employment during challenging economic times.

Should work furloughs be utilized, affected employees will be notified no less than 30 days in advance of their first furlough day within a fiscal year. Unpaid days off will be assigned in advance by the employee's immediate supervisor and in a manner intended to ensure that work flows and business practices are maintained during the furlough. The furlough will not interfere with an employee's eligibility to participate in fringe benefit programs, or change an employee's employment status. However, any reduction in compensation will impact the employee and employer contributions to the 403(b) plan.

Employees will not be permitted to use any accrued personal or vacation time as furlough leave.

## **REGULATIONS GOVERNING EMPLOYMENT**

This section of the Handbook provides a reference source for general regulations which are common throughout the University. Your supervisor will inform you of any departmental policies which take precedence over those contained herein.

## **PUBLIC RELATIONS**

Western New England University exists to serve the public through education. Its success depends in large measure upon the kind of relations the University, as represented by all its employees, has with the public. This public is made up of many different groups of people: students, their parents, alumni, casual visitors to the campus, and many others. All employees share in building and maintaining good relations with these people. The University is judged not only on the merit of its graduates, but also on the basis of its employees' personal contacts through correspondence, telephone conversations, and campus activities. An employee's position on the University staff makes him/her an ambassador of goodwill both on and off the campus. People judge the University on the basis of the treatment they receive; courtesy, tact, kindness, and willingness to go out of the way to be helpful will create a favorable impression not only of the employee personally, but also of the University.

Over the telephone, an employee's voice represents the University; therefore, a good telephone manner is invaluable. One should answer promptly, identify her/himself and the office, speak clearly and pleasantly, be courteous and considerate of the caller, and make a friend for the University.

A neat personal appearance, appropriate attire for the work performed, and good manners are important and essential in all offices. All of these items are critical in public contacts.

## **EMPLOYEE RELATIONS**

Goodwill and cooperation among employees are vital to a congenial and efficient work environment. Punctuality and regular attendance are of great importance. Dependability in these matters will be reflected in the attitude of fellow employees. Establishing and maintaining cooperation among colleagues is accomplished by consistently fulfilling one's job responsibilities and by being pleasant and courteous at all times.

## **CONFIDENTIALITY**

Western New England University maintains strict confidentiality and security of records, whether in electronic form, hard copy, or otherwise in compliance with the Family Educational Rights and Privacy Act of 1974 (FERPA), the Health Insurance Portability and Accountability Act (HIPAA) and the Gramm-Leach-Bliley Act (GLBA), in addition to other federal and state laws. These laws pertain to the security and privacy of all records, electronic, hard copy, or otherwise that contain information that identifies or could lead to the identification of an employee, student, or other member of the University community, or that could reveal private information concerning an employee, student, other member of the University community or customer of the University.



As a condition of employment and to the extent necessary to perform their duties, employees are authorized access to such private information, whether in electronic form, hard copy, or otherwise. As an employee, volunteer, student, third-party, or administrator of the University, you are required to protect against unauthorized access to such information, ensure the security and privacy of such information, and disclose any anticipated threats or hazards to such information. You must be very careful not to release this information to the public or to other individuals, including but not limited to University employees who have not been authorized or who do not have a legitimate institutional or business need to know. Any questions regarding release of such information to another person should be directed to your supervisor or his/her designee.

Examples of unauthorized access are, but are not limited to:

- Access to student, employee or University information not necessary to carry out an employee's job responsibilities.
- Non-business or non-institutional access to the records of a student or employee. This includes your children as protected under FERPA, spouse, parents and other relatives as well as friends and acquaintances.
- Examples of unauthorized release are, but are not limited to:
  - Release of student or employee information to unauthorized internal or external users.
  - Release of student or employee information to an authorized individual/agency that exceeds the stated purpose of an approved or authorized request.
  - Information may not be divulged, copied, released, sold, loaned, reviewed, altered or destroyed except as properly authorized by the appropriate University official within the scope of applicable federal or state laws, including record retention schedules and corresponding Internal Governing Policies.

As an employee of Western New England University, you must abide by the rules, regulations, policies and procedures of the University as well as federal and state laws applicable to your position at the University. Western New England University may at any time revoke employee/volunteer/student/third-party access, other authorization or other access to confidential information. Additionally, failure to comply with any of the acts, rules, regulations, Western New England University policies and corresponding procedures may result in disciplinary action, including termination of employment. Criminal or civil penalties may also be imposed, depending upon the nature and severity of the breach of confidentiality.

## **EMPLOYEE RECORDS**

Official personnel records of exempt employees are maintained in the Office of Human Resources. As required by the Americans with Disabilities Act (ADA), employees' medical records are kept in files separate from an employee's personnel records.

Under Massachusetts' law, employees have the right to review the contents of their file so long as the request is made in writing in advance. Employees are also entitled to receive a copy of their files. Western New England University does not charge its employees for copies of their personnel files. An employee who disagrees with something in her/his file may attempt to resolve the dispute with the University, and if unable to do so, may submit a rebuttal statement for her/his file.

Up-to-date and accurate employment records for all employees are of the utmost importance. Changes



of address, new telephone numbers, name changes, or changes in dependents must be reported to the Office of Human Resources as soon as possible. Employees who change their names must report the change to the Payroll Office and complete revised Federal and State Income Tax forms W-4 and M-4. They must also report the change to the Office of Human Resources to make necessary changes in benefits records. The employee's signature is required for these changes to become effective.

## FAIR LABOR STANDARDS ACT OF 2004

On August 23, 2004, the new Fair Labor Standards Act (FLSA) went into effect. [Click here to download the Salary Deduction Rules for exempt personnel.](#) Supervisors and managers should [click here to download Wage and Hour Rules for non-exempt personnel.](#)

## EXEMPT STAFF DEFINED

Members of the Exempt Staff are employees who are exempt from coverage by the Fair Labor Standard Act of (commonly referred to as the Wage and Hour Act) based on their level of responsibility, the nature of the duties they perform and/or their level of compensation. Ordinarily, the minimum educational level required for appointment to the Exempt Staff is the bachelor's degree. However, certain positions may be filled by individuals who satisfy educational equivalents measured by some form of education/training and experience. Acceptable equivalencies for these positions are set forth in the relevant position descriptions. The President's Senior Staff is made up of the Vice Presidents and any other administrator(s) so designated by the President.

The University maintains detailed position descriptions for all Exempt Staff positions. Members of the Exempt Staff are expected to be familiar with the duties and responsibilities set forth in the position description of the assignment they hold. Position descriptions form the basis for the University's Performance Evaluation program. Copies of position descriptions for positions held may be obtained from the Office of Human Resources. **When the duties and responsibilities of a job change, it is the responsibility of department heads to prepare and submit to the Office of Human Resources a revised position description. Please download the template from the Human Resources website under "Forms."**

Office hours of the University are 8:30 a.m. to 4:30 p.m. (4:00 p.m. during the 12 weeks of summer recess) Monday through Friday. Members of the Exempt Staff are ordinarily expected to conform to this schedule but it may be adjusted appropriately to meet the needs of the University. As exempt employees, members of the Exempt Staff are expected to accomplish the duties and responsibilities of their respective positions by whatever work schedule is required to do so.

Exempt Staff appointments fall into one of the following categories: full-time 12-month positions, full-time academic year appointments, part-time appointments, and temporary appointments.

## FULL-TIME 12-MONTH EXEMPT APPOINTMENTS

Full-time 12-month appointments are year-round positions. Persons holding a full-time 12-month position are entitled to participation in each of the fringe benefits described herein subject to the eligibility guidelines for each of the benefit programs.

## FULL-TIME ACADEMIC YEAR APPOINTMENTS

Full-time academic year appointments are analogous to faculty appointments. Persons holding a full-time academic year position ordinarily work during the period of the regular academic year, from the beginning of Fall Semester through Commencement at the end of Spring Semester.

Certain full-time academic year appointments may have different beginning and ending dates which are determined based on the needs of the University and which are set forth in the appointment letter. Persons holding certain full-time exempt appointments may be required to work an additional four weeks during the Summer Recess for which they will be compensated an additional 1/9 of their base annual academic year salaries. Persons holding a full-time academic year appointment work according to the academic calendar with regard to breaks and recesses. They are expected to be actively at work during all reading and final examination periods. Persons holding full-time academic year appointments are entitled to participation in each of the fringe benefits described herein subject to the eligibility guidelines for each of the benefits programs **with the exception of paid vacation.**

## PART-TIME EXEMPT APPOINTMENTS

Part-time exempt appointments are ongoing appointments that require an employee to regularly work a less-than-full-time schedule. The weekly authorized hours for such positions are based on the needs of the University and are set forth in the relevant position description. Part-time exempt employees may work on an academic year or 12-month basis according to the requirements of the position.

## TEMPORARY EMPLOYEES

Western New England University defines a Temporary Employee as an individual who works only for specified periods of time, on either a part-time or full-time schedule, to fill the temporary needs of the University. Temporary positions may be either exempt or non-exempt. Positions are classified as either “exempt” or “non-exempt” with respect to eligibility for overtime pay under the Fair Labor Standards Act (FLSA).

Temporary Employees are paid only for time worked, and by definition are not eligible to receive University benefits other than statutory benefits such as worker’s compensation and unemployment compensation. Temporary Employees are not eligible for paid time off, holiday or intersession pay, or participation in the University’s various benefit plans.

Temporary Employees are eligible to participate in the Western New England University Retirement Plan and the Group Supplemental Retirement plan by making pre-tax contributions into the Plan. Eligibility requirements for these plans are outlined in the Faculty and Staff Handbooks, as well as in the [Summary Plan Description](#).

Additionally, the University complies with the provisions of the Affordable Care Act. The University provides health insurance eligibility to temporary employees who have worked 30 hours per week, using a twelve-month initial measurement period as allowed by regulation.

## ADJUNCT FACULTY

Adjunct faculty are also considered temporary employees. In order to define reporting parameters and benefit eligibility for this classification of employees, Western New England University has assigned the value of 2.5 work hours per credit hour. This valuation is a placeholder for the sole purpose of employee benefit calculations and Affordable Care Act compliance and is subject to change to ensure compliance with all current and future regulatory requirements.

## **PART-TIME/TEMPORARY APPOINTMENT BENEFITS**

Regular part-time employees who work an annual average work week of 17 hours are eligible for limited benefits as described herein. Regular part-time employees whose annual average work week is less than 17 hours and temporary employees are entitled to the statutory benefits of Social Security, workers' compensation, and unemployment insurance only.

## **APPOINTMENT PROCEDURES**

Approval to initiate the recruitment and hiring process for a vacant or newly created exempt position is obtained by completing and circulating for the necessary approvals a Recruitment and Hiring Form, located in the Electronic Forms System. Searches are conducted by supervisory exempt personnel with hiring authority. Persons conducting searches may form search committees and request other appropriate members of the University Community to participate in the search process.

Positions shall be advertised through the Office of Human Resources. Persons conducting searches are expected to invite a reasonable number of qualified candidates to the University to engage in an interview process. It is expected that persons conducting searches will proactively seek to identify qualified candidates whose employment would contribute to increased diversity in the University's workforce.

**The application materials of all candidates must be processed through the Office of Human Resources.**

Selection and appointment of the President is the exclusive responsibility of the Board of Trustees as defined by the Bylaws of the Corporation. They may use any methods deemed suitable by them in carrying out this responsibility but will ordinarily involve other members of the University Community in the process. The right to appoint all other members of the Exempt Staff rests with the President.

Some members of the Exempt Staff may be appointed to their respective positions with faculty rank or faculty status if their previous education, experience, or position at the University warrants it. Despite such faculty rank or status, time spent in non-teaching exempt positions does not accrue toward promotion in rank or toward tenure.

Upon mutual agreement between a candidate for a position and the University, the Office of Human Resources shall issue the candidate an offer letter which sets forth the position title, the status of the position, the employment start date, the salary for the position, and any additional pertinent information.

**These letters are not intended to create, nor are they to be construed to constitute, a contract of employment between Western New England University and any of its employees.**

## **TEACHING ASSIGNMENTS FOR MEMBERS OF THE EXEMPT STAFF**

At some time, a member of the Exempt Staff may be asked to accept a teaching assignment. Such appointments shall be for no more than one course per semester. Permission to accept a teaching assignment must be obtained in advance from the appropriate member of the Senior Staff. Primary consideration must be given to the Exempt Staff member's regular responsibilities and the needs of the

University. Permission to teach a course which meets during regular office hours does not relieve an individual from any of her/his regular duties which must still be accomplished irrespective of regular office hours. If permission to teach is granted, the course will be considered as an overload and shall be recompensed accordingly based on the University's policies for the compensation of adjunct faculty. Members of the Exempt Staff who accept teaching assignments shall be issued a letter of agreement setting forth the course, level of compensation, and length and time of the assignment.

## **EMPLOYMENT OF FAMILY MEMBERS**

Family members of employees will not be excluded from consideration for employment on an equal basis with other candidates applying for positions. However, no employee will participate in the hiring of, or determination of compensation for, a member of her/his family. No employee shall have supervisory authority over a member of her/his family. In all cases, the most qualified candidate available, consistent with University policy and resources, shall be appointed to available positions.

## **NEW HIRE ORIENTATION**

All new employees, including those previously employed and returning to the employ of the University, are required to meet with the Human Resources department representative upon their arrival on campus. This orientation will cover University policy and procedures as well as allow new employees to complete legal employment documentation including but not limited to:

- INS Form I-9, which verifies employment eligibility
- Federal Withholding Exemption Certificate (W-4)
- State Withholding Exemption Certificate (M-4)

*Completion of these documents are required to pay wages to employees.*

## **SALARY DETERMINATION**

Compensation for Exempt Staff positions is determined at the time of hire and is based on the level of duty and responsibility reflected in the job description for the position held and on prevailing industry standards. If a substantial change is made in the duties and/or responsibilities contained in a job description, the supervisor may request that compensation for the position be reevaluated and adjusted as appropriate.

## **PAYDAY**

Payroll checks are issued every two weeks. The normal payday is Friday. If a payday should fall on a holiday, checks will be issued on the preceding workday. Members of the Exempt Staff on full-time academic year appointments may elect to be paid over a 12 month period in order to keep fringe benefits in effect during the summer recess.

## **PAYROLL DEDUCTIONS**

The following are the deductions which will appear on employee paychecks:

- Amount of Federal Income Tax deducted in accordance with the exemptions claimed on Form W-4, (compulsory)
- Amount of State Income Tax deducted in accordance with the exemptions claimed on Form M-4, (compulsory)

- U.S. Social Security Tax (FICA), (compulsory)

In addition, appropriate payroll deductions will be made for employees choosing to participate in any of the following:

- Medical Insurance
- Retirement Plan
- Supplemental Retirement Plan
- Long-term Care Insurance
- Voluntary Insurance Programs
- University Capital Campaigns
- Payroll Deducted United Way Fund
- Credit Union
- United States Savings Bonds

## **SALARY INCREASES**

So long as the University's operating budget allows, salary increases are granted annually on July 1. **Employees not actively at work on July 1 for reasons of short-term or long-term disability, or a period of disability covered by Workers' Compensation benefits will receive any salary increase they may be entitled to upon return to active service.** Increases ordinarily consist of a cost-of-living adjustment plus a merit award based on each employee's Annual Performance Evaluation rating. New employees who have been employed less than three months as of July 1 are not entitled to a salary increase. New employees who have been employed longer than three months but less than six months prior to July 1 are entitled to a cost-of-living increase only. New employees who have been employed longer than six months by July 1 are entitled to both cost-of-living and merit increases. Each year the University's Budget Advisory Committee recommends to the President, for final approval by the Board of Trustees, an amount to be budgeted for merit salary increases and a cost-of-living adjustments. Merit increase rates are determined by the President's Staff and are based on the availability of funds and the distribution of Annual Performance Evaluation ratings among exempt employees.

## **PERFORMANCE EVALUATION**

Western New England University maintains a Performance Evaluation Program designed to provide for the assessment and reporting of the performance of each exempt employee. All supervisors receive thorough training in the Performance Evaluation process through the Office of Human Resources. Regular Performance Evaluations take place annually and consist of a written report prepared by the supervisor, a self-evaluation prepared by the employee, an interview between the employee and her/his supervisor, and an opportunity for the employee to submit a written supplement to the evaluation. Supplementary reports may be submitted at the discretion of the reporting supervisor when the employee's performance is such that the supervisor believes it should be made a matter of record in the employee's official file. All Performance Evaluation reports will be made a permanent and important part of each employee's record.

Before a supervisor submits a Performance Evaluation to the Office of Human Resources for inclusion in an employee's file, the supervisor will have discussed it with the employee who will be given the opportunity to include a written response to the evaluation. The Office of Human Resources will not accept a Performance Evaluation that has not been signed by both the supervisor and employee. Should an employee refuse to sign her/his Performance Evaluation, this should be noted in writing by the supervisor and witnessed by the next higher level of management.

## **EMPLOYEE TRAINING AND DEVELOPMENT RESOURCES**

The Performance Evaluation process includes goal setting and an employee development plan for the upcoming year. The Office of Human Resources provides a wide range of employee training and development resources. Computer training classes, management development programs, DVDs, audio CDs, self-study books and computer-based training programs are among the resources available to employees. For additional information, call the Office of Human Resources, x1343 or x1529.

## **WHEN YOU HAVE CONCERNS ABOUT YOUR JOB**

If you have work-related problems or concerns, it is best to make your concerns known to your supervisor. Unanswered questions or unresolved problems may result in employee/employer dissatisfaction and deterioration in working relationships.

It is the supervisor's responsibility to address any work concern. In most cases, open communication can result in a mutually agreeable solution. If, however, you and your supervisor are unable to resolve a problem, you may request an appointment to discuss the matter with your department head.

Your supervisor will arrange this meeting, and this request for a meeting will not be held against you.

Should the problem remain unresolved, or if you would like to talk to discuss the issue with someone else, please contact the Office of Human Resources to discuss your concerns. You may talk with a member of Human Resources about a problem at any time.

## **TERMINATION OF EMPLOYMENT**

Western New England University adheres to the principle of employment-at-will. When it is in the best interest of the employee or the University, termination may take place at any time.

## **DISMISSALS**

If an exempt employee is dismissed because of unsatisfactory work, excessive absenteeism, tardiness, or similar causes, the employee will be given four-weeks' advance notice by the supervisor or, at the election of the University, four-weeks' pay in lieu of such notice.

In cases of insubordination, gross violation of rules, willful misconduct, dishonesty, endangerment of life or property, sexual harassment, violation of the drug-free workplace policy, or other events of a serious nature, an employee may be summarily discharged without advanced notice or pay in lieu of notice.

## **RESIGNATIONS**

Employees planning to resign their positions with the University are required to give at least four-weeks' notice. Such notice should be given in writing to the employee's immediate supervisor. Any keys, employee badges, or other University property which he/she may have in his/her possession must be returned to the supervisor on or before the date of termination. An exit interview with the Office of Human Resources is required to make arrangements concerning the termination and/or continuation of fringe benefits as appropriate.

## RETIREMENT

Western New England University recognizes age 65 as normal retirement age for all employees. No exempt employee, however, shall be made to retire for reasons of age alone. Effective July 1, 2007, exempt staff whose employment by the University is terminated due to the elimination of the position they hold, and who have served the University for at least 15 years as of the date of termination, will be granted Retiree Status and be entitled to any benefits associated with Retiree status.

## NOTIFICATION OF ABSENCE

When absence is anticipated, you must notify your supervisor in advance. When an absence occurs that cannot be anticipated, you must contact your supervisor as soon as possible. If you are unable to report to the office in person, you should promptly notify your supervisor by telephone stating the reason for the absence and the time of expected return. If your immediate supervisor cannot be reached by telephone, or you are unable to leave your supervisor a voice-mail message, you should contact the switchboard operator or the Department of Public Safety and request that the message be relayed to the supervisor. **Absence for three consecutive workdays without notification to the supervisor is considered deliberate and willful misconduct and cause for dismissal.**

Excessive absenteeism, regardless of the reason for the absences, is considered grounds for disciplinary action, and if severe, such action can include termination of employment. Excessive absenteeism is defined as any pattern of absence that is determined to be detrimental to the operations of a department, or the University.

## FUNERAL ATTENDANCE

A death in the immediate family may require an employee to be absent from the workplace. In the case of the death of a husband or wife, son or daughter, mother, father, grandparent, brother, sister, mother-in-law, father-in-law, son-in-law, or daughter-in-law, necessary time off for attendance of funeral matters will be allowed with pay up to a maximum of three days, commensurate with the circumstances. Similar bereavement time may also be granted for the death of a step parent, step child or step sibling at the discretion of the supervisor and based on the closeness of the relationship between an employee and the deceased. Time off is not to exceed one-half day to attend the funeral service of other relatives or close friends.

## JURY DUTY

A staff member called for jury duty will be allowed absence without loss of pay for the period of service as a juror. Pay for such time on jury duty will be reduced by any amounts received from the courts as a juror.

## USE OF TELEPHONE

Those who use the telephone in their duties are urged to keep in mind the importance of a courteous and efficient manner in telephone usage. Messages should be taken and relayed carefully. Proper requests for information should be complied with promptly, and when information is not available, tactful answers should be given or other sources suggested. In placing or answering a telephone call, it is suggested that an employee first identify the office or department. Throughout all telephone communications, a manner of friendly courtesy and helpfulness will do much toward creating teamwork and cooperation, and winning friends and goodwill for the University. Personal calls should not be placed or received on University



phones, except in cases of absolute necessity. Please remember that the University is billed in accordance with the number of calls placed.

## FRINGE BENEFITS

The University offers a package of fringe benefits to its employees that reflects the best possible balance between individual and group needs, incentive considerations, and available resources. The Manager of Benefits Administration in the Office of Human Resources is responsible for the administration of the University's fringe benefits and is available to answer any questions you may have about the benefits to which you are entitled.

Wherever employee benefit plans or policies are summarized, the official plan documents or policy statements are the governing authority for administrative and legal purposes. These are maintained in the

Office of Human Resources. The following descriptions of benefit provisions and costs represent the most current information available. The University makes every effort to obtain the maximum benefits possible for its employees, and new benefits and enhancements to existing programs and plans are continually being examined and implemented. From time to time, there are adjustments in the costs for the benefit provisions. The Office of Human Resources, through widely-distributed information memoranda, will keep all affected employees informed of such changes.

Regular part-time employees who work an annual average work week of 17 hours are eligible for limited benefits as described herein. Regular part-time employees whose annual average work week is less than 17 hours and temporary employees are entitled to the statutory benefits of Social Security, workers' compensation, and unemployment insurance only.

## SOCIAL SECURITY INSURANCE

All employees are covered by the Old Age Survivors' Insurance provisions of the Federal Social Security Act (FICA) and Medicare according to the rates and provisions set forth by the Social Security Administration. [Click here to go to the Social Security Website.](#)

## WORKERS' COMPENSATION INSURANCE

All employees are covered by Workers' Compensation Insurance. Everything possible is done to provide safe working conditions for University employees, but the prevention of accidents is largely a matter of individual care and planning. All employees are required to follow safety rules, procedures, and practices established by their supervisors and/or mandated by OSHA regulations. Should an employee see conditions that appear unsafe, he/she should report them immediately to a supervisor. If an employee has an accident while at work, he/she should report it immediately to a supervisor even though the injury may be slight.

Accidents must be reported to the Office of Human Resources, either by the employee or his/her supervisor, within 24 hours. All claims will be processed through the Office of Human Resources.

**Employees being treated for work related injuries should not give medical care providers their personal medical insurance numbers.**

If the period of absence is in effect on July 1, any wage increase that the employee may be entitled to will



take effect upon return to active service.

## UNEMPLOYMENT COMPENSATION INSURANCE

Employment at Western New England University is covered under the Employment Security Laws, which provide income should an employee become unemployed through no fault of his/her own. All persons leaving the employ of the University are provided with information regarding their rights to unemployment compensation and about the process of applying for unemployment benefits as required by the Massachusetts Division of Employment and Training.

## EMPLOYEE ASSISTANCE PROGRAM

The University maintains an Employee Assistance Program to provide help and counseling for on- or off-the-job emotional, family, substance abuse, legal, and financial problems etc. for employees and their families. **The services are provided free of charge and are completely confidential.** No one at the University receives any report as to whether or not an employee or member of the employee's family may have taken advantage of the program. The Employee Assistance Program may be reached by telephone at 413-785-4200 or 1-800-225-2527. More information can be found at <https://www.theeap.com>. Additional information is available from the Office of Human Resources or from your supervisor.

## VACATION POLICY FOR 12-MONTH, FULL-TIME EXEMPT STAFF

Eligible members of the Exempt Staff are awarded vacation time on a yearly basis which commences July 1 and terminates the following June 30. Members of the Exempt Staff are awarded vacation time which is available for use, with supervisory approval, during the first year of employment. All carry-over vacation from a previous year must be taken by the following December 31 or be forfeited. Members of the Senior Staff and the Deans of the Colleges of Arts and Sciences, Business, Engineering and Pharmacy, and the School of Law, who work the full period from July 1 to June 30 are entitled to five weeks of vacation (25 working days). Those employed less than a full year will be granted vacation at the rate of 2 days per month from the original date of employment to the next June 30, or in the last year of employment, from July 1 to the date of termination.

All other members of the Exempt Staff on 12-month appointments are entitled to four weeks (20 working days) of vacation per year. Those working less than a full year will be granted vacation time at the rate of 1 2/3 days per full month from the original date of employment to the next June 30, or in the last year of employment, from July 1 to date of termination.

Members of the Exempt Staff, who in the last year of employment, take vacation time that is subsequently unearned as of the date of termination will have the pay for those unearned vacation days deducted from her/his final paycheck. Compensation for any earned but unused vacation remaining at the time of termination will be paid in the final paycheck.

## VACATION POLICY FOR REGULAR PART-TIME EXEMPT STAFF

Currently under revision.

## EMPLOYEE HOLIDAY SCHEDULE

Employees at Western New England University are entitled to ten paid legal holidays per year. In order to be eligible for a paid holiday, an employee must be otherwise available for work on the day the holiday(s) falls. The holidays currently observed are:

- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving
- Christmas
- New Year's Day
- Martin Luther King Jr. Day
- Washington/Lincoln Day
- Memorial Day
- Independence Day

Each year, the Office of Human Resources publishes a Holiday Schedule showing the actual dates that these holidays will be observed. If a holiday falls on a day that a regular part-time employee is regularly scheduled to work the employee will have the holiday and be paid for it.

NOTE: HOLIDAYS LISTED AS "FLOATING HOLIDAYS" ON THE UNIVERSITY'S ANNUAL HOLIDAY SCHEDULE MUST BE TAKEN DURING THE CALENDAR YEAR IN WHICH THEY OCCUR.

### **SICK LEAVE BENEFIT POLICY FOR EXEMPT STAFF**

The University offers paid sick leave for all full-time and part-time exempt employees. Members of the Exempt staff will be paid their regular compensation for absences caused by personal illness, injury, health condition or routine medical appointments. Sick time may also be used to address the psychological, physical or legal effects of domestic violence.

In addition to paid sick leave for their own condition, effective July 1, 2015, full-time exempt staff will be provided with 40 hours of sick leave for family circumstances for the following:

- For illness, injury or health condition of the employee's spouse, child, parent, or parent-in-law
- For routine medical appointments for employee's spouse, child, parent, or parent-in-law
- To address the psychological, physical or legal effects of domestic violence related to a spouse, child, parent, or parent-in-law.

On January 1, part-time members of the exempt staff will accrue one hour of sick leave for every 26 hours worked up to a maximum accrual of 40 hours for family circumstances. Part-time, exempt staff accruing sick leave for family circumstances may roll over up to 40 hours at the end of the year, though no more than 40 hours of sick leave for family circumstances may be used in a year.

<b>Hours Scheduled</b>			
<b>Hours Worked</b>	<b>Weeks</b>	<b>Total Hours</b>	<b>Sick hours provided or accrued</b>
20 hours	52	1040/26	40
15	26	390/26	15

Sick leave for family circumstances should be indicated on the employee's time card when utilized. The appropriate pay code to be used is "sick-family". Employees should use the "sick" pay code when entering sick time for their own illness.

Prompt notification should be made to the employee's supervisor in all sick leave circumstances. When leave is foreseeable as much advance notice as possible should be given. Sick leave can be taken in increments of 15 minutes. If the employee's absence reaches 24 consecutive hours the employee's supervisor may request a doctor's note.

When extended periods of absence due to illness or injury are anticipated, full-time members of the Exempt Staff must notify the Office of Human Resources so that application may be made for short/long-term disability benefits.

Part-time members of the Exempt Staff who experience extended absence due to their own illness, injury, or health condition will be paid their regular compensation for the first two weeks of the disability and placed on unpaid medical leave thereafter.

**The University reserves the right to permanently replace exempt employees whose FMLA allotment is exhausted or to replace part-time exempt employees after sick leave is exhausted if they are not eligible for FMLA**

## **MASSACHUSETTS PARENTAL LEAVE - Non-FMLA**

Upon advance request, employees who have completed their initial probationary period may be granted a parental leave in accordance with Massachusetts State Law for purposes of birth of a child, or adoption of a child under the age of 18 (or under the age of 23 if the child is mentally or physically disabled).

The following guidelines normally apply:

In most situations, you must give notice to the University at least two (2) weeks of your intention to take your leave of absence, and your intention to return to work. However, if the circumstances are unforeseeable and thus are beyond the employee's control, then notice can be provided as soon as practicable. A position within the University will be held for an individual for a period of eight (8) weeks. In the event that both employees are seeking time off under this policy for the reasons set forth under this policy, then the two employees are entitled to an aggregate of eight (8) weeks of leave.

Requests for time off exceeding the guidelines set forth in this policy will be evaluated on a case by case basis. However, if time is granted in excess of the customary eight (8) weeks available under this policy, then there is no guarantee of job reinstatement. However, the University will inform the employee, in writing, prior to the commencement of the parental leave, and prior to any subsequent extension of that leave, that taking longer than 8 weeks of leave shall result in the denial of reinstatement or the loss of other rights and benefits.

This is an unpaid leave, but an employee may elect to use paid time that may be available so that some or all of the leave may be paid (to the degree that paid time is available).

## **ACCOMMODATIONS FOR NURSING MOTHERS**

The Patient Protection and Affordable Care Act ("Affordable Care Act") amended section 7 of the Fair Labor Standards Act ("FLSA") to require employers to provide reasonable break time for an employee to express breast milk for her nursing child for one year after the child's birth each time such employee has need to express the milk. Employers are also required to provide a place, other than a bathroom, that is

shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk. The break time requirement became effective when the Affordable Care Act was signed into law on March 23, 2010. For more information [click here](#) to go to the U.S. Department of Labor Wage and Hour Division Fact Sheet 73 on this topic.

Contact the Office of Human Resources, x1343 or x1529, for further information.

## **PREGNANT WORKERS FAIRNESS ACT (PWFA)**

In accordance with Massachusetts state law, it is unlawful to discriminate against an employee due to pregnancy or a condition related to pregnancy including, but not limited to lactation or the need to express breast milk for a nursing child.

Under the PWFA, the following acts are unlawful:

- Take adverse action or retaliate against an employee who requests or uses a reasonable accommodation. This includes failing to reinstate the employee to the original employment status or to an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits and other applicable service credits when the need for reasonable accommodation ceases.
- Deny an employment opportunity to an employee if the denial is based on the need of the employer to make a reasonable accommodation to the known conditions related to the employee's pregnancy.
- Require a pregnant employee or employee with a pregnancy related condition to accept an accommodation that the employee chooses not to accept, if that accommodation is unnecessary to enable the employee to perform the essential functions of the job.
- Require an employee to take leave if another reasonable accommodation may be provided to the known conditions related to the employee's pregnancy or need to pump without undue hardship on the employer.
- Refuse to hire a person who is pregnant because of the pregnancy or because of a condition related to the person's pregnancy such as breast milk expression; provided that the person is capable of performing the essential functions of the position with reasonable accommodations and that the reasonable accommodation would not impose an undue hardship on the employer.

## **THE FAMILY AND MEDICAL LEAVE ACT**

### **Basic Leave Entitlement**

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

## **Military Family Leave Entitlements**

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. 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.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service- member during a single 12-month period. A covered service member is: (1) 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 retired list, for a serious injury or illness\*; or (2) 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.\*

The FMLA definitions of “serious injury or illness” for current service members and veterans are distinct from the FMLA definition of “serious health condition”.

## **Benefits and Protections**

During FMLA leave, the employer must maintain the employee’s health coverage under any “group health plan” on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

## **Eligibility Requirements**

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

## **Definition of Serious Health Condition**

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 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.

## **Use of Leave**

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

## **Substitution of Paid Leave for Unpaid Leave**

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

## **Employee Responsibilities**

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

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. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

## **Employer Responsibilities**

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

## **Unlawful Acts by Employers**

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- 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.

## Enforcement

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

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.

**FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulation 29 C.F.R. § 825.300(a) may require additional disclosures.**

## Uniformed Services Employment and Reemployment Rights Act (USERRA)

Employment rights of personnel engaged in the armed forces are protected by the Uniformed Services Employment and Reemployment Rights Act. Those employees who take a leave of absence to answer the call to serve in the military voluntarily or involuntarily are protected against discrimination on the basis of military service. The University is prohibited from terminating, demoting, or otherwise adversely impacting an employee's position as a result of uniformed service. In addition, employees may maintain their employer-provided health plan for themselves and their dependents for up to 24 months while performing military service. In order to gain these protections the following requirements must be met:

- Give advanced written or verbal notice to the University
- Have five years or less of cumulative service in the armed forces while employed at the University
- Reapply for employment or return to work in a timely manner when service has concluded
- Not have been separated from service from a disqualifying discharge or under other than honorable conditions

If an employee is eligible to be reemployed, the University must restore the employee to the job and benefits the employee would have attained if he/she had not been absent due to military service, or in some cases, to a comparable job.

## Enforcement

The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.

To file a complaint call **1-866-4-USA-DOL** or visit the VETS website at <http://www.dol.gov/vets>

For more information on USERRA, please visit [http://www.dol.gov/vets/programs/userra/USERRA\\_Federal.pdf](http://www.dol.gov/vets/programs/userra/USERRA_Federal.pdf)

## Massachusetts Domestic Violence Act

The Massachusetts Domestic Violence Act serves to help victims of domestic and sexual abuse to stay safe and receive appropriate accommodation from law enforcement agencies, healthcare professionals, and from employers. The University will permit any employee who is a victim of domestic or sexual violence (or who has a family member who is a victim) to take up to 15 days of unpaid leave from work in any 12-month period, as long as the employee is not the perpetrator of the violence. For purposes of this policy, a family member includes:

- Legally married spouse;
- Persons "in a substantive dating or engagement relationship" AND who reside together;
- Persons having a child in common regardless of whether they have ever married or resided together;
- A parent, step-parent, child, step-child, sibling, grandparent or grandchild; or
- Persons in a guardianship relationship.

As with FMLA, the University will use the "rolling" method to calculate the number of days available within the 12-month period. The employee must exhaust any sick, earned, or vacation time balances prior to using the unpaid time off allowed under the Act.

Victims of domestic violence are entitled to leave for any of the following reasons: to seek or obtain medical attention, counseling, victim services or legal assistance; secure housing; to obtain a protective order from a court; to appear in court or before a grand jury; to meet with a district attorney or other law enforcement official; or to attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or his/her family member.

Employees who wish to take leave under the Domestic Violence Act to care for themselves or an eligible family member should provide the University adequate advance notice unless the employee, or the family member of the employee, faces imminent danger. An employee who does not give advance notice must notify the University within three workdays that the leave was being taken under the Act's leave provisions. Notice can also come from counselors, social workers, health care workers, clergy, shelter workers, legal advocates or another professional who has assisted the employee in addressing the effects of the abusive behavior on the employee or the employee's family member.

Employees must provide documentation of the domestic or sexual violence. Acceptable proof can take the form of a protective order or other court documentation; a statement from a provider or public agency that supports the need for leave, a police report or victim or witness statement; documentation of the result of court proceedings against the perpetrator of the abusive behavior; medical documentation of treatment for the abuse; a sworn statement from a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee or the employee's family member in addressing the effects of the abusive behavior; or a simple sworn statement from the employee attesting that he/she has been the victim of abusive behavior or is the family member of a victim. Any sworn statement used to prove eligibility must be signed under the penalties of perjury. Employees who take an unscheduled absence for reasons protected under this Act have 30 days to provide proof of their need for leave to the University.

Employees who take leave under the Act will not lose any employment benefit accrued prior to the date on which the leave was taken and are entitled to be restored to their original jobs or to an equivalent position. Leave under the Massachusetts Domestic Violence Act should be coordinated through the Office of



Human Resources.

## **LEAVE OF ABSENCE**

The University's leave of absence policy is as follows:

A leave of absence is permission granted for a specific period of time during which an administrator or administrative staff member may be legitimately absent from the University while continuing to be regarded as a member of the administration.

Normally, this period of time will not be less than one month and will not exceed one calendar year. Such leave will not ordinarily be granted until the individual has served five years at the University. All items normally withheld from the salary to which the administrator or administrative staff member alone contributes may be continued if the individual elects to pay the required amount.

All benefits to which the University contributes in full or in part, and the member of the administration part or none, may be continued by the member of the administration paying the full amount, including that normally contributed by the University, subject to the terms and conditions of the policies in force at the time of the leave.

An administrator or administrative staff member who is receiving free tuition for a dependent child or spouse will continue to receive this benefit while on official leave of absence.

## **SHORT-TERM DISABILITY COMPENSATION PLAN**

A Short-term Disability Compensation Plan is provided for all full-time Western New England University employees. Full-time non-exempt employees, regularly working at least 35.67 hours each week, must be employed for at least six months prior to the onset of the disability in order to be eligible for short-term disability compensation under this Plan. For the purposes of this program, an employee is considered disabled if, solely because of injury or sickness, he or she is unable to perform the material duties of his or her regular Job; and unable to earn 80% or more of his or her Covered Earnings from working in his or her regular Job due to illness or injury.

In order to qualify for benefits under this Plan, an employee must make application for benefits and provide adequate medical documentation that a condition of disability exists. The University reserves the right to seek an independent medical evaluation (at the University's expense) regarding any claimed disability and may require updated medical documentation during the course of a disability. A medically related leave anticipated to last longer than 10 working days will be covered under the Short Term Disability Plan. Short Term Disability compensation will begin on the first day of disability for exempt employees. The Maximum Benefit Period under the short term disability compensation plan is 13 weeks. If the illness or injury is anticipated to extend beyond the 13th week, when Short Term Disability ceases, an application may be made for Long Term Disability benefits under the University's Group Long Term Disability plan. In order to return to work following a period of disability, an employee must provide medical documentation that he/she is capable of resuming his/her regular duties and responsibilities.

No vacation time is accrued by an employee during a period of disability absence. If the period of absence is in effect during any wage increase that the employee may be entitled to, the wage increase will take effect upon return to active service.

Additional information about this benefit may be obtained by calling the Office of Human Resources, or referring to the [Employee Short Term Disability Benefit Plan](#).

## **GROUP LONG-TERM DISABILITY INCOME INSURANCE**

Group Long Term Disability Income coverage is designed to protect full-time employees, regularly scheduled over 35.67 hours per week, from loss of income in the event of a prolonged disability. An employee becomes eligible for enrollment in Group Long-term Disability Insurance on the first of the month following six months of continuous full-time employment.

This Long Term Disability insurance provides a monthly income benefit equal to 50% of an employee's base pay in the event of total disability, and also includes provisions for the payment of benefits in the event of a qualifying partial disability. The Maximum Disability Benefit is \$7,000 per month. The Minimum Disability Benefit is the greater of \$100 or 10% of the employee's monthly benefit prior to any Income offsets. Benefits under this plan will be offset by other income benefits received. In addition to the monthly cash benefit, the plan provides a Retirement Plan contribution waiver that will contribute to the retirement plan of a participating employee an amount equal to 10% of the employee's base annual pay

for an employee receiving total disability benefits, as well as a limited survivor benefit if an employee who dies while receiving total disability benefits. The cost of Group Total Disability Income Insurance will be paid by the University. Additional information about this benefit may be obtained by calling the Office of Human Resources, or referring to the [Group Long Term Disability Insurance Certificate](#).

No vacation time is accrued by an employee during a period of disability absence. If the period of absence is in effect during any wage increase that the employee may be entitled to, the wage increase will take effect upon return to active service.

In order to meet the staffing needs of the institution, the University reserves the right to permanently fill any or all positions that are vacant due to the incumbent being on long-term disability. Termination under these circumstances will not affect the individual's right to continue to receive benefits under the long-term disability plan.

Additionally, if the termination is due to a long term disability where the employee is medically unable to work, the University will pay its regular share toward the employee's COBRA health insurance premium for up to eighteen months, or when the employee gains other coverage such as Medicare.

Should the health of the individual improve and allow her/him to begin working, she/he will be entitled to apply for any vacant position at the University for which she/he is qualified.

## **NOTICE OF PRIVACY PRACTICES FOR GROUP HEALTH PLAN**

This notice describes how medical information about you may be used and disclosed, and how you can

get access to this information. [Click here for more information.](#)

## **GROUP HEALTH INSURANCE FOR REGULAR FULL-TIME EXEMPT STAFF**

All members of the full time Exempt Staff, including employees regularly scheduled to work at least 30 hours per week over the upcoming 12 months for health insurance purposes under the Affordable Care Act, are eligible to participate in the Western New England University Employee Health Plans, which are carried with Blue Cross Blue Shield of Massachusetts. The program is made up of comprehensive major medical plans that include coverage for hospitalization, surgical care, physician services, prescription drugs as well as preventative services. Many covered health and drug services are subject to deductibles, co-insurance and/or copays as part of the plans' cost sharing schedule. A Preferred Provider Organization (PPO) as well as a Health Maintenance Organization (HMO) plan and network are available for employee choice. The University contributes to the health insurance premium 70% of the assessed premium rate for HMO coverage, and 65% of the assessed premium rate for PPO coverage, for either individual or family coverage options, with the employee paying the remainder of assessed premium cost through a payroll deduction.

New full-time employees may enroll in one of the Western New England University Employee Health Plans as of the date of hire. Continuing employees may join a plan at any time only if coverage under another health insurance plan is lost. Employees who have voluntarily left the plan may rejoin only during the open enrollment period scheduled once a year in advance of the plan's January 1<sup>st</sup> anniversary date. Detailed information about the current PPO and HMO Plans may be obtained via the Office of Human Resources website. Premium rates for the Plans are published annually and are distributed to all employees in advance of the open enrollment period. Click to download information on the [PPO Plan](#) or the [HMO Plan](#). To find participating health care providers go to <http://www.bluecrossma.com>.

## **GROUP HEALTH INSURANCE FOR REGULAR PART-TIME EXEMPT STAFF**

Regular part-time employees whose established average workweek upon date of employment is 17 hours or more have the opportunity to participate in the group health plans offered by the University. Part-time employees who choose to participate in the University health plans are not eligible for University premium contributions. Premium payments will be made through payroll deduction. All other conditions of participation are the same as those for full-time employees. Click to download information on the [PPO Plan](#) or the [HMO Plan](#). To find participating health care providers go to <http://www.bluecrossma.com>.

## **DENTAL INSURANCE**

Full-time employees and part-time employees who are expected to work 17 hours or more per week are eligible to participate in a voluntary plan. Employees pay the full cost of premium through payroll deduction. Detailed information about BCBS of MA Dental Blue Program 2 can be found here: [dental plan](#). To find a participating dentist to go to <https://myfindadoctor.bluecrossma.com>

## **GROUP LIFE INSURANCE**

After three months of continuous employment the University will provide each regular full-time employee with a life insurance policy for an amount equal to one times the employee's annual salary, with a maximum of \$150,000. The policy also provides additional benefits for accidental death or dismemberment. The full premium for Group Life Insurance is paid by the University. In the event that the basic benefit

would exceed \$50,000.00, the cost of providing insurance in excess of \$50,000.00 is taxable to the employee according to the schedule established by the IRS. Employees wishing to do so may waive Life Insurance benefits in excess of \$50,000.00. Detailed information about this Plan and the waiver provision may be obtained from the Office of Human Resources.

## RETIREMENT PLAN

The University offers a retirement plan based on section 403(b) of the Internal Revenue Code, which allows employees of not-for-profit organizations to save for retirement on a tax-deferred basis. All employees may enroll and make pre-tax contributions into the Western New England University 403(b) Defined Contribution Plan upon hire.

The University will make contributions to the retirement plan for those employees who have been employed by the University for one year and who have worked at least 1,000 hours during that time. Employees who do not meet the eligibility criteria will not receive contributions from the University, but may still contribute their own funds into the Plan. Eligible employees will only receive University contributions when all eligibility criteria are met and enrollment forms completed.

As a condition of employment, eligible employees hired after July 1, 2008, after attaining age twenty-five and completing one year of service (which includes 1,000 hours worked) are **required** to make a mandatory contribution to the plan of 3% of compensation.

[TIAA](#) is the record keeper of the Western New England University 403(b) Defined Contribution Plan. If an eligible employee does not make an election as to how they choose to invest by returning the required election form, the University reserves the right to enroll the employee into the Plan in a qualified default investment alternative ("QDIA").

Additionally, the University provides access to a Group Supplemental Retirement Annuity through TIAA. Group Supplemental Retirement Annuities (GSRAs) are tax-advantaged investments that are funded with voluntary, pre-tax dollars through a salary-reduction agreement.

Currently, qualified participants as described above may receive two types of contributions from the University into their retirement account, a 4% basic contribution (also known as Safe Harbor) and a matching contribution of up to 3%.

Additional detailed information, enrollment applications, and copies of the University's the [Western New England University 403\(b\) Defined Contribution Plan](#) resolution may be obtained at the Office of Human Resources.

The normal retirement age under the Retirement Plan is age 65. This provision notwithstanding, the University will continue its contributions to the Retirement Plans of participating employees so long as they are employed by the University.

Additional detailed information, enrollment applications and copies of the University's Pension Plan Resolution may be obtained at the Office of Human Resources.

## LIABILITY INSURANCE

The University bears the entire cost of liability insurance on all personnel. Staff members who are acting within the scope of their employment have liability coverage for incidents which may arise from their employment practices.

## **TRAVEL ACCIDENT INSURANCE**

Business Travel Accident insurance is payable in addition to any workers' compensation, disability or life insurance the covered employee may have. It provides a lump sum payment to beneficiaries to help replace traveling employees' income if they die, or offer living benefits to help cover expenses related to the care and treatment that may be necessary if employees survive a critical accident. Covered accidents may include death, coma, dismemberment, paralysis or loss of speech and/or hearing that result from an accident that occurs during a covered activity. All part-time and full-time faculty, exempt, and non-exempt employees of the University are covered at six (6) times the Insured Person's Basic Earnings to a Maximum of \$750,000.

## **TUITION REMISSION**

Western New England University Tuition Remission Benefit

### **Full-time Staff**

Full-time employees of the University may take credit courses at the University at the undergraduate or graduate levels without payment of tuition upon completion of a three (3)-month waiting period. In order to be eligible for tuition remission in a given semester, the waiting period must be completed by the last day to add course without instructor's permission. Employees wishing to take classes that meet during their regularly scheduled work hours must obtain the permission of their supervisors and have their work schedules adjusted accordingly. No more than 11 credits may be taken.

### **Part-time Staff**

Regular part-time employees (not temporary employees) may take one for-credit course per semester without payment of tuition upon completion of a three (3)-month waiting period. In order to be eligible

for tuition remission in a given semester, the waiting period must be completed by the last day to register for classes for that semester.

Regular part-time employees (not temporary employees), who have completed at least five (5) years of employment with the University may take two courses per semester. Prior years' service to the

University will be counted toward five (5) year prerequisite for the two course tuition remission benefit. The five (5) years of service must be completed on or before the last day to register for classes in any given semester in order for the employee to receive the two-course tuition remission benefit in that semester. Tuition remission for part-time employees is for the employee her/himself and cannot be used for courses taken by an employee's spouse or dependents.

Employees wishing to take classes that meet during their regularly scheduled work hours must obtain

the permission of their supervisors and have their work schedules adjusted accordingly. Current employees who were hired on or before June 1, 1997, have already satisfied this waiting period. This benefit does not apply to a part-time employee's spouse or dependents.

In order to take advantage of the tuition remission benefit, a part-time employee must complete and return to the Office of Human Resources a Tuition Remission Form for each fiscal year beginning on July

1. For part-time employees, one Tuition Remission Form will cover the entire year. Tuition Remission Forms cannot be submitted for courses already completed.

## Retirees

Retired employees who have served the University on a full-time basis for at least ten (10) years may take credit courses at the University at the undergraduate or graduate levels with remission of tuition.

## Spouses and Dependents

Following the completion of a three-month waiting period, spouses, domestic partners, and children of full-time employees of the University may receive, if eligible to attend, remission of tuition sufficient to earn one degree, either undergraduate or graduate, but for no more than the equivalent of four years of full-time study, whichever occurs first. For the purposes of this benefit, a dependent child is any child born to an employee, legally adopted by an employee, a stepchild whose primary residence is with the employee, or for whom legal guardianship can be documented. To be eligible for this benefit, however, a dependent child must enroll in a program of undergraduate study prior to her/his 23<sup>rd</sup> birthday, or graduate study prior to her/his 25<sup>th</sup> birthday. **Graduate courses are not included /covered in tuition remission when a dependent is enrolled in and completing an undergraduate degree, unless the graduate courses are applied as credit to the completion of the undergraduate degree.**

Remission of tuition will be extended to the spouse and dependent children of a full-time employee who has served the University on a full-time basis for at least five (5) years and who becomes disabled or dies while in active service so long as the child is a dependent of the employee at the time of death or disability.

Remission of tuition is a benefit available to the spouse and dependent children of a full-time employee who has reached the retirement age of 58.5 and served the University on a full-time basis for at least ten (10) years. To be eligible for this benefit, however, the child of a retired employee must enroll in a program of undergraduate study prior to her/his 23<sup>rd</sup> birthday, or graduate study prior to her/his 25<sup>th</sup> birthday

Remission of tuition is also available to the spouse and dependent children of a full-time employee who becomes disabled or dies while in active service and who has served the University on a full-time basis for at least five (5) years so long as the child is a dependent of the employee at the time of death or disability. To be eligible for this benefit, however, the child of a deceased, disabled employee must enroll in a program of undergraduate study prior to her/his 23<sup>rd</sup> birthday, or graduate study prior to her/his 25<sup>th</sup> birthday.

Unless the employee meets all eligibility criteria outlined above, remission of tuition is not available to spouses or dependents upon the employee's retirement from the University.

***Graduate level tuition remission is taxable under I.R.C. § 117. The full value of graduate tuition remission for spouses, domestic partners, and dependents, is taxable.***

## **Terms and Conditions**

By law, the value of graduate tuition remission for spouses and dependent children is considered taxable income to the employee and is subject to Federal Income and Social Security taxes. The value of graduate tuition remission for employees is also considered taxable income unless the course of study is certified by the employee's supervisor as necessary for the employee to remain up-to-date in her/his current occupation.

A tuition Remission Form for each person enrolled must be completed for each fiscal year, which runs from July 1 through June 30. Tuition Remission Forms are available in the Office of Human Resources.

Certain programs may be excluded from those available through this benefit, or may have enrollment limits which could prohibit availability through this benefit.

If an employee terminates employment during a semester in which their dependent is covered under the tuition remission policy, the remission of tuition will continue until the end of that particular semester so long as the employee has worked at least one day within the semester.

## **PROFESSIONAL DEVELOPMENT**

For members of the Exempt Staff who pursue courses leading to an advanced degree, or courses that are necessary to maintain professional competence, or who engage in post-doctoral study, the University will reimburse the costs of tuition and academic fees up to an amount no greater than 2/3 of the per credit hour tuition for graduate courses at Western New England University for such total semester hours as approved by the appropriate Senior Staff member. The University does not expect that full-time employees will be full-time students simultaneously.

All courses must be approved in writing by the appropriate Senior Staff member in advance of the actual course meetings. Professional development approval/reimbursement forms are available in the Office of Human Resources.

All reimbursements for professional development will be made when grades have been submitted to the appropriate member of the Senior Staff and have been approved for payment. In all graduate courses paid for by the University taken at other institutions, reimbursement will not be approved unless the employee achieves a minimum grade of "B" (or equivalent).

Members of the Exempt Staff earning a new degree while at the University are required to submit an official transcript for the new degree for inclusions in the employee's personnel record.

## **TUITION EXCHANGE PROGRAM**

The Tuition Exchange (TE) provides a national scholarship exchange program for dependent children of



full-time faculty and staff among its members of approximately 640 U.S. colleges and universities. Colleges and universities participating in this program have agreed to remit tuition for participants from other member institutions ( Some partner institutions also remit room and board). Partner institutions remit full tuition or at least up to the level determined yearly by Tuition Exchange (80<sup>th</sup> percentile of tuition of member institutions). The primary obligation of a member institution is to maintain a balanced exchange pattern, over a five-year period, between student “exports” and student “imports”. A member institution may import as many students as it wishes. It may not, however, export more than it imports. Institutions with many applicants may limit the number of TE Scholarships they award.

All students must seek admission to the partner institution which determines admission and admission procedures.

The following Guidelines are applicable to Western New England University employees who participate in the program.

## Definitions

- **Eligible Employee:** Any current Western England University full-time faculty or staff, or; a retired employee, with at least fifteen (15) years of full time service, who retired from the University due to a disability.
- **Dependent Child:** Any child born to an employee, legally adopted by an employee, or for whom legal guardianship can be documented. To be eligible for this benefit, however, a dependent child must enroll in a program of undergraduate study prior to her/his 23<sup>rd</sup> birthday.
- **Applicant:** The dependent child of an eligible employee who has applied for full-time, undergraduate study to a college or university that participates in the Tuition Exchange (TE) program. Scholarships are not granted for graduate study, non-degree study, or second undergraduate degrees.
- **Maximum Scholarship:** TE scholarships will not exceed a maximum of four year (8 semester tuition remission “units” or “slots”) per eligible employee. The eight units may be divided among dependent children of an eligible employee, but a TE scholarship will be awarded to only one child of an eligible employee at a time, and each child must undertake the eligibility and application process.
- **Tuition Exchange Liaison Officer:** Joanne Ollson, Assistant Vice President and Director of Human Resources.

## Procedures

1. By **November 1** of the current academic year, dependent children of Western New England University faculty and staff who are seeking admission to a partner institution will notify the TE Liaison Officer of intent to apply for a TE scholarship by completing an Eligibility Form available from the Office of Human Resources and returning it to the Tuition Exchange Liaison Officer.
2. The TE Liaison Officer will verify the eligibility and seniority of the employee/ parent.
3. By **December 1** of each academic year, Western New England University will be given the number of TE “units” available for the upcoming academic year. The number of available “units” or “slots” will be determined by the current number of Western New England University “imports” and “exports”; correspondingly, these will vary from year to year. Slots will be assigned to applicants.



These will correspond to the number of scholarships available.

- a. If the number of applicants is equal to the number of TE scholarships available, each applicant will be given the opportunity to apply for a TE scholarship.
  - b. If the number of applicants exceeds the number of TE scholarships, candidates will be selected on the following priority ranking:
    - i. First priority will be given to students who are already enrolled in a member institution, and who are holding a TE scholarship. The student must also be in fair academic standing (a GPA of at least 2.0 on a 4.0 scale).
    - ii. Second priority will be given to applicants based on the employment seniority of the parent. Seniority is based on years of full-time service at Western New England University.
    - iii. Among applicants whose parents have the same years of seniority, priority will be determined by financial need as measured by the Parents' Confidential Statement.
    - iv. Last priority will be given to students with siblings who have already received a TE scholarship for two years.
    - v. Applicants who are not selected as TE recipients will be placed on a waiting list as alternates for the upcoming academic year in accordance with the priority ranking in item b. above.
    - vi. In the event that a TE recipient chooses to attend a non-TE institution or otherwise forfeits the right to receive a TE scholarship, alternates will be reconsidered for any available slots.
    - vii. Alternates who are not selected may reapply for a TE scholarship for the following academic year in accordance with the priority ranking described in item b. above.
4. The TE Liaison Officer certifies the eligibility of selected applicants to apply for a TE scholarship. The selected applicants will complete an "Application/Certification for Tuition Exchange Scholarship" which is available from the Human Resources Office and, upon completion, return it to the TE Liaison Officer. Failure to return this form in a timely fashion may result in forfeiture of application.
  5. Selected applicants must accept the TE scholarship award **in writing** by May 1, for the upcoming academic year and notify the TE Liaison Officer of the decision to enroll in a TE member institution. Applicants who do not meet this requirement will forfeit their awards to alternates on the waiting list.
  6. Students will ordinarily be able to remain in the program for four years, but continued participation depends upon yearly certification of eligibility, the student's adequate academic standing at the host institution, and Western New England University's ability to attract sufficient "imports" to offset or balance its "exports". Accordingly, renewal forms must be completed and processed in a timely manner every year.

Eligibility to apply for a TE scholarship is determined by Western New England University. However, TE scholarships are granted by the host institution. Western New England University cannot guarantee that any applicant, no matter how well qualified, will receive a TE scholarship from the host institution, which may choose to restrict its imports if their number exceeds exports.
  7. Continued participation in the program is contingent upon maintaining a GPA of at least 2.0 on a 4.0 scale. Each recipient who is awarded a TE scholarship must submit a transcript to the TE Liaison Officer within one month after the end of each academic year.

8. If a TE recipient takes a leave of absence or withdraws from school, the student must notify the TE Liaison Officer at both Western New England University and the host institution immediately.
9. If an employee terminates employment during a semester in which their dependent is covered under a Tuition Exchange scholarship, the scholarship will continue until the end of that particular semester so long as the employee has worked at least one day within the semester.
10. Western New England University reserves the right to modify these Guidelines to insure an appropriate balance between “import” and “export” students.

[Click here to go to the Tuition Exchange website.](#)

## **COUNCIL OF INDEPENDENT COLLEGE TUITION EXCHANGE PROGRAM**

The Council of Independent Colleges Tuition Exchange Program (CIC-TEP) covers over 400 colleges and universities and the list of participants is largely a different list of schools than those participating in the Tuition Exchange Inc. (TE) program.

The CIC-TEP program is available to all full-time employees of the University and, unlike the TE program, may be used for spouses as well as dependent children. The CIC-TEP program requires that the value of scholarships be equal to the full tuition of the importing institution.

Unlike the TE program, the CIC-TEP program does not require that schools maintain a balance between import and export scholarships. This means that we do not have to limit the number of export scholarships that we grant to University employees. However, importing schools are only required to grant 3 new import scholarships per year. Therefore, receiving an import scholarship under CIC-TEP can be quite competitive.

There are no guarantees that any eligible employee will receive a scholarship under either the TE or CIC-TEP programs but both of these plans provide opportunities that should be investigated. Information about both the TE and CIC-TEP programs, including a list of participating schools and eligibility requirements, is available in the Office of Human Resources.

If an employee terminates employment during a semester in which their dependent is covered under a CIC-TEP scholarship, the scholarship will continue until the end of that particular semester so long as the employee has worked at least one day within the semester.

If you have any questions regarding this opportunity, contact the Office of Human Resources. [Click here to go to the Council of Independent Colleges website.](#)

## **UNIVERSITY BOOKSTORE DISCOUNT**

All regular exempt employees will be allowed a ten-percent cash discount on certain items purchased through the University Bookstore. A valid University employee identification card must be presented at the time of purchase in order to receive the discount.

## **VOLUNTARY INSURANCE PROGRAM**

As a convenience to its regular full and part-time employees, the University offers an opportunity for car, homeowners/tenants, and additional life insurance to be purchased on a payroll-deduction basis. For more information, contact the Office of Human Resources.

## **EMPLOYEE WELLNESS PROGRAM**

Employees and their families have free access to the University's state-of-the-art Alumni Healthful Living Center. The AHLC has a basketball court, 8-lane swimming pool, indoor track, wrestling room, weight room, racquet courts, aerobics/dance studio, and a multipurpose fieldhouse. There is also our *WorkWell* program with incentives for participation. Details on *WorkWell* can be found on Health Services' website at <https://www1.wne.edu/health-services/workwell-program.cfm>

Maintained by the Office of Human Resources

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