



# EMMANUEL COLLEGE

## Policies and Procedures Manual



**EMMANUEL  
COLLEGE**

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# Forward

This manual is intended to provide working guidelines and descriptions of Emmanuel College's employee benefits and human resource policies. It is not intended and cannot be construed as a contract or guarantee of employment, and the College may change these guidelines unilaterally and without notice. The policies contained in this manual apply to staff and, where noted, to faculty. Staff members covered by this manual are employed on an "at-will" basis, meaning that either the employee or the College may end the employment relationship at any time, for any reason or for no reason.

These policies assure that daily decisions affecting employees are made uniformly throughout the College. Emmanuel College reserves the right, however, to determine the applicability of any policy to a particular situation and to depart from the guidelines contained herein in a given case when it determines that particular circumstances warrant individualized consideration.

All questions regarding the interpretation or application of the provisions of these policies should be referred to the Office of Human Resources.

This manual only summarizes the terms of the College's employee benefit plans. The actual terms of the various employee benefit plans are stated in and governed by the formal plan documents. Emmanuel College makes no promise to continue plan benefits in the future and reserves the right to terminate or amend any benefit plan; benefits vest only as stated in plan documents.

This policy manual supersedes any previous exempt and/or non-exempt employee handbook, policies, or practices, and, where specifically indicated herein, the Faculty Handbook.

While Emmanuel College endeavors to let employees know of any policy change in a timely manner, Emmanuel College reserves the right to modify any policy without prior notification.

# Mission and Vision

## **Our Mission**

To educate students in a dynamic learning community rooted in the liberal arts and sciences and shaped by strong ethical values, a commitment to social justice and service, the Catholic intellectual tradition and the global mission of the Sisters of Notre Dame de Namur.

## **Our Vision**

Emmanuel will be widely esteemed as the college in the heart of Boston that leads the nation in combining an extraordinary liberal arts and sciences education in the Catholic intellectual tradition with a commitment to strong relationships, ethical values and service to others. Students will choose Emmanuel as the place to develop in every respect while preparing for lives of leadership, professional achievement, global engagement and profound purpose.

# Employment

## **Employee Classification and Status**

### **I. PURPOSE**

To establish the classification, status and category for all Emmanuel College employees.

### **II. SCOPE**

This policy applies to all employees.

### **III. CLASSIFICATION**

- A. **Exempt** – A salaried employee who holds a professional, administrative, executive or outside sales position, as determined by Emmanuel College in accordance with the Fair Labor Standards Act of 1938, as amended.
- B. **Non-Exempt** – An employee who does not hold a position that qualifies as “exempt”, as determined by Emmanuel College in accordance with the Fair Labor Standards Act of 1938.

### **IV. STATUS**

- A. **Employee-** Employee refers to all faculty, administrators, support and service staff.
- B. **Faculty** – Faculty membership is based upon appointment by the President to participate in or supervise teaching, scholarship and service at the College.
- C. **Staff** – All administrator, professional, support and service employees who are not appointed as members of the Faculty are considered members of the staff.
- D. **Adjunct** – An associated faculty member whose appointment in a department is for specific teaching responsibility. This appointment may be by academic course, term or on an annual basis.

### **V. CATEGORY**

- A. **Regular Staff Employee:** An employee who has completed 6 months of employment with the College and who works on a regularly scheduled basis.
- B. **Full-time Staff Employee:** An employee who normally is scheduled to work a minimum of thirty-five (35) hours per week. Note: Service Staff are scheduled to work a minimum of forty (40) hours per week (see Basis of Compensation and Work Schedules for All Employees Excluding Faculty).
- C. **Part-time Staff Employee:** An employee who normally is scheduled to work less than thirty-five (35) hours per week.
- D. **Temporary Staff Employee:** An employee who is hired to work temporarily for a limited specified period of time, regardless of the number of hours worked.

- E. **Introductory Staff Employee:** A staff employee who has not completed 6 months of employment with the College.

## **General Employment Guidelines**

### **I. PURPOSE**

To establish hiring, promotion and transfer procedures for all employees.

### **II. SCOPE**

As required by law, applicants will be considered without regard for their race, color, sex, sexual orientation, gender identity, age, creed, religion, national origin, disability, veteran or active military status, genetic information or any other legally protected status. Emmanuel College commits itself to diversity and encourages its hiring supervisors to review, recruit, and consider qualified minority, female, disabled and Vietnam era veteran candidates, and encourages such candidates to apply for work at the College.

Emmanuel College gives preference to members of the founding religious congregation, the Sisters of Notre Dame de Namur, in appointment to some positions of responsibility in order to support the mission of the College.

### **III. EMPLOYMENT OF MEMBERS OF IMMEDIATE FAMILY OR HOUSEHOLD**

Relatives may be employed at the College provided they do not work under the direction of one another, have no responsibility for performance appraisals, do not provide input to one another's work, and provided that no relative controls the budget from which the pay of another is drawn. A relative is defined as a spouse or natural, step or adopted child, in-law, brother, sister, son, daughter, parent, grandparent, niece, nephew, cousin or that of your spouse. Any exception to this policy needs the approval of the President.

In some instances, the College's policy of preserving the confidentiality of records or other materials may make it inappropriate to have a member of the immediate family or household of another staff member in a particular job at the College. For example, it is usually inappropriate, and will be a violation of this policy, for someone to hold a job providing access to confidential records concerning the performance of a member of the staff member's immediate family or household.

### **IV. ORIENTATION AND REVIEW PERIOD**

The first six months after a staff member's date of hire, transfer or promotion to a new position is an orientation and review period, sometimes referred to as an introductory period. During this time, both the staff member and the supervisor can consider and evaluate the suitability of the placement. Supervisors are encouraged to use this period to review and discuss with the staff member his/her progress in meeting the requirements of the position and adapting to the work environment as a whole. If it appears that the placement is not suitable for any reason, the formal disciplinary process is not required for termination. To the extent possible given the circumstances, the staff member will be told that the placement is not appropriate prior to the end of the introductory period, and as far in advance of the end of the introductory period as possible. An introductory period may be extended beyond six months by the supervisor.

All introductory period terminations must be discussed in advance with the Office of Human Resources. Successful completion of the introductory period does not alter the at-will nature of employment.

## **V. SIGNATURES**

At the beginning of a search, the following signatures may be required (see forms for specifics):

- A. Originator
- B. Vice President for hiring division
- C. Office of Human Resources
- D. Vice President for Finance and Administration
- E. President

The signatures of the Originator, Vice President for hiring division, Vice President for Finance and Administration and the President indicate that:

- A. there is a need for this position,
- B. a budget has been allocated,
- C. appropriate management approval has been obtained.

At the beginning of a search, the Office of Human Resources signature indicates that:

- A. the job description and posting are appropriate to the job classification, and
- B. that bona fide occupational qualifications have been established.

At the conclusion of a search, the following signatures are required (see forms for specifics):

- A. Originator
- B. Vice President for hiring division
- C. Office of Human Resources
- D. Vice President for Finance and Administration
- E. President

These signatures indicate that:

- F. the chosen candidate meets the qualifications and job duties as advertised,

- G. the proposed salary is within the range established at the beginning of the search, (Note: Hiring managers may not hire an individual outside the range established at the beginning of the search without approval from the Office of Human Resources and the Vice President for Finance and Administration. Documented justification will be required, i.e., there was extreme difficulty in recruiting for job),
- H. and all protected class members have been carefully considered.

## **VI. COMPLIANCE / RECORDKEEPING OBLIGATIONS**

Federal regulations require Emmanuel College to retain the list of applicants or application forms/resumes, as the case may be, for a period of 2 years from the date the application was received or the hiring decision was made, whichever is later. Massachusetts law further requires that employers retain other personnel or employment records for 3 years after termination of employment. This includes, but is not limited to application forms, resumes, confidential letters submitted, and other records having to do with hiring, promotion, tenure, demotion, transfer, layoff or termination, rate of pay or other forms of compensation, and selection for training. Where a charge of discrimination has been filed, or a civil action brought against the College by the Equal Employment Opportunity Commission, the U.S. Attorney General, or an aggrieved person, the College must retain all records relevant to the charge or action until final disposition. Therefore, it is imperative that all applications be sent to the Office of Human Resources.

## **VII. EMPLOYEE BENEFITS**

Employee benefits are non-negotiable. Questions regarding benefits should be referred to the Office of Human Resources.

## **Faculty Search Process**

### **I. SCOPE**

This policy applies to full-time faculty positions being filled for an expected duration of ten months or longer.

Definitions: The following are faculty positions: Professor, Associate Professor, Assistant Professor, Visiting Faculty, Lecturer.

NOTE: There may be situations where a search is not required. Please see Exceptions to the Search Process for further information.

### **II. SEARCH PROCESS**

Beginning a Search:

- A. Personnel Action Form is completed by the department to request that a search is conducted.
- B. Five signatures are required: Dean of Academic Administration, Vice President of Academic Affairs, Office of Human Resources, Vice President for Finance and Administration and the President. These signatures indicate that:
  - 1. there is a need for this position,
  - 2. a budget has been allocated,
  - 3. appropriate management approval has been obtained;
  - 4. the Department Chair and Search Committee are aware of Emmanuel College's commitment to diversity.

The Office of Human Resources is available to assist with affirmative action recruiting to increase diversity and to assist with wage/salary and benefit information.

### **III. EXTERNAL ADVERTISING**

- A. Department writes its own advertisements with the approval of the Vice President for Academic Affairs.
- B. External advertisements are paid through the Office of Human Resources budget and must first be approved by the Vice President for Finance and Administration and Vice President for Academic Affairs.
- C. The Office of Human Resources places all advertisements. If a Department wishes to place an advertisement directly, prior approval must be obtained from the Office of Human Resources.

- D. All advertising should be in accordance with Emmanuel College's EEO policy.

#### **IV. APPLICANTS**

The Office of Human Resources receives curriculum vitae and resumes through the online applicant tracking system, Interview Exchange. The search committee can view the applicants curriculum vitae, resumes and references through interview exchange. The Office of Human Resources sends out acknowledgment cards to applicant's for resumes received via fax or mail.

#### **V. INTERVIEWING**

- A. Search committee is selected upon approval from the Vice President for Academic Affairs.
- B. Department and search committee screen applicants as appropriate.
- C. Department and search committee select applicants to be interviewed. Positions are to be filled with the most appropriate candidate according to the requirements of the position and the expressed goals of the College.
- D. Department and search committee interview candidates and forward curriculum vitae, resumes and Emmanuel College employment applications of final candidates to the Vice President for Academic Affairs with recommendations.
- E. Department and search committee conduct reference checks on candidates, including obtaining official transcripts documenting the terminal or highest degree. Reference checks should be obtained from at least three work/academic related sources on all recommended candidates before forwarding recommendations to the Vice President for Academic Affairs. Information derived from a reference check is to remain confidential.
- F. The Vice President for Academic Affairs makes the final selection in conjunction with the President, as appropriate.

#### **VI. MAKING AN OFFER**

- A. Personnel Action Form is completed by the department. Five signatures are required on the Personnel Action Form for Faculty Positions – Dean of Academic Administration, Vice President for Academic Affairs, Office of Human Resources, Vice President for Finance and Administration and the President. These signatures indicate that:
  - 1. the chosen candidate meets the qualifications and job duties as advertised,
  - 2. the proposed salary is within the range established at the beginning of the search. (Note: Hiring managers may not hire an individual outside the range established at the beginning of the search without approval from the Vice President for Academic Affairs and the Vice President for Finance and

Administration. Documented justification will be required, i.e. there was extreme difficulty in recruiting for job),

3. all self-identified protected class members have been carefully considered.
- B. The Dean of Academic Administration makes the verbal offer. Employee benefits are non-negotiable.
  - C. The Vice President for Academic Affairs will forward the Personnel Action Form and attached curriculum vitae/resumes to the Office of Human Resources for notification purposes. *Please note: All search materials must be retained in the Office of Human Resources for two years from the date of the hiring decision.*
  - D. The Office of Human Resources prepares the formal offer letter for Faculty appointment.

## **Staff Search Process**

### **I. SCOPE**

This policy applies to regular exempt and non-exempt staff positions being filled for an expected duration of ten months or longer.

NOTE: There may be situations where a search is not required. Please see Exceptions to the Search Process for further information.

### **II. SEARCH PROCESS**

- A. Personnel Action Form is completed by the department to request that a search is conducted.
- B. Five signatures are required: Originator, Vice President for hiring division, Office of Human Resources, Vice President for Finance and Administration and the President. The Originator, Vice President for hiring division, Vice President for Finance and Administration and the President signatures indicate that:
  - 1. there is a need for this position,
  - 2. a budget has been allocated,
  - 3. appropriate management approval has been obtained.
- C. Office of Human Resources signature indicates that:
  - 1. the job description and advertisement are appropriate to the job classification,
  - 2. bona fide occupational qualifications have been established. The Office of Human Resources is available to help in affirmative action recruiting as well as wage/salary and benefit information.
- D. Job description is provided by the department.

### **III. INTERNAL POSTING**

- A. The Personnel Action Form must have all the required signatures (described above) before the Office of Human Resources can post the position.
- B. The Office of Human Resources creates a description of the current job opening(s). The description of the current job opening(s) are posted outside the Office of Human Resources and on the College's website at [www.emmanuel.edu](http://www.emmanuel.edu).

### **IV. EXTERNAL ADVERTISEMENT**

- A. After receiving the Personnel Action Form with all required signatures, the Office of Human Resources will post the position on the Emmanuel College website.

- B. External advertisements are paid through the Office of Human Resources budget and must first be approved by the Vice President for Finance and Administration.
- C. The Office of Human Resources writes the advertisements for external searches.
- D. All advertising will be in accordance with Emmanuel College's EEO policy.

## **V. APPLICANTS**

- A. The Office of Human Resources receives resumes and applications through Interview Exchange.
- B. The Office of Human Resources sends out acknowledgment cards to applicants whose resumes were received via fax or mail.
- C. The search committees have access to applicant's resumes and application information through Interview Exchange.
- D. Applications will be accepted until a candidate is selected or until the Department has determined it has a sufficient pool of applicants.

## **VI. INTERVIEWING**

- A. Department and search committee select applicants to be interviewed. Vacancies are to be filled with the candidate considered most appropriate according to the requirements of the position and the expressed goals of the College. Appropriate qualifications include such factors as education, training, experience, past performance, job knowledge, work habits, attendance, and skills as applicable to the position. Selection also includes evaluation of work and/or academic references.
- B. Department and search committee conduct reference checks on candidates. The Office of Human Resources is available to assist in this process. The hiring supervisor may review the employment file of any current employee who is being considered for the open position. The hiring supervisor should check at least three work related references on all selected candidates before a hiring decision is made. Information derived from a reference check is to remain confidential.
- C. Department and search committee make selection.

## **VII. MAKING AN OFFER**

- A. Two signatures are required on the Personnel Action Form for Exempt and Nonexempt Positions – Originator and Vice President for hiring division - before submitting to the Office of Human Resources.
- B. These signatures indicate that:
  - 1. the chosen candidate meets the qualifications and job duties as advertised.

2. the proposed salary is within the range established at the beginning of the search.

Hiring managers may not hire an individual outside the range established at the beginning of the search without approval from the Office of Human Resources.

- C. The Vice President for hiring division forwards the form and attached applications to the Office of Human Resources.
- D. After the appropriate approvals are obtained (Office of Human Resources, Vice President for Finance and Administration and the President), the hiring department should:
  1. offer the position to the chosen candidate,
  2. advise the Office of Human Resources when the employment offer is accepted and what the start date will be.

Note: Employee benefits are non-negotiable. Questions regarding employee benefits should be referred to the Office of Human Resources.

- E. The Office of Human Resources sends an offer letter to the employee. Departments may request that the Office of Human Resources send a sample offer letter for the department to prepare and send.
- F. The Office of Human Resources or the search committee contacts sends rejection letters to applicants interviewed but not selected.
- G. An Emmanuel College employee selected to fill a position should normally be released from the current position within fifteen business days. Departments may negotiate a release date directly. The purpose of establishing a transfer date is to allow the releasing supervisor sufficient time to make an orderly transition of the former employee's duties, but not necessarily to select and train a replacement.

## **Exceptions to the Search Process**

### **I. PURPOSE**

To establish which positions do not require an external search.

### **II. SCOPE**

Positions that do not require a search are:

- A. Part-time, or
- B. Full-time faculty and staff positions being filled for less than ten months.

### **III. EXCEPTIONS**

- A. A position need not be advertised more than once every 90 days. Should a vacancy occur in the same title in the same department within 90 days of the date of the original advertising, it may be filled by a candidate who applied for the original position with approval from the Office of Human Resources.
- B. Reorganization: A reorganization is to realign responsibilities within a department or division. Reorganizations must be approved by the relevant Vice President, the Office of Human Resources and the President.
- C. Acting or Interim Positions: “Acting” or “Interim” positions are temporary assignments. If the position is vacant, individuals in acting or interim titles may apply for the vacant position.
  - 1. When a vacancy occurs, the appropriate Vice President may choose to appoint an employee to “act” in a capacity necessitated by the vacancy while a search is conducted. The acting or interim appointment may last until the search is concluded.
  - 2. The individual who is fulfilling the acting or interim duties may be compensated at a higher salary at the discretion of, and with the approval of, the relevant Vice President, Vice President for Finance and Administration and the President.
  - 3. All acting or interim appointments must be reviewed by the Office of Human Resources and approved by the relevant Vice President, Vice President for Finance and Administration and the President.
- D. Internal Filling of Vacancies: A position may be filled without a search in the following circumstances:
  - 1. The appointment is to a vacant position within the same Division.
  - 2. The appointment is to fill a special project need. Normally, a special project is defined as an assignment that will not exceed one year.

E. Other:

Other occasions when a position may not be posted or advertised, with the approval of the hiring supervisor and the Office of Human Resources are:

1. When Emmanuel College has an obligation to provide a position to a person who has returned from special assignment or an approved leave of absence.
2. When, through job re-evaluation, the job title and/or classification of a position is changed to properly reflect the duties of the position.
3. When temporary jobs are filled.
4. The President has the authority to grant an exception to the search process for business necessity, affirmative action reasons; or for any other reason as the President may deem acceptable for advancing the mission of the College.
5. The President has the authority to grant an exception to the search process in order to give preference to members of the founding religious congregation, the Sisters of Notre Dame de Namur, an appointment to some positions of responsibility in order to support the mission of the College.

F. Required Paperwork

All required paperwork must still be completed even for positions that do not require an external search.

## **Hiring Process**

### **I. PURPOSE**

To explain the required forms that must be completed by the hiring department and new employee to ensure the employee's employment records are complete and that the employee is paid in a timely manner.

### **II. SCOPE**

This section applies to all internal and external hires as well as transfers, unless otherwise noted, and is necessary regardless of whether or not a search was conducted.

### **III. REQUIRED FORMS**

The following must be completed before an employee is placed on the College's payroll:

- Personnel Action Form
- Offer letter signed by the new employee acknowledging acceptance of the position
- Background Check Release Form
- Appropriate certification and/or license if applicable.
- Employment Eligibility Verification Form (I-9)
- Application
- M-4
- W-4
- Payroll Forms
- Acknowledgment of receipt of all applicable policies
- Acknowledgement of Massachusetts Paid Family and Medical Leave Program

### **IV. PERSONNEL ACTION FORM**

In order to activate an employee on the payroll system, the hiring department must complete and file Personnel Action Form (see Appendix 1) with the Office of Human Resources. All appropriate signatures must be on the form in order for it to be forwarded to the Payroll Office. In order for an employee to be paid on the appropriate payday, all required forms must be submitted prior to the deadline for the appropriate payroll cycle.

## **V. EMPLOYMENT ELIGIBILITY VERIFICATION FORM (I-9)**

The Immigration Reform and Control Act of 1986 (IRCA) requires every employer to hire only United States Citizens and those non-citizens who are lawfully authorized to work in the United States.

In order to certify that persons working for Emmanuel College are authorized to do so, Emmanuel College must verify the legal right of all of its new or rehired employees, hired on or after November 6, 1986, to work in the United States. Before an employee can work at Emmanuel College, that individual must present proof of:

- United States Citizenship, or
- United States Permanent Resident Status, or
- Authorization to work (may be a general INS work authorization).
- The employee must come to the Office of Human Resources with appropriate documentation to complete the I-9 form within the employee's first three days of employment.

## **VI. APPLICATION**

All exempt and non-exempt employees are required to have an employment application on file in the Office of Human Resources. If a search was conducted, an application should have been completed and sent to the Office of Human Resources during the search process. Internal candidates being selected for a new position should also file updated applications.

## **VII. SIGNED OFFER LETTER**

An offer letter signed and dated by the candidate must be received in the Office of Human Resources for all candidates, including faculty appointees, hired as a result of a search and all those who are hired for at least 21 hours or more per week

# **Background Check Policy**

## **I. POLICY**

It is the policy of Emmanuel College to perform pre-employment background checks. The purpose of performing these checks is to determine and or confirm, within appropriate legal and professional limits, the qualifications and suitability of a job candidate for the particular position for which the candidate is being considered. The Background Check Policy will help ensure the safety of the public as well as a safe working and learning environment for faculty, students and staff. The Background Check Policy will also help ensure that employment related decisions utilizing pre-employment background check are made in accordance with applicable law.

## **II. SCOPE**

- A. Emmanuel College will perform pre-employment background checks on all candidates for employment. In addition, if an employee changes positions in the College, any additional required background checks for that position which have not previously been performed will be performed.
- B. The components of each candidate's background check will depend on the job. Depending on the particular position, Emmanuel College currently performs identity and address related searches, various types of criminal (including sexual offender) background checks, employment credit checks, driving record, education, prior employment and professional license verifications.
- C. Emmanuel College complies with the federal Fair Credit Reporting Act (FCRA), federal and state equal opportunity laws and all other applicable legal authority that affects the performing of pre-employment background checks.
- D. The results of a pre-employment background check are confidential and are to be shared with members of Emmanuel College on a strict "need to know" basis.

## **III. PROCEDURE**

- A. All candidates will be required to sign appropriate authorizations and consents prior to the performing of any pre-employment background checks.
- B. Candidates that provide false or misleading information in their application and/or authorization may be eliminated from any further consideration. Candidates are expected to provide accurate and complete information and not to omit material information needed to make a decision.
- C. Pre-employment background checks should normally be completed upon an acceptance of an offer of employment. All job offers should be conditioned upon satisfactory completion of the pre-employment background checks in addition to a comprehensive assessment of the candidate's qualifications, skills and abilities to perform the job for which the candidate is being considered. The applicant may start employment prior to the results being returned. However, if the background check does not come back meeting the College's standards, the employee may be terminated.

- D. Prior to taking any adverse action, appropriate pre-adverse and adverse action notices will be sent to the candidate pursuant to federal and any state FCRA laws together with a copy of the report.
- E. All candidates shall be individually reviewed and decisions made with respect to employment based upon the totality of the candidate's qualifications and the results of the pre-employment background checks.
- F. In general, the relevance of a particular pre-employment background check to a candidate's eligibility for employment is based upon the following factors:
  - 1. the nature of the job for which the applicant is being considered;
  - 2. the nature and seriousness of the offense or adverse information; in the case of a criminal matter, the facts surrounding the matter are particularly relevant;
  - 3. the length of time since the offense/adverse incident occurred;
  - 4. the age of the applicant at the time of the adverse incident in relation to the present may also be relevant.
- G. Unless otherwise specified by law, having adverse information, including a criminal history or conviction does not automatically preclude a candidate's eligibility for employment.

#### IV. **DISCLAIMERS**

It is not the purpose of the Background Check Policy to provide detailed information or descriptions of each individual pre-employment background check that can be performed. It is not the purpose of this policy to provide detailed information on how to make a final decision regarding the results of a pre-employment background check; every case must be decided on its own merits subject to the College requirement that all candidates be treated equally and consistently. It is not the purpose of this policy to provide detailed information of all applicable law. Questions about these subjects should be directed to the Office of Human Resources. The Background Check Policy does not limit Emmanuel College's right to hire, discipline or terminate. This policy does not create a contract of employment. All employment is at will unless contract or law applies to the contrary.

# **Wage and Salary Administration**

## **Basis of Compensation and Work Schedules**

### **I. PURPOSE**

To establish the normal daily/weekly work schedules and the basis of compensation for regular hours worked, overtime, and other adjustments to normal work schedules (for example, emergency call-in).

### **II. SCOPE**

This policy covers exempt and non-exempt staff employees (See Employee Status and Classifications for further definition).

### **III. DEFINITIONS<sup>1</sup>**

- A. **Workday** - A scheduled work period starting between 12:01 a.m. and midnight. The normal workday for staff employees is 8:30 a.m. through 4:30 p.m. The normal workday for service staff employees is 7:00 a.m. through 3:30 p.m. The actual hours of an employee's workday are determined by his or her supervisor.
- B. **Workweek** - The period from 12:01 a.m. Sunday to midnight Saturday.
- C. **Overtime** - Hours of work by non-exempt staff in excess of 40 hours in any one workweek.
- D. **Emergency Call-In** - When a non-exempt staff member is asked to report to work to take care of an emergency that cannot wait until regularly scheduled working hours.

### **IV. PAY PERIODS**

Administrators, professional, and support staff employees are paid on a semi-monthly basis for the preceding payroll. Paychecks are issued on the 15th and 30th of each month and reflect wages earned through the date paid. If the fifteenth falls on a Saturday, Sunday or Bank observed Holiday, the pay date is on the preceding business day.

Faculty employees are paid on a monthly basis. Paychecks are issued on the twelfth day of each month and reflect wages earned through the end of the month. If the twelfth falls on a Saturday, Sunday or Bank observed holiday, the pay date is on the preceding business day.

Service staff employees are paid on the bi-weekly payroll every other Friday for the preceding 2 weeks.

## **V. WORK SCHEDULE**

The usual full-time regular workweek for exempt and non-exempt support staff employees consists of five seven-hour work days with an unpaid one-hour meal period each day to be taken at a time that is approved by the employee's supervisor. The usual full-time regular workweek for service staff consists of five eight-hour work days with an unpaid half hour meal period each day to be taken at a time that is approved by the employee's supervisor. The actual work schedule for each employee is determined by his or her supervisor.

## **VI. COMPENSATION – NON-EXEMPT EMPLOYEES**

Non-exempt employees are covered under the overtime provisions of the Fair Labor Standards Act and corresponding state law and therefore, by law, are to be compensated for all overtime hours worked.

### **A. Responsibility**

- The immediate supervisor must approve all overtime assignments and ensure that overtime work is equitably distributed.
- It will be the responsibility of the appropriate supervisor to approve all timecards through ADP.

### **B. Overtime rates are as follows:**

- Hours worked in excess of the 40-hour work week will be compensated at 1.5 times the employee's regular rate of pay.
- A supervisor may allow the employee to substitute time off (compensatory time) for overtime worked only if this is done in the same pay period in which the non-exempt employee member worked the extra hours.

### **C. Emergency Call-in Rates are as follows:**

- A non-exempt employee will receive overtime pay for all call-in hours worked and is guaranteed a minimum of four hours' pay. If, at the end of the standard work week, hours worked total less than 40, call-in hours will still be compensated at the overtime rate.

### **D. Overtime Records and Payment**

- Overtime pay will be included in the paycheck issued for the period the overtime was worked. Included in the computation of hours worked will be: hours actually worked holiday hours and absence due to an

emergency facility closing. Unpaid time is not considered as hours worked when calculating overtime pay.

E. Emergency Facility Closing

- All regular employees who are sent home or notified not to report to work during an Emergency Facility Closing will be compensated for normally scheduled hours at their regular rate of pay.
- Non-exempt employees who are required to work under [generally normal conditions]<sup>2</sup> during an Emergency Facility Closing will be compensated at their regular rate of pay.
- Non-exempt employees who are required to work under what are not generally normal conditions during an Emergency Facility Closing will be compensated at their overtime rate of pay.

F. Record of Attendance

- All exempt and non-exempt employees are required to provide a record of their attendance using ADP Workforce Now.<sup>3</sup>

## VII. FAIR LABOR STANDARDS SAFE HARBOR POLICY

It is the College's policy and practice to accurately compensate employees and to do so in compliance with applicable laws. To ensure that they are paid properly for all time worked and that no improper deductions are made, all employees must record correctly all work time and review their paychecks promptly to identify and to report all errors. Employees also must not engage in off-the-clock or unrecorded work.

A. Review Your Pay Stub

- While the College makes every effort to pay its employees correctly, inadvertent mistakes can happen from time to time. When such mistakes do occur and are called to the College's attention, the College will promptly make any corrections necessary, including reimbursement for any improper deductions. If an employee believes a mistake has occurred or has any questions, he or she should use the reporting procedure outlined below.

B. Non-Exempt Employees

- If an employee is classified as a non-exempt employee, he or she must maintain a record of the total hours worked each day. These hours must be accurately recorded using ADP Workforce Now<sup>4</sup>. Each employee must verify that the reported hours worked are complete and accurate (and that there is no unrecorded or "off-the-clock" work). An employee must ensure that their timecard accurately reflects all regular and overtime hours worked, any absences, early or late arrivals, early or late departures and

meal breaks. When an employee receives each pay check, he or she should verify immediately that he or she was paid correctly for all regular and overtime hours worked each workweek.

C. Exempt Employees

- If an employee is classified as an exempt employee, he or she will receive a salary, which is intended to compensate the employee for all hours that he or she may work for the College. This salary will be established at the time of hire or when the employee becomes classified as an exempt employee. While an employee's salary may be subject to review and modification from time to time, it will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work the employee performs.
- An exempt employee will ordinarily be paid his or her full weekly salary for any week in which that employee performs work for the College, without regard to the number of days or hours worked. This salary will not be reduced for any of the following reasons in any week in which the employee performs work:
  - Partial day absences for personal reasons, sickness or disability.
  - Absence because the College is closed on a scheduled work day.
  - Absences for jury duty, attendance as a witness, or military leave in any week in which the employee has performed any work.
  - Any other deductions prohibited by state or federal law.
- An exempt employee's salary will, however, be reduced for certain types of deductions required by law or authorized by the employee, such as: the employee's portion of health or dental insurance premiums; state, federal or local taxes, social security, and retirement program contributions. In addition, an exempt employee's salary may be reduced during any work week in which he or she performs work if one the following exceptions apply:
  - Absences of one or more full days for personal reasons other than sickness or disability when the employee has exhausted all vacation time or has requested leave without pay.
  - Absences of one or more full days due to sickness or disability when the employee exhausted all paid leave benefits.
  - Fees received by the employee for jury duty, witness duty, or military leave may be applied to offset the pay otherwise due to the employee.
  - Unpaid disciplinary suspensions of one or more full days in accordance with the College's policies.

- Deductions for unpaid leave taken in accordance with a legitimate approved leave of absence.

**D. Complaint Procedures**

- If an employee believes his or her pay has been improperly reduced by an unauthorized deduction or that there has been any other payment error, the employee should contact the Office of Human Resources immediately. The employee is responsible for submitting his or her complaint in writing via memo or e-mail. The complaint should include the dates and circumstances of the unauthorized pay deduction or other payment error, and whether such error has occurred on other occasions. The Office of Human Resources will review the complaint and any pay records and may interview the employee or the employee's supervisor. The College will notify the employee after making a determination of whether there has been an unauthorized deduction or any other payment error. If the College determines that there has been an improper deduction or any other payment error in the College's favor, the employee will be reimbursed as promptly as possible.
- The College will continue to strive to comply with its policies and applicable law following any unauthorized deduction or payment error. It is a violation of the College's policy and it is unlawful to retaliate against any employee for making or filing a complaint regarding an unauthorized deduction or other payment error. Any such retaliation will result in disciplinary action, up to and including termination of employment.

**Note Regarding Overtime Guidelines**

It is recognized that excessive overtime entails added costs to the College, added inconvenience, and reduced efficiency on the part of the non-exempt employee. Therefore, no overtime will be required that is not consistent with efficient and safe job performance. The Office of Human Resources will review with the department head involved all cases of excessive overtime, and they will be jointly responsible for avoiding overtime situations that could result in unsafe or inefficient work performance by an employee.

The Office of Human Resources will be responsible for interpreting the provisions of this policy and applicable state and federal laws whenever a question of eligibility and/or appropriate payment develops regarding the computation of overtime.

## **Wage and Salary Administration**

### **I. PURPOSE**

- A. To establish and maintain accurate classifications, job descriptions, and job evaluations.
- B. To explain administrative practices such as increases within the rate range and wage actions at the time of hire, promotion, reduction, recall, or re-evaluation.

### **II. SCOPE**

This policy applies to exempt and non-exempt staff employees. (See Employee Status and Classification for further definition).

### **III. DEFINITIONS**

- A. **Rate Range** – wage guidelines developed by the Office of Human Resources for the recommended market rate for a particular position or group of positions.
- B. **Merit Increase** – a voluntary pay increase based upon performance.
- C. **Promotion** – a change from one job to another job requiring higher qualifications, greater skills or longer experience and involving a higher level of responsibility.
- D. **Lateral Moves** – transfer to a position within the same rate range.

### **IV. WAGE AND SALARY STRUCTURE DEVELOPMENT**

- A. The Office of Human Resources is responsible for developing and recommending the wage and salary structure.
- B. This structure may be reviewed annually and adjusted as necessary.

### **V. WAGE AND SALARY STRUCTURE**

- 1. The wage structure is composed of a series of recommended rate ranges. Movement occurs within these ranges based on both length of service and performance as deemed acceptable according to the performance appraisal policy, in each case as determined in the sole discretion of Emmanuel College.
- 2. For employees whose overall performance exceeds job requirements, pay rates may be accelerated within the structure.
- 3. For employees whose overall performance needs improvement, pay rates may be restricted in the structure until performance meets standards or the employee separates.

## **VI. MAINTENANCE OF JOB DESCRIPTIONS, JOB EVALUATIONS AND CLASSIFICATIONS**

- A. Maintenance of accurate classifications, descriptions, and evaluations are necessary for the implementation of this policy. Accordingly, the immediate supervisor for a particular position or classification must request an evaluation by the Office of Human Resources whenever the department creates a new position, or whenever significant changes are made to an existing classification.
- B. Such evaluations should only be requested when it is expected that the change will be continuous. It is necessary for the relevant Vice President, Dean or Department Head to approve the request for an evaluation.
- C. The final recommendation must be approved by the relevant Vice President, Office of Human Resources, Vice President for Finance and Administration and the President.
- D. The relevant Vice President, Dean or Department Heads and immediate supervisors should ensure that employees are assigned to appropriate classifications.
- E. When an employee's job is re-evaluated and results in a change in rate range, the following provisions will apply:
  - 1. When the job is raised to a higher range, normally the employee will be moved into the new rate at the recommended minimum of the new range. If the employee is already at or above the new recommended minimum, the Office of Human Resources, in consultation with the appropriate Vice President, will suggest an appropriate rate of pay.
  - 2. When the job is moved to a lower range, the employee's rate may be maintained. If the rate is above the recommended median of the new range, it may be frozen until the range overtakes the rate through structure adjustments.

## **VII. APPROVAL**

No proposed changes are to be considered final until all necessary approvals have been obtained and the supervisor has been notified by the Office of Human Resources. Until then, proposed changes must not be discussed with the employee.

## **VIII. HIRING POLICY**

Employees will be hired with pay within the recommended salary or rate range.

## **IX. MERIT ADJUSTMENTS**

Employees are reviewed annually for salary increases based upon their job performance. Salary increases are awarded in the sole discretion of Emmanuel College; strong performance does not guarantee an increase.

**X. MOVEMENT TO A HIGHER RANGE THROUGH REORGANIZATION OR THE RESULT OF A SEARCH**

- A. When a job is raised to a higher range, normally the employee would move into the new range at the recommended minimum of the new range or if the employee is already at or above the new recommended minimum, the Office of Human Resources will suggest an appropriate rate of pay.

**XI. MOVEMENT TO A POSITION WITHIN A LOWER RANGE THROUGH REORGANIZATION OR THE RESULT OF A SEARCH**

- A. Transfer to a position within a lower range may be allowed.
- B. The Office of Human Resources, in consultation with the appropriate Vice President, will suggest an appropriate rate of pay.

**XII. MOVEMENT WITHIN THE SAME RANGE THROUGH REORGANIZATION OR THE RESULT OF A SEARCH**

- A. Transfer to a position within the same range may be allowed.
- B. The Office of Human Resources, in consultation with the appropriate Vice President, will suggest an appropriate rate of pay.

## **Performance Appraisals**

### **I. PURPOSE**

- A. To provide employees with the opportunity for performance improvement through discussions with the supervisor of significant strengths and areas needing improvement in a positive, constructive manner.
- B. To provide a systematic means for supervisors to make merit wage/salary determinations based upon their candid, objective assessment of an employee's performance in relation to the employee's job description.
- C. To provide a means for evaluating suitability for continuation of employment past the initial appraisal period and for job transfer and/or promotions.
- D. To provide for the identification of training needs.

### **II. SCOPE**

This policy applies to exempt and non-exempt staff employees (See Employee Status and Classifications for further definition).

### **III. ADMINISTRATIVE GUIDELINES**

#### **A. Job descriptions**

Job descriptions, including essential functions of the job, will be the basis for rating the performance level of employees. Essential functions are those core functions that are critical to fulfilling job responsibilities.

#### **B. Appraising Employee Performance**

- 1. Supervisors are responsible for conducting thorough, impartial, and timely performance appraisals with staff who report directly to them.
- 2. Performance appraisals are a function of rating staff on the basis of performance and length of time in the position in relation to the job description.
- 3. The Performance Appraisal forms are intended to assist supervisors in recording their assessments of an employee's performance and in communicating this with the employee.
  - (a) Supervisors shall comment on each competency independently of other competencies.
  - (b) Employees and supervisors should be encouraged to make comments for the record.

(c) A supervisor may choose to conduct an alternate method of performance appraisal in lieu of the standard form but only with the written approval of the Office of Human Resources.

4. The Performance Appraisal form (see Appendix 2) defines competencies required for successful performance at Emmanuel College. The form also includes specific examples of key indicators of these competencies to assist in identifying expected behaviors.

5. Should an employee disagree with the performance appraisal, the employee should discuss the differences with the supervisor in an effort to reach a mutually satisfactory resolution. If unable to achieve such a resolution, the supervisor should arrange for the employee to discuss the appraisal with the next level of supervision who would then consider the employee's reason for disagreement and discuss the matter with the supervisor to seek a resolution.

(a) If a resolution cannot be reached, the employee should prepare a written statement of the reasons for dissenting from the departmental appraisal. This statement should be attached to the performance appraisal and sent to the Office of Human Resources within five working days after the employee has appealed the appraisal.

(b) The Office of Human Resources will review all the information, and if necessary (as determined in its sole discretion), discuss the matter with the supervisor and employee in an attempt to reach a resolution within ten business days.

#### C. Frequency of Performance Appraisals

1. The performance of an employee should be reviewed at least annually. It is the responsibility of the immediate supervisor to conduct the annual performance evaluation.

2. Performance is also reviewed within six months after an employee's date of hire, transfer, or promotion to a new position. This time period may be extended with the approval of the Office of Human Resources.

3. Performance appraisals may be conducted at times other than the above when requested by the employee and/or deemed necessary or appropriate by the supervisor.

4. Performance appraisal discussions should closely interface with day-to-day information and guiding of staff in their development.

#### **IV. ADMINISTRATIVE PROCEDURES**

- A. The Office of Human Resources notifies the supervisor that a performance appraisal should be conducted as indicated in frequency of performance appraisals.
- B. The supervisor informs the employee that an appraisal will be conducted and invites the employee to complete a self-appraisal, by inviting the employee to complete the self-appraisal form, in preparation for the appraisal interview.
- C. The supervisor conducts the appraisal interview with the employee on or before the scheduled review date during an uninterrupted meeting. The supervisor invites the employee to comment on the performance appraisal, affording the employee a reasonable period of time to develop comments. If there are significant changes to the original appraisal, the supervisor will review those changes with the next level of supervision. The employee acknowledges and forwards the appraisal form to the supervisor to be retained in the employee's official employment file.
- D. The Office of Human Resources will encourage accurate and consistent evaluations by monitoring evaluation ratings.

# Benefits Administration

## **Employee Benefits**

The information in this section represents the highlights of benefits currently offered to employees by Emmanuel College. Eligibility for certain benefits may be contingent upon a number of factors, including the number of hours an employee is scheduled to work and an employee's length of service with the College. The actual terms and conditions of benefits are governed by the official plan documents. To the extent a description of a benefit in this manual varies from the official plan documents, the official plan documents govern. Benefits offered by Emmanuel College are an important part of the College's commitment to its employees. However, the College reserves the right to terminate, suspend, withdraw, amend or modify any of its benefits plans in whole or in part at any time, to the extent permitted by law.

The benefits highlighted in this section are available to eligible faculty and staff employees as noted. The benefits described in this policy manual supersede those described in any previous exempt and/or non-exempt employee handbook, faculty manual, policies or practices.

Since employee benefits are subject to frequent change, employees are urged to contact the Office of Human Resources for the latest benefit information.

# Eligibility Requirements for Emmanuel College's Benefit Plans

## I. PURPOSE

To describe the Emmanuel College benefit plans and describe the conditions under which employees will be eligible to join such plans.

## II. SCOPE

Regular employees may participate in the following Emmanuel College benefit plans subject to the eligibility requirements and other terms and conditions contained in the respective plan contracts or other plan documents. Temporary employees and adjunct faculty are not eligible for the benefit plans defined below, with the exception of the Supplemental Retirement Program. The actual terms of the various employee benefit plans are stated in and governed by the formal plan documents. Emmanuel College makes no promise to continue plan benefits in the future and reserves the right to terminate or amend any benefit plan; benefits vest only as stated in plan documents.

## III. DEFINITIONS

- A. **Accidental Death and Dismemberment Insurance** – Coverage to give additional protection to the employee's family or beneficiary in case of death by accidental means, or to protect the employee in case of dismemberment resulting from accidental means.
- B. **Dependent Child** – "Child" includes the employee's own child, step-child, legally adopted child or one for whom more than half of the support was received from the employee during the relevant taxable year.
- C. **Short-Term Disability Insurance** – Coverage to protect the employee in case the employee is disabled by illness or injury.
- D. **Long-Term Disability Insurance** – Coverage to protect the employee in case the employee is disabled by illness or injury.
- E. **Health Insurance** – Coverage to provide assistance in paying medical bills for the employee and eligible dependents.
- F. **Dental Insurance** – Coverage to provide assistance in paying dental bills for the employee and eligible dependents.
- G. **Life Insurance** – Coverage to protect the employee's family or beneficiary in case of the employee's death.
- H. **Supplemental Life Insurance** – Additional coverage to protect the employee's family or beneficiary in case of employee's death, or in the case of a family member's death.
- I. **Retirement Plan** – Coverage to assist the employee in providing for a source of retirement income.

- J. **Vision Care Plan** – Coverage to provide additional assistance in paying for vision related expenses for employees and eligible dependents.
- K. **Long-Term Care Insurance** – Coverage helps provide for the cost of long-term care beyond a predetermined period. Long-term Care insurance covers care generally not covered by health insurance, Medicare, or Medicaid.

#### IV. **POLICY**

Regular Employees may participate in the following benefit plans subject to the eligibility requirements and other terms and conditions contained in the relevant plan or policy documents.

- A. **Commuter Assistance** – Subsidized monthly program for commuters who utilize public transportation.
- B. **Defined Contribution Retirement Program** – An eligible employee may, on a voluntary basis, begin participation in this Plan following fulfillment of the following requirement(s):
  - 1. Scheduled to work at least 1000 hours per year on a continuing basis;
  - 2. The completion of 1 year of service at the College; and
  - 3. The attainment of age 21.

An eligible employee is required, as a condition of employment, to begin participation in the Plan no later than upon the completion of the following requirement(s):

- 1. The completion of five years of service at the College;
  - 2. The attainment of age 35.
- C. **Health Insurance** – Employees scheduled to work 21 hours or more per week on a continuing basis, may enroll for individual or family coverage.
- D. **Life Insurance and Accidental Death and Dismemberment Insurance Plan** – Employees scheduled to work 21 hours or more per week on a continuing basis are covered.
- E. **Long Term Disability Insurance** – Full-time employees scheduled to work 21 hours or more per week on a continuing basis are covered.
- F. **Supplemental Retirement Program** – Any employee, regardless of eligibility for other benefits, may participate as long as his/her Maximum Exclusion Allowance as set by the Internal Revenue Service (IRS) is not less than \$200 in any calendar year. Participation in this program is subject to Internal Revenue Service limitations.

- G. **Tuition Remission** - Full-time employees scheduled to work 35 hours or more per week on a continuing basis, their spouses, and dependent children are eligible for tuition remission benefits in accordance with the following schedule:
1. Full-time employees and full-time faculty 100% of net tuition charge employees;
  2. Spouses and dependents of full-time 50% of net tuition charge employees or full-time faculty employees who have been employed at least one year;
  3. Spouses and dependents of full-time 75% of net tuition charge employees or full-time faculty employees who have been employed at least two years;
  4. Spouses and dependents of full-time 100% of net tuition charge employees or full-time faculty employees who have been employed at least three years;<sup>5</sup>
- H. **Vision Care Plan** – Employees scheduled to work 21 hours or more per week may enroll in this plan as an individual or as one of three family options (Employee + one, Employee + Children or Employee + Family).
- I. **Short-Term Disability Insurance** – Employees scheduled to work 21 hours or more per week may enroll in this plan.
- J. **Long-Term Care Insurance** – Employees scheduled to work 21 hours or more per week may enroll in this plan. Family members of eligible employees are also eligible for this plan under the College's group rates.

## Eligibility Dates / Termination Dates/of Emmanuel College Benefit Plans

### I. PURPOSE

To set forth the dates upon which the various coverages indicated will become effective for eligible employees (provided the proper forms have been completed and received by the Office of Human Resources) and the dates on which such coverages shall cease following separation of employment.

### II. POLICY

#### A. Eligibility Dates

| Plan   | Eligibility Date   |
|--|--|
| Health and Dental Plans  | First of the month following date of hire for new employee provided employee enrolls within 30 days of hire. Otherwise, enrollment may take place: <ul style="list-style-type: none"> <li>only during the open enrollment period to be effective January 1 each year;</li> <li>within 30 days of a qualifying family status change.</li> </ul> |
| Life and Accidental Death and Dismemberment Insurance, Supplemental Life and Short-Term Disability Insurance | First of the month following date of hire.   |
| Long Term Disability Insurance   | First day of the month following completion of 6 months of service.  |
| Defined Contribution Retirement Program  | First day of the month following completion of one year of service at the College. Employees must have worked at least 1,000 hours in the year. Prior year of service at another institution of higher education or research facility may be considered.   |
| Supplemental Retirement Program  | First day of any month following receipt and approval of a signed salary reduction agreement and TIAA-CREF Application.  |
| Tuition Remission  | Employee: Start of the semester after the date of hire.<br><br>Spouse or Dependent: 50% as of start of semester after Employee has worked at the College for at least one year; 75% after two years; and 100% after three or more years.   |
| Vision Care Plan   | Same as Health and Dental (see above)  |

| <b>Plan</b>              | <b>Eligibility Date</b>                    |
|--------------------------|--|
| Long-Term Care Insurance | First of the month following date of hire. |

**B. Termination Dates**

| <b>Plan</b>   | <b>Termination Date</b>   |
|---|---|
| Health and Dental Plans   | Last day of the month in which the employee separates unless COBRA coverage is elected. The continuation coverage period is 18 months. The 18- month period may be extended if other events occur (see COBRA Notice of Rights). |
| Life and Accidental Death and Dismemberment Insurance, Supplemental Life and Long-Term Disability Insurance | Last day of the month in which the employee separates. Life Insurance is convertible with the carrier within 31 days following the month coverage ceased.   |
| Short-term Disability Insurance   | Last day of the month in which the employee separates active work.  |
| Defined Contribution Retirement Program   | Contributions cease on the date of separation of employment.  |
| Supplemental Retirement Program   | Contributions cease on the date of separation of employment.  |
| Tuition Remission   | Tuition remission for employees and dependents will not be available for any semester commencing after the separation date.   |
| Vision Care Plan  | Same as Health and Dental (see above)   |
| Long-Term Care Insurance  | Last day of the month in which the employee separates active work.  |

## Tuition Remission Employees, Spouses and Dependents

### I. PURPOSE

To define the conditions under which Emmanuel College will pay tuition scholarship benefits for employees, their spouses and their children.

### II. SCOPE

This policy applies to:

- A. A full-time employee who works 35 hours per week;
- B. A full-time ranked faculty employee who carries a full-course load or its equivalent (a “full-time faculty employee”);
- C. A spouse of a full-time employee or full-time faculty employee;
- D. A dependent of a full-time employee or full-time faculty employee (claimed by the parent on federal income tax forms).

### III. TUITION POLICY

#### A. Benefit

An eligible employee whose application is approved and who is enrolled at the College will receive remission of the College’s tuition charge in accordance with the following schedule:

|   |                            |
|---|----------------------------|
| Full-time employees and full-time faculty employees;  | 100% of net tuition charge |
| Spouses and dependents of full-time employees or full-time faculty employees who have been employed at least one year;    | 50% of net tuition charge  |
| Spouses and dependents of full-time employees or full-time faculty employees who have been employed at least two years;   | 75% of net tuition charge  |
| Spouses and dependents of full-time employees or full-time faculty employees who have been employed at least three years; | 100% of net tuition charge |

#### B. Continuation

In order to continue receiving benefits under this policy, the student must maintain a cumulative grade point average of at least 2.0.

### C. Limitations

- Benefits for a spouse or dependent will be provided for a maximum of 128 credits.
- Only one degree will be awarded to all those eligible to participate in the plan, except employees.
- Dependents are limited to undergraduate study; however, employees and spouses may take graduate courses.
- Undergraduate course load: Employees and spouses will be limited to six (6) undergraduate courses per calendar year. If both employee and spouse take courses, the total may not exceed the employee's benefit. Dependents enrolled as full-time students should refer to the academic catalog for information about undergraduate course loads.
- Graduate course load: Employees and spouses will be limited to four (4) graduate courses per calendar year. If both employee and spouse take courses, the total may not exceed the employee's benefit.
- Employees and spouses will be wait-listed for undergraduate and graduate courses. Available seats are restricted to two employees or spouses per course on a "first come, first served" basis. In instances of low enrollment in courses, the College may determine that only one employee or spouse may participate.
- Tuition Remission benefits for employees and spouses may not be applied to directed study courses.
- Enrollment may be limited due to class size, available classroom space, or academic considerations. For example, new online program offerings may not be available to employees and spouses pending sufficient enrollment numbers.
- The employee is responsible for submitting all additional fees to the Business Office.

## IV. PROCEDURE

- A. Employees, spouses or dependents who wish to take courses at Emmanuel College must use the following procedure:
1. Apply for admission to the College. Employees, spouses or dependents must apply for admission and meet all stated requirements for undergraduate or graduate programs.

2. Once accepted into the program, the employee will notify the Office of Human Resources that they, their dependent or spouse will be taking classes. The employee will be added to the Tuition Benefits team site on the MySaints Portal. The employee must complete the online Tuition Remission form.

The Office of Human Resources will request approval from the employee's supervisor and will update the Tuition Benefits team site appropriately

- B. When, during a semester, an employee separates from the College for any reason, the cost of the tuition will be pro-rated with the employee responsible for the remaining portion.
- C. Employees may enroll in courses offered during the workday subject to the approval of their immediate supervisor and department head. In deciding whether to grant approval, the supervisor and department head should take into consideration the work requirements of the office and whether the course is job related. Time away from work to attend classes must be made up.

## **V. RESPONSIBILITY**

All questions regarding the interpretation or application of the provisions of this policy should be addressed to the Office of Human Resources.

## **Tuition Exchange for Dependents**

### **I. PURPOSE**

To define the conditions under which dependents of Emmanuel College employees may apply to a network of participating colleges and universities who are willing to accept tuition-free-students.

### **II. SCOPE**

This policy applies to a dependent of a full-time staff employee or full-time faculty employee (claimed by either parent on federal income tax forms).

### **III. THE TUITION EXCHANGE, INC.**

The Tuition Exchange, Inc. consists of over 480 colleges and universities located in 45 states, DC and the UK willing to accept tuition-free-students from families of full-time employees of other TE institutions. A list of participating institutions can be found on the TE website at [www.tuitionexchange.org](http://www.tuitionexchange.org). The TE limits the number of scholarships that can be offered. For that reason, Emmanuel College must strictly adhere to its published guidelines. Those guidelines are as follows:

1. The full-time faculty/staff member must have been employed at the College for at least five years.
2. Preference for available openings will be given to the faculty/staff members with seniority in length of service to the College. Available openings will be considered for one dependent at a time. Availability cannot be transferred from one dependent to another.
3. The eligible dependent must maintain the eligibility guidelines and fulfill the following academic requirements:
  - (a) The dependent must be enrolled as a full-time student at an institution offering the Tuition Exchange Program;
  - (b) The dependent must not receive any grades lower than C in any course during the semester of tuition exchange;
  - (c) The dependent must not receive any course withdrawals or incompletes during the semester of the tuition exchange.

### **IV. PROCEDURE**

- A. Dependents of employees who meet the eligibility requirements should apply to participating TE schools following the regular admissions procedure.
- B. The eligible employee will be responsible for completing the TE application and submitting to the Tuition Liaison Officer in the Office of Human Resources.

- C. The Tuition Liaison Officer will send a letter of acceptance or rejection to the employee and notify the importing institution of the application.
- D. The importing institution will notify the student of his or her acceptance into the exchange program by mail prior to the start of the semester.

# Time Off Benefits

## **Paid Holidays**

### **I. PURPOSE**

To designate paid holidays, to define the conditions under which employees will be eligible for holiday pay, and to define how employees will be compensated for work performed on a paid holiday.

### **II. SCOPE**

This policy applies to regular full-time staff and faculty employees.

### **III. POLICY**

- A. Employees will be eligible for holiday pay on the days recognized by Emmanuel College as paid holidays.
- B. The Office of Human Resources will issue annually a list of recognized holidays.

Emmanuel College usually observes the following holidays:

- New Year's Day
- Martin Luther King Jr. Day
- President's Day
- Patriots Day
- Good Friday
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Indigenous People/Columbus Day
- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving Day
- Christmas

- C. Holiday pay will be calculated based on the employee's straight rate of pay for the time that the employee would have otherwise worked that day.
- D. If a recognized holiday falls during an eligible employee's paid absence, holiday pay will be provided instead of paid time off that would otherwise have applied.
- E. If eligible, non-exempt employees work on a recognized holiday, they will receive holiday pay plus wages at one- and one-half times their straight-time rate for the hours worked on the holiday. In addition, paid time off for holidays will be counted as hours worked for the purposes of determining whether overtime pay is owed.

#### **IV. ELIGIBILITY**

- A. Employees will be eligible for designated holiday pay beginning on the first date of employment.
- B. To be eligible for holiday pay, an employee must work on the last regularly scheduled workday preceding the holiday and the first regularly scheduled workday following the holiday, or on the holiday itself. When an employee is absent from the last scheduled workday before or first scheduled workday after the holiday, or is scheduled to work on the holiday and does not do so, payment for the holiday will be made if the reason for the absence is:
  - 1. Personal illness, surgery or hospitalization and the employee has notified the appropriate supervisor. Medical certification of the illness may be required.
  - 2. The employee is on approved vacation and the holiday falls during the vacation.
  - 3. The employee is on military reserve duty.
  - 4. The employee is on jury duty.
  - 5. A member of the employee's immediate family has died.
- C. Holiday pay will not be paid in cases where an employee is receiving compensation in the form of a:
  - 1. Long-term Disability Benefit
  - 2. Worker's Compensation Benefit

## **Paid Vacation - Exempt Employees Excluding Faculty**

### **I. PURPOSE**

To describe how exempt employees may earn, use and receive payment for vacation time.

### **II. SCOPE**

Except for faculty, this policy applies to:

- A. Regular and full-time exempt staff employees (See Employee Status and Classifications for further definition).
- B. Regular part-time exempt employees scheduled to work 21 or more hours per week.

### **III. POLICY**

- A. Full-time exempt twelve-month employees who are scheduled to work at least 35 hours per week earn vacation time at the rate of 1.67 days per month. Vacation accrual will be pro-rated for any employee who works less than 35 hours and not less than 21 hours per week.
- B. Employees working less than 21 hours per week are not eligible for vacation.

### **IV. DEFINITIONS**

- A. Accrual Year - The accrual year is the twelve-month period beginning with the employee's date of hire.

### **V. ACCRUAL**

- A. Vacation time accrues each month. An exempt employee begins to accrue vacation time on the first day of employment.<sup>6</sup>
- B. When a non-exempt employee moves to a position covered by this policy, the accrual rate will change on the effective date of the move. Absences for military reserve duty, jury duty and approved paid absences ((other than long-term disability or absences covered by workers' compensation). will not interrupt vacation time accrual. Vacation will not accrue during periods of unpaid absence.
- C. Full-time exempt twelve-month employees will not accrue any additional vacation after 20 days have been accrued. Accrual will resume after the number of accrued days drops below 20.<sup>7</sup>

## **VI. USE OF VACATION TIME**

- A. Vacation time may be taken only with the approval of the exempt employee's supervisor; such approval shall not be unreasonably withheld.
- B. Emmanuel College's work requirements shall take precedence over the scheduling of any exempt employee's vacation.
- C. Vacation time can be used in increments of half days. Any fraction of a day used that is less than this will be charged as one-half day.
- D. All usage of vacation time must be recorded on ADP Workforce Now.

## **VII. PAYMENT**

- A. An exempt employee will receive pay for a holiday, and not vacation pay, when an official Emmanuel College holiday falls during the exempt employee's scheduled vacation.

## **VIII. SEPARATIONS**

- A. An exempt employee is entitled to vacation pay upon separation for the number of unused vacation days accumulated up to 20 days.
- B. In the event of the death of an exempt employee, any vacation pay to which the employee was entitled will be paid in accordance with the law.
- C. All payments for accrued vacation will be paid at the base rate of pay in effect at the time of separation.

## **Paid Vacation - Non-exempt Employees**

### **I. PURPOSE**

To describe how a non-exempt employee may earn, use, and receive payment for vacation time.

### **II. SCOPE**

This policy applies to:

- A. Regular full-time non-exempt staff employees (See Employee Status and Classifications for further definition).
- B. Regular part-time non-exempt staff employees who are scheduled to work 21 hours or more per week.

### **III. POLICY**

- A. Non-exempt employees scheduled to work at least 35 hours per week earn vacation time according to the following schedule:

| <b>Length of Service Completed</b> | <b>Vacation Days Earned</b> | <b>Total Days Per Year</b> |
|------------------------------------|-----------------------------|----------------------------|
| 0 up to 2 years                    | .83 days per month          | 10                         |
| 2-5 years                          | 1.25 days per month         | 15                         |
| 5 or more years                    | 1.67 days per month         | 20                         |

- B. Non-exempt employees who work less than 35 hours per week and a minimum of 21 hours per week accrue vacation time on a pro-rated basis calculated based on all hours worked, according to the schedule noted above.

### **IV. DEFINITIONS**

- A. Accrual - The accrual year is the twelve-month period beginning on the first day of employment.

### **V. ACCRUAL**

- A. Vacation time accrues each pay period. A new non-exempt employee begins to accrue vacation time on the first day of employment. Any change in accrual rates will occur on the anniversary of this day.
- B. Absences for military reserve duty, jury duty and approved paid absences ((other than long-term disability or absences covered by workers' compensation). will not interrupt vacation time accrual. Vacation will not accrue during periods of unpaid absence.

- C. At the end of a calendar year, a non-exempt employee may carry over to the next year all unused vacation time up to the number of days earned per year. However, during the calendar year a non-exempt employee may not accrue in excess of these maximums. Accrual will resume after the number of accrued days drops below the applicable maximum.
- D. Vacation time will accrue on a straight time basis.

## **VI. USE OF VACATION TIME**

- A. Vacation time may be taken as accrued and only with the approval of the nonexempt employee's supervisor; such approval shall not be unreasonably withheld.
- B. Emmanuel College's work requirements shall take precedence over the scheduling of any non-exempt employee's vacation.
- C. Vacation time can be used in units of one-half hour up to seven hours per day.
- D. All usage of vacation time must be recorded on ADP Workforce Now.

## **VII. PAYMENT**

- A. Vacation pay will be at the pay rate in effect for the non-exempt employee during the vacation.
- B. A non-exempt employee will receive pay for a holiday, not vacation pay, when an official Emmanuel College holiday falls during the non-exempt employee's approved vacation.

## **VIII. SEPARATIONS**

- A. A non-exempt employee is entitled to vacation pay upon separation for the number of unused vacation days accumulated, up to the maximum number of days the employee was eligible to earn that year.
- B. In the event of the death of a non-exempt employee, any vacation pays to which the employee was entitled will be paid in accordance with the law.
- C. All payments for accrued vacation will be paid at the rate of pay in effect at the time of separation.

## **Paid Sick Leave**

### **I. PURPOSE**

To define the conditions under which an eligible employee, as described in Section II, will be paid for absences from work caused by sickness or injury.

### **II. SCOPE**

This policy applies to:

- A. Regular full-time exempt and non-exempt staff employees (See Employee Status and Classifications for further definition).
- B. Regular part-time exempt and non-exempt staff employees scheduled to work at least 21 hours per week

### **III. POLICY**

- A. Employees who have accrued sick time will receive sick pay when they are unable to work because of sickness or injury.
- B. An employee may use up to five (5) accrued sick leave days to care for an eligible family member who is ill or injured. Eligible family members are those that the employee is permitted to take leave to care for under the Family and Medical Leave of Absence Policy (FMLA policy).
- C. An eligible employee will be required to utilize available paid sick time benefits (sick leave days or Workers' Compensation Benefits) for an FMLA leave granted due to the employee's serious health condition. Therefore, any usage of paid sick time in a twelve-month period for an employee's serious health condition (as defined in the FMLA policy) constitutes time granted for an FMLA leave and will be counted as part of an eligible employee's twelve-week non-paid leave entitlement under the FMLA.
- D. Emmanuel College may require medical certification of illness in order to pay sick benefits at any time. Additionally, the College may require an independent medical evaluation by the College's Medical Contractor, at the expense of the College.

### **IV. ACCRUAL**

- A. Regular full-time employees will be granted sick leave benefits at the rate of 10 days per year, effective January 1. A new employee begins to accrue sick leave on the date the employee is first eligible for benefits. This time is pro-rated from the date of employment.
- B. Regular Part-time employees, scheduled to work at least 21 hours per week, will be granted pro-rated sick leave benefits. A new employee begins to accrue sick leave on the date the employee is first eligible for benefits.

- C. Unused sick leave benefits will be allowed to accumulate until the employee has accrued a total of 90 calendar days' worth of sick leave benefits. If the employee's benefits reach this maximum, further accrual of sick leave benefits will be suspended until the employee has reduced the balance below the limit.
- D. Sick leave will accrue on a straight time basis.
- E. Sick leave will continue to accrue during absences for military reserve duty, jury duty and approved paid leave of absence (except for short or long-term disability or absences covered by workers' compensation).
- F. Sick leave will not accrue in cases where an employee is receiving compensation in the form of a:
  - Long-term Disability Benefit
  - Workers' Compensation Benefit

## **V. PAYMENT FOR SICK TIME**

- A. Employees will receive sick pay for absences due to the employee's sickness up to the amount of accrued sick time
- B. When an employee is absent due to a non-work-related sickness and has no accrued sick time, the absence may be charged against any accrued vacation time.
- C. Sick leave payments will be at the base pay rate in effect during the period of sick leave.
- D. Non-exempt staff may use sick leave in units of one-half hour up to seven hours per day.
- E. Accrued sick leave benefits may be used to supplement any payments that an employee is eligible to receive from workers' compensation. The combination of any such workers' compensation and sick leave benefits cannot exceed the employee's normal base earnings.
- F. Employees will not be paid for unused accrued sick time upon separation from Emmanuel College.
- G. If an employee does not have sick time or vacation time to use but needs to take time off because of sickness or illness, time off may be granted without pay in accordance with the Leave of Absence Policy or the Family and Medical Leave of Absence Policy.

## **VI. Massachusetts Earned Sick Leave Law**

- A. Massachusetts earned sick leave law and provide employees with up to 40 hours of paid sick time per benefit year (July 1 through June 30). This applies to all

employees of Emmanuel College, including non–benefits eligible employees, casual employees, temporary employees, and summer student employees.

- B. Under the Massachusetts earned sick time law, all employees subject to this policy will be eligible to accrue and use paid sick time. Employees will accrue paid sick time at the rate of one (1) hour for every thirty (30) hours worked per fiscal year, from July 1 to June 30, up to a maximum of 40 hours. Employees may carry into the next fiscal year up to 40 hours of unused sick time, but may not earn, accrue, or hold more than 40 hours in their bank of earned sick time.
- C. Employees may not use more than 40 hours of earned sick time per fiscal year, nor may they earn more than 40 hours of sick in a fiscal year. Accrual of sick time begins on July 1 but may not be used time until ninety (90) days after the individual's start date. Earned sick time may be used for full- or partial-day absences.
- D. Earned sick time is provided to enable employees to:
  - Care for a child (or legal ward), parent, spouse, or parent of a spouse who is suffering from a physical or mental illness, injury, or other medical condition that requires home, preventive, or professional care;
  - Care for the individual's own physical or mental illness, injury, or other medical condition that requires home, preventive, or professional care;
  - Address the psychological, physical, or legal effects of domestic violence;
  - Travel to and from an appointment, a pharmacy, or another location related to the purpose for which the time was taken.
- E. Sick time will run concurrently with all applicable leaves, including FMLA, MA PFML, Parental Leave, Family Leave, Small Necessities Leave, and Domestic Violence Leave.
- F. Employees who experience a break in service of up to one (1) year and return to work at the College within that time period will receive, according to their new status, sick time or their earned-sick-time balance of up to five (5) days, whichever is greater. Such employees can use their earned-sick-time balance of up to five (5) days immediately upon returning to work.

## **VI. NOTIFICATION AND REPORTING OF ABSENCE**

- A. If sickness or injury prevents an employee from reporting to work, the employee must notify the appropriate supervisor as early as possible, and in all events within the first two hours of the workday or as soon thereafter as possible.
- B. If an employee is unable to notify the appropriate supervisor of the day when the employee will return to work, the employee must notify the supervisor of the absence each morning.
- C. If an employee becomes ill during the course of the workday and wishes to leave work, the employee must notify the supervisor before doing so.

- D. An employee who fails to provide notice will be considered to be on an unauthorized absence.
- E. All usage of sick leave for exempt and non-exempt staff must be recorded on ADP Workforce Now.

## **VII. RETURN TO WORK**

- A. When an employee is absent continuously from work for more than 10 days due to a non-occupational illness or injury, or absent from work for one or more days due to an occupational illness or injury, the employee must submit to the Office of Human Resources a written release from a medical provider indicating the diagnosis and the return date. If the release indicates any limitations on the employee's ability to perform regular duties, the return to employment will be at Emmanuel College's discretion consistent with applicable state and federal law. An employee will not be returned to work until such release has been submitted to and reviewed by the Office of Human Resources.
- B. The date of return to work is subject to the approval of Emmanuel College's Medical Contractor or designee. If the employee's physician and Emmanuel College's Medical Contractor or designee disagrees about the fitness of an employee, the opinion of Emmanuel College's Medical Contractor or designee will prevail.
- C. Emmanuel College may, in its discretion, require a written release from a medical provider for shorter absences when it determines that such a release is necessary or appropriate.

## **Personal Days**

### **I. PURPOSE**

To describe how exempt and non-exempt staff employees may be granted, use and receive payment for personal days.

### **II. SCOPE**

This policy applies to:

- A. Regular full-time exempt and non-exempt staff employees (See Employee Status and Classifications for further definition).

### **III. POLICY**

- A. Effective every July 1 and January 1 following an employee's date of hire, an employee is granted one (1) day every six (6) months to attend to personal matters that cannot be attended to outside of the employee's normal workday, including religious holidays.
- B. Personal days are not interchangeable with sick leave.
- C. Personal days are paid at the employee's base pay rate and do not include any bonus or overtime pay.
- D. Personal days must be used within the six-month time period in which they are granted. Personal days do not accrue and may not be carried forward.
- E. Employees will not be paid for unused personal days upon separation from Emmanuel College.
- F. Personal days will not be granted and may not be used during any time in which an employee is receiving compensation in the form of a:
  - 1. Long-term Disability Benefit
  - 2. Workers' Compensation Benefit

### **IV. PROCEDURE**

- A. To use a personal day, employees must notify and obtain approval from their supervisors at least forty-eight (48) hours in advance of the intended absence.
- B. All usage of personal days must be recorded on ADP Workforce Now.

## **Bereavement Pay**

### **I. PURPOSE**

To grant employees reasonable bereavement time without loss of pay when a death occurs in an employee's family or to attend the funeral of a co-worker.

### **II. SCOPE**

This policy applies to:

- Regular full-time exempt and non-exempt staff and faculty employees
- Regular exempt and non-exempt part-time staff employees scheduled to work at least 21 hours per week.

### **III. DEFINITION**

Immediate Family – An employee's spouse, parent, child, sibling, grandparent or grandchild, stepparent, stepchild, mother-in-law, father-in-law, son-in-law or daughter-in-law; or another immediate family member living in the employee's residence.

### **IV. POLICY**

- A. In case of death in the immediate family, employees will be allowed a maximum of three days, not necessarily in succession, with pay for bereavement.
- B. In case of death of another relative, employees will be allowed one day with pay for bereavement.
- C. An employee scheduled for vacation or absent from work because of sickness, not including a medical leave of absence, will receive bereavement pay in lieu of either when a death in the family occurs during such absence.
- D. Employees will be allowed half a day with pay to attend the funeral of a coworker with supervisor's permission.

### **V. PROCEDURE**

- A. An employee is required to notify the appropriate supervisor, as soon as possible, when not reporting to work due to a death in the family.
- B. Supervisors are responsible for maintaining employee absence records and should ensure that bereavement time off with pay is accurately reported on ADP Workforce Now.

## **Family and Medical Leave**

### **I. PURPOSE**

To define the circumstances under which eligible employees (who comply with the requirements of the Act) may be granted a leave of absence under the Family and Medical Leave Act (FMLA).

### **II. SCOPE**

This policy applies to employees, including faculty, who have been employed by Emmanuel College for a minimum of twelve-months and worked for Emmanuel College for a minimum of 1250 hours in the twelve months preceding a request. An eligible employee may be granted an unpaid leave of absence for a maximum of twelve weeks in the case of family and medical leave, or a maximum of twenty-six weeks in the case of Servicemember Family Leave (as defined below), or a combination of the two, in a twelve-month period (see definitions) under the FMLA for one or more of the following reasons:

- To take a medical leave when the employee is unable to work because of a serious medical condition;
- To care for an immediate family member (parent, spouse or child) with a serious health condition;
- Because of the birth or placement of a child for adoption or foster care and in order to care for that child;
- Because of a qualifying exigency arising out of the fact that a covered military member is on eligible active duty or call to active duty status; or
- To care for a spouse, child, parent or next of kin who is a member or veteran of the Armed Forces who is undergoing medical treatment, recuperation or therapy due to an injury or illness incurred in the line of duty, or aggravated, while on active duty ("Servicemember Family Leave").

Leave is generally made available in accordance with FMLA regulations, except to the extent that Emmanuel College expressly provides more generous benefits. This policy provides a summary of FMLA rights and responsibilities; for more information, please contact the Office of Human Resources.

### **III. DEFINITIONS**

- A. Serious Health Condition

- FMLA defines a serious health condition as one that requires either inpatient care or an absence of more than three calendar days and “continuing treatment by a health care provider.” The definition is not meant to cover short term conditions where treatment and recovery are brief. Rather, it includes conditions that require absences on a recurring basis or for more than a few days off for treatment or recovery. Examples of serious conditions include heart attacks, heart conditions requiring heart bypass or valve operations, back conditions requiring extensive therapy or surgical procedures, strokes, severe respiratory conditions, spinal injuries, appendicitis, pneumonia, emphysema, severe arthritis, severe nervous disorders, injuries caused by serious accidents on or off the job, pregnancy, severe morning sickness, the need for prenatal care, childbirth, and recovery from childbirth.
- A serious health condition also is defined as one that makes an individual unable to attend work, school, or perform other daily activities for more than three days, and requires continuing treatment by a health care provider. Also qualifying under FMLA would be treatment for a serious, chronic health condition that if left untreated, would likely result in an absence from work of more than three days. For example, absences to receive treatment for early stage cancer, to receive physical therapy after a hospital stay, for severe arthritis, or for prenatal care are covered under FMLA. Not included in the definition are voluntary or cosmetic treatments that are not medically necessary unless inpatient hospital care is required. Prenatal care is included, but routine physical examinations are not.

**B. Eligible Family Member**

An eligible family member includes a spouse as defined by federal or state law, son or daughter and parents.

**C. Twelve Month Period**

In general, and except as described below, an employee will be entitled to a maximum of twelve weeks of FMLA leave during any twelve-month period. The twelve-month period is a rolling period measured backward from the date an employee uses any leave under this policy. Each time an employee takes any Family and Medical Leave, the remaining leave entitlement will be any balance of the twelve weeks that has not been used during the immediately preceding twelve months.

An employee may take up to a total of twenty-six (26) work weeks of Servicemember Family Leave under this policy during a single 12-month period. For purposes of calculating Servicemember Family Leave, the College will measure the 12-month period as a rolling 12-month period measured forward from the date an employee uses any Servicemember Family Leave under this policy. FMLA leave taken during the same 12-month period for other qualifying circumstances (as described above) will be

deducted from the twenty-six (26) work weeks of leave available for Servicemember Family Leave.

#### **IV. FMLA MEDICAL LEAVE OF ABSENCE POLICY**

- A. An eligible employee with a serious health condition who provides certification of that condition from a health care provider will be granted a medical leave under the FMLA for up to twelve weeks in a twelve-month period beginning with the date an employee starts a period of FMLA leave. Medical certification must accompany the request (Medical Certification Forms are available in the Office of Human Resources or on the Emmanuel College Portal under HR Forms).
- B. An employee who requests a FMLA Medical Leave must do so as soon as possible but are required to provide at least 30 days' advance notice to the Office of Human Resources where the need for the leave is foreseeable.
- C. Requests for FMLA Medical Leaves must be in writing, and must be approved in writing. The request should contain the reason for the leave, the anticipated length of the leave and the anticipated start date of the leave. If an employee fails to give 30 days' notice of a foreseeable leave with no reasonable excuse for the delay acceptable to Emmanuel College, the College may deny the taking of a leave until 30 days after the notice is provided.
- D. An eligible employee must substitute accrued paid sick leave for any otherwise unpaid part of a FMLA Medical Leave. An eligible employee [may] substitute accrued vacation time for any otherwise unpaid part of a FMLA Medical Leave.
- E. A FMLA Medical Leave may be taken at one time or through either a reduced working schedule or intermittently if such an arrangement is certified to be medically necessary. If an employee is entitled to a FMLA Medical Leave on a reduced work schedule or intermittent basis, Emmanuel College may transfer the employee temporarily to a position for which he or she is qualified if the alternative position would better accommodate the recurring leaves than the employee's regular position.
- F. When an employee is eligible for a FMLA Medical Leave of absence due to pregnancy, prenatal care, childbirth and/or recovery from childbirth and is also eligible for a FMLA child care leave for the birth of a child and is eligible for Massachusetts Maternity Leave (MML), all leaves will run concurrently. However, the exhaustion of FMLA leave will not itself deprive an employee of MML rights, if she continues to be eligible for MML leave after exhaustion of FMLA leave.

#### **V. MILITARY LEAVE OF ABSENCE**

- A. **Military Family Exigency:**  
  
Eligible employees with a spouse, son, daughter or parent on covered active duty (deployment to a foreign country) or call to active duty status in the Armed Forces, National Guard or Reserves in support of a contingency operation are eligible for up to 12 weeks of leave. Employees may use up to 8 weeks of earned sick time during this 12-week period, as well as any earned vacation

time, or take leave without pay. During any portion of the leave that is unpaid, employees will be responsible for paying their share of the cost of their benefits that, in accordance with the terms of the plan, continue during the leave. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, caring for a military member's parent who is incapable of self-care addressing certain financial and legal arrangements and spending time (up to 15 days) with a military member of rest and recuperation leave.

**B. Military Service Member Illness or Injury:**

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. Employees may use up to 8 weeks of earned sick time, and 4 weeks of vacation time during the first 12 weeks of this leave; the remainder of the leave is unpaid. During any portion of the leave that is unpaid, employees will be responsible for paying their share of the cost of their benefits that, in accordance with the terms of the plan, continue during the leave. A covered service member is a current member or covered veteran of the Armed Forces, including a member of the National Guard or Reserves, who had a serious injury or illness incurred in the line of duty, or, under certain circumstances, aggravated by service in the line of duty, while on active duty for which the service member is undergoing medical treatment, recuperative, or therapy; or is in outpatient status, or is on the military's temporary disability retired list. A covered veteran is an individual 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.

**C. Emmanuel College will require that leave because of a qualifying exigency and Servicemember Family Leave be supported by a certification. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. In the case of certification of leave taken because of a qualifying exigency, if the qualifying exigency involves meeting with a third party, the employer may contact the third party for purposes of verifying a meeting or appointment schedule and the nature of the meeting. The College may seek authentication, clarification, and/or recertification of such certification in the manner outlined by the FMLA regulations.**

## **VI. FMLA FAMILY LEAVE OF ABSENCE**

- A.** Requests for FMLA Family Leave must be in writing, and must be approved in writing. The request should contain the reason for the leave, the anticipated length of the leave and the anticipated start date of the leave. If an employee fails to give 30 days' notice of a foreseeable leave with no reasonable excuse for the delay acceptable to Emmanuel College, the College may deny the taking of a leave until 30 days after the notice is provided. A Request for Leave of Absence Form can be obtained through The Office of Human Resources or under HR Forms on the Emmanuel College Portal.
- B.** An eligible employee may use accrued vacation time as part of a FMLA Family Leave, but is not required to do so.

- C. An FMLA Family Leave for the purpose of caring for an eligible family member with a serious health condition may be taken at one time or through either a reduced working schedule or intermittently if such an arrangement is certified to be medically necessary for the eligible family member. If an employee is entitled to a FMLA Family Leave on a reduced work schedule or intermittent basis, Emmanuel College may transfer the employee temporarily to a position for which he or she is qualified if the alternative position would better accommodate the recurring leaves than the employee's regular position.
- D. An FMLA Family Leave for the birth or placement of a child for adoption or foster care must be taken at one time, unless otherwise approved at the discretion of Emmanuel College. All such leave must conclude within twelve months of the birth or placement.
- E. An employee who requests a FMLA Family Leave must provide 30 days advance notice to the Office of Human Resources where the need for the leave is foreseeable. In the event it is not possible to provide 30 days' notice, an employee should provide notice within one to two business days before the leave is to begin.

## **VII. FMLA CERTIFICATION PROCEDURES**

- A. Emmanuel College will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition (<http://www.dol.gov/esa/whd/forms/WH380-E.pdf>).
- B. Emmanuel College may directly contact the employee's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. Emmanuel College will not use the employee's direct supervisor for this contact. Before Emmanuel College makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the company will obtain the employee's permission for any sharing of individually identifiable health information.
- C. Emmanuel College has the right to ask for a second opinion if it has reason to doubt the certification. Emmanuel College will pay for the employee to get a certification from a second doctor, which Emmanuel College will select. Emmanuel College may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the company will require the opinion of a third doctor. Emmanuel College and the employee will mutually select the third doctor, and Emmanuel College will pay for the opinion. This third opinion will

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

- D. **Certification for the Family Member's Serious Health Condition**  
Emmanuel College will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the [DOL Certification of Health Care Provider for Family Member's Serious Health Condition](#) which can be found at or on the Emmanuel College Portal under HR Forms.
- E. Emmanuel College may directly contact the employee's family member's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The company will not use the employee's direct supervisor for this contact. Before the company makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the company will obtain the employee's family member's permission for any sharing of individually identifiable health information.
- F. Emmanuel College has the right to ask for a second opinion if it has reason to doubt the certification Emmanuel College will pay for the employee's family member to get a certification from a second doctor, which Emmanuel College will select. Emmanuel College may deny FMLA leave to an employee whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, Emmanuel College will require the opinion of a third doctor. Emmanuel College and the employee will mutually select the third doctor, and Emmanuel College will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.
- G. **Certification of Qualifying Exigency for Military Family Leave**  
Emmanuel College will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave (<http://www.dol.gov/esa/whd/forms/WH-384.pdf>).
- H. **Certification for Serious Injury or Illness of Covered Service member for Military Family Leave**  
Emmanuel College will require certification for the serious injury or illness of the covered service member. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This

certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Service member (<http://www.dol.gov/esa/whd/forms/WH385.pdf> ).

I. Recertification

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

**VIII. RETURN FROM LEAVE**

- A. The employee will be restored to the same or a substantially equivalent position at the end of a FMLA leave as required by the Family and Medical Leave Act provided such a position is still available, provided the employee is still qualified for the job determined as by Emmanuel College and provided the employee returns to work at the end of the approved leave. Emmanuel College may deny reinstatement to an employee if Emmanuel College determines that the individual is a key employee whose reinstatement would cause substantial and grievous economic harm to the College's operations. Emmanuel College will inform all employees who fall within this category of their status as a key employee as soon as practicable after being notified of a need for leave (or the commencement of leave, if earlier).
- B. An employee will continue to accrue sick time and/or vacation time during that portion of FMLA leave when an employee is utilizing accrued paid sick and/or vacation time. Paid sick and vacation time will not accrue during any other portion of the leave.
- C. An employee will continue to accrue Emmanuel College service while on an approved FMLA leave provided the employee returns to work by the approved return date. Benefit plan coverage will be determined according to the provisions of the appropriate plans provided appropriate employee contributions are made. For unpaid leaves of less than 30 days, employee benefit contributions will be deducted from the first paycheck upon return to work. For unpaid leaves of greater than 30 days, an employee must pay contributions to Emmanuel College by the first of each month. An employee will also receive detailed information from the Office of Human Resources on continuing benefit plan coverage during an FMLA leave. No College contributions will be made to the Emmanuel College retirement plan during a leave without pay and employees may not participate in the supplemental retirement account. [Except under certain limited circumstances, in the event an employee does not return to employment at the conclusion of a leave, the employee must reimburse the College for any medical and/or dental insurance payments the College made for the employee's benefit

while the employee was on leave. Emmanuel College may recover such benefit payments through any allowable deduction from any sums owed the employee or through legal action.]

- D. Return from a FMLA Family Leave or Military Leave – An employee who is returning from a Family Leave or Military Leave must notify the Office of Human Resources of the intent to return to work no later than seven calendar days prior to the anticipated date of return.
- E. Return from a FMLA Medical Leave of Absence:
  - 1. An employee who is returning from a FMLA Medical Leave of absence must notify the Office of Human Resources of the intent to return to work no later than seven calendar days prior to the anticipated date of return.
  - 2. The employee must provide the Office of Human Resources with a written fitness for duty certification from a medical provider indicating the return date.
  - 3. The College may require a fitness for duty certification from an employee who has taken an intermittent or reduced leave schedule up to once every thirty (30) days in connection with a FMLA absence if reasonable safety concerns exist regarding the employee's ability to perform his or her duties based on the serious health condition for which he or she took leave, as determined by the College its sole discretion.

If the fitness for duty certification indicates any limitations on the employee's ability to perform normal duties, return to active employment will be at Emmanuel College's discretion consistent with applicable state and federal law.

## **Leave of Absence (other than FMLA)**

**(For leaves under Family and Medical Leave Act, see FMLA Policy)**

### **I. PURPOSE**

To define the circumstances under which an employee may be granted a leave of absence for reasons other than those covered under the Family and Medical Leave Act (FMLA).

### **II. SCOPE**

- A. This policy applies to regular full-time exempt and non-exempt staff and faculty employees except as noted. Generally, no employee with less than six months of Emmanuel College service shall be granted a leave of absence for personal reasons.
- B. The following leaves of absence are addressed:
  - 1. Personal
  - 2. Small Necessities
  - 3. Parental (other than FMLA)
  - 4. Jury Duty
  - 5. Military
  - 6. Massachusetts Paid Family and Medical Leave (PFML)

### **III. POLICY**

Policies for each type of leave of absence are found in the relevant leave section.

### **IV. PROCEDURE**

- A. When requesting a leave of absence or an extension to any prior approved leave, an employee must present a written request to the appropriate supervisor who will approve all leaves under one month with the concurrence of the relevant Vice President/Dean. Approval for a leave of one month or more will be at the discretion of the supervisor, Department Head/Dean, Office of Human Resources, relevant Vice President and the President. Emmanuel College reserves the right to request documentation to support the request.
- B. Upon consultation, the responsible supervisor(s) and the Office Human Resources will jointly approve or disapprove the requested leave of absence, or extension to a prior approved leave, and inform the employee in writing.
- C. For an approved leave of absence, both a designated start and return date shall be established prior to the commencement of the leave.

- D. If an employee does not return to work at the end of the approved leave, the employee may be terminated by the supervisor in compliance with the Employee Conduct/Disciplinary Discharge Guidelines Exempt and Non-exempt Employees.
- E. The supervisor will ensure that the leave is reflected on the employee's time off requests in ADP Work Force Now.

## **V. TYPES OF LEAVES OF ABSENCE**

### **A. Personal Leave**

1. When an employee desires an unpaid leave of absence for personal reasons other than those covered under the Family and Medical Leave Act (FMLA), a personal leave may be approved at Emmanuel College's discretion. Normally, the maximum time allowed for a personal leave of absence is three months.
2. An employee will be restored to the same or substantially equivalent position following an approved personal leave provided the position is still available, provided the employee is still qualified for the job as determined by Emmanuel College and provided the employee returns to work at the end of the approved leave. If the employee does not return to work at the end of the approved leave, the employee's position may be filled. An employee on a personal leave of absence, who accepts full-time employment elsewhere during such leave, shall be deemed to have voluntarily terminated his or her employment.
3. An employee will continue to accrue Emmanuel College service while on an approved leave of absence provided the employee returns to work by the approved return date. Benefit plan coverage will be determined according to the provisions of the appropriate plans provided appropriate employee contributions are made. For leaves of less than 30 days, employee benefit contributions will be deducted from the first paycheck upon return to work. For leaves greater than 30 days, an employee must pay contributions to Emmanuel College by the first of each month. An employee will also receive detailed information from the Office Human Resources on continuing benefit plan coverage. No College contributions will be made to the Emmanuel College retirement plan during a leave without pay and employees may not participate in the supplemental retirement account.

### **B. Small Necessities Leave**

1. The Small Necessities Leave Act (SNLA) of Massachusetts provides up to 24 hours of unpaid leave every twelve (12) months for employees under specific circumstances. Employees who have worked at Emmanuel College for twelve-months and worked at least 1,250 hours during the months preceding the leave are eligible. This leave is in addition to leave taken under the Family and Medical Leave Act (FMLA). Small Necessities Leave may be taken intermittently, in a block of time, or by a reduced work schedule; however, it must not be taken in increments of less than one

hour.

2. Small Necessities Leave may be used to:
  - (a) Participate in school activities directly related to the educational advancement of the employee's son or daughter;
  - (b) Accompany the employee's son or daughter to routine medical or dental appointments; and
  - (c) Accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services related to the elder's care.
3. For the purposes of this policy, a son or daughter is biological, adopted, or foster child, stepchild, ward of the court or a child of a person standing in loco parentis.
4. The child must be under 18 years of age or over 18 years but incapable of self-care.
5. An elderly relative is someone at least 60 years of age who is related by blood or marriage to the employee.
6. Subject to certain conditions, the employee may use accrued paid leave to cover some or all of the SNLA leave. Employees seeking to use SNLA leave may be required to provide a 7-day advanced notice of the need to take SNLA leave when it is foreseeable. If the need for leave is not foreseeable, the employee must notify the College as soon as is practicable.

#### C. Parental Leave

The parental leave law is now gender neutral, the law applies to all new parents regardless of gender.

Parental leave applies after the employee has completed their initial probationary period (set by the terms of employment) but cannot exceed three months. Under the MA Parental Leave, an eligible employee is defined as one who meets the following conditions:

- Must have completed the Emmanuel College initial introductory period of six months, and
  - Must give at least two (2) weeks' notice to the College of expected departure date, as well as notice of intention to return to job, and
  - Must be a regular full-time employee.
3. Parental Leave is available to employees, regardless of gender, either "for the purpose of giving birth" or to adopt a child. Thus, it is available at

the time of the birth or adoption, but not substantially earlier or substantially later.

4. During unpaid Parental Leave, the employee may use other types of eligible paid leave, such as personal days, accrued vacation or accrued sick leave, with the exception that accrued sick leave may only be utilized for parental leaves involving birth. Adoption is not considered to be a medical disability. Employees may also use
5. An employee is not required to use paid leave for unpaid Parental Leave. An eligible employee may choose to utilize paid personal days, vacation or (to the extent provided above) sick leave for this period, but is not required to do so.
6. Employees may also be eligible for income replacement under the Massachusetts Paid Family and Medical Leave Act. Please refer to the policy for more information.
7. In certain instances, leave granted under the provisions of the Commonwealth of Massachusetts' Parental Leave, PFML, and the Federal government's Family and Medical Leave Act of 1993 (FMLA) will overlap. Where leave is taken for a reason specified in the Parental Leave, PFML, and FMLA, the leave will be counted simultaneously against the employee's entitlement under all three laws (provided that all FMLA requirements are met).
8. Under the Parental Leave, an employee may take a leave for each birth or adoption. The exhaustion of FMLA leave will not itself deprive an employee of rights to leave under the provisions of the Parental Leave.

The employee will be restored to the same or a substantially equivalent position at the end of a Parental Leave as required by the provisions of the Parental Leave provided such a position is still available, provided the employee is still qualified for the job as determined by Emmanuel College and provided the employee returns to work at the end of the approved leave.

9. An employee will continue to accrue sick time and/or vacation time during that portion of Parental Leave when an employee is utilizing accrued sick or vacation time, but not during any time while receiving compensation in the form of disability benefits or during any unpaid portion of the leave.
10. An employee will continue to accrue Emmanuel College service while on an approved Parental Leave provided the employee returns to work by the approved return date. Benefit plan coverage will be determined according to the provisions of the appropriate plans provided appropriate employee contributions are made. For unpaid leaves of less than 30 days, employee benefit contributions will be deducted from the first paycheck upon return to work. For unpaid leaves of greater than 30 days, an employee must pay contributions to Emmanuel College by the first of each month. An employee will also receive detailed information

from the Office of Human Resources on continuing benefit plan coverage. No College contributions will be made to the Emmanuel College retirement plan during a leave without pay and employees may not participate in the supplemental retirement account.

D. Jury Duty

1. An employee, regardless of length of service or employee classification, who is summoned to jury duty shall be granted a leave of absence for the duration of such duty. An employee must provide his or her supervisor with a copy of the jury duty summons prior to the jury duty session.
2. The employee must secure from the court a statement of time of service and present this report to the appropriate supervisor and the Office of Human Resources upon return to work.
3. The employee's pay continues uninterrupted during the Jury Duty leave of absence. The employee must reimburse Emmanuel College for any amount paid to the employee by the County, State or Federal government for Jury Duty, except for those amounts paid specifically for travel, parking, meals or accommodations.
4. An employee who is able to report for work during the period of jury duty for a minimum of four hours during the regular shift is expected to do so. However, such work should not interfere with obtaining proper rest nor conflict with court sessions.
5. All Emmanuel College benefit plan coverage is continued uninterrupted during an approved Jury Duty leave of absence.

E. Military Leave of Absence

1. As required by state or federal law, a military leave of absence will be granted to an Emmanuel College employee in any position (other than a temporary position) who receives orders to report for active duty, initial active duty for training, or other required service in any branch of the United States Armed Forces (e.g., the Army, the Navy, the Marine Corps, the Air Force, the Coast Guard and their Reserve components, including the National Guard), or the Public Health Service.
2. Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.
3. [Employees will receive partial pay for any military leaves of absence including two-week training assignments.]. Upon presentation of satisfactory military pay verification data, employees will be paid the difference between their normal base compensation and the pay (excluding expense pay) received while on military duty.

4. Continuation of health insurance benefits is available based on the length of the leave and subject to the terms, conditions, and limitations of the applicable plans for which the employee is otherwise eligible.
5. Vacation, sick leave, and holiday benefits will continue to accrue during a military leave of absence. Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

F. The Massachusetts Paid Family Medical Leave (PFML)

1. The PFML is a state program designed to give MA workers resources to manage their own health, and the health of their family. The MA PFML program is funded by both employees (i.e., new payroll tax) and employers (i.e., contributions). The program allows MA workers to take both paid medical and family leaves. More detailed information related to the PFML law may be found at the Massachusetts Department of Family and Medical Leave [website](#).
2. An employee of the College is eligible for PFML if the employee requires leave for one of the qualifying reasons specified in the policy and meets the PFML earnings requirement before applying for benefits. To satisfy the PFML earnings requirement, the employee must have earned at least \$5,100 during the previous four (4) quarters, and at least 30 times more than the employee is eligible to receive each week in PFML benefits.
3. Under the Massachusetts Paid Family and Medical Leave (PFML) law, starting January 1, 2021, an employee may take:

The Massachusetts Paid Family Medical Leave (PFML) Beginning January 1, 2021, eligible employees are entitled to apply for income replacement and job/benefits protected leave for:

- [Up to 20 weeks in a benefit year if they have a serious health condition that incapacitates them from work](#)
- [Up to 12 weeks to bond with a child during the first 12 months after the child's birth](#)
- [Up to 12 weeks to bond with a child during the first 12 months after adoption or foster care placement](#)
- [Up to 26 weeks to care for a family member who is or was a member of the Armed Forces, National Guard or Reserves and developed or aggravated a serious health condition in line of duty on active duty while deployed to a foreign country](#)

- [Up to 12 weeks to manage family affairs when a family member is on or has been called to active duty in a foreign county while in the armed forces, including the National Guard or Reserves](#)

Beginning July 1, 2021, eligible employees may be entitled to the following:

- [Up to 12 weeks to care for a family member with a serious health condition](#)
4. An employee may be eligible for up to 26 total weeks, in the aggregate, of PFML in a single benefit year. PFML will run concurrently with all other applicable leave, including but not limited to FMLA Leave.
  5. An employee must provide notice to the [Office of Human Resources](#) prior to beginning an application. Once this is done and the employee had all of their verification documents, the employee should complete the [PFML application](#).
  6. An employee must provide Human Resources with notice of the anticipated start date of PFML, the anticipated length of PFML, the type of PFML, and the employee's expected return date at least thirty (30) days in advance, or as soon as practicable.
  7. In the case of PFML for the birth or placement of a child, intermittent or reduced hours leave cannot be taken. In the case of PFML for the employee's or a covered family member's serious health condition, the leave may be taken intermittently or on a reduced hours basis if such leave is medically necessary. For PFML due to the employee's own serious health condition, the employee must advise the Office of Human Resources of the reasons why intermittent leave is necessary and the employee's schedule for treatment.
  8. The employee must consult with the Office of Human Resources before applying for PFML and make a reasonable effort to schedule the employee's treatment so as not to disrupt unduly the College's operations, subject to the approval of the employee's health care provider. In the case of PFML due to a qualifying exigency arising out of a family member's active duty or impending call to active duty in the Armed Forces, PFML may be taken on an intermittent or reduced leave schedule.
  9. The College will not discriminate or retaliate against any employee for exercising their right to take PFML. The taking of PFML will not affect an employee's right to accrue vacation time, sick leave, or other employment benefits. During the duration of PFML leave, the college will continue to provide for and contribute to the employee's employment-related health insurance benefits, at the level and under the condition's coverage would have been provided if the employee had worked continuously during the leave.
  10. An employee who returns to work from PFML will be reinstated to their previous position or to an equivalent position with equivalent pay, status,

employment benefits, and other employment terms and conditions. The college is not required to reinstate the employee if other employees of equal length of service credit and status in the same or equivalent positions have been laid off due to economic conditions affecting employment during the period of leave.

11. If an employee takes PFML to care for the employee's own serious health condition, the college may require the employee to obtain and provide a fitness-for-duty certification from the employee's healthcare provider, certifying that the employee is able to resume work.

# Employee Conduct

## **Employee Conduct/Disciplinary Discharge – Exempt and Non-exempt Staff Employees**

### **I. PURPOSE**

The employment relationship is based on mutual consent. As a result, an employee is free to resign at any time and Emmanuel College is free to terminate the relationship at any time. Emmanuel College maintains a disciplinary procedure so that employees understand that certain conduct or unsatisfactory performance is considered unacceptable and will result in disciplinary action.

### **II. SCOPE**

This policy applies to exempt and non-exempt staff employees (See Employee Status and Classifications for further definition).

### **III. PROCEDURE**

- A. The disciplinary procedure is designed to give employees who have successfully completed their initial six-month appraisal period advance notice, if possible or reasonable under the circumstances, as determined by the College in its sole discretion, of problems with their conduct or performance in order to provide an opportunity to correct these problems.
- B. The disciplinary procedure generally will be progressive involving verbal warning or counseling, written warnings, suspension and termination. However, it should be understood that the disciplinary procedures are intended as guidelines. As a result, Emmanuel College may determine that the nature of the offense, the employee's performance record, or other circumstances may warrant a different progression, or immediate suspension or termination.
- C. Disciplinary action is intended to be corrective, assisting the employee in overcoming work-related difficulties, performance deficiencies or behavior that violates College policies, procedures or practices. Progressive disciplinary action is not appropriate if it does not assist the staff member in correcting work performance problems. Examples include an inability to perform the essential components of his/her job due to a skill deficiency or when the job duties change in such a way that the staff member is no longer able to perform the job functions or responsibilities. In these instances, the supervisor may terminate the employment of the staff member for an inability to perform the essential components of the job. Notice or pay in lieu of notice may or may not be appropriate in such cases. Supervisors must consult with the Office of Human Resources when they anticipate such a situation.
- D. An employee may submit a written response to any disciplinary action covered by this policy. The response will be placed in the employee's human resource file.

### **IV. VERBAL WARNING**

- A. The supervisor will review the facts with the employee involved.

- B. The supervisor will advise the employee what action will be taken if another violation occurs.

## **V. WRITTEN WARNING**

- A. The supervisor will review the facts with the employee involved and give the employee a copy of the written warning. The employee will be asked to sign the written warning to indicate that he/she received a copy. The supervisor will inform the employee what action will be taken if another violation occurs.
- B. A record of the meeting, stating the facts that were reviewed with the employee and the action taken or to be taken will be noted on the warning. The supervisor will submit a copy of the warning with the employee's signature to the Office of Human Resources to be placed in the employee's human resource file.

## **VI. SUSPENSION OR DISCHARGE**

- A. Whenever feasible, the supervisor will discuss the facts with the appropriate Vice President and the Office of Human Resources before any action is taken.
- B. When immediate action is necessary, the supervisor will tell the employee he/she is suspended, is subject to disciplinary action, and will be notified of the decision after a review of the facts has been completed, normally within a two-week period.
- C. Whenever feasible and appropriate, this review will include a meeting with the employee, Office of Human Resources representative, and the supervisor and/or department head, at which time the employee will have the opportunity to state his/her account of the situation.
- D. After reviewing the situation with the department head, the supervisor will reach a decision. Prior to implementing disciplinary action, the Office of Human Resources will review the decision. In cases where impending action presents a risk to the College in the judgment of the Office of Human Resources, the decision will be reviewed by College legal representatives prior to implementing.
- E. If a suspension is decided upon, the following steps shall be taken:
  - 1. The employee will be advised of the action to be taken and if suspended, will be given a written memorandum of suspension.
  - 2. When an employee has been immediately suspended by the supervisor, but the review absolves the employee, payment (at the employee's base rate of pay) will be made for time lost.
- F. If a discharge is decided upon, the following steps will be taken:
  - 1. Whenever feasible and appropriate, the supervisor and/or department head will prepare a memorandum, in consultation with the Office of Human Resources, outlining the facts and the decision reached. Supporting documentation should be attached to the memorandum.

2. If a final decision to discharge is made, the Office of Human Resources will prepare a termination letter for the employee with a copy to the employee's file. The supervisor and/or department head will usually meet with the employee to inform the employee of the termination. When a meeting is not feasible, the termination letter will be mailed to the employee.
3. The discharged employee will be informed of options relative to employee benefits conversion at the time of termination by either the supervisor or an Office of Human Resources representative.

## **VII. GENERAL PROVISIONS**

It should be remembered that employment is at the mutual consent of the employee and Emmanuel College. Accordingly, employment can be terminated at any time, at the employee's option or the option of Emmanuel College.

The offenses meriting disciplinary action listed in this policy provide an illustrative list of offenses but are not intended as a complete list of offenses.

In the event of embezzlement, misuse of Emmanuel College funds or other irregular activities, the Office of Human Resources will work with the Vice President for Finance and Administration and the President to conduct a review of the facts.

## **VIII. OFFENSES MERITING DISCIPLINARY ACTION**

- A. Reasons for progressive discipline include, but are not limited to, poor performance or behavior; repeated absences; leaving work without permission; unauthorized telephone usage; use of profane or abusive language.
- B. Reasons for immediate discharge include, but are not limited to, insubordination; theft; dishonesty; fighting on Emmanuel College property; unauthorized photographing or copying of confidential material; misrepresenting or withholding pertinent facts in securing employment; reporting to work under the influence of alcohol, illegal drugs or controlled substances; sale or possession of illegal drugs or controlled substances; falsification of Emmanuel College records.

# **Policy on Alcohol and Drug Abuse**

## **I. INTRODUCTION**

Emmanuel College strives to provide a safe and healthy environment in which to work and study. We believe that both students and employees share that goal. As students and employees of the College, we must recognize the challenge and work toward freeing “our country from the powerful grasp drug abuse has on us all.” We cannot deny that drug and alcohol abuse affect everyone.

As a college committed to academic excellence “which fosters respect for the dignity of all people,” let us recognize the widespread, devastating scope of drug and alcohol abuse and unite together for a society free of such abuse. Let us recognize the stifling effect of drugs and alcohol on job performance, safety in the workplace, and productivity, academic performance and relationships with family and friends.

## **II. THE DRUG-FREE SCHOOLS AND COMMUNITIES ACT OF 1989**

The Federal Drug Free Schools and Communities Act of 1989 requires all institutions of higher education to adopt and implement a program to prevent the use of illicit drugs and the abuse of alcohol by students and employees as a condition of the institution receiving federal funds or any other form of financial assistance under any federal program. This policy is being issued by Emmanuel College in compliance with the requirements of that Act.

## **III. PROHIBITIONS**

Emmanuel College prohibits the unlawful possession, use or distribution of illicit drugs and alcohol by any student or employee of the College while on College premises, while performing any work for the College, on or off its premises, or while otherwise participating in any College activity, on or off College premises.

In addition, employees are prohibited from reporting to work or performing job-related activities, on or off College premises, while under the influence of alcohol or illicit drugs. Students are prohibited from participating in any College activity, on or off college premises, while under influence of alcohol or illicit drugs.

## **IV. DEFINITIONS**

For purposes of this policy, the term “illicit drugs” is defined as controlled substances which cannot be obtained legally or which, although available legally, have been obtained illegally. “Illicit drugs” includes not only “street” drugs, but also prescription drugs which have not been lawfully prescribed for the individual.

“Controlled substances” are those substances listed on Schedules I through V of the federal controlled substances Act. Controlled substances include, for example, narcotics, such as codeine and heroin, depressants such as barbiturates, stimulants such as cocaine and amphetamines, hallucinogens such as LSD and phencyclidine or “PCP” and cannabis (marijuana).

The policy does not prohibit use by an employee or student of a prescription drug prescribed for the employee or student by a licensed physician, provided that the drug is used in accordance with the physician's instructions and in a therapeutic dosage.

## **V. SANCTIONS FOR NON-COMPLIANCE.**

Employees and students are required to abide by all requirements of the Drug-Free School and Communities Act and this policy as a condition of continued employment or enrollment at the College.

An employee who violates any provision of this policy is subject to disciplinary action, up to and including immediate dismissal. A student who violates any provision of this policy is also subject to disciplinary action, up to and including expulsion from the College.

Also, in appropriate circumstances, as determined by the College, law enforcement may be notified. Unlawful possession, use of distribution of drugs or alcohol may subject an employee or student to criminal penalties.

An employee or student who has been determined by the College to have used or been under the influence of alcohol or an illicit drug in violation of this policy may, at the College's discretion, be permitted to participate in a rehabilitation program approved by the College as an alternative to dismissal or expulsion.

Generally, only an employee or student who has not previously violated this policy and whose conduct and performance are otherwise satisfactory to the College will be considered for discipline short of discharge or expulsion. Such an employee or student must successfully complete an approved rehabilitation program as a condition of continued employment or enrollment. (The cost of the program is the responsibility of the employee or student, but may be covered, in whole or in part, by the individual's health insurance, depending on the terms of the insurance policy.)

## **VI. REHABILITATION.**

The use of illicit drugs and the abuse of alcohol may have serious effects on the health and safety of an employee or student. It can also seriously interfere with the individual's judgment and with his/her job or academic performance. Attached to this policy is a summary of the uses and effects of some of the more common drugs of abuse and of alcohol.

The College strongly encourages employees and students to seek assistance for problems of drug and alcohol abuse before the individual's relationship with the College is jeopardized. A number of counseling and rehabilitation programs are available to individuals, on a confidential basis, to provide education, counseling and coordination with available community resources to address drug and alcohol abuse problems. A list of local programs is attached to this policy.

## **Alcohol Effects**

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increases the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairment in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous systems, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other children of becoming alcoholics.

| DRUGS                  | SCHEDULE          | TRADE OR OTHER NAMES  | MEDICAL USES                                      | PHYSICAL DEPENDENCE | PSYCHOLOGICAL DEPENDENCE | TOLERANCE | DURATION OF EFFECTS (in hours) | USUAL METHODS OF ADMINISTRATION | POSSIBLE EFFECTS   | EFFECTS OF OVERDOSE   | WITHDRAWAL SYNDROME   |
|------------------------|-------------------|---|---|---------------------|--------------------------|-----------|--------------------------------|---------------------------------|--|---|---|
| Opium                  | II, III, V        | Dover's Powder, Paregonic, Parepectolin   | Analgesic, antidiarrheal                          | High                | High                     |           |                                | Oral, smoked                    |  |   |   |
| Morphine               | II, III           | Morphine, Pectoral Syrup  | Analgesic, antitussive                            | High                | High                     |           |                                | Oral, injected, smoked          |  |   |   |
| Codaine                | II, III, V        | Codaine, Empim Compound with Codaine, Robitussin A-C                                  | Analgesic, antitussive                            | Moderate            | Moderate                 |           | 3 to 6                         | Oral, injected                  |  |   | Watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, chills and sweating, cramps, nausea |
| Heroin                 | I                 | Diacetylmorphine, Horse, Smack  | Under investigation                               |                     |                          | Yes       |                                | Injected, sniffed, smoked       | Euphoria, drowsiness, respiratory depression, constricted pupils, nausea | Slow and shallow breathing, clammy skin, convulsions, coma, possible death                            |   |
| Hydromorphone          | II                | Dilaudid  | Analgesic   |                     |                          |           |                                |                                 |  |   |   |
| Meperidine (Pethidine) | II                | Demerol, Pethadol   | Analgesic   | High                | High                     |           |                                |                                 |  |   |   |
| Methadone              | II                | Dolophine, Methadone, Methadose   | Analgesic, heroin substitute                      |                     |                          |           | 12 to 24                       | Oral, injected                  |  |   |   |
| Other Narcotics        | I, II, III, IV, V | LAAM, Lertine, Levo-Dromoran, Percodan, Tussionex, Fentanyl, Darvon, Talwin, Lomotil  | Analgesic, antidiarrheal, antitussive             | High-Low            | High-Low                 |           | Variable                       |                                 |  |   |   |
| Chloral Hydrate        | IV                | Noctec, Somnos  | Hypnotic  | Moderate            | Moderate                 | Possible  | 5 to 8                         | Oral                            |  |   |   |
| Barbiturates           | II, III, IV       | Amobarbital, Phenobarbital, Butisol, Phenobarbital, Secobarbital, Tunal               | Anesthetic, anticonvulsant, sedative, hypnotic    | High-Moderate       | High-Moderate            |           | 1 to 16                        |                                 | Slurred speech, disorientation, drunken behavior without odor of alcohol | Shallow respiration, cold and clammy skin, dilated pupils, weak and rapid pulse, coma, possible death | Anxiety, insomnia, tremors, delirium, convulsions, possible death   |
| Glutethimide           | III               | Doriden   | Sedative, hypnotic                                | High                | High                     | Yes       |                                | Oral, injected                  |  |   |   |
| Methaqualone           | II                | Optimal, Parest, Quaalude, Sonnasac, Sopor  | Sedative, hypnotic                                | High                | High                     |           | 4 to 8                         |                                 |  |   |   |
| Benzodiazepines        | IV                | Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Serax, Tranxene, Valium, Vertran | Anti-anxiety, anti-convulsant, sedative, hypnotic | Low                 | Low                      |           |                                |                                 |  |   |   |



# **Computing and Communication Acceptable Use Policy**

## **I. PURPOSE**

The purpose of this policy is to provide members of the Emmanuel College community with clear guidelines for the appropriate use of the College's information technology systems, network, and resources. In addition, it outlines the possible repercussions for any misuse of these resources.

## **II. SCOPE**

This policy covers the access and/or use, regardless of location or method, of all of the following Emmanuel College information technology resources:

- College-owned computer hardware (including laptops) and software
- Management Information Systems (e.g. Colleague, BlackBaud, etc.)
- Emmanuel College network and Internet access through College resources
- Electronic mail, conferencing, and chats
- Emmanuel College website
- Telephone, voicemail, and telecommunication services
- Passwords and PINs

## **III. POLICY**

Emmanuel College's information technology systems and resources and all information stored therein are the sole property of Emmanuel College. Access to these systems is a privilege granted by the College and may be revoked at any time. Access or use of such systems constitutes consent to this policy as it may be amended from time to time. Unauthorized use is strictly prohibited.

Users are advised that while Emmanuel College respects the individual privacy of its faculty, staff, and students, this privacy does not extend to the use of College-owned or maintained technology equipment or systems. Users should be aware that the following guidelines may affect your privacy.

### **A. Emmanuel College's Right to Access Information**

All information technology systems have been installed by Emmanuel College to support the mission of the College. Although each user has one or more individual passwords and PINs to access these systems, the systems belong to Emmanuel College and all contents may be accessed, copied, deleted, and/or discussed at any time by Emmanuel College management. Consequently, they should be treated like other shared file systems. Furthermore, all e-mail and voicemail messages are Emmanuel College records. Therefore, you should

assume that messages are not confidential. Back-up copies may be maintained and referenced by the College for business or legal reasons. Furthermore, email messages are considered documents, just like any other writing, and therefore are subject to discovery in litigation.

A. Personal Use of Internet, E-Mail and Voicemail

Personal use of internet, e-mail and voicemail by staff and faculty is permitted, providing its use is consistent with all other aspects of this policy. In all cases, however, these messages will be treated the same as other messages. Emmanuel College reserves the right to access, copy, and/or disclose as necessary all messages sent over its internet, e-mail and voicemail systems, without regard to content. Since your personal messages can be accessed, copied, and/or disclosed by Emmanuel College management without prior notice, you should not use these systems to transmit any messages you would not want read or heard by a third party.

When using College technology to access the internet for personal use of sites such as social media, shopping or gaming web sites, employees should adhere to the College's Social Media and Blog Guidelines in addition to this policy.

B. Waiver of Privacy

Emmanuel College has the right, but not the duty, to monitor any and all aspects of its computer system, including, but not limited to, monitoring sites users visit on the Internet, reviewing material downloaded or uploaded, and reviewing email sent and received. Users waive any right to privacy in anything they create, store, send, or receive using College-owned or maintained equipment or systems.

#### IV. STANDARDS OF BEHAVIOR/APPROPRIATE USE GUIDELINES<sup>8</sup>

The use of Emmanuel College technology resources should be consistent with accepted College standards of behavior as outlined in other publications including the Faculty, Staff, and Student Handbooks. In addition, every user of the College's information technology systems and resources is expected to comply with the standards outlined in the areas below:

A. Content

Emmanuel College will not tolerate the publication of any material considered to be harassing, libelous, or a violation of any existing Emmanuel College rules or policies. The College will not tolerate racial, ethnic, or gender-based slurs; inappropriate or vulgar language; or obscene or sexually explicit messages, images, or cartoons.

No solicitations on behalf of groups, organizations, etc. that are not sponsored by the College will be allowed. No distribution of unsolicited advertising is allowed.

B. Laws

Any individual using the College's information systems is expected to comply with all local, state, and federal laws, particularly copyright and fair use laws. Violation of these laws can result in prosecution and criminal penalties.

C. Security/Confidentiality

For the protection of the entire institution, users are expected to act responsibly with respect to security. Do not reveal your password or allow anyone else to access your account. It is also not acceptable for any individual to gain, or attempt to gain, unauthorized access to another user's computer, data, or other technology resources. Attempts to destroy, alter, prevent authorized access, compromise the integrity of systems, propagate computer viruses, or disguise a user's name or the origin of any transmission are strictly prohibited.

Authorized users of [management information systems]<sup>9</sup> are expected handle all data they access appropriately with respect to dissemination to third parties. Information should not be viewed or transmitted to another individual except for legitimate business or educational purposes and with the appropriate authorizations. Furthermore, student records are protected under the Federal Family Education Rights and Privacy Act (FERPA), and consequently, cannot be released to a third party without the student's consent. Please refer to the Emmanuel College Information Security Policy for additional guidelines on security and confidentiality.

D. Appropriate Behavior

Emmanuel College information technology systems have been created specifically for the advancement of the College's mission. With the exception of those provisions outlined in Policy Section B. – Personal Use of E-mail and Voicemail - faculty, staff, and students may use these systems solely for the purpose of supporting or enhancing teaching, learning, research, official business of the College, or other College-sponsored activities. Unauthorized use of the Emmanuel College information technology systems for commercial purposes is strictly prohibited.

Any activity that degrades the performance of resources so as to interfere with others meeting their educational or business goals is prohibited. Duplication and/or installation of any software, regardless of proper licensing, without the knowledge and permission of Information Technology is strictly prohibited.

Emmanuel College's network is maintained to provide connections between on campus resources and individuals as well as between local institutions and national networks. Use of this network that is consistent with the College's purpose and mission, and this policy, is acceptable; all other use is strictly prohibited. Network traffic, when used to access other networks, must honor the acceptable use policy of those networks. The individual end-user assumes ultimate responsibility for all traffic that they create.

## **V. POLICY VIOLATIONS**

*Any violations of this policy should be reported to a member of the College's Executive Committee and to the Chief Information Officer for review. If the concern is content related and is considered severe enough, the content may be immediately removed by Information Technology while the issue is under review. Review of any violation will take place through existing student, faculty, or employee disciplinary processes as outlined in their respective handbooks.*

## **VI. POSSIBLE REPERCUSSIONS**

Disciplinary action may result from any misuse of these systems or resources including loss of computing privileges and other sanctions appropriate to the individual's position at the College up to and including termination or expulsion depending on the severity of the offense.

Any user who intentionally accesses information belonging to another user or department without being authorized to do so, faces disciplinary action up to and including termination or expulsion.

## **VII. LIABILITY DISCLAIMER**

Emmanuel College is not responsible for the quality, accuracy, or appropriateness of content on other sites to which links have been provided on Emmanuel College web pages. Emmanuel College shall not be held liable for the actions of users of the College network when those actions are inconsistent with this policy.

# **Consensual Relationships**

## **I. PURPOSE**

Emmanuel College is committed to a working and learning environment that is free of discriminatory intimidation. The exploitation of College academic or supervisory authority to sexually harass students, faculty or staff members is a form of illegal sex-based discrimination in violation of Title IX of the Education Amendments Act of 1972 and of Title VII of the Civil Rights Act of 1964. Such conduct will not be tolerated on this campus.

To avoid the potential for sexual harassment and conflicts of interest, it is a policy of Emmanuel College that no romantic or sexual relationship should exist between employees and students or between supervisors (or evaluators) and employees who they supervise (or evaluate). Any exceptions involving students must be reported to and approved by the Vice President for Student Affairs and the Director of Human Resources. Any exceptions involving a supervisor and an employee must be reported to and approved by the appropriate Vice President and the Director of Human Resources.

## **II. SCOPE**

This policy applies to all employees.

## **III. POLICY**

Under this policy, consenting romantic and sexual relationships between a faculty member and student, librarian and student, coach and student, administrator and student, staff member and student, or supervisor (or evaluator) and employee who the supervisor supervises (or evaluates) are considered inappropriate and unprofessional. Such romantic and sexual relationships, even those that are apparently consensual, are deemed inappropriate and unprofessional because of the power the faculty member, employee or supervisor holds in giving praise or blame, grades, performance reviews, letters of reference, and other benefits and opportunities to the student or subordinate employee. Such relationships are potentially exploitative, pose serious risks to those involved in them, and create potential conflicts of interest and perceived favoritism, and must be avoided.

In this context and for the purposes of this policy, the professor-student relationship is properly regarded as a professional-client relationship. Professional codes of ethics forbid professional-client relationships of a personal, romantic, or sexual nature. Therefore, personal, romantic or sexual relationships between unrelated faculty and students are strictly prohibited.

# Sexual Harassment Policy

## I. PURPOSE

Emmanuel College is committed to providing its students, faculty and staff with a working and learning environment in which all people are treated with respect and dignity. Each person has the right to work and be educated in an atmosphere that is free of sexual harassment. [This policy prohibits sexual harassment in the workplace, the classroom, or in any other settings in which students, faculty and staff may find themselves in connection with their education or employment at Emmanuel College.]<sup>10</sup> Further, any retaliation against an individual who has filed a complaint or retaliation against individuals for cooperating with an investigation of a complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a working and learning environment free from sexual harassment, which is unlawful, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by students, faculty, and staff.

Because Emmanuel College takes allegations of sexual harassment seriously, we will respond promptly to complaints and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

*Please note that while this policy sets forth our goals of promoting a working and learning environment that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the legal definition of sexual harassment.*

## II. POLICY STATEMENT

It is the responsibility of each and every member of the Emmanuel College community to foster an environment that is inclusive and free of sexual harassment. To that end, Emmanuel College requires all members of the community to report any incident of sexual harassment, whether experienced first-hand or directed against someone else. It is only through reporting that the College can act to investigate and eliminate unacceptable conduct. While the community at large bears this responsibility, staff with managerial or supervisory authority, faculty members and administrators have a heightened obligation when learning of or observing harassing conduct to advise the victim of his or her rights under this policy and to further report the issue to the Office of Human Resources, and in the case of a faculty member, also to the Vice President of Academic Affairs, and in the case of a student, also to the Vice President of Student Affairs. So that memories are fresh and to provide adequate opportunity for investigation, response, and resolution, any complaint under this policy must be reported as soon as possible.

## III. SCOPE

*This policy applies to all current faculty, staff and students.*

#### IV. DEFINITION OF SEXUAL AND DISCRIMINATORY HARASSMENT

In Massachusetts, the legal definition for sexual harassment is this:

***“sexual harassment” means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:***

1. 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
2. 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 work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment. 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 a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct that may violate the College’s policy against sexual harassment, whether or not it constitutes sexual harassment under the law:

- 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, touching, brushing against the body, sexual gestures, suggestive or insulting comments; Inquiries into one’s sexual experiences; and,
- Discussion of one’s sexual activities.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against

individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by the College.

## **V. PROCEDURES**

If any of our employees believes that he or she has been subjected to sexual harassment, the employee has the right to file a complaint with our organization. This may be done in writing or orally.

*If you would like to file a complaint you may do so by contacting the Director of Human Resources, the Associate Director of Human Resources, the Vice President of Student Affairs or the Vice President for Academic Affairs at Emmanuel College, 400 The Fenway, Boston, MA 02115. All of these persons may be reached by contacting 617735-9991. These persons are also available to discuss any concerns you may have and to provide information to you about the Colleges' policy on harassment and discrimination and our complaint process.*

## **VI. INVESTIGATION**

When a complaint is received, the allegation will be promptly investigated in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include a private interview with the person filing the complaint and with witnesses. The person alleged to have committed sexual harassment will also be interviewed. When the investigation has been completed, the College will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

*If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate we will also impose disciplinary action.*

## **VII. DISCIPLINARY ACTION**

If it is determined that inappropriate conduct has been committed by a College employee, such action as is appropriate under the circumstances will be taken. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as deemed appropriate under the circumstances.

## **VIII. STATE AND FEDERAL REMEDIES**

In addition to the above, if an employee believes that he/she has been subjected to sexual harassment, the employee may file a formal complaint with either or both of the government agencies set forth below. Using Emmanuel College's complaint process does not prohibit an employee from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC - 300 days; MCAD – 300 days).

1. The United States Equal Employment Opportunity Commission (EEOC)  
John F. Kennedy Federal Building

475 Government Center  
Boston, MA 02203  
Phone: 1-800-669-4000  
Fax: 617-565-3196 TTY:  
1-800-669-6820  
<http://www.eeoc.gov/>

2. The Massachusetts Commission Against Discrimination (MCAD)

Boston Office

One Ashburton Place – Room 601  
Boston, MA 02108 (617)  
727-3990

Springfield Office

424 Dwight Street, Room 220  
Springfield, MA 01103  
(413) 739-2145  
<http://www.mass.gov/mcad/>

# Protection of Minors Policy

## I. PURPOSE

- A. Emmanuel College is committed to creating a safe and welcoming environment for all members of its community, including Minors (defined below). This policy establishes guidelines and procedures to promote the protection of Minors.
- B. Except for the reporting of abuse or neglect in Section III, this policy does not apply to Minors walking through the Campus without entering a College facility or participating in a College sanctioned event or activity. Such individuals enter the College's Campus at their own risk and are not the responsibility of the College.

## II. SCOPE

Compliance with this policy is the responsibility of all College employees (staff and faculty) students, volunteers, contractors, vendors, and other individuals or entities that contract with the College.

### A. Definitions

- **Campus** means all buildings, facilities, and other property owned or controlled by the College, including but not limited to lecture halls, residence halls, administrative buildings, parking lots, athletics fields and facilities, and vehicles.
- **Campus Visit** means a Minor's temporary presence on Campus as part of a College recruitment event or community outreach activity. Examples include visits by prospective students, student athletes, and school field trips.
- **Minor** means an individual who is under the age of 18 who is not a matriculated College student.
- **Program** means a College sanctioned event or activity that provides educational/instructional, recreational, cultural or athletic activities primarily developed to serve Minors, such as but not limited to camps. Programs may be limited to daily activities or may involve overnight housing. Programs may be organized or sponsored by the College or by external entities. The term "Program" does not include:
  - A College sponsored event or activity that requires a Minor to be accompanied by a parent or guardian;
  - A College sponsored event or activity that is open to the general public and which Minors attend at the sole discretion of their parents or guardians;
  - A Campus Visit; or
  - An event or activity that is exempted from these requirements by the College on a case by case determination.

## III. REPORTING ABUSE OR NEGLECT

Every member of the College community or any individual participating in a Program that knows or suspects that a Minor has been abused or neglected, or who has other concern about the safety of Minors must report that information to the College

### A. Where to Report

- **On-Campus:** Reports should be made to a Campus Safety officer, to the Office of Campus Safety in the Eisner Administration Building, or by calling (617) 735-9888.

- **Off Campus:** Reports should be made to Boston Police (BPD) at 617-343-4633. After notifying local police, immediately notify Campus Safety and the Program sponsor, if any.
- **Mandatory Reporting to Law Enforcement**  
Please consult with the Office of Campus Safety to determine if it is required by law to report an incident to the Boston Police or any other city, state or federal agency.

#### IV. GENERAL REQUIREMENTS

- A. The College reserves the right, at its discretion, to condition, restrict or deny access by Minors to Campus or a Program. Minors are subject to all College policies, must follow directions from authorized College personnel, and may be asked to leave Campus or the event or activity if they are unable or unwilling to comply with such directions.

Parents or guardians are responsible for understanding the risks associated with allowing a Minor onto Campus or permitting a Minor to participate in a Program. The College is not responsible for unsupervised Minors.

B. Supervision

Unless a Minor is participating in a Program, Campus Visit, the Minor's parent(s), or guardian(s), (along with the individuals(s) that brought the Minor to Campus, if different) are responsible for supervision of the Minor. Those individuals are responsible for the safety, security, and well-being of the Minor, and are responsible for any injuries to persons or damage to College property caused by the Minor.

C. Prohibited Areas

Minors are prohibited from the following areas unless part of a College-sponsored event or activity and are accompanied by a College employee:

- Laboratories, laboratory preparation areas, and scientific work areas
- Workshops, maintenance areas, and technical work areas
- Fitness facilities (e.g. locker rooms and weight rooms)
- Residence Halls (unless the Minor lives in a Residence Hall with a parent or guardian)
- Construction Sites

D. Minors in the Workplace

College employees may bring Minor(s) to work in the following limited situations:

- College-sanctioned event or activity in which the presence of Minors is welcomed, provided that the employee retains supervision of the Minor(s) at all times;
- If the employee is a campus resident;
- Brief visits that do not interfere with the employee or his or her colleagues' work, provided that the employee's supervisor approves this visit and the employee supervises the Minor(s) at all times;
- In the event of an emergency, and if there are no other alternatives, provided that the employee's supervisor approves, the employee supervises

the Minor(s) at all times, and the Minor(s) do not interfere with the employee or his or her colleagues' work.

#### E. Minors in the Classroom

In an occasional emergency situation, a Minor child may be brought to class provided that the situation does not interfere with students' educational experiences and only with permission of the instructor (in the case of a student bringing a Minor to class) or Dean (in the event of the instructor bringing a Minor to class). If permission is not granted or if the Minor interferes with the educational experience of College students, the parent or guardian must remove the Minor child.

#### F. Alcohol

All individuals on Campus or participating in a Program must adhere to the College's alcohol policies: both the policy for students and the Drug and Alcohol Abuse Policy (staff and faculty).

#### G. Additional Requirements for Programs

The College is committed to the safety and well-being of all Minors who participate in Programs. Accordingly, additional requirements regarding background investigations, trainings, and supervision and interaction with Minors are imposed as set forth below.

#### H. Forms

- College-Sponsored or Organized Programs: The Minors and their parents or guardians must submit any required College forms before Minors are allowed to participate in a College organized or sponsored Program.
- Externally-Sponsored or Organized Programs: External organizers or sponsors of Programs must sign and return a College-approved Agreement before the start of any Program involving Minors.

### V. **BACKGROUND CHECKS**

- A. College-Sponsored or Organized Programs: Individuals who are responsible for the supervision or care of Minors, or whose duties would require close contact with Minors must successfully complete a criminal background check prior to working with Minors. Background investigations are coordinated through the Office of Human Resources in accordance with the College's policy.
- Individuals with unsatisfactory background check results may be excluded from participation in the Program at the College's discretion.
  - Externally-Sponsored or Organized Programs: External organizers or sponsors must conduct criminal background checks for their personnel who are responsible for the supervision or care of Minors, or whose duties would require close contact with Minors, and must determine that those individuals have satisfactorily completed a criminal background check before the start of the Program.
  - Individuals with unsatisfactory background check results must be reported to the College. Those individuals may be excluded from participation in any Program at the College's discretion.

## B. Training

- College-Sponsored or Organized Programs: Individuals who are responsible for the supervision or care of Minors, or whose duties would require close contact with Minors must complete any trainings deemed necessary by the College to participate in programs involving Minors.
- Externally Sponsored or Organized Programs: External organizers or sponsors are responsible for abiding by best practices when selecting and training personnel who will be interacting with or supervising Minors.

## C. Supervision and Interaction with Minors

College-Sponsored or Organized Programs: When interacting with Minors, all employees and students must adhere to the College's Standards of Conduct for Interacting with Minors and provide sufficient adult supervision for all Minor participants.

Externally-Sponsored or Organized Programs: External organizers or sponsors are required to provide sufficient adult supervision for all Minor participants. Such personnel must:

- Serve as a liaison between College staff and the Minor participants in the event of discipline, noise and/or destructive behavior;
- Accompany and supervise Minor participants at all times as they travel from area to area on campus or off Campus;
- Be responsible for the behavior of Minors, and actively enforce College policy governing behavior in residence halls; and
- Respond to any and all emergencies.
- Personnel interacting with Minors must abide by best practices when interacting with Minors.
- External organizers or sponsors should use adults in ratios that at a minimum meet a chaperone-to-Minor ratio as recommended by the American Camp Association standards, or in accordance with a successor organization or regulatory body.

## VI. ENFORCEMENT OF POLICY

Failure to follow the guidelines outlined in this policy, may result in revocation of privileges to conduct programs or activities on campus, or participate in programs where minors will be present. Additionally, College employees may be subject to disciplinary action up to

# Policy Against Other Forms of Harassment & Discrimination

## I. PURPOSE

Emmanuel College is committed to providing its students, faculty and staff with a working and learning environment in which all people are treated with respect and dignity. Each person has the right to work and be educated in an atmosphere that is free of harassment and unlawful discriminatory actions based on race, color, gender, age, sexual orientation, gender identity, religion, national or ethnic origin, disability, veteran or active military status, genetic information or any other protected status. This policy prohibits discrimination and harassment on any of these bases in the workplace, the classroom, or in any other settings in which students, faculty and staff may find themselves in connection with their education or employment at Emmanuel College. Further, any retaliation against an individual who has filed a complaint or retaliation against individuals for cooperating with an investigation of a complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a working and learning environment free from harassment or unlawful discrimination, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by students, faculty, and staff.

Because Emmanuel College takes allegations of harassment or unlawful discrimination seriously, we will respond promptly to complaints and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

*Please note that while this policy sets forth our goals of promoting a working and learning environment that is free of harassment or unlawful discrimination, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the legal definition of harassment.*

## II. POLICY STATEMENT

It is the responsibility of each and every member of the Emmanuel College community to foster an environment that is inclusive and free of harassment. To that end, Emmanuel College requires all members of the community to report any incident of discrimination or harassment, whether experienced first-hand or directed against someone else. It is only through reporting that the College can act to investigate and eliminate unacceptable conduct. While the community at large bears this responsibility, staff with managerial or supervisory authority, faculty members and administrators have a heightened obligation when learning of or observing discriminatory or harassing conduct to advise the victim of his or her rights under this policy and to further report the issue to the Office of Human Resources, and in the case of a faculty member, also to the Vice President of Academic Affairs, and in the case of a student, also to the Vice President of Student Affairs. So that memories are fresh and to provide adequate opportunity for investigation, response, and resolution, and complaint of discrimination must be reported as soon as possible.

### **III. SCOPE**

*This policy applies to all current faculty, staff and students.*

### **IV. DEFINITION OF SEXUAL AND DISCRIMINATORY HARASSMENT**

#### **Discriminatory Harassment**

Discriminatory harassment refers to any verbal or physical conduct that has the purpose of effect of creating a hostile working or learning environment because of an individual's race, color, gender, age, sexual orientation, gender identity, religion, national or ethnic origin, disability, veteran or active military status, genetic information or any other protected status.

- Unwelcome behavior that may be considered general discriminatory harassment includes but is not limited to: verbal or physical conduct that denigrates or shows hostility or aversion to an individual because of his/her race, color, gender, age, sexual orientation, gender identity, religion, national or ethnic origin, disability, veteran or active military status, genetic information or any other protected status.
- Epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to the characteristics described above; and
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the characteristics described above.

### **V. PROCEDURES, INVESTIGATION & DISCIPLINARY ACTION**

If any of our employees believes that he or she has been subjected to harassment or discrimination, he or she is encouraged to report the matter promptly, using the complaint procedure outlined above for sexual harassment complaints. When a complaint is received, the allegation will be promptly investigated in the manner described above for sexual harassment complaints. If it is determined that inappropriate conduct has been committed by a College employee, such action as is appropriate under the circumstances will be taken. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as deemed appropriate under the circumstances.

## Emmanuel College Title IX Policy

### I. PURPOSE

- A. Emmanuel College is committed to providing its students, faculty and staff with a working and learning environment in which all people are treated with respect and dignity. The Title IX Policy (the “Policy”) prohibits a broad continuum of behaviors, some of which are not prohibited under Title IX or other laws. This reflects the College’s commitment to ensuring that each person has the right to work and be educated in an atmosphere that is free from discrimination on the basis of sex, including sexual assault and sexual harassment.
- B. This policy prohibits sex-discrimination and sexual harassment in the workplace, the classroom, or in any other settings in which students, faculty and staff may find themselves in connection with their education or employment at Emmanuel College.
- C. This policy also outlines Federal laws, like Title IX (prohibiting sex discrimination), the Clery Act (mandating reporting of crimes on campus), and the 2013 Campus SaVE Act (broadening the scope of responsibility to include dating violence, domestic violence and stalking), that make clear the obligations of colleges and universities to provide a safe and secure educational environment free from discrimination, harassment and violence.
- D. Any retaliation against an individual who has filed a complaint or retaliation against individuals for cooperating with an investigation of a complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a working and learning environment free from sex-discrimination and sexual harassment, which is unlawful, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by students, faculty, or staff.
- E. Because Emmanuel College takes allegations of sex-discrimination and sexual harassment seriously, we will respond promptly to complaints and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.
- F. Please note that while this policy sets forth our goals of promoting a working and learning environment that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for conduct which we deem unacceptable, regardless of whether that conduct satisfies the legal definition of sexual harassment. If a claim of violation of the Student Code of Conduct is predicated on common set of operating facts, or if the facts alleged in a Title IX complaint could also constitute a claimed violation of the Student Code of Conduct, the Title IX and Student Code of Conduct cases will be combined and processed together under this Policy including, where applicable, in a single consolidated hearing.

## II. APPLICABLE LEGISLATION

- A. As provided for in Title IX of the Higher Education Amendments of 1972, the College prohibits discrimination and discriminatory harassment in all of its educational and employment programs and activities on the basis of any individual's sex, including admission and employment. Additionally, this policy complies with the regulations provided for in the Violence Against Women Reauthorization Act of 2013 ("VAWA") and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act").
- B. This Policy prohibits discrimination and discriminatory harassment that occurs within the educational programs and activities that is based on sex, including sexual harassment (including *quid pro quo* and hostile environment), as well as sexual assault, dating violence, domestic violence, and stalking. While there is a presumption that a Respondent is not responsible for the alleged conduct until a determination regarding responsibility has been made at the conclusion of the grievance process, an employee or student who is determined to have engaged in these behaviors is subject to disciplinary action, including but not limited to separation or suspension from the College.

## III. RELATED POLICIES

- A. Students:  
[Family Education and Privacy Act \(FERPA\)](#)  
[Student Code of Conduct](#)
- B. Employees:  
[Sexual Harassment](#)  
[Other Forms of Discrimination](#)  
[Protection of Minors on Campus](#)  
[Consensual Relations Policy](#)

## IV. SCOPE

- A. This Policy applies to all Emmanuel College employees and students.
- B. This Policy is only initiated if at the time of filing a Formal Complaint, the Complainant was participating in or attempting to participate in the education program or activity of the College.
- C. Additionally, this Policy only applies to "sexual harassment" as defined pursuant to 34 CFR Part 106. The alleged conduct must have occurred in the United States within an Emmanuel College education program or activity, which includes locations, events or circumstances over which the school exercises substantial control over both the accused perpetrator of sexual harassment and the context in which the sexual harassment occurred.

## **V. REPORTING SEXUAL HARASSMENT**

- A. The College has Actual Knowledge of a potential Title IX violation when verbal or written notification is given to the Title IX Coordinator or any official who has the authority to institute corrective measures.
- B. Upon notification of a potential Title IX violation, the Title IX Coordinator will promptly contact the Complainant (who may be someone other than the person who experienced sexual harassment) to discuss supportive measures; to consider the Complainant's wishes with respect to supportive measures; to inform the Complainant of availability of these measures with or without the filing of a Formal Complaint; and to explain the grievance process and the procedure for filing a Formal Complaint.

## **VI. GRIEVANCE PROCEDURE AND REFERRALS FOR FORMAL COMPLAINTS**

- A. To initiate a Formal Complaint, the Complainant or Title IX Coordinator must file a document alleging sexual harassment against a Respondent and requesting that the College investigate the allegation of sexual harassment. A Complainant may only file a Formal Complaint under this policy if the Complainant is participating in or attempting to participate in an education program or activity of the College.
- B. The College will treat the Complainant and Respondent equitably throughout the grievance process. All College officials involved in the grievance process must be free of conflicts of interest or bias for or specifically against either Party or generally against Complainants or Respondents.
- C. The Respondent is presumed not to be responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- D. The Parties are advised as to the range of possible disciplinary sanctions and remedies that the College may implement following any determination of responsibility. Both Parties have equal opportunity to appeal the final decision.
- E. The College will offer an informal resolution process such as mediation after the filing of a Formal Complaint. Informal resolution does not involve a full investigation and adjudication. The informal resolution process may begin at any time prior to a determination regarding responsibility. The College must provide the Parties with the written notice as to the allegations and the requirements of the informal resolution process. The Parties must voluntarily agree and provide written consent to the informal resolution process. The Parties have the right to withdraw from the informal process and participate in the formal grievance process any time prior to a determination regarding responsibility. Informal resolution is not permitted in cases of sexual harassment of a student by an employee.

## **VII. TITLE IX INVESTIGATION**

- A. Upon receipt of a Formal Complaint, the Title IX Coordinator will provide written notice to the Parties of the allegations of sexual harassment, including sufficient details known at the time of filing and allowing sufficient time to prepare a response

before the initial interview. The details, if known, include the identity of the Parties, the alleged conduct constituting sexual harassment, the date and location of the alleged conduct. The written notice must contain a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The notice must inform the Parties that they may have an Advisor of their choice, who may be, but is not required to be, an attorney. If one party's Advisor is an attorney, the College will provide limited scope representation typically through a vendor at no charge to the student. The notice must inform the Parties of the section of the Student Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process. Where applicable, the notice will inform the parties that issues arising under the Student Code of Conduct will be processed together with the Title IX matter as a consolidated case.

- B. Time frame: The College will endeavor to complete its administrative investigation within sixty (60 days) of the College's receipt of the Formal Complaint. However, there may be reasonable delays or extensions as circumstances arise. When applicable, the formal hearing will be scheduled following due notice to the parties, and with due regard to the availability of those who will participate. Postponements or extensions may be granted by the Title IX Coordinator or, when applicable, the Decisionmaker (hearing officer).
- C. Standard of Proof: The "preponderance of the evidence" standard shall be applied to sexual harassment complaints. This standard requires a finding that it is more likely than not that sexual harassment occurred in order to assign responsibility to the Respondent.
- D. Gathering information: The College will conduct prompt and thorough interviews of the Complainant, the Respondent, and any Witnesses. Both Parties will have an opportunity to suggest Witnesses. The investigator will interview the suggested Witnesses unless the investigator determines that the information that the Party claims the Witness will share is not relevant. The burden of gathering both inculpatory and exculpatory evidence and proof sufficient to reach a determination of responsibility is on the College. The College will not restrict the ability of either Party to discuss the allegations under investigation or gather and present relevant evidence. The College is prohibited from disclosing the identity of any individual involved in the reporting or investigation of sexual harassment except the College may disclose individuals' identities to carry out the purpose of this policy or as required by law.
- E. Advisors: Both Parties are allowed to have their Advisor of choice present during any grievance proceeding. The College may restrict the extent to which the Advisor may participate in the proceedings as long as the restrictions apply equally to both Parties, but may not restrict an Advisor from (1) conducting cross-examinations or (2) submitting a response to the Investigative Report discussed below. If a Party does not have an Advisor present at a hearing, and wishes to have an Advisor, the College will provide an Advisor of the Party's choosing, without fee.
- F. Notices of Proceedings: Written notice of the date, time, location, participants, and purpose of all hearings, interviews or meetings must be provided to a Party whose

participation is invited or expected with sufficient time for the Party to prepare to participate.

- G. Investigative Report and Responses: An investigative report will be generated at the end of the investigation. Prior to completion of the investigative report, the Title IX Coordinator will send each Party and their Advisors all evidence gathered that is directly related to the allegations for their inspection and review with ten (10) days-notice to submit a written response, prior to completion of the final investigative report. The final investigative report is then sent to the Parties and their Advisors ten (10) days prior to the live hearing.
- H. Mandatory Dismissal: If the conduct alleged in the Formal Complaint would not constitute sexual harassment as defined above if proved, or did not occur in a College education program or activity, or did not occur against a person in the United States, then the Title IX Coordinator must dismiss the Formal Complaint. Such dismissal does not preclude action under another policy or provision of the College's code of conduct. Upon dismissal, the Title IX Coordinator must promptly send written notice of the dismissal and reason for the dismissal simultaneously to the Parties. Both Parties will have a right to appeal the dismissal pursuant to the appeal procedures described below.
- I. Discretionary Dismissal: The Title IX Coordinator may dismiss the Formal Complaint, if at any time during the investigation or hearing: the Complainant notifies the Title IX Coordinator in writing that the Complainant wishes to withdraw the Formal Complaint; the Respondent is no longer enrolled or employed by the College; or circumstances prevent the gathering of evidence sufficient to reach a determination regarding responsibility. Both Parties will have a right to appeal the dismissal pursuant to the appeal procedures described below.

## **VIII. LIVE HEARING**

- A. The hearing officer will notify both parties that the purpose of the hearing is to review and receive relevant information concerning alleged violations of the Emmanuel College Title IX Policy where applicable and the Student Code of Conduct.
- B. The Parties (through their Advisors) may make opening statements and the Decision makers may question the Parties and their Witnesses prior to and after any cross-examination. Either party may request to make their own opening statement.
- C. Questioning Witnesses: The Decision maker(s) presides over the live hearing, and must permit each Party or the Party's Advisor to ask the other Party, and Witnesses all relevant questions. Witnesses may be accompanied by legal counsel, who will have no speaking role except as determined by the Decisionmaker(s). The cross-examination must be conducted directly, orally, and in real time by the Advisor and not the Party. Either Party can request that the live hearing occur virtually with the Parties in separate rooms. If the hearing proceeds with the Parties in separate rooms, audiovisual technology will be used to allow the Decision makers and Parties to simultaneously see and hear the cross-examination of the Party or Witness.

- D. **Relevance of Certain Evidence:** Only relevant questions will be answered. The Decision makers make a determination as to relevancy after the question is asked and before the answer given. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- E. **Refusal to Testify:** Parties or Witnesses who do not submit to cross-examination will preclude the decision-makers from relying on their statements in determining responsibility. However, a decision-maker cannot rely solely on a Party or Witness's absence or refusal to answer questions in determining responsibility.
- F. **Recording or Transcript:** The College will create an audiovisual recording or transcript of the live hearing and make it available to the Parties for inspection and review.
- G. **Determination Regarding Responsibility:** The Decision makers will issue a written determination regarding responsibility simultaneously to the Parties using the preponderance of the evidence standard. The written statement will include the allegations constituting sexual harassment, describe the procedural steps taken, the findings of fact supporting the determination, conclusions regarding the application of this Policy and a statement the findings and the rationale, as well as the procedures and basis for appeal.

## **IX. APPEAL**

Following all hearings under this Policy (including, where applicable, hearings in which issues under the Student Code of Conduct have been consolidated), the Respondent and Complainant may appeal a determination regarding responsibility and from a dismissal of a Formal Complaint based on: (1) procedural irregularity that affected the outcome; (2) new evidence not previously available that could affect the outcome; and (3) bias or conflict of interest on the part of a Title IX official that affected the outcome. In the event of an appeal(s), the Title IX Coordinator may allow a submission(s) by the counterparty(ies), and a reply by the appellant(s), on such terms and timelines as the Title IX Coordinator shall determine. The Title IX Coordinator may also grant extensions of time as the Title IX Coordinator determines to be appropriate.

## **X. TITLE IX COORDINATOR**

The College's Title IX Coordinator oversees compliance with all aspects of the sex/gender harassment, discrimination and misconduct policy. The Coordinator reports directly to the President of the College, and is housed in the Office of Human Resources. Questions about this policy should be directed to the Title IX Coordinator. Anyone wishing to make a report relating to discrimination or harassment may do so by reporting the concern to the Title IX Coordinator:

Erin Farmer Noonan  
Vice President of Human Resource and Title IX Coordinator

Emmanuel College  
400 The Fenway  
Boston, MA 02115  
[farmer@emmanuel.edu](mailto:farmer@emmanuel.edu)  
617-735-9991

## **XI. EMPLOYEE RESPONSIBILITIES**

- A. Title IX uses the concept of actual notice and requires that the College must “respond promptly” when the Title IX Coordinator and other employees are notified of a report of sexual harassment. This response includes contacting a Complainant and notifying them of the policy and procedures, availability of supportive measures, and ability to file a Formal Complaint. Reports do not automatically trigger the initiation of a formal grievance procedure.
- B. **Mandated Reporter**  
The “mandated reporters” (formally referred to as Responsible Employees) must report all relevant details of the incident including the name of the Complainant and Respondent, if known, dates, times, locations, and the names of Witnesses. Reporting must take place regardless of the location of the incident (on or off-campus) as it assists the Title IX Coordinator in tracking patterns, evaluating the scope of the problem, formulating appropriate campus-wide responses, and ensuring that impacted students are provided with information about reporting options and resources. All employees including faculty and staff are considered mandated reporters.
- C. **Reports Involving Children and Vulnerable Populations**  
The College is committed to safeguarding all children, young people, and vulnerable adults involved in our programs, or on our campus.
- D. **Confidential Employees**  
The College has designated employees on campus where individuals may make confidential reports. Confidential Employees cannot reveal information to any third party unless one or more of the following conditions are present: the individual has provided written consent to disclose information; there is a concern about imminent harm to self or others; the information concerns the neglect or abuse of someone who is a minor, elderly, or disabled; or an employee has been charged with providing non-identifiable aggregate information for purposes of the Clery Act. For a list of Confidential Employees, click [here](#).
- E. **Campus Security Authorities (CSA)**  
Campus Security Authorities (CSAs) are individuals who by virtue of their College responsibilities and under the Clery Act, are designated to receive complaints of and report criminal incidents to the Emmanuel College Department of Campus Safety so that they may be included and published in the College’s Annual Security and Fire Safety Report.

- F. **Employees' Duty to Cooperate**  
Every Emmanuel College employee has a duty to cooperate fully and unconditionally in an investigation conducted pursuant to this Policy. This duty includes, among other things, speaking with the Title IX Coordinator, Investigator, hearing panel or appellate body, and voluntarily providing all documentation that relates to the claim being investigated. The failure and/or refusal of any employee to cooperate in an investigation may result in separate disciplinary action, up to and including termination.

## XII. DEFINITIONS

- A. **Actual Knowledge** means notice of sexual harassment or allegations of sexual harassment to the Title IX Coordinator or any official who has the authority to institute corrective measures.
- B. **Advisor** means any person who accompanies a Respondent or Complainant in any meeting or grievance proceeding. An Advisor may not have any additional role, such as a Witness, in the College process. Advisors are allowed to be present, but are not allowed to actively participate in any meetings throughout the grievance process, except during live hearings. . Requests to have more than one Advisor will be considered on case-by-case basis, and the final decision is the sole discretion of the Title IX Coordinator. No faculty or staff member is required to accept a request from a Party to serve as an Advisor. The Parties must inform the Title IX Coordinator of the name of the Advisor prior to any meeting or panel described in Appendix A.
- C. **Appellate Administrator** annually trained and authorized by the Title IX Coordinator or Designee to conduct a review of a decision made regarding an emergency removal, dismissal of a complaint, or reached by a panel.
- D. **Business Day** means any day, Monday through Friday, that the College is open.
- E. **Complainant** means the individual who is alleged to be the victim of sexual harassment.
- F. **Conduct file** means the printed, written, electronic file which may include, but is not limited to, all information obtained as part of an investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript; any disciplinary sanctions and/or remedies; any appeal, including the result of the appeal; and any informal resolution and the result therefrom.
- G. **Decision Maker** means those annually trained who participate in the Panel process and private deliberations. Decision Makers determine the relevancy of proposed questions, findings of responsibility, and sanctions.
- H. **Discipline File** means the conduct file, but limited findings of the disciplinary sanctions resulting from a determination of responsibility.
- I. **Designee** means any employee who has responsibility for implementing or administering this Policy.
- J. **Employee** means all full and part time staff.

- K. **Evidence**
- a) Inculpatory evidence means information that suggests a Respondent is in violation
  - b) Exculpatory evidence means information that suggests a Respondent is not in violation
- L. **Formal Complaint** means a document filed and signed by a Complainant or the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the College investigate the allegation of sexual harassment.
- M. **Incident Database** means the electronic database used to track an incident and the response taken.
- N. **Party** means a Complainant or a Respondent.
- O. **Personnel File** means the employee file which contains the history of employment.
- P. **Preponderance of the Evidence** means a standard of proof in which the totality of the evidence offered in support of a fact is greater or more convincing than the evidence which is offered in opposition to it; given the totality of information the version of events that is more likely than not. Preponderance of the evidence is understood to require more than 50 percent certainty to determine responsibility for a policy violation (i.e. over 50%).
- Q. **Relevancy** means information tends to support or disprove a fact in contention that bears on the outcome of the disputed fact. Investigators and Decision makers make relevancy determinations.
- R. **Respondent** means an individual who has allegedly engaged in sexual harassment.
- S. **Student** means any person who attends or is seeking admission to the College. Persons admitted but never matriculated are not considered students. For purposes of this Policy, the Title IX Coordinator will make the final determination as to whether or not an individual is a student.
- T. **Support Person** means any person who attends a meeting associated with this Policy. Support Persons who are not also Advisors may not play an active role in the process, and may not ask questions, present evidence, or make statements. A Support Person may not have any additional role, such as a Witness, in the College process. Only reasonable requests to change proposed meetings to accommodate a Support Person's schedule will be considered. Requests to have more than one Support Person will be considered on case-by-case basis, and the final decision is the sole discretion of the Title IX Coordinator. No faculty or staff member is required to accept a request from a Party to serve as a Support Person. The Parties must inform the Title IX Coordinator of the name of the Support Person prior to any meeting.
- U. **Witness** means any individual who has relevant knowledge of an incident.

### XIII. AMNESTY

Sometimes students are reluctant to report an incident of sexual misconduct as alcohol or other drugs may be involved. In cases of sexual assault, the College will grant amnesty from violations of alcohol or drug policies to students who file a report and/or who were victimized by an act of sexual misconduct. While amnesty is typically limited to violations involving the use of alcohol and drugs, determinations regarding amnesty are made on a case-by-case basis.

### XIV. SEXUAL MISCONDUCT

#### A. **Sexual Harassment:**

In accordance with the Department of Education, to initiate a grievance procedure outlined in Section IV, the definition of sexual harassment listed below must be met. In appropriate cases, sexual misconduct complaints are consolidated with a related Title IX complaint proceeding, as authorized in the College's Title IX Policy. If the alleged prohibited conduct does not meet this standard, a referral will be made to the appropriate office by the Title IX Coordinator.

- a) Sexual Harassment is defined as conduct on the basis of sex that satisfies one or more of the following:
  - i. An employee conditioning the provision of an aid, benefit, or service on the individual's participation in unwelcome conduct
  - ii. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to their education
  - iii. Sexual assault, dating violence, domestic violence, or stalking
- 1. **Quid Pro Quo** - An employee conditioning the provision of an aid, benefit, or service on the individual's participation in unwelcome conduct.

Allegations arising from *quid pro quo* harassment under this Policy must involve employees. A single instance of abuse of authority may constitute *quid pro quo* harassment. Additionally, it still constitutes *quid pro quo* sexual harassment when a Complainant acquiesces to the unwelcome conduct. .

- 2. **Hostile Environment** - Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to their education.
- 3. **Sex discrimination** means discriminatory conduct based on sex, including pay or hiring discrimination
- 4. **Gender-based Harassment** includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of verbal, non-verbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping.

5. **Unwanted sexual attention**, which includes verbal or physical sexual advances. This may also include unwanted sexual behaviors such as pressuring a person for dates, unwanted touching including hugging and kissing; dissemination of “revenge porn;” conspiring to sexually harass people; unwelcome conduct that harms and humiliates a person on the basis of sex; recording, photographing, or transmitting identifiable images of private sexual activity and/or the intimate parts of another person; allowing third parties to observe private sexual acts; distributing, viewing or forcing others to view illegal pornography; forcing others to view legal pornography; engaging in voyeurism; and exposing one’s genitals or inducing one to expose their own genitals in nonconsensual circumstances.
6. **Sexual Assault – Rape (FBI definition)** is the penetration, no matter how slight, of the vagina, anus, with any body part or object, or oral penetration by a sex organ of another person without the consent of the victim (or attempts to commit the same). This includes any gender of victim or Respondent.
7. **Sexual Assault – Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances in which the victim is incapable of giving consent because of their age or temporary incapacitation (or attempts to commit the same).
8. **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent, which is 16 in Massachusetts. Attempts to commit statutory rape are also prohibited.
9. **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
10. **Dating Violence** includes any act of violence or threatened violence against a person who is, or has been in, a social relationship of a romantic or intimate nature with that person. This includes but is not limited to sexual or physical abuse, or the threat of such abuse.
11. **Domestic Violence** includes any felony or misdemeanor crime of violence committed by one person on another where the individuals:
  - are or were married to one another;
  - are or were residing together in the same household;
  - are or were related by blood or marriage;
  - have a child in common regardless of whether they have ever married or lived together; or
  - are or have been in a substantive dating or engagement relationship

According to Section 16 of title 18 of the United States Code, the term “crime of violence” means:

- an offense under Massachusetts State law that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or
- any other offense that is a felony in Massachusetts and that, by its nature, involves a substantial risk that physical force against the person

or property of another may be used in the course of committing the offense.

Domestic violence, as defined by Title IX is considered relationship violence and must be “on the basis of sex.” For purposes of this Policy, Domestic Violence does not include acts that meet the definition of domestic violence under Massachusetts laws that are based solely on cohabitation (e.g. roommates) or family relationship (e.g. parent/child). While non-intimate-relationship violence would not be addressed using this Policy, it would still be counted for purposes of Clery Act reporting and may be addressed under other College policies.

12. **Stalking** means any course of conduct (more than one act) directed at a specific person (directly, indirectly, through a third party, or other means) that places that person in reasonable fear for his or her safety or the safety of others. For the purposes of this Policy, the behaviors must be directly related to that person’s sex.

## **XV. CONSENT**

- A. Consent for purposes of this Policy is an understandable exchange of affirmative words or actions, which indicate a willingness to participate in a mutually agreed upon sexual activity at a mutually agreed upon time. Consent must be informed, freely and actively given. It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement. Whether an individual has taken advantage of a position of influence over an alleged victim may be a factor in determining consent. For example, a position of influence could include supervisory or disciplinary authority. Silence, previous sexual relationships or experiences, and/or a current relationship may not, by themselves, be taken to imply consent. While nonverbal consent is possible (through active participation), it is best to obtain verbal consent. Similarly, consent to one form of sexual activity does not imply consent to other forms of sexual activity. An individual who is incapacitated cannot give consent. Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly.
- B. Consent cannot be given if any of the following factors are present: Force, Coercion, Incapacitation.
- a) Force is the use of physical strength or action (no matter how slight), violence, threats of violence or intimidation (implied threats of violence) as a means to engage in sexual activity. A person who is the object of actual or threatened force is not required to physically, verbally or otherwise resist the aggressor. However, evidence of resistance by the Complainant will be viewed as a clear demonstration of a lack of consent.
  - b) Coercion is the use of an unreasonable amount of pressure to engage in sexual activity. Coercion does not begin when the initiator makes an initial sexual advance. Coercion begins when the initiator continues to pressure another, through the use of psychological/emotional pressure, alcohol, drugs, threat, intimidation, or force, to engage in sexual behavior, when a reasonable person would realize that the other does not want to engage in sexual activity.

- c) Incapacitation is the physical and/or mental inability, whether temporary or permanent, of an individual to make rational, reasonable decisions, or judgments regarding one's well-being or welfare. States of incapacitation include, but are not limited to, unconsciousness, sleep, and blackouts. Incapacitation may result from the voluntary or involuntary consumption of alcohol and/or other drugs. Where alcohol or other substances are involved, incapacitation is determined by how the substance impacts a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. For purposes of this Policy a person is not incapacitated merely because the person has been drinking or using drugs. The question of incapacitation is determined on a case-by-case basis using both objective and subjective standards. In evaluating whether a person was incapacitated for purposes of evaluating effective consent, the College will consider: (1) whether the person initiating the sexual activity knew that their partner was incapacitated; and if not (2) whether a reasonable person in the same situation would have known that their partner was incapacitated; and (3) whether the person initiating the sexual activity played a role in creating the circumstances of incapacity.

## **XVI. REPORTING OPTIONS**

- A. The College strongly encourages all who have experienced sexual harassment to report the incident so that the College can provide support and pursue an appropriate resolution. The College prohibits and will not tolerate retaliation against anyone who makes a report.
- B. **Immediate Needs: Safety and Preserving Evidence:**  
If an incident occurs, the College encourages victims to report the incident and seek both police and medical assistance. Seeking police or medical assistance does not obligate a Complainant to make a complaint or take any further action, but the decision to seek medical help and gather evidence allows Complainants to preserve the full range of available options. The College will assist any community member to get to a safe place, provide transportation for medical help and, if requested, contact law enforcement. For 24/7 help, contact the Department of Campus Safety.

Any person who has experienced sexual harassment is encouraged to take steps to preserve evidence of the incident, as doing so may be necessary to the proof of a crime or to obtain a protection order from the court. After an incident of sexual assault occurs, one should try to refrain from bathing, showering, brushing teeth, drinking, eating, or changing clothes until the evidence can be collected. If one changes clothes, one should place each garment in a separate paper (not plastic) bag. If the incident involves any written or electronic communications (e.g., pictures/videos, texts, social media posts, etc.), take care to preserve copies and not delete the originals.

Complainants may choose to file a report with both law enforcement and the College when the incident constitutes both a crime and a violation of College policy. In cases in which the Complainant chooses to report to law enforcement, the Title IX Coordinator may contact any law enforcement agency that is conducting its own investigation to inform that agency that a College investigation is also in progress; to ascertain the status of the criminal investigation; and to determine the extent to

which any evidence collected by law enforcement may be available to the College in its investigation. At the request of law enforcement, the investigator may delay the College investigation temporarily while an external law enforcement agency is gathering evidence.

**C. Reporting to Law Enforcement:**

Conduct that violates this Policy may also violate state and local laws. The College encourages all individuals to immediately contact law enforcement in situations which may present imminent or ongoing danger by contacting:

- 9-1-1 for emergencies
- Emmanuel College Department of Campus Safety 617.735.9710
- Boston Police Department (District B-2), 617.343.4270
- Boston Police Sexual Assault Unit, 617.343.0044

While the College encourages Complainants to contact law enforcement, it is not required. Additionally, the Complainant is still entitled to supportive measures regardless if a report is filed. College officials will provide assistance in contacting law enforcement as needed.

**D. Reporting to the College:**

Complainants are encouraged to report the incident to the College by contacting the Title IX Coordinator. The Title IX Coordinator may be contacted by telephone, mail, email or in person during regular business hours (8:30am-4:30pm).

Erin Farmer Noonan  
Title IX Coordinator  
Eisner Administration Building – 336  
[farmer@emmanuel.edu](mailto:farmer@emmanuel.edu)  
617.735.9991

As discussed above, upon receipt of a report, the Title IX Coordinator, or Designee, will promptly contact the Complainant and provide the following: information on the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, the ability to receive supportive measures with or without filing a report, information about the process for filing a Formal Complaint.

In order to proceed, a Formal Complaint must be filed, please see Appendix A for more information.

**E. Confidential Reporting Options:**

- Students may call the Counseling Center, Health Services, or Mission and Ministry and ask to speak to a designated confidential counselor.
- Other resources which provide confidential assistance are Boston Area Rape Crisis Center: (24-hour free hotline) 1-800-841-8371; Beth Israel Deaconess Medical Center: 617-667-7000 (SANE); Boston Medical Center:

617-638-8000 (SANE) and Brigham and Women's Hospital: 617-732-6462 (SANE).

- Employees: Confidential assistance is always available through the EAP (Employee Assistance Provider), AllOneHealth, (24 hours a day) at 800-451-1834 or at the website at [www.allonehealth.com](http://www.allonehealth.com).

**F. Delayed Reporting:**

Complainants have the right not to file a report, yet they are highly encouraged to seek medical attention and counseling. Complainants who wish to file a report at a later date, may do so by utilizing any of the options above. However, please note that a delay in reporting could create obstacles to the College's process for stopping harassment/discrimination, remedying its effects, and preventing recurrence as well as potentially weakening evidence that could be useful in determining whether sexual misconduct occurred.

**G. Supportive Measures**

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available without fee or charge to the Complainant or the Respondent, before or after the filing of a Formal Complaint, or where no Formal Complaint has been filed. Supportive Measures are designed to balance restoring or preserving access, without unreasonably burdening the other Party, unless the Respondent has been found responsible in which case the burden to Respondent does not prevent imposition of Supportive Measures. Additionally, they are intended to protect the safety of all Parties and/or deter sexual harassment.

Supportive Measures include counseling, extension of deadlines or other course-related adjustments, modification of work or class schedules, campus escort services, mutual orders of no contact, changes in work or housing locations, leaves of absences, increased security and monitoring of certain area. Please visit [Supportive Measures](#) for a full list of resources.

The College will maintain the privacy of any Supportive Measures provided under this Policy to the extent practicable and will promptly address any reports of retaliation or violations of mutual no contact orders. The College has the discretion to impose and/or modify any Supportive Measures based on all available information.

**H. Interim Action**

a) **Emergency Removal**

The College may impose an interim emergency removal of a Respondent prior to or during the grievance process. Such action may be taken when, after an individualized safety and risk analysis, a College official has determined that an immediate threat to the physical health or safety of any student or other individual exists.

Respondent will be provided with written notice including: information about the grievance process, including an opportunity to challenge the dismissal; identities of the Parties involved in the incident, if known; the conduct

allegedly constituting sexual harassment; the date and location of the alleged incident.

Respondents wishing to challenge an Emergency Removal must submit a written appeal of such decision within five Business Days. Appeals must be submitted to the Vice President of Student Affairs.

The Vice President of Student Affairs (Appellate Administrator) will provide their decision to the Respondent within five Business Days of receiving the appeal. If the appeal is denied, the emergency removal may remain in effect through the conclusion of the grievance process, including the appellate process.

I. **Administrative Leave**

The College may place an employee, including student employees, on administrative leave from employment prior to or during the grievance process outlined.

Typically, those placed on administrative leave will continue to receive pay and benefits. Additionally, administrative leave is not indefinite and will be provided updates regarding their status.

**XVII. EDUCATION, PREVENTION, AND AWARENESS PROGRAMS AND TRAINING OF COLLEGE OFFICIALS**

A. The College engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to reduce and eliminate sexual misconduct or other forms of prohibited conduct which:

- are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome;
- consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels; and
- include primary prevention and awareness programs directed at incoming students and ongoing prevention and awareness campaigns directed at current students.

B. **Risk Reduction** means practices designed to decrease the potential for Sexual Misconduct, and to increase empowerment for victims and bystander intervention in order to promote safety and to help individuals and communities address conditions that facilitate violence. Experiencing Sexual Misconduct or other forms of prohibited conduct is never the victim's fault. Only abusers are responsible for the abuse they perpetrate. However, the following are some strategies to reduce risk of victimization. For example, The [Rape, Abuse, & Incest National Network](https://www.rainn.org/safety-prevention) (RAINN) has created a list which can be find by clicking here: <https://www.rainn.org/safety-prevention>.

**C. Bystander Intervention**

Bystanders play a critical role in the prevention of sexual and relationship violence. Bystanders are “individuals who observe violence or witness the conditions that perpetuate violence. These individuals are not directly involved but have the choice to intervene. The College promotes a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. Individuals may not always know what to do even if they want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911, if a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

- Watch out for your friends and fellow students/employees. If you see someone who looks like he or she could be in trouble or need help, ask if he or she is ok.
- Confront people who seclude, hit on, attempt to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this policy for support in health, counseling, or with legal assistance.

**D. Training of College Officials:**

Title IX Coordinators, investigators, decision-makers and any person who facilitates an informal resolution process will receive annual training on the following: the definition of sexual harassment, including an understanding of educational program or activity; how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes; how to serve impartially, including avoiding prejudgment about the facts at issue, conflicts of interest, and bias; the technology to be used at a live hearing; issues of relevance, including questioning, and investigative reports.

**XVIII. Disability Accommodations and Interpretive Services**

Students with a disability who desire an accommodation regarding this Policy must request an accommodation by following the procedure for requesting an accommodation through Disability Services. Disability Services will make a determination regarding the request and notify the appropriate parties. An Individual will not be considered to have a disability unless and until the student registers with Disability Services. Employees with a disability who desire an accommodation regarding this Policy should request an accommodation with Human Resources.

Similarly, those in need of interpretive services are encouraged to contact Disabilities Services 617.735.9923 or Human Resources at 617.735.9991.

**xix. Record Retention**

The College will keep for 7 years, the following:

- All information obtained as part of each sexual harassment investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript; any disciplinary sanctions and/or remedies; any appeal, including the result of the appeal; and any informal resolution and the result therefrom.
- All information regarding any action taken, including Supportive Measures, and a rationale as to why a Formal Complaint was not filed. If a Complainant was not provided Supportive Measures, a rationale must be provided as to why Supportive Measures were not provided.
- All training materials used to train Title IX Coordinators, investigators, Decision makers, Appellate Administrators, and those who facilitate the informal resolution process will be kept in the Office of Human Resources, and current training materials will be available on the College's website.
- Generally, information from a student's Discipline File is not released without the written consent of the student. However, certain information may be provided to individuals within or outside the College who have a legitimate legal or educational interest in obtaining it. Typically, the information that is released to those outside of the College is limited to information associated with findings of "in violation" which resulted in a suspension or expulsion (Discipline File). Please refer to the federal Family Educational Rights and Privacy Act of 1974 (FERPA).
- Personnel files are the property of the College and will not be shared without a subpoena, except upon request by the individual whose records are contained in the personnel file.

## **XX. Revision and Interpretation**

- A. The Policy is maintained by the Office of Human Resources and is effective August 14, 2020. The College reserves the right to review and update the Policy in accordance with changing legal requirements and specific needs of the College.
- B. Any questions of interpretation regarding the Policy shall be referred to the Title IX Coordinator, or Designee for determination. The Title IX Coordinator or Designee's determination is final.
- C. All reports received by the College after this date will be administered in accordance with the procedures described under this Policy.

## **XXI. Freedom of Expression and Academic Freedom**

The College is committed to protecting, maintaining and encouraging both freedom of expression and full academic freedom of inquiry, teaching, service, and research. Nothing in this Policy shall be construed to penalize a member of the community for expressing an

opinion, theory, or idea in the process of responsible teaching and learning. Accordingly, any form of speech or conduct that is protected by the principles of academic freedom or the First Amendment to the United States Constitution is not subject to this Policy.

# Information Security Policy<sup>11</sup>

## I. PURPOSE

In conducting normal business activities, Emmanuel College gathers, processes, and disseminates large amounts of data related to its students, faculty, and staff. In handling this data, the College has both legal and ethical obligations to ensure that all private or sensitive data is managed in a manner that minimizes the risk of unauthorized access, damage, or disclosure, whether accidental or intentional. Examples of sensitive data include but are not limited to social security numbers, credit card numbers, medical information, and passwords. While much of this data is in electronic form, similar standards of care must be applied to the handling of non-electronic data.

Applicable laws in this area include the Family Rights to Privacy Act (FERPA), the Health Insurance Portability and Accountability Act (HIPAA), the Gramm-Leach-Bliley (GLB) Act, Massachusetts 201 CMR 17 and Massachusetts Chapter 93H. Loss or disclosure of confidential data is a violation of these laws and can result in the institution incurring legal and financial liability as well as loss of reputation and the trust of its constituents.

Department heads are responsible for understanding and applying the legal and ethical requirements for managing data within their departments and ensuring that proper procedures are in place to meet these requirements. Ultimately, however, it is the responsibility of every College employee who has access to sensitive data and information to secure and protect it.

The purpose of this policy is to provide the Emmanuel College community with clear guidelines for the access, use, and management of sensitive data. In addition, it outlines possible repercussions for improper handling or use of sensitive data.

## II. SCOPE

This policy applies to all faculty, staff, and student employees of Emmanuel College as well as to individuals not directly employed by the College but who have access to or utilize any sensitive data of the College.

This policy covers the access and/or use, regardless of location or method, of all of the following Emmanuel College information technology resources:

- College-owned computer hardware and software
- Management Information Systems (e.g. Colleague, BlackBaud, etc.)
- Emmanuel College network and Internet access through College resources
- Electronic mail, conferencing, and chats
- Emmanuel College websites
- Telephone, voicemail, and telecommunication services

- Passwords and PINs

### III. POLICY

Sensitive data is defined as information that is protected by federal and state regulations and which, if lost, stolen, or improperly disclosed, could cause financial or personal harm to individuals and cause legal and financial liability to the College, including but not limited to student education records, individually identifiable health information (as defined under HIPAA) and Personal Information. For purposes of this policy, Personal Information is defined as a Massachusetts resident's first name and last name, or first initial and last name, in combination with any one or more of the following data elements that relate to such resident: (a) Social Security number; (b) driver's license number or state-issued identification card number; or (c) financial account number, or credit or debit card number, with or without any required security code, access code, personal identification number or password that would permit access to a resident's financial account; provided, however, that "Personal information" shall not include information that is lawfully obtained from publicly available information, or from federal, state or local government records lawfully made available to the general public.

Sensitive data that is intended for use only by individuals who require that information in order to perform their responsibilities. All sensitive data must be consistently protected from its creation to its destruction in a manner corresponding to its sensitivity regardless of where it resides, what form it takes, or what technology is used to access it. It is the responsibility of each individual with access to sensitive data to use the data in an appropriate manner, complying with all applicable federal, state, and local statutes, and to safeguard it from improper disclosure, either accidental or intentional.

*The following are specific guidelines which must be followed for the handling and management of sensitive data.*

#### A. Access

Access to sensitive information is granted and revoked by department heads in conjunction with Information Technology staff.

If restricted information is to be accessed across departmental lines, the applicable vice president must authorize its access.

Access is granted only to those with a legitimate business need for the data.

Steps must be taken to remove sensitive data from public view, to ensure that conversations concerning sensitive data are conducted as privately as possible, and that sensitive data is physically secured when not in use.

Strong passwords (7-14 alphanumeric characters in length containing at least one numeral) should be set on computer systems used to access sensitive data. Passwords should not be names, birthdays, etc. Passwords should not be

written down or posted in visible or accessible locations and should not be shared. Passwords should be changed every six months.

User accounts should be logged off when systems are unattended.

Desks and file cabinets containing sensitive data should be locked when unattended by an individual with proper access.

Users may not share or transfer their data access rights to others, release data to others, or use data for purposes other than those for which access was granted.

Extracts of data should be treated with the same protective measures as the same data in the primary system.

On an annual basis, department managers will review the current levels of access granted to each individual on the system in order to ensure that no changes are necessary.

**B. Use**

Sensitive data may only be used for the stated legal and/or business purpose for which it was collected in a manner consistent with authorized access and the duties and responsibilities of the position.

Sensitive data may not be shared with others and may only be disclosed as authorized by law or with specific consent from the individual from whom it was collected.

Copies of sensitive data will not be made except as required in the proper performance of duties for the College.

Sensitive data will not be used for any personal or commercial purposes.

**C. Transmission**

Sending sensitive data over the Internet or by e-mail is prohibited unless it is done in a secure or encrypted manner.

Steps must be taken to protect the confidentiality and security of fax and paper transmissions containing sensitive data.

Sensitive data should be removed from paper forms and faxes unless required by law or determined to be necessary for a legitimate business purpose.

When it is determined that sensitive data must be shared with a third party, a written agreement to protect its confidentiality must be in place.

Unless business related, Emmanuel College is not responsible for protecting the transmittal of personal or self-identifying information such as banking data, social security number, credit card information or any other information by an employee who utilizes the College's systems to transmit such information.

**D. Storage**

Sensitive data must be stored on a network server that is physically secure and protected from unauthorized access.

Sensitive data may not be stored on local workstations, laptops, or on any removable media such as CD, tape, PDA, cell phone, or USB drive except as used by Information Technology or departments which they approve for the purpose of system backups.

Removable media used for the purpose of backups must reside in secure physical locations.

Off-site storage of sensitive data must be protected by encryption.

Documents and forms containing sensitive data should be stored in a restricted access area, such as a secure cabinet or locked desk.

#### E. Disposal

Sensitive data for which there is no longer a business need must be destroyed or disposed of securely. Departments should maintain a schedule for the destruction of this data that complies with the legal requirements for document retention.

Prior to recycling or disposal, all media containing sensitive data must be physically destroyed or securely overwritten.

Paper documents containing sensitive data must be disposed of in a secure manner.

#### F. Compliance

Managers are responsible for ensuring that the provisions outlined in this policy are followed within their area by all staff.

*In addition, to ensure College-wide compliance with this policy and the College's compliance with applicable laws, an Information Security Committee will be established. This committee will be convened by the Chief Information Officer. It will be responsible for formulating overall policy, ensuring departmental procedures are implemented and documented and addressing issues which affect data security.*

All individuals to whom this policy applies must adhere to all other College policies and procedures, particularly the Acceptable Use Policy.

Pursuant to Massachusetts Law, Chapter 93H, any breach or suspicion of a breach of personal information must be reported immediately to a member of the College's Executive Committee in order for the College to comply with its notification obligations.

### IV. POLICY VIOLATIONS

All employees are responsible for reporting any suspected violations of the terms of this policy to a member of the College's Executive Committee and to the Vice President of Operations and Information Technology. Review of any violation will take place through

existing student, faculty, or employee disciplinary processes as outlined in their respective handbook and/or policy manual.

## **V. POSSIBLE REPERCUSSIONS**

Disciplinary action may result from any misuse or mishandling of sensitive data including loss of computing privileges and other sanctions appropriate to the individual's position at the College up to and including termination or expulsion and/or legal action depending on the severity of the offense.

## **VI. LIABILITY DISCLAIMER**

Emmanuel College shall not be held liable for the actions of users of the College network when those actions are inconsistent with this policy.

## **VII. POLICY REVIEW AND UPDATE**

The Vice President of Operations and Information Technology and the Computing Security Committee will periodically review and update this policy as needed. Questions concerning this policy should be directed to the Vice President of Operations and Information Technology.

# Intellectual Property Rights Policy

## I. INTRODUCTION

Emmanuel College is committed to providing an atmosphere conducive to scholarship, research, and creative activity. Students, faculty, and staff are encouraged to engage in the scholarly pursuit of knowledge, artistic production, and research. Although not the original intent, the results of such pursuits may lead to the development of intellectual property that may be patented, copyrighted, or otherwise have commercial value. It is the purpose of this intellectual property rights policy to inform all Emmanuel College community members of their rights and responsibilities whenever the results of their research or creative endeavors are patentable, copyrightable, or commercially marketable. The College recognizes the need to balance a number of diverse interests in such matters; thus, this policy reflects its commitment to (a) encourage, support, and motivate students, faculty, and staff in the creation of new knowledge and new applications of existing knowledge; and (b) safeguard the current and potential financial assets of the College.

The College believe that the public interest is best served by creating an intellectual environment whereby creative efforts and innovations can be encouraged and rewarded, while still retaining for the College and its learning communities' reasonable access to, and use of, the intellectual property for whose creation the College has provided assistance.

The Vice President of Academic Affairs is responsible for the interpretation and implementation of the provisions contained in this policy. The Intellectual Property Rights Committee will resolve appeals and disputes.

## II. COVERAGE

This policy, as amended from time to time, applies to all full-time and part-time Emmanuel College faculty, staff (including administrators), and graduate and undergraduate students engaged in teaching, research, study, or other forms of activity within or related to the College, or working with or without monetary compensation on any project under the direction and control of the College (collectively "Emmanuel College community members"); and anyone using College facilities or conducting activities under the supervision of College personnel. Contracts and subcontracts will generally include language that determines the ownership of intellectual property that is developed by those working under the terms of the contract or subcontract.

The policy also covers all intellectual property that is created using College funding (including external funding administered by the College), facilities, materials or other resources.

## III. EXCLUSIONS

If any portion of this policy conflicts with any agreement signed by the College, the provisions of the agreement will prevail. If any portion of this policy conflicts with a signed agreement between the College and a creator (or a person who assists in the creation of intellectual property) or between the College and an external funding agency, the terms of the signed agreement will prevail.

## IV. COPYRIGHT OWNERSHIP

With respect to determining ownership of copyright, the College's policy addresses work by category of copyrightable work (including traditional or non-directed works, directed work, and sponsored or externally contracted works) and by category of author (i.e., faculty, staff, or student). Ownership of copyrighted subject matter, including software, hinges on which category of work and which category of author, pertain to the work at issue.

### Copyrightable Works by Emmanuel College community members

#### A. Works by Faculty.

1. **Traditional Works or Non-Directed Works:** A "traditional work or nondirected work" is a pedagogical, scholarly, literary, or aesthetic (artistic) work originated by a faculty member resulting from non-directed effort. (Such works may include textbooks, manuscripts, scholarly works, fixed lecture notes, distance learning materials not falling into one of the other categories of this policy, works of art or design, musical scores, poems, films, videos, audio recordings, or other works of the kind that have historically been deemed in academic communities to be the property of their creator.)

**Ownership:** The creator of the work is the owner, unless it is a work covered by section b. below, directed work, sponsored work requiring College ownership, or a work for hire described in a written agreement between the work's creator and the College. (See section 2., below, for the definition of "work for hire;" under the Copyright Act of 1976 the College is deemed the "Author" of a work for hire.) If the College is to be involved in commercializing a traditional work or non-directed work, the work's creator shall assign the work to the College under an Assignment Agreement. The Assignment Agreement shall contain provisions outlining the commercialization responsibilities of the College and a mechanism for the sharing of commercial proceeds with the Author. In cases of ownership by the creator of a traditional work, the College, where practical, shall be granted a non-exclusive, nontransferable, perpetual, irrevocable, royalty-free license for its own educational or research use (hereinafter referred to as a "Shop Right").

2. **Traditional Works or Non-Directed Works Involving Exceptional Use of College Resources:** "Exceptional use of College resources" means College support of traditional works with resources of a degree or nature not routinely made available to an Emmanuel College community member in a given area.

**Ownership:** The default is College ownership. However, upon agreement by the Vice President of Academic Affairs (considering the College resources and other resources used), the College may release or transfer its rights to the work's creator, with the College retaining (a) a Shop Right, and/or (b) the College's right to require reimbursement and/or income sharing from the creator to the College if the work

produces income for the creator. The parties may also negotiate for joint ownership of such works, with the approval of the Vice President of Academic Affairs.

3. **Directed Works:** “Directed works” include works that are specifically funded by the College (including, but not limited to, works for hire by faculty).

**Ownership:** The work’s creator, where practical, shall be granted a Shop Right. The College may release or transfer its rights to the work’s creator under a written agreement negotiated between the creator and the College, usually with the College retaining (a) a Shop Right, and/or (b) the right to require reimbursement and/or income sharing from the work’s creator to the College if the work produces income for the creator. The parties may also negotiate for joint ownership of such works, with the approval of the Vice President of Academic Affairs.

4. **Sponsored or Externally Contracted Works:** A “sponsored or externally contracted work” is any type of copyrighted work developed using funds supplied under a contract, grant, or other arrangement between the College and third parties, including sponsored research agreements.

**Ownership:** For a sponsored or externally contracted work created under an agreement that expressly requires copyright ownership by the College, the creator of the work must disclose the work to the College and the College shall be the owner thereof. Provided there is no conflict with a sponsored agreement, the College may release or transfer its rights to the work’s creator under an agreement negotiated between the creator and the College, usually with the College retaining (a) a Shop Right, and/or (b) the right to require reimbursement and/or income sharing from the work’s creator to the College if the work produces income for the creator; or the parties may also negotiate for joint ownership of such works, with the approval of the Vice President of Academic Affairs.

For a sponsored or externally contracted work created under an agreement that does not expressly require copyright ownership by the College or a third party, the creator of the work shall own the work, subject to required disclosure to the College where required under College policy. In case of ownership by the work’s creator, the College, if practical, shall be assigned a Shop Right.

#### B. Works by Staff.

Most works by staff members (i.e., non-faculty employees) are considered to be “Works for Hire.” A “work made for hire” is:

1. A work prepared by an employee within the scope of his or her employment; or

2. A work specially ordered or commissioned for use as a contribution to a collective work, as a part of a motion picture or other audiovisual work, as a translation, as a supplementary work, as a compilation, as an instructional text, as a test, as answer material for a test, or as an atlas, if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire.

**Ownership:** Works for hire made by staff shall be owned by the College. In special cases, though, the College may enter into a written agreement in advance that the employee shall own the copyright. In addition, the Vice President of Academic Affairs may waive College ownership.

C. Works by Independent Contractors.

**Ownership:** Works by independent contractors (not including all faculty) shall be owned in accordance with the contract under which the work was created. The College shall insure that there is a written contract for work by an independent contractor specifying College ownership.

D. Works by Students. “Student works” are papers, computer programs, theses, artistic and musical works, and other creative works made by students.

**Ownership:** Ownership of the copyright to these works belongs to the student unless the work falls within one of the exceptions described below:

1. **Sponsored or Externally Contracted Works:** Ownership shall be in accordance with the section of this policy on sponsored or externally contracted works made by faculty.
2. Any data generated in a course or through research performed with a faculty member belongs to the College and faculty member.
3. **Works for Hire:** Student works created by students in the course of their employment with the College shall be considered to fall within the scope of Work for Hire in accordance with the section of this policy on works for hire made by staff.

As provided by the College policy or as agreed to mutually, rights in student works may be transferred between the student and the College. In such cases, a written Assignment Agreement shall specify the respective rights and obligations of the parties. The parties may also negotiate for joint ownership of such works, with the approval of the Vice President of Academic Affairs.

**Patent/Copyright Protection:** Notwithstanding the above, in the event that a work is subject to both patent and copyright protection and the College owns the patent, the College shall also own any related copyright.

## **V. PATENT OWNERSHIP**

With the exception of “Inventions made on Own Time,” hereinafter defined, every invention or discovery or part thereof that results from research or other activities carried out at Emmanuel College, or that is developed with the aid of the College’s facilities, resources, staff, or through funds administered by the College, shall be the property of the College and, as a condition of employment or enrollment and attendance, shall be assigned by the College inventor to Emmanuel College in accordance with these policies.

### **A. Patent Application**

Patents on inventions made by an Emmanuel College community member may be applied for in any country by the College or through an authorized agent(s) or assignee(s). The College shall exercise its rights of ownership of such patent(s), with or without financial gain, with due regard for the public interest, as well as the interests of inventors and sponsors concerned.

### **B. Inventions Made on Own Time**

Inventions or discoveries made by College personnel or students entirely on their personal time and not involving the use of College facilities are the property of the inventor except in case of conflict with any applicable agreement between the College and the federal or state government or agency thereof. For purposes of this provision, an individual’s “personal time” shall mean time other than that devoted to normal or assigned functions in teaching, College service, or direction or conduct of research on College premises or utilizing College facilities. The term “College facilities” shall mean any facility or resource (including funding administered by the College), including equipment and material, available to the inventor as a direct result of the inventor’s affiliation with the College, and which would not be available to a non- College individual on the same basis.

Personnel or students who claim that inventions are made on personal time have the responsibility to demonstrate that inventions so claimed are invented on personal time. All such inventions shall be disclosed in accordance with the College’s disclosure procedures applicable to inventions made on College time or with the use of College facilities, and shall demonstrate the basis of the inventor’s claim that only personal time was utilized. In each instance so demonstrated to conform to the definition of personal time, the College shall acknowledge in writing that the invention is the sole property of the inventor in accordance with the “waiver” provision, below.

If the inventor chooses, inventions or discoveries made on personal time and utilizing the inventor’s own facilities and materials may be assigned to the College. Under this arrangement, the procedures will be the same as for inventions or discoveries made by College personnel on College time and/or with the use of College facilities.

C. Waiver and Release of College Rights

Pursuant to these policies and to its patent procedures, Emmanuel College, after consultation with the inventor, shall cause its rights to subsequent patents, if any, to be waived to the inventor if the College determines, in its discretion, that no College facilities, time, or materials were used in the development of the discovery or invention, that it was made on personal time, and that such waiver would not conflict with any pertinent agreement between the College and a sponsoring agency or agencies.

Pursuant to these policies and to its patent procedures, the College, after consultation with the inventor, may in its discretion and upon such terms as it deems appropriate, cause its rights to the discovery or invention, if any, to be released and waived to the inventor if the College determines that the discovery or invention is clearly one that is non-patentable, that it does not warrant further evaluation as to patentability, or if the discovery or invention has been returned to the College after negative evaluation by the College's agent(s).

**VI. SHARING ROYALTIES OR OTHER INCOME**

A. Ownership Retained by the Creator

Neither the College nor any of its faculty and staff should benefit financially from the sale of materials that are developed solely for sale to Emmanuel College students (e.g., course packs); It is understood that royalties will accrue from materials that are developed for sale to an audience broader than just Emmanuel College students. College faculty and staff who may potentially retain royalties from the sale of these materials to Emmanuel College students must inform the Intellectual Property Rights Committee if either of the following conditions is met:

1. Students purchased the materials in conjunction with a course taught by the faculty and/or staff who will earn the royalties, or
2. The faculty and/or staff who will earn the royalties were involved in selecting the materials that students are expected to purchase.

B. Ownership Retained by the College

Royalties and other income will first be used to reimburse documented expenses in the following order:

1. Costs paid by the College in conjunction with processing of patent or copyright application, marketing, licensing, defense or enforcement of the intellectual property, or related legal costs.
2. Costs associated with the use of equipment, materials, and staff services of any of the various campus units that assisted in the development of the materials.

Costs will be determined by the normal fee schedule of the unit providing the support; funds, supplies, or services provided to the project by a

department or college, or by any other unit of the College; normal salary, even that provided by sabbatical, need not be repaid.

After direct and indirect expenditures are reimbursed, the royalties and other income will be disbursed as follows:

C. Distribution of Royalties for Intellectual Property Owned by College

|  | Creator | Office of the Vice President of Academic Affairs |
|--|---------|--|
| The first \$5,000                        | 100%    |  |
| The portion between \$5,001 - \$50,000   | 75%     | 25%  |
| The portion between \$50,001 - \$100,000 | 60%     | 40%  |
| The portion over \$100,000               | 50%     | 50%  |

This table shows the distribution of royalties only in those cases where the College owns the Intellectual property rights and royalties will be shared with the creator. If the creator does not report to the Vice President of Academic Affairs, then the administrative unit most comparable to that academic unit will receive this share of the royalties.

Notwithstanding anything else herein, no royalties will be shared with (a) any independent contractor (other than faculty) resulting from any work or invention by such contractor that is owned by the College or (b) any staff resulting from any work made for hire by such staff that is owned by the College.

In the event of multiple creators, such creators will determine the allocation of the creators' share of the royalties, preferably when the research or creative work is first undertaken. If they cannot agree on the distribution, the money shall be deposited into a College account until such time as the creators agree on a written distribution plan or a dispute resolution mechanism resolves the issue.

The royalties assigned to the office of the Vice President of Academic Affairs (or comparable administrative unit) should be used directly or indirectly to encourage and support additional research and creative endeavors. This may take the form of summer faculty research grants, purchase of specialized equipment, start-up funds for new Emmanuel College community members, etc. Note: If an infringement suit or claim of patent invalidity is brought against the College during the life of a patent, the income distribution attributable to that patent may be halted pending settlement of the suit. Similarly, if there is a legal challenge to the validity of a copyright, income distribution may be halted pending settlement of the suit.

## **VII. ADDITIONAL PROVISIONS**

All individuals whose works or inventions are covered by this policy have a duty to disclose their works and inventions promptly in accordance with the procedures specified by the College. Regardless of anything contained in this policy to the contrary, the College shall have sole discretion in whether, and if so how, it pursues registration, licensing, commercialization, defense or enforcement of any intellectual property addressed by this policy.

Regardless of anything contained in this policy to the contrary, all references to College ownership of intellectual property herein, or assignment of intellectual property to the College herein, are intended and deemed to be presently effective such that the College hereby owns, and all applicable persons hereby assign to the College, and agree to assign, all right, title and interest in and to all relevant intellectual property. All such persons further agree to execute written assignments memorializing such assignment at the College's request.

## **VIII. INTELLECTUAL PROPERTY POLICY AND RIGHTS COMMITTEE**

The Intellectual Property Policy and Rights Committee will be composed of three faculty members (appointed by the Faculty Senate), a college dean or librarian (appointed by the Vice President of Academic Affairs), a representative from Finance and Administration (appointed by the Vice President of Finance and Administration), and one additional administrator (appointed by the Vice President of Academic Affairs) and the Vice President of Academic Affairs who serves as the chair and a non-voting member. At the time of initial appointment or election, each member shall be designated as serving a one- or two-, or three-year term, so that the term of one faculty committee member and one administration member will expire each year and replacements will be appointed or elected each year. After the first appointment, subsequent members shall serve a three-year term, commencing on July 1 and terminating on June 30. Committee members may serve one additional three-year term.

The Committee shall review technological and legislative changes affecting intellectual property policy and shall report to relevant faculty and administrative bodies, when such changes affect existing policies. The Committee shall serve as a forum for the receipt and discussion of proposals to change existing College policy and/or to provide recommendations for contract negotiations. The Committee may only function in case of need. The Intellectual Property Policy and Rights Committee will decide disputes over ownership, and its attendant rights, of intellectual property. The committee shall make an initial determination of whether the College or any other party has rights to the invention or other creation, and, if so, the basis and extent of those rights. The Committee shall also make a determination on resolving competing faculty claims to ownership when the parties cannot reach an agreement on their own. The Committee will review the merits of inventions, and other creations, and make recommendations for the management of the invention, including development, patenting, and exploitation.

Decisions of the Committee may be appealed in writing to the President of the College who has final authority for resolving the issues.<sup>12</sup>

# Research Misconduct Policy

## I. INTRODUCTION

The U.S. Office of Science and Technology Policy (OSTP) established the following common definition of “research misconduct” through federal regulation (FR 7626076264) in December 2000: “Fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.” To be considered research misconduct, actions must represent a “significant departure from accepted practices,” have been “committed intentionally, or knowingly, or recklessly,” and be “proven by a preponderance of evidence.” Research misconduct does not include honest errors or honest differences of opinion. In compliance with federal policy, Emmanuel College is committed to reviewing, investigating, and reporting allegations of research misconduct, and will protect the privacy of those who report misconduct in good faith to the maximum extent possible.

## II. SCOPE

This policy applies to:

- A. all research conducted under the aegis of Emmanuel College – both internally and externally funded
- B. all research conducted under the aegis of Emmanuel College – both on and off campus
- C. all individuals at Emmanuel College who are engaged in any type of research, including, but not limited to, faculty, staff, students, fellows, guest researchers, and visiting scholars

The policy and associated procedures will be followed when an allegation of possible research misconduct is received by the Office of the Dean of Arts and Sciences (the “Dean”).

## III. DEFINITIONS

- A. Allegation means a disclosure of possible research misconduct through any means of communication. The disclosure may be a written or oral statement to a College official.
- B. Complainant is a person who in good faith makes an allegation of research misconduct.
- C. Evidence means any document, tangible item, or testimony offered or obtained during a research misconduct proceeding that tends to prove or disprove the existence of an alleged fact.
- D. Fabrication is making up data or results and recording or reporting them.

- E. Falsification is manipulating research materials, equipment, or processes; or changing or omitting data or results such that the research is not accurately represented in the research record.
- F. Inquiry means preliminary information gathering and preliminary fact finding.
- G. Investigation means the formal development of a factual record and the examination of that record leading to a decision not to make a finding of research misconduct or to a recommendation for a finding of research misconduct which may include a recommendation for other appropriate actions, including administrative actions.
- H. Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.
- I. Respondent is the person against whom an allegation of research misconduct is directed or who is the subject of a research misconduct proceeding.
- J. Retaliation means an adverse action taken against a complainant, witness, or committee member in response to a good faith allegation of research misconduct; or good faith cooperation with a research misconduct proceeding.

#### **IV. RESPONSIBILITY TO REPORT MISCONDUCT**

- A. All individuals associated with Emmanuel College should report observed, suspected or apparent misconduct in science to their supervisor(s). The allegations should be communicated to the Dean.
- B. At any time, an employee may have a confidential (subject to the terms of this policy) discussion and consultation about any concerns of possible misconduct with their supervisor(s) and be counseled about appropriate procedure for reporting allegation(s).
- C. The Dean will evaluate the allegation to determine whether it falls within the definition of research misconduct and whether it is sufficiently credible and specific so that potential evidence of research misconduct may be identified. In an event that the supervisor is suspected of the misconduct, the complaint shall be submitted directly to the Dean and the Vice President of Academic Affairs.
- D. If the Dean determines that the allegation warrants an inquiry, the Committee on Research Misconduct will conduct both the inquiry and the investigation process. The Committee on Research Misconduct is an ad hoc committee to be composed of three senior members of the faculty. The committee members and chair will be appointed by the Vice President of Academic Affairs. The Director of Human Resources will serve as a de facto member of the committee.
- E. The Committee on Research Misconduct shall consist of individuals who do not have real or apparent conflicts of interest in the case and have the necessary expertise to evaluate the evidence and issues related to the allegation in an unbiased manner. The Senior Associate Dean for Academic Affairs will staff the

inquiry and investigation and are a non-voting member of the Committee on Research Misconduct.

- F. The Dean will notify the respondent of the proposed committee membership. The respondent may submit a written objection to any appointed member of the inquiry/investigation committee based on bias or conflict of interest within 14 days. The Dean will consider the reasons for the objection and determine whether to replace the challenged member or expert with a qualified substitute.

## **V. CONFIDENTIALITY**

Emmanuel College cannot guarantee the confidentiality of the identity of any complainant, respondent or other person involved in a proceeding under this policy or of the information developed in the course of a proceeding. Disclosure of the identity of respondents and complainants in research misconduct proceedings and the information developed in a proceeding is limited, to the extent possible, to those who need to know, consistent with a thorough, competent, objective and fair research misconduct proceeding, and as required by law.

## **VI. PROCESS OF INQUIRY**

- A. Upon determining that an allegation falls within the definition of research misconduct and that an inquiry is warranted, the Dean will notify the respondent and will immediately secure all original research records and materials relevant to the allegation.
- B. The purpose of the inquiry is to make a preliminary evaluation of the evidence to determine whether there is sufficient evidence of possible scientific misconduct to warrant an investigation or whether the matter can be closed because the allegations are frivolous, unjustified or mistaken.
- C. The inquiry must be initiated promptly and be completed within 60 days of the receipt of allegation from the complainant, unless circumstances require a longer period. If the inquiry is not completed within 60 days, documentation for extending the period should be prepared providing thorough explanations.
- D. If the Committee on Research Misconduct finds the allegations to be frivolous, unjustified or mistaken and therefore not to warrant an investigation, the Committee must document its reasoning in its inquiry report.
- E. At the conclusion of an inquiry, the Committee on Research Misconduct will prepare a report which includes the name of the respondent, a description of the allegations of research misconduct, any comments from the respondent or the complainant, evidence reviewed, interview summaries, and conclusions of the inquiry.
- F. The respondent shall be entitled to receive a copy of the draft report and will be given thirty days to comment on the report. The final report will address the respondent's comments.

## **VII. PROCESS FOR INVESTIGATION**

- A. If findings from the inquiry provide a sufficient basis for conducting an investigation, an investigation will be initiated by the Committee on Research Misconduct within 30 days of the completion of the inquiry. The investigation should be completed within 120 days.
- B. The Investigation will involve examination of all documentation including, but not limited to, relevant research records, computer files, proposals, manuscripts, publications, correspondence, memoranda, and notes of telephone calls. Interviews of the complainant, the respondent, and other individuals who might have information regarding aspects of the allegations will be conducted.
- C. The Dean will give the respondent written notification of the charges to be investigated, as well as the place, time, and date of any meeting at which her/his appearance is requested. Every effort will be made to schedule such meetings at a convenient time. Unless waived by the respondent, no initial meeting with the committee will take place less than seven (7) days after s/he receives the committee's request to appear. The respondent may request a rescheduling of the meeting(s) with the committee for good cause. The respondent's failure or refusal to meet with the committee will not deter the progress of the investigation. If the respondent is no longer a member of the Emmanuel College community, the requirements of written notice and an opportunity to answer to the charge of misconduct will be observed as far as is practical, but the failure of the respondent to respond or to appear before the Committee on Research Misconduct will not deter the investigation.
- D. The Committee on Research Misconduct shall meet with all persons involved. The committee shall afford all parties the full opportunity to provide explanations, responses, and review and examine all relevant documents, and submit congruent documentation.
- E. The Committee on Research Misconduct shall record its interviews with the complainant, the respondent and all witnesses. Deliberations of the Committee will not be recorded.
- F. Since it is intended that all stages of this procedure be conducted in the spirit of peer review, and that it be non-adversarial in nature, no respondent and no complainant may appear before an inquiring body or office of the College with legal counsel.
- G. To find research misconduct, a majority of the Research Misconduct Committee must find by a preponderance of the evidence that an act of research misconduct occurred, that it represented a significant departure from the accepted practices of the scientific community and that it was committed intentionally, knowingly or recklessly.
- H. If, with due regard to complainant protections, the Committee on Research Misconduct finds: 1) the allegations of misconduct were based on information that the person bringing the allegations knew or should have known was without substantial basis and, 2) the person bringing the allegations acted in bad faith,

and with intent to damage the respondent, appropriate disciplinary action may be instituted in accordance with applicable procedures.

## **VIII. THE INVESTIGATION REPORT**

- A. The final report submitted to the Dean by the Committee on Research Misconduct will describe the policies and procedures under which the investigation was conducted, describe how and from whom information relevant to the investigation was obtained, state the findings, and explain the basis for the findings. The report will include the actual text or an accurate summary of the interview(s) of the respondent and other key witnesses.
- B. A copy of the draft report will be provided to the respondent, as well as a copy of, or supervised access to, the evidence on which the report is based. The respondent may submit comments to the draft report within 30 days of receipt. The Dean will be given the final report and the respondent's comments, if any; a copy will also be provided to the Office of Human Resources.

## **IX. ADMINISTRATIVE ACTION**

- A. Emmanuel College will take appropriate administrative and disciplinary actions when an allegation of misconduct has been substantiated.
- B. The Dean will review the report and make the final determination whether to accept the investigation report, and its findings.
- C. The Dean may also return the report to the Committee on Research Misconduct with a request for further fact-finding or analysis.
- D. If the Dean accepts the report, he or she will decide on the appropriate actions to be taken. The actions may include:
  - 1. Withdrawal or correction of all pending or published abstracts and papers emanating from the research where research misconduct was found;
  - 2. Removal of the responsible person from the particular project;
  - 3. Formal reprimand;
  - 4. Special monitoring of future work and other remedial action;
  - 5. Probation;
  - 6. Suspension;
  - 7. Initiation of steps leading to termination of employment in accordance with established procedure.
- E. The disposition by the Committee on Research Misconduct of an allegation of research misconduct fraud and the remedial or disciplinary actions may be appealed to the Vice President of Academic Affairs, whose decision shall be final. An appeal to the Vice President of Academic Affairs may be made within 14

days after the person(s) receive notice of the Dean's decision. Review by the Vice President of Academic Affairs shall be limited to the adequacy of the procedures followed and appropriateness of the actions taken.

- F. Where the final decision of the College exonerates the respondent, reasonable and appropriate action(s) should be taken to restore the reputation of respondent.
- G. A person determined to have committed research fraud may not invoke the College's grievance procedure in an effort to gain a re-adjudication of the charge.

#### **X. NOTIFICATION OF THIRD PARTIES**

- A. Any granting agency that is supporting, considering support, or has supported the research in question must be informed that an investigation is taking place and the report must be submitted to the Office of Sponsored Programs, which may then inform relevant federal sponsors in accordance with applicable policies and procedures. This may be done, consistent with the sponsor rules, without identifying the individuals accused. The funding agency and the Office of Sponsored Programs must be kept informed of progress throughout the investigation, in accordance with regulatory requirements.
- B. If at any stage of the inquiry or investigation of cases involving sponsored research it is determined that any of the following conditions exist, the Dean will immediately notify the Office of Sponsored Research and the Vice President of Academic Affairs: a) Health or safety of the public is at risk, including an immediate need to protect human or animal subjects; b) Emmanuel College resources or interests are threatened.
- C. Research activities should be suspended when: a) There is reasonable indication of possible violations of civil or criminal law; b) Federal action is required to protect the interests of those involved in the research misconduct proceeding; c) The Dean or his/her designee believes the research misconduct proceeding may be made public prematurely so that Emmanuel College may take appropriate steps to safeguard evidence and protect the rights of those involved; d) the research community or public should be informed.
- D. In the event that information obtained appears to present the possibility that a criminal act may have occurred, such information shall be immediately forwarded to the Office of Human Resources which will assume responsibility for notifying the College's general counsel who will prompt notification of the appropriate federal and state authorities.
- E. At any stage of the inquiry or investigation, the Dean may take steps to notify other parties who, in his/her judgment, should be informed of the on-going proceedings or its conclusion, and whether interim administrative action is necessary to protect any funding or governmental or public interest.

## **XI. RECORD RETENTION**

After completion of a case and all ensuing related actions, the committee will prepare a complete file, including the records of any inquiry or investigation and copies of all documents and other materials. The Office of Human Resources will keep all official records.

# Whistle Blower Policy

## I. PURPOSE

The Whistle Blower Policy provides a procedure for filing and addressing whistle blower complaints pertaining to the College's business practices or assets. By definition, whistle blowing is any and all methods of reporting by employees of any criminal or otherwise improper practices within the College. The policy also provides protection to employees from interference in whistle blowing or retaliation against whistle blowing, and addresses complaints of retaliation by any Emmanuel College employee. For the purposes of this policy, retaliation shall be defined as taking adverse action against a person who filed a whistle blower complaint against Emmanuel College or any of its employees or agents or participated in an investigation regarding such a complaint.

## II. SCOPE

This policy applies to all Emmanuel College employees.

## III. POLICY

Emmanuel College has a responsibility for the stewardship of its resources and the private support that enables it to achieve its mission. The College's internal controls and operating procedures are intended to detect and to prevent illegal or improper activities relative to its assets or business practices. However, intentional and unintentional violations of laws, regulations, policies and procedures may occur and may constitute illegal or improper activities. The College has a responsibility to investigate and report to appropriate parties' allegations of suspected illegal or improper activities, and to protect those employees who, in good faith, report these activities to the appropriate authority.

Neither Emmanuel College, nor any Emmanuel College employee, may: (1) retaliate against an employee who has made a protected disclosure or who has refused to obey an illegal or improper order, or (2) directly or indirectly use or attempt to use the official authority or influence of his or her position for the purpose of interfering with the right of an employee to make a protected disclosure to the College. Any retaliation against an individual who has filed a complaint or retaliation against individuals for cooperating with an investigation of a complaint is unlawful and will not be tolerated.

## IV. PROCEDURE

### A. Filing a Report of Suspected Illegal or Improper Activities

Any person may report allegations of suspected illegal or improper activities. Knowledge or suspicion of illegal or improper activities may originate from faculty, staff or administrators carrying out their assigned duties, internal or external auditors, law enforcement, regulatory agencies, and vendors, students or other third parties.

Allegations of suspected illegal or improper activities should be made in writing so as to assure a clear understanding of the issues raised. Such reports should be factual and contain as much specific information as possible.

Normally, a report by an Emmanuel College employee of allegations of a possible illegal or improper activity should be made to the reporting employee's immediate supervisor or another appropriate administrator or supervisor within the department. However, when the whistleblower believes there is a potential conflict of interest, such reports may be made to another College official who has responsibility over the department in question or the authority to review the alleged illegal or improper activity on behalf of the College. Should the alleged illegal or improper activities involve the President, a Vice President, or a member of the Executive Committee, such reports may be made to the Office of Human Resources.

When a person reports allegations of suspected illegal or improper activities to an appropriate authority in good faith, the report is known as a protected disclosure. College employees and applicants for employment who make a protected disclosure are protected from retaliation.

The Executive Committee or the Office of Human Resources may enlist outside legal, accounting or other advisors, as appropriate, to conduct any investigation of complaints regarding financial statement disclosures, disclosure concerns or violations, accounting, internal accounting controls, auditing matters or violations of the College's policies.

#### B. Protection from Retaliation

Any employee who believes he or she has been subjected to or affected by retaliatory conduct for (1) reporting suspected illegal or improper activity, or (2) for refusing to engage in activity that would result in a violation of law, should report such conduct to the appropriate supervisory personnel (if such supervisory personnel is not the source of or otherwise involved in the retaliatory conduct). Any supervisory employee who receives such a report, or who otherwise is aware of retaliatory conduct, is required to advise the Director of Human Resources, or the Vice President of Finance and Administration/CFO, of any such report or knowledge of retaliatory conduct. If the employee believes that reporting such conduct to the appropriate supervisor is for any reason inappropriate, unacceptable or will be ineffectual, or if the report to the supervisor has been made and the retaliatory conduct has not ended, the employee should report the incident directly to a member of the Executive Committee.

The College will use its best efforts to protect whistleblowers against any form of retaliation. It cannot guarantee confidentiality, however, and there is no such thing as "unofficial" or "off the record" reporting. The College will take reasonable steps to keep the whistleblower's identity confidential, unless (1) the person agrees to be identified; (2) identification is necessary to allow the College or law enforcement officials to investigate or respond effectively to the report; (3) identification is required by law; or (4) the person accused of illegal or improper activities is entitled to the information as a matter of legal right in disciplinary proceedings.

#### C. Any reports or other correspondence should be sent to the intended person noted in the appropriate section, C/O Emmanuel College, 400 The Fenway, Boston, MA 02115 or through e-mail.

## **V. POLICY VIOLATIONS**

All employees are responsible for reporting any suspected violations of the terms of this policy to a member of the College's Executive Committee. Review of any violation will take place through existing student, faculty, or employee disciplinary processes as outlined in their respective handbooks and/or policy manual.

## **VI. POLICY REVIEW AND UPDATE**

The Office of Human Resources and the College's Executive Committee will periodically review and update this policy as needed. Questions concerning this policy should be directed to the Office of Human Resources.

# Conflict of Interest Policy

## I. PURPOSE

Emmanuel College as a nonprofit, tax-exempt organization depends on charitable contributions from the public. Maintenance of its tax-exempt status is important both for its continued financial stability and for the receipt of contributions and public support. Therefore, the IRS, as well as state corporate and tax officials, view the operations of Emmanuel College as a public trust which is subject to scrutiny by and accountability to such governmental authorities as well as to members of the public.

Consequently, there exists between Emmanuel College and its officers and management employees a fiduciary duty which carries with it a broad and unbending duty of loyalty and fidelity. The officers and management employees have the responsibility of administering the affairs of the College honestly and prudently, and of exercising their best care, skill, and judgment for the sole benefit of the College. Those persons shall exercise the utmost good faith in all transactions involved in their duties, and they shall not use their positions with the College or knowledge gained there from for their personal benefit. The interests of the organization must have the first priority in all decisions and actions.

## II. SCOPE

This policy applies to all employees who have direct responsibility for a departmental budget.

## III. POLICY

### A. Areas in Which Conflict May Arise

Conflicts of interest may arise with any of the following third parties:

1. Persons and entities supplying goods and services to the College.
2. Persons and entities from whom the College leases property and equipment.
3. Persons and entities with whom the College is dealing or planning to deal in connection with the gift, purchase or sale of real estate, securities, or other property.
4. Competing or affinity organizations.
5. Donors and others supporting the College.
6. Agencies, organizations, and associations which affect the operations of the College.
7. Family members, friends, students, and other employees.

### B. Nature of Conflicting Interest

A material conflicting interest may be defined as an interest, direct or indirect, with any persons or entities mentioned in the section above. Such an interest might arise through:

1. Owning stock or holding debt or other proprietary interests in any third party dealing with the College.
2. Holding office with, participating in management of, or being otherwise employed (or formerly employed) by any third party dealing with the College.
3. Receiving remuneration for services with respect to individual transactions involving the College.
4. Using the College's time, personnel, equipment, supplies, or good will for other than College-approved activities, programs, and purposes.
5. Receiving personal gifts or loans from third parties dealing with the College. (Receipt of any gift is disapproved except gifts of nominal value which could not be refused without discourtesy. No personal gift of money should ever be accepted.)
6. Obtaining an interest in real estate, securities, or other property that the College might consider buying or leasing.
7. Expending staff time during the College's normal business hours for personal affairs or other organizations, civic or otherwise, to the detriment of work performance for the College.

C. Interpretation of This Statement of Policy

The areas of conflicting interest listed above, and the relations in those areas which may give rise to conflict, as listed, are not exhaustive. Conceivably, conflicts might arise in other areas or through other relations. It is assumed that employees will recognize such areas and relation by analogy.

The fact that one of the interests described above exists does not mean necessarily that a conflict exists, or that the conflict, if it exists, is material enough to be of practical importance, or if material, that upon full disclosure of all relevant facts and circumstances that it is necessarily adverse to the interests of the College.

However, it is the policy of the College that the existence of any of the interests described above shall be disclosed before any transaction or other business relationship is consummated. It shall be the continuing responsibility of employees to scrutinize their transactions and outside business interests and relationships for potential conflicts and to immediately make such disclosures.

D. Disclosure Policy and Procedure

Transactions with related parties may be undertaken only if all of the following are observed:

1. A material transaction is fully disclosed in the audited financial statements of the College;
2. The related party is excluded from the discussion and approval of such transaction;
3. A competitive bid or comparable valuation exists; and
4. The Board has acted upon and demonstrated that the transaction is in the best interest of the College.

Disclosure in the organization should be made to the President (or if she is the one with the conflict, then to the Board Chair), who shall determine whether a conflict exists and is material, and if the matters are material, bring them to the attention of the Board.

Disclosure involving trustees should be made to the Board Chair, whom shall bring these matters, if material, to the Board.

The Board shall determine whether a conflict exists and is material, and in the presence of an existing material conflict, whether the contemplated transaction may be authorized as just, fair, and reasonable to the College. The decision of the Board on these matters will rest in their sole discretion, and their concern will be the welfare of the College and the advancement of its purpose.

#### **IV. POLICY VIOLATIONS**

Review of any violation of this policy will be handled through the Office of The President and /or the Board of Trustees.

#### **V. POLICY REVIEW AND UPDATE**

The Office of Human Resources and the College's Executive Committee will periodically review and update this policy as needed. Questions concerning this policy should be directed to the Office of Human Resources.

# Employee Assistance Program Policy and Procedure

## I. PURPOSE

Emmanuel College maintains a strong commitment to its employees as valued members of the College's community. This commitment is in part displayed through the Employee Assistance Program. The program is designed under the known reality that personal problems can negatively affect our lives and work situations. The objective of the program is to assist in reducing these problems and retain valued employees. If personal problems do affect work performance, the College has a responsibility to be concerned about the individual in relationship to College operations.

## II. SCOPE

- A. This policy applies to all Emmanuel College employees.
- B. The program is designed to assist employees and their immediate families with personal problems that are, or could be, adversely affecting work performance.
- C. This policy and subsequent procedures do not alter personnel and administrative policies or the disciplinary process.
- D. Participation in the EAP is treated in a confidential manner. Records are maintained under a system separate from the College's personnel records. The records will not be released to anyone without a signed release unless laws mandate release or a court order compels release. Aggregate usage statistics will be compiled and maintained but no names will appear in these statistics or reports.
- E. EAP provides assessment, short-term counseling, referral and follow-up in an effort to:
  - 1. Prevent problems that may interfere with a person's ability to perform his or her job;
  - 2. Rehabilitate employees whose problems may be affecting work performance;
  - 3. Retain valued employees;
  - 4. Motivate an employee to assume more responsibility for his/her own health and well-being.
- F. Employees referred to and participating in the EAP will be expected to meet existing work performance standards and work rules. EAP is not a substitute for, nor does it preclude or alter disciplinary action.

### **III. PROCEDURES**

#### **A. Referrals**

##### **1. Self-Referrals**

Employees having personal problems which can adversely affect work performance are encouraged to seek assistance through the EAP via a self-referral.

Self-referrals occur at the employee's own initiative. The employee, in recognizing the need for assistance, consults with an EAP representative before job performance problems become an issue. No feedback will be given to supervisors.

##### **2. Supervisor Referrals**

If an employee has had satisfactory work performance in the past, but has begun to demonstrate deteriorated work performance, the supervisor may consider referring the employee to the EAP. A referral to the EAP may be appropriate when normal supervisory intervention has not been effective and when one or more of the following problems in regards to work performance exists:

##### **Declining Work Performance**

- Erratic Work performance
- Impaired Decision-Making Ability
- Decreased Effectiveness
- Other Work Performance Related Issues

##### **Attendance Problems**

- Repeated Tardiness
- Excessive Sick Leave
- Absent from Work Area
- Repeated Monday/Friday Absences or Other Patterns of Absence

##### **Behavior Changes**

- Conflict with Co-Workers
- Emotional or Mood Swings or Outbursts
- Uncharacteristic Anger or other Behaviors
- Overreaction to Criticism or Requests from Supervisor

The Supervisor Referrals are initiated by the supervisor. There are three types of supervisory referrals; suggested, recommended and mandated. The type of referral depends on the disciplinary step that is occurring and is determined by the supervisor with, when available, consultation with The Office of Human Resources.

B. Process for Supervisory Referrals

1. Supervisory Referrals typically occur when no disciplinary action is in process. The supervisor simply informs the employee or employees of the existence and availability of the EAP as a resource. This is considered an informal referral and, in this situation, no feedback is given to supervisors.
2. Recommended Referrals are initiated by the supervisor when an employee demonstrates deteriorating work performance. A recommended referral occurs when an employee's work performance has been verbally discussed and documented. Steps to a recommended referral would include:
  - Supervisor continues observation and documentation of employee's work performance, behavior and/or attendance patterns and makes sure to speak with employee about work expectations.
  - After consulting the Office of Human Resources to discuss the possibility of referring the employee, the Supervisor contacts the EAP representative.
  - Supervisor consults with the EAP representative to review documentation regarding the employee's work performance issues.
  - Supervisor meets with employee to discuss work performance issues and documents discussion. Supervisor also discusses the recommended referral to the EAP as a positive resource for employee and provides employee with EAP brochure or contact information.
  - The Supervisor should not attempt to discuss or counsel employee on personal problems and should keep discussion to work performance related items.
  - If the employee agrees to contact the EAP, the supervisor should coordinate with the EAP representative, making sure to schedule a follow up meeting with the employee within two weeks of the employee's EAP referral meeting. The Office of Human Resources should be informed of all steps in the process.
3. Mandatory Referrals will follow the same steps as a recommended referral except for the following:

- Mandated referral occurs when the supervisor, in consultation with The Office of Human Resources, determines that mandatory referral is the most effective referral method for an employee's situation, such as when work performance issues still exist after a verbal warning or written warning, or when an employee faces a potential termination of employment.
- Supervisor must consult with the Office of Human Resources before making a mandatory referral to the EAP as this requires the employee to participate and follow a recommended treatment plan. If an employee refuses to participate in a mandatory referral, the employee may be subject to further disciplinary action, up to and including termination of employment.
- If the employee utilizes the EAP and their work performance issues continue, the supervisor will continue with normal disciplinary procedures.
- A mandatory referral requires an employee to:
  - Participate in EAP;
  - Complete the necessary release of information forms;
  - Follow up with recommended treatment plan.

#### C. Feedback to Supervisors

1. Under a recommended or mandated referral, feedback to the supervisor is restricted to:
  - Confirmation that the employee did or did not meet with the EAP counselor.
  - Acknowledgement that the employee is or is not cooperating with a recommended treatment plan.
  - The return-to-work date, if treatment required extended time off.
2. Disclosure exemptions to the above procedures would occur under the following circumstances:
  - A written consent is obtained.
  - A medical emergency occurs.
  - A court order or subpoena requires disclosure.
  - An employee represents a serious threat of life or safety to himself/herself or others.

#### D. Utilizing EAP Sessions

1. The EAP offers assessment sessions, short-term counseling and referral services.
  - Time off from work for utilization of the EAP should follow normal procedures of approval, unless it is due to a mandatory referral, then the initial session can be scheduled during working hours without requiring the use of vacation, sick or personal time.
  - Additional sessions will be scheduled with supervisor approval utilizing available vacation, sick or personal time.

#### **IV. PROGRAM COSTS**

- A. The EAP is a benefit for employees and is paid for by the College.
- B. If a referral to an outside agency or individual is in order, the employee would be held responsible for that cost, either by utilization of his/her health insurance or by making other arrangements.

#### **V. SUMMARY**

The EAP exists to benefit the organization, supervisors and individual employees. Supervisors are encouraged to refer employees early in the disciplinary process. Early referrals allow employees the opportunity to address their personal problems before they escalate and correct work performance issues before they become a major disciplinary problem. The determination as to whether a referral is appropriate in any specific circumstances is made in the sole discretion of the applicable Supervisor, following consultation, where appropriate, with the Office of Human Resources.

## **Conflict Resolution Policy**

### **I. PURPOSE**

To define the conditions under which a staff member may work to resolve conflicts with their manager or work colleagues.

### **II. SCOPE**

This policy applies to all staff employees.

### **III. POLICY**

When a staff member disagrees or encounters problems with their manager or work colleagues, or feels that they have been treated unfairly, there are general guidelines for resolving such conflicts.

- A. The best approach is for the staff member to discuss the issue directly with the person, if they are comfortable doing so. In many situations, problems can be resolved at this level through candid, tactful and direct communication. If the issue involves potential discrimination or harassment, the staff member should contact the Office of Human Resources who will follow the procedures outlined in the respective policies.
- B. A staff member should raise the issues in a prompt manner but be sensitive to timing. For example, if the person whom the staff member is in conflict with is facing a tight deadline or important meeting, the staff member should delay the meeting with them until after the deadline has been met or the meeting has been held.
- C. If the problem is with a work colleague and it cannot be resolved, the staff member should discuss the problem with their manager and/or the Office of Human Resources.
- D. If the problem is with the staff member's direct supervisor and remains unresolved, the staff member may speak with their respective Dean or Vice President. This meeting shall include background information on the problem or issue, the attempts to resolve it, and the proposal for a recommended solution.
- E. Emmanuel College maintains an open-door policy, reflecting our respect for each individual in our community and our belief that everyone should have the right to discuss and even disagree with the administration. The process described above allows staff to have access to the level of administration that has the authority to affect change and resolve problems. A representative from Human Resources is also available to consult at any step of this process.
- F. Emmanuel College also provides its employees with an Employee Assistance Program (EAP) through AllOne Health. The EAP provides confidential services to help employees work through challenges. The Office of Human Resources encourages employees to contact them at 1-800-451-1834 for assistance with personal and/or professional conflicts.

# Separation

## **Separation and Exit Interview**

### **I. PURPOSE**

- A. To conduct exit interviews and to receive suggestions that separating employees may have for improving employment conditions.
- B. To review group insurance conversion options and other pertinent benefit matters.
- C. To reclaim identification cards, keys, books, and other College property.
- D. To arrange for distribution of final paycheck.

### **II. SCOPE**

This policy applies to separating employees.

### **III. POLICY**

The College strives to consistently and equitably assist staff and faculty in the separation process.

### **IV. GUIDELINES**

- A. Final payments shall include:
  - 1. Pay for work performed.
  - 2. Pay in lieu of unused vacation accrual in accordance with vacation policy.

For deceased employees final pay will be calculated to the day of death.
- B. Final pay shall be reduced by any:
  - 1. Legally required deductions.
  - 2. Authorized deductions.
  - 3. Outstanding advance payment of wages in the form of money, credit or property, where the employee has consented.
- C. Final paycheck(s) will be available to employees who voluntarily resign from their employment on the next regular payday following the date of separation. Final paycheck(s) will be available to employees who are involuntarily discharged from their employment on the date of separation.
- D. Cessation of Benefits

The dates on which benefits coverage will stop following separation of employment are governed by terms and conditions of employment, each

insurance contract, and the requirements of the Consolidated Omnibus Budget Reconciliation Act (COBRA).

## **V. RESPONSIBILITY**

- A. It is the responsibility of an employee who intends to resign to:
1. Notify the immediate supervisor in writing preferably at least two weeks in advance of the last day of work.
  2. Satisfy any outstanding work assignment obligations with Emmanuel College.
  3. Contact the Office of Human Resources to schedule an exit interview.
  4. Complete the Exit Interview Survey. A link for the on-line survey will be provided in an email prior to the exit interview.
- B. It is the responsibility of the supervisor to:
1. Notify the Office of Human Resources of the separation, indicating:
    - last day of work,
    - reason for separation,
    - whether or not keys and property have been returned, and the fair market value of any property that has not been returned, if applicable
  2. Reclaim the employee identification cards, keys, and other property that may not have been previously returned.
  3. Discuss with the separating employee the separation process, return of College property and the exit interview appointment with a designated Office of Human Resources representative.
- C. It is the responsibility of the Office of Human Resources to:
1. Advise the employee with respect to group insurance conversion options and other pertinent employee benefit matters.
  2. Conduct exit interviews, provide the link for the on-line Exit Interview Questionnaire and to compile periodic summary reports on separations.

## **Verification of Employment**

### **I. PURPOSE**

To establish a uniform method for replying to requests for verification of employment.

### **II. SCOPE**

This policy applies to all current and former employees.

### **III. POLICY**

The College strives to release accurate information regarding an employee's work history at Emmanuel College. It is important that any information that is released be true and made in good faith.

### **IV. PROCEDURE**

Any request for employment status information on current and former employees must be referred to the Office of Human Resources. The Office of Human Resources will only release information with a signed authorization from the employee.

# **Reduction in Force Policy for Exempt and Non-exempt Staff**

## **I. PURPOSE**

Emmanuel College highly values the contributions of employees and attempts to provide regular employment. However, in the event it becomes necessary for the College to reduce the work force because of economic conditions, programmatic considerations, or other circumstances, this policy establishes procedures to ensure fair and equitable treatment.

## **II. SCOPE**

This policy applies to regular exempt and non-exempt staff employees (See Employee Status and Classifications for further definition).

## **III. POLICY**

- A. It is the policy of Emmanuel College, whenever feasible, to use attrition when it is necessary to reduce staff levels. In the event that attrition is not feasible or sufficient, the appropriate Vice President for the hiring division in conjunction with supervisors will determine the most effective mix of job classifications necessary for continued operations in his/her area. Thereafter, any reductions in force that are necessary will be determined on the basis of documented performance, critical skill level of the affected employee(s), and length of service.
- B. Before terminating an employee pursuant to a reduction in force, an attempt will be made, where feasible, to place the affected employee(s) in a vacant position at Emmanuel College. See Exceptions to the External Search Process.
- C. Termination due to a reduction in force will be considered a final separation from that position at Emmanuel College. An employee who loses his/her position during a reduction in force will have no recall rights to the same or similar position. The Office of Human Resources will provide assistance to place the affected employee elsewhere within the College when feasible.
- D. The fulfillment of Affirmative Action/Equal Employment Opportunity objectives will be monitored. Emmanuel College must ensure that there is full compliance with Affirmative Action/Equal Employment Opportunity commitments, laws, and College policy when implementing a reduction in force. Race, color, sex, sexual orientation, gender identity, age, religion, creed, national origin, veteran or active military status, disabled veteran status, genetic information, disability or any other legally protected status are never to be a consideration in identifying an employee for reduction in force.
- E. This policy is not to be used in the case where the employee is subject to termination for unacceptable conduct or performance problems. The established policy of "Employee Conduct/Disciplinary Discharge - Exempt and Non-exempt Staff" should be followed in such situations.

#### **IV. PROCEDURE**

- A. Before announcing or implementing an elimination of work or reduction in force that results in the termination of an employee, the affected department will review its plan with the Office of Human Resources. A reduction in force or elimination of work must be reviewed by the Office of Human Resources and approved by the appropriate Vice President for the hiring division, the Executive Vice President and the President before it is announced and implemented.
- B. When economic conditions, programmatic considerations, or other factors necessitate a reduction in force, the affected department(s) will first determine if any work functions or activities can be eliminated. If so, the job of the individual(s) performing the work functions or activities will be eliminated or modified and the individual may be separated from service at Emmanuel College.
- C. If work functions or activities cannot be eliminated, employees will be selected for the reduction in force by job classification on the basis of documented performance, critical skill level of the affected employee(s), and length of service. The selection of an employee for reduction in force will be reviewed with the Office of Human Resources and approved by the appropriate Vice President for hiring division prior to implementation and announcement. Written documentation relating to the identification of an employee for reduction in force must be retained for three years.
- D. Each employee terminated by a reduction in force will be notified in writing.
- E. The Office of Human Resources will advise each employee affected by a reduction in force with respect to group insurance conversion options and other pertinent employee benefit matters.

#### **V. CONSIDERATION FOR REHIRE**

An employee terminated due to a reduction in force will be considered as an internal applicant for rehire for the twelve-month period following separation if a position becomes available, the individual files a new employment application and Emmanuel College determines the separated employee qualifies for the position based on training, education, experience, and past performance. If rehired, the new rate of pay will be based on the salary of the new job classification. All service with Emmanuel College prior to the reduction in force shall be restored for purposes of participation in benefits plans if the person is rehired within twelve-months, subject to and to the extent permitted by the relevant plan documents.

#### **VI. BENEFITS**

- A. An employee terminated because of a reduction in force will be provided a lump sum severance payment as follows:
  - 1. Less than one year of service – one week of pay.
  - 2. More than one year of service - one week of pay for each year of service with a minimum payment of four weeks and a maximum of 26 weeks.

- B. If an employee is entitled to receive severance or other separation pay, or pay in lieu of notice, upon termination of employment with the College, whether by contract, policy, plan, law or regulation (including without limitation, the Federal Worker Adjustment and Retraining Notification Act and any similar state or local law), the severance payment payable under the policy shall be reduced, dollar for dollar, by the amount of such other severance or separation pay or pay in lieu of notice.
- C. An employee terminated because of a reduction in force will receive payment for accrued vacation in accordance with Emmanuel College's policy.
- D. Health insurance coverage may be provided by Emmanuel College, in its sole discretion, for up to six months beyond termination at the then current employee rate and coverage level. Continuation beyond that time will be handled in accordance with Emmanuel College's established policies and all applicable laws.
- E. Retirement plan benefits will be provided according to the terms of Emmanuel College's retirement plans.
- F. An Emmanuel College employee who is receiving tuition scholarship benefits for the employee, spouse or children prior to the day of separation will continue to receive the benefit through the end of the semester in which the separation occurs.
- G. Notwithstanding any other provision of this policy, any obligation of the College to provide an employee with a severance payment or health insurance coverage at the then current employee rate is conditioned on the employee signing and returning to the College (without revoking) a timely and effective release of claims in the form provided by the College by the deadline specified therein (which shall be no later than 60 days following the date of termination).
- H. Any severance payment payable under this policy will be payable following the date when the effective release of claims is received by the College and not later than two and one-half months following the date the employee's employment terminates; provided, however, that if the time to consider and revoke the release of claims described in Section G spans two taxable years, the payment shall be made in the later of the two taxable years.

# Other

## College Closings

### I. PURPOSE

### II. SCOPE

This policy applies to all employees who are actively scheduled to report to work when the decision to close the College occurs. Employees who are on a scheduled vacation, sick day, or leave of absence will be required to report the absence according to the applicable time off policy.

### III. PROCEDURES

When there are inclement weather conditions, the College will act in accordance with the city of Boston and recommendations by the Governor regarding closing public offices and schools. The College will remain open with “emergency personnel” during snowstorms or severe weather conditions to maintain a residential campus. “Emergency personnel” includes adequate staffing for food service, facilities, and campus safety and residence life. Staff, faculty, students, vendors and guests of Emmanuel College should always refer to the College website for announcements related to inclement weather closings or the cancellation of classes at [www.emmanuel.edu](http://www.emmanuel.edu). Additionally, all staff, faculty and students must sign up for the RAVE Emergency Notification System. Internal Emmanuel email addresses are automatically used in the system, but students, staff and faculty should also enter their cell phone number to receive a text message and a voicemail. An alternate email address, as well as additional phone numbers may be entered, allowing students to add family contact information. Students, staff and faculty can sign up on Emmanuel College Portal, [mysaints.emmanuel.edu](http://mysaints.emmanuel.edu), by going to “Applications,” on the left, clicking on “My Accounts” and then going to Emergency Notification System.

**As soon as a decision is made to cancel classes or close the College, the following steps are taken to notify the College community, visitors and vendors (by 6:00 a.m. for day classes and events and by 2:00 p.m. for evening classes and events):**

- A recorded message will be available at the Emmanuel College Snowline 617-264-7795.
- A message is posted in the RAVE Emergency Notification System which sends an email to Emmanuel email accounts and other sources that individuals have indicated on this system.
- Announcements will be posted on the Emmanuel College website: [www.emmanuel.edu](http://www.emmanuel.edu).
- Announcements will be posted on Emmanuel’s Facebook and Twitter accounts.
- The College will contact the media: WHDH-TV/Channel 7 News, CW56/Channel 56, WCVB/Channel 5, WBZ-TV/RADIO/Channel 4. (We cannot always guarantee that local media will announce cancellation

information promptly or fully. Please confirm by checking the Emmanuel College website when possible.)

***Important Note:***

***Day classes = classes that begin between 8:00 a.m. and 4:00 p.m. Evening classes = classes that begin at 4:15 p.m. or later.***

## **Independent Contractor or Consultant Classification**

### **I. PURPOSE**

To set forth the procedure to determine whether an individual providing services to Emmanuel College is an employee or an independent contractor, or is eligible to receive an honorarium or stipend; and to determine the payment method for an individual(s) who performs services for the College.

### **II. SCOPE**

This policy applies to all departments who hire individuals to perform services for the College.

### **III. POLICY**

Prior to engaging the services of any individual as an independent contractor, the hiring department must check with the Office of Human Resources to determine the proper work status of that individual - either as an employee of the College or an independent contractor/consultant.

### **IV. DEFINITIONS**

- A. Employee - an individual in an employment situation in which the employer has the right to control and direct the individual with regard to the result to be accomplished and the process by which the result is accomplished.
- B. Independent Contractor/Consultant - an individual providing services in a situation in which the engaging entity has the right to control and direct the individual with regard to the result to be accomplished but not the process by which the result is accomplished.
- C. Honorarium - a onetime honorary payment or reward usually paid to individuals who are not employees. The amount of payment is generally determined according to custom rather than by the business market place. Please refer to the Business Office's [Policies and Procedures](#).
- D. Stipend - a fixed sum of money typically used to defray living expenses of individuals other than employees (i.e., as in the nature of a grant or fellowship.)

### **V. PROCEDURE<sup>13</sup>**

- A. The hiring department must submit a description of the services to be performed to the Office of Human Resources.
- B. After reviewing the information provided, the Office of Human Resources will notify the hiring department of the determination.

1. If the individual is considered to be an employee, the Office of Human Resources will notify the hiring supervisor to follow the regular hiring procedures to place the individual on the College's payroll. The Office of Human Resources will facilitate that action.
2. If the individual is considered to be an independent contractor/consultant, and the hiring department decides to proceed in engaging the services, the Office of Human Resources will notify the hiring department to prepare a Purchase Requisition and forward it to the Business Office so that a Purchase Order for services may be produced. The Business Office will inform the hiring department if any additional documents are required.

Note: Two levels of authorized signatures are required to engage services of an individual contractor or consultant.

# Smoking Policy

## I. Introduction

Emmanuel College is committed to building a culture of wellness for all members of the community by providing an environment that promotes the health, well-being and safety of students, faculty, staff and visitors. A balance personally, academically and professionally, as well as maintaining a healthy lifestyle, can make work and life more productive.

“Tobacco use is the leading cause of premature and preventable death, responsible for more than 440,000 deaths each year in the United States. Cigarette smoking alone is responsible for more deaths than HIV/AIDS, alcohol, motor vehicle crashes, homicide, suicide, illegal drugs and fires—combined.” – Tobacco Free College Campus Initiative, University of Michigan, U.S. Department of Health & Human Services.

The 2004 Surgeon General’s report showed that smoking impacts nearly every organ of the body (USDHHS, 2004). The 2006 report concluded that scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke (USDHHS, 2006).

## II. Definitions

- A. “Smoking” means inhaling, exhaling, burning or carrying any lighted tobacco product including cigarettes, cigars, pipe tobacco, water pipes, hookahs or any other lighted tobacco product, as well as any product consumed in a similar manner; or the use of an electronic cigarette or any other device intended to simulate lighted tobacco use.
- B. “Tobacco products” means cigarettes, cigars, pipe tobacco, hookah, smokeless tobacco, snuff, chewing tobacco, smokeless pouches, dissolvable tobacco products like orbs (dissolvable tobacco pellets), sticks, and strips or any other forms of ignitable or smokeless tobacco.

## III. Policy

Effective August 11, 2014, Emmanuel College prohibits smoking and the use of tobacco products on the Fenway and Notre Dame Campuses as well as any property leased by Emmanuel College. No smoking or tobacco use will be permitted on College grounds, in common or private work areas, elevators, hallways, restrooms, dining areas, lounges, conference and meeting rooms and all other enclosed or semi-enclosed areas. Additionally, no smoking or tobacco use will be permitted in outdoor areas including parking lots, parking garages (including inside personal vehicles), grounds, rooftops, courtyards, entrance/exit ways, athletic facilities, College-owned or leased vehicles and any other indoor or outdoor areas owned or managed by the College.

#### **IV. Compliance**

This policy applies to all Emmanuel College students, employees, consultants, contractors, visitors and external individuals and companies renting College-owned space, while on property owned or managed by the College. In an effort to enhance awareness and encourage a culture of compliance, members of the campus community are encouraged to respectfully inform others about the policy.

#### **V. Enforcement**

The authority for campus enforcement of this policy is vested with the Offices of Campus Safety, Student Affairs and Human Resources. Student non-compliance with this policy will be considered a violation of the student code of conduct and handled through the student conduct system.

#### **Resources**

Please visit the Emmanuel College Tobacco-Free web page for facts about the smoking/tobacco industry and the health effects of tobacco use, a list of current smoke and/or tobacco-free campuses, local and national news stories, and resources for smoking cessation.

Students seeking cessation support are encouraged to visit Emmanuel College's Health Services. For employees, Harvard Pilgrim Health Care offers free telephone counseling, referrals to stop-smoking programs and online communities for subscribers. Emmanuel's Employee Assistance Program, AllOne Health, also offers numerous resources, including articles, tobacco-free kits and counseling.

## **Driver Safety and Motor Vehicle Use Policy**

### **I. PURPOSE**

To establish guidelines for Emmanuel College employees who drive personal vehicles on Emmanuel College business or vehicles that are owned, rented or leased by Emmanuel College. This policy is intended to protect people, preserve equipment, and reduce the frequency and severity of accidents involving College vehicles.

### **II. SCOPE**

- A. Employees and contracted service providers who drive personal vehicles on Emmanuel College business or vehicles that are owned, rented or leased by Emmanuel College must:
1. Be at least 21 years of age.
  2. Have at least three years of driving experience.
  3. Possess a valid U.S. driver's license.
  4. Have an acceptable driving record in accordance with the motor vehicle records (MVR) criteria described in Section 3.
  5. Maintain valid liability and property insurance on privately owned vehicles used for Emmanuel College business in accordance with minimum statutory requirements.
  6. Students are not authorized to drive College vehicles.
- B. Driver and passenger guidelines for employees who drive personal vehicles on Emmanuel College business or vehicles that are owned, rented or leased by Emmanuel College are as follows:
- (a) Drivers and passengers are required to wear seat belts at all times, even while driving on campus.
  - (b) Drivers must obey all traffic rules, drive courteously and practice defensive driving techniques.
  - (c) Every driver is obliged to maintain a valid driver's license and valid insurance for privately owned vehicles at all times. Any change in, or loss of, a driver's license must be reported to the driver's supervisor and the Office of Human Resources.
  - (d) Drivers are required to report the following to their supervisors as soon as possible:
    - Traffic violation(s) they receive during working and nonworking hours while driving on Emmanuel College business

- Changes in their driver's license status including suspension, revocation or restrictions, including medical restrictions
  - Any lapse, change or termination of auto insurance
  - Accidents that occur while they are driving on College business in either personal vehicles or in vehicles that are owned, leased or rented by Emmanuel College
- (e) Drivers may not operate Emmanuel College vehicles or drive personal vehicles on Emmanuel College business after having consumed alcohol and or drugs, including legal drugs or medications that may impair their ability to operate a motor vehicle.
  - (f) Drivers may not offer rides to unauthorized passengers.
  - (g) Traffic violation payments are not reimbursable. Payment of all violations, including parking tickets and speeding tickets, is the responsibility of the employee, not Emmanuel College.
  - (h) Only Emmanuel College-approved drivers, who are 21 years old and over, may drive vehicles that are owned, leased or rented by Emmanuel College.
  - (i) When requested to do so, drivers must provide copies of motor vehicle records and their current license.
  - (j) Drivers are required to observe all rules and regulations for safe driving as defined by the state in which they are driving.
  - (k) Drivers should take a break every two hours. No driver should drive more than a total of 10 hours during a 24-hour period. If there is more than one qualified driver on a long-distance trip, such drivers should consider rotating every two hours. If there are not enough drivers to rotate the driving, an overnight stay should be planned. Avoid driving past midnight.
  - (l) The front-seat passenger should remain awake to help keep the driver alert.
  - (m) Avoid conditions that lead to loss of control: driving while sleepy or inattentive, or driving too fast for road conditions.
  - (n) If the weather is inclement, stop and stay overnight in a safe place. The additional lodging cost is worth avoiding the risk of an accident.
  - (o) Do not use a cell phone or text while driving. Stop the vehicle in a safe area to use a cell phone or ask a passenger to operate it.
  - (p) Personal use of Emmanuel College vehicles is not allowed.

- (q) Employees whose licenses have been suspended are responsible for working with their supervisors to find other means of fulfilling their obligations to Emmanuel College at their own expense.
- (r) Employees who are medically unable to drive must provide written documentation from a physician.

### **III. MOTOR VEHICLE RECORDS (MVR) CRITERIA**

- A. It is the policy of Emmanuel College to obtain motor vehicle records (MVR) every year for people who operate Emmanuel College vehicles or personal or leased vehicles on Emmanuel College business. MVRs will be obtained prior to employment for individuals seeking positions that necessitate driving.
- B. Prospective employee will be asked to sign a consent form allowing Emmanuel College to obtain copies of their MVRs. Employees' consent forms will be maintained in their personnel files for three years. Students are not authorized to drive College vehicles.
- C. Any disciplinary action(s) taken as a result of an MVR review and/or an accident will be documented and consistently applied to all employees who fail to comply with this program.
- D. Drivers who have been cited for any of the following violations within the last three years may not drive an Emmanuel College vehicle:
  - (a) Driving under the influence of alcohol (DWI, DUI)
  - (b) Negligent homicide
  - (c) Operating without a valid driver's license
  - (d) Operating with a suspended license
  - (e) Using a motor vehicle for commission of a felony
  - (f) Aggravated assault with a motor vehicle
  - (g) Operating a motor vehicle without the owner's consent
  - (h) Permitting an unlicensed driver to drive
  - (i) Reckless driving
  - (j) Involvement in a hit-and-run accident
  - (k) Three or more moving violations (including but not limited to speeding, failure to stop, failure to use equipment properly, etc.) in a one-year period.

- E. Any applicant who submits false information about his/her driving history or criminal record will be IMMEDIATELY discharged or dismissed from service as applicable.

#### **IV. VEHICLE MAINTENANCE AND INSPECTION CERTIFICATION**

- A. Vehicle maintenance and inspection certification are essential to ensure that personal vehicles used on Emmanuel College business and vehicles that are owned, rented or leased by the College function properly and safely. Maintenance neglect may lead to driving accidents.
- B. Before driving a vehicle, the driver should inspect it to ensure that the headlights, brake lights, turn and hazard signals, wipers, horn and tires are working properly, and report any damage to his/her supervisor immediately.
- C. State-required inspections must be completed and maintenance performed in accordance with the manufacturer's specifications.
- D. Additionally, vehicles should be inspected monthly. Items that should be checked include:
  - (a) Brakes (pedal pressure)
  - (b) Taillights
  - (c) Windshield and wipers
  - (d) Horn
  - (e) Turn Signals
  - (f) Backup lights/bell
  - (g) Headlights (high and low beams)
  - (h) Tires (safe tread depth without bald spots or irregular wear)
  - (i) Brake lights
  - (j) Safety belts
  - (k) Steering
  - (l) Side mirrors
  - (m) Rear-view mirror
  - (n) Interior accessories (doors, lights, gauges, etc.)
  - (o) Monthly housekeeping of all Emmanuel College vehicles should also be maintained (vacuuming, washing, etc.).

## **V. DRIVING ACCIDENTS**

- A. If an accident occurs, follow these procedures:
- (a) If there are injuries, call 911.
  - (b) Notify local police. If the accident occurs on campus, also notify Emmanuel College's Office of Security at 617-735-9710.
  - (c) Obtain the following information:
    - Driver's name, address and phone number
    - Driver's date of birth
    - Driver's insurance carrier and policy number
    - Driver's license number and state of issuance
    - Make, model, color and tag of vehicle
    - Damage to all vehicles
    - Injuries
    - Date, time and road and weather conditions
    - Names and addresses of other vehicles' occupants and any other witnesses
  - (d) Do not argue or make statements as to who is at fault.
  - (e) Notify your supervisor, the Controller and the Office of Human Resources as soon as possible after the accident. If the vehicle is a rented vehicle, also notify the rental company immediately.

## **VI. INSURANCE**

- A. All authorized drivers are covered by the College's auto insurance policy for owned, rented or leased vehicles. All contracts for rented vehicles should be in the College's name.
- B. All claims are subject to a \$1,000 deductible which will be charged to the driver's department budget.

## **VII. ENFORCEMENT OF POLICY**

- A. Failure to meet the conditions of this policy, including maintaining an acceptable MVR, may result in revocation of driving privileges, reassignment to a non-driving position, as well as disciplinary action up to and including termination of employment.

## **Cell Phone Usage Policy**

### **I. PURPOSE**

The purpose of this policy is to provide all employees at Emmanuel College with guidelines on appropriate use and safety procedures for the use of cell phones.

### **II. SCOPE**

This policy applies to all faculty, administrators and staff. The policy applies to both incoming and outgoing calls on personal cell phones while conducting College business.

### **III. POLICY**

- A. Cell phones should be turned off or set to silent or vibrate mode during meetings, conferences and in other locations where incoming calls may disrupt normal workflow of faculty, staff or students.
- B. Employees may carry and use personal cell phones while at work on a periodic basis. If an employee's use of a personal cell phone causes disruptions or loss in productivity, the employee may become subject to disciplinary action per College policy.
- C. Department managers reserve the right to request that employees cease to use cell phones during the work day if s/he determines that an employee's use is excessive.
- D. Personal cell phones shall be used for company business on a periodic basis. Employees may be reimbursed for the incoming calls to their personal cell phones. Employees shall not be reimbursed for outgoing calls made from their cell phones unless prior authorization is obtained from their immediate supervisor.
- E. If an employee is operating a College owned vehicle (or vehicle being paid for by the College) and receives a call on a cell phone, the employee may answer if permitted by law, but shall ask the caller to hold, put the phone down and pull to the side of the roadway, into a parking lot or other safe location to respond to the call. Failure to follow this policy may result in disciplinary action up to and including termination.
- F. Conducting College business via text while operating a motor vehicle is strictly prohibited.
- G. Employees who are charged with traffic violations or subjected to any other consequences resulting from the use of their phone while driving will be solely responsible for such matters.
- H. Employees who are performing work that could create a safety hazard (i.e. loading/unloading equipment, working with hazardous materials, operating machinery, climbing a ladder, etc.) should never attempt to place or respond to a call or message

- I. Confidential information should not be discussed while using a cell phone in public areas. If a business matter needs to be addressed, employees must find a private area to discuss such matters.
- J. All cell phone activity should follow protocols addressed in the College's policy for Acceptable Use of Computing and Communication and all other policies related to employee conduct in the Policies and Procedures Manual. In addition, employees will be expected both to follow all local laws and to exercise good judgment in the use of these devices.
- K. Employees may use hands-free equipment to make or answer calls while driving without violating this policy. However, safety must always be the first priority. If, because of weather, traffic conditions, or any other reason, an employee is unable to concentrate fully on the road, s/he must either end the conversation or pull over and safely park the vehicle before resuming the call.

#### **IV. POLICY VIOLATIONS/POSSIBLE REPERCUSSIONS**

Violations of this policy will be addressed by the employee's direct supervisor. The College's policy on Employee Conduct/Disciplinary Discharge will be followed as seen appropriate.

## **Travel Policy**

### **I. PURPOSE**

To establish uniform guidelines for faculty and staff traveling while conducting business for, or being paid for by Emmanuel College.

### **II. SCOPE**

This policy applies to all Emmanuel College employees. The types of activities and events covered in this policy include but are not limited to: course related field trips, activities of sponsored student organizations, meetings of academic organizations, conference attendance and any situation where an employee is representing the College.

### **III. DEFINITION**

Travel on College business can be defined as being any travel that is reimbursed by Emmanuel College or by a grant through the College; or for the purposes of providing an educational experience for Emmanuel College students.

### **IV. TRAVEL WITH STUDENTS**

- A. In order to assure that the events or activities that involve student travel are within the course and scope of the College's mission and that student safety issues have been addressed, travel undertaken pursuant to this policy must be authorized in advance by an appropriate administrator. Faculty should seek authorization through the Office of the Dean of Arts and Sciences and staff should seek authorization through the Office of Student Affairs; or their designee. If travel expenses are to be claimed, approval should be obtained from the appropriate office prior to student travel authorization.
- B. A travel passenger list of participants including their names, student identification numbers, and the names and phone numbers of persons to contact in case of an emergency, as well as a travel itinerary containing the name and phone number for the responsible College employee who will be available to the students at all time during the travel and activity or event must be submitted to the appropriate office.
- C. Faculty and Staff are permitted to travel with students for College authorized events and all parties must adhere to the College's policy on Driver Safety and Motor Vehicle Use (Please review this policy and submit a signed copy to the Office of Human Resources).
- D. Faculty and staff are not allowed to drive in a vehicle (personal or College provided) with an individual student. Any travel must include more than one student, or the parties must travel in separate vehicles.

- E. Faculty and staff may not share hotel, or other boarding accommodations, with students or with other faculty or staff members.
- F. The faculty or staff member responsible for arranging travel for students must have each participating student sign a Participant Consent Form and return the form(s) to the Office of Academic Affairs prior to travel.
- G. Faculty, staff and students are responsible for adhering to all other Emmanuel College policies and procedures while traveling together off campus.

#### V. PROFESSIONAL MEETINGS/CONFERENCES

Individual departments may have funds available to support travel to professional meetings/conferences. Such travel must be authorized in advance by the immediate supervisor of the traveler, and any reimbursement is subject both to the availability of funds and substantiation of attendance. Substantiation shall be evidenced by the traveler's signature and the signature of the department head or immediate supervisor of the traveler signifying approval of the travel reimbursement request.

#### VI. TRAVEL EXPENSES AND MODES OF TRAVEL

- A. Each traveler will be reimbursed for all necessary and reasonable expenses incurred in connection with approved travel on College business, subject to the limitations set forth in this statement of the travel policy.
- B. All reimbursable travel must be authorized in advance of the trip by the person in charge of the department or budgetary unit against which the travel will be charged. The rates and policies set forth in this document are applicable regardless of the source of Emmanuel College funding.
- C. Travelers should use standard accommodations for travel, hotels or motels, and eat in restaurants or dining rooms of such hotels or those of equivalent quality. It is anticipated that travelers will make use of special educational discount rates when possible to minimize the dollar expenditures for travel. Tax exempt certificates are accepted by many hotels. They are available from the Emmanuel College Business Office.
- D. Each request for reimbursement will be made by completing the Expense Report Form.
- E. The Request for Payment of Business Meal Expense Form must be completed in addition to the Expense Report for each meal expensed during a business trip.
- F. Information provided for "Purpose of Travel" and "Explanation of Other" must be detailed on the Expense Report and in cases where expenses (e.g., meals) are for more than one person the guest(s) must be identified and their relationship to the College specified.

- G. When the purpose of the trip is to attend a conference/seminar, a published synopsis or program of the conference/seminar should be attached to the expense report if so requested by the supervisor.
- H. It is expected that the most economical and practical means of available public transportation will be used at all times.
- I. Personal automobiles may be utilized for travel providing the immediate supervisor of the traveler has authorized such use in advance. When a private automobile is used, the current mileage rate applies. This rate may be obtained from the Accounts Payable Office and covers the cost of gasoline, oil, maintenance, depreciation and insurance. Toll and/or parking charges will be separately reimbursed.
- J. When a person travels on official business for the College and is reimbursed according to these travel regulations, the mileage allowance indemnifies the College from liability occasioned by the use of the car by the traveler. The College liability insurance coverage, therefore, would be secondary to the coverage provided by the faculty or staff member.

## VII. TRAVEL ADVANCES AND REIMBURSEMENT

- A. A travel advance may be requested from Accounts Payable upon authorization by the person in charge of the budgetary unit. Travel advances are an accommodation for the purpose of defraying expenses inherent to official travel and accordingly should be kept to a minimum. Requests for advances should be made on Purchase Order Form and submitted at least five days prior to the departure date but not more than ten days.
- B. Within 30 days after return to the College upon completion of the travel, the Expense Report Form should be submitted to Accounts Payable for settlement. The reimbursement must be approved by the immediate supervisor of the traveler and will also be reviewed by Accounts Payable.
- C. Receipts for costs of lodging plus other business-related expenses must be attached to the Expense Report Form. Original receipts must be submitted, not copies.
- D. If an Emmanuel College travel advance was received for the trip, it should be shown as a deduction in the space provided on the Expense Report Form. If the expenses exceed the advance, the traveler will receive a check for the excess amount. However, should the expenses be less than the travel advance, the traveler's personal check must accompany the Travel Expense Report. If such College funds are not returned by the employee within 30 days of completion of the approved travel, no further travel advances or travel approval will be granted until the individual's account has been settled. If travel advances are outstanding for more than 90 days, Accounts Payable will notify the traveler's supervisor in writing.

## **Personal Appearance Policy**

### **I. PURPOSE**

The purpose of this policy is to provide members of the Emmanuel College staff with guidelines on appropriate workplace attire and appearance. Professional appearance is an important factor as to how Emmanuel College is viewed by students, parents and the community. The intent of this policy is not to interfere with an individual's self-expression through dress, but to reinforce the importance of the image that Emmanuel College projects.

### **II. SCOPE**

This policy applies to all exempt and non-exempt staff (See Employee Status and Classification for further definition).

### **III. POLICY**

Employees are expected to arrive at work neat, clean and in presentable attire appropriate for their position within the College. Appearance standards may vary slightly in certain departments and it is the responsibility of that department's Director, Dean or Vice President to address any exceptions with his or her staff. The following list is to be used as a guideline for personal appearance of Emmanuel College staff.

#### **A. Clothing**

Clothing should be neat and appropriate for a professional college environment such as a suit, dress, suit pants or skirt, shirt and tie, collared shirt or blouse and sweater.

There is certain clothing that is not considered professional and therefore should not be worn while on duty. Here are some examples of such clothing. (This list is by no means exhaustive)

#### **Women**

- (a) **Dresses:** Dresses that are backless or do not cover appropriately are not permissible.
- (b) **Blouses/Shirts:** Blouses and shirts must cover appropriately. Halter tops and tank tops are not permissible. Sweat shirts, T-shirts or other such tops with large logos or sayings on them are not appropriate.
- (c) **Pants:** Jeans, sweat pants and tight leggings/stretch pants are not acceptable.
- (d) **Shorts and Skirts:** Shorts (including city shorts) are not permissible. Skirts that do not cover appropriately are also not allowed.

## Men

- (a) Shirts: Neatly pressed collared shirts are required. Shirts with large logos or sayings on them are not considered appropriate.
- (b) Ties: Ties are preferred for all men working in departments that may have direct, or face-to-face, contact with prospective students and their families, donors and candidates for employment. There will be other days or events where ties may be considered mandatory for all men. These special situations will be left to the discretion of each department's Director, Dean or Vice President.
- (c) Pants: Examples of proper attire are suit and/or dress pants, neatly pressed Dockers/Khakis or similar items. Jeans and sweatpants are not acceptable.
- (d) Shorts: Shorts are not permissible for men.

## B. Shoes

Footwear should be appropriate for a professional environment. Examples of inappropriate footwear would be flip-flops, athletic shoes and men's sandals.

## C. Hair

Hair needs to be clean and groomed. For men, facial hair is acceptable but also needs to be neatly groomed.

## D. Body Odor

Employees need to make sure they do not have body odor. This includes excessive use of fragrances such as perfumes and colognes/after shave. In many areas' employees work in close quarters and must consider the impact on co-workers when deciding on appropriate levels of fragrance.

## E. Sunglasses/Hats

Sunglasses and hats are not permissible attire unless the staff member is required to work outdoors.

## F. Make-up/Tattoos/Body Piercing

Make-up should not be excessive. Tattoos which are visible should not be offensive or potentially disturbing to staff, students and visitors. Body piercing should not be excessive and must be presentable.

## IV. POLICY VIOLATIONS/POSSIBLE REPERCUSSIONS

Violations of this policy will be addressed by the staff member's direct supervisor. The College's policy on Employee Conduct/Disciplinary Discharge will be followed as seen appropriate.

## **Occupational Health Safety Program (OHSP)**

### **I. Purpose**

The purpose of the Occupational Health and Safety Program (OHSP) is to reduce to an acceptable level the risk/hazard associated with use of vertebrate animals in research and teaching, consistent with an overall institutional focus on maintaining a safe and healthy workplace. An OHSP for employees and students involved in animal care and use is an important component of the College's overall animal care and use program.

The health and safety needs of these individuals are addressed in the context of existing environmental health and safety programs at Emmanuel College including blood-borne pathogens, chemical hygiene, respiratory protection, handling/disposal of hazardous waste materials, biological use authorization, and containment and handling requirements for biological agents.

### **II. Compliance Standards**

Emmanuel College is required to have an OHSP to be in compliance with Public Health Service (PHS) policy and with federal regulations. Resource materials for requirements and/or recommendations pertaining to this OHSP include:

- Guide for the Care and Use of Laboratory Animals (National Research Council, 1996) and
- Occupational Health and Safety in the Care and Use of Research Animals Eighth Edition (National Research Council, 2011).

A description of our OHSP must be included in the Emmanuel College Animal Welfare Assurance that is required by the PHS. The effectiveness of Emanuel College's OHSP ultimately relies on effective interactions among several institutional functions or activities:

- Faculty
- Institutional Animal Care and Use Committee (IACUC)
- Institutional Biosafety Committee
- Facility-maintenance personnel
- Administrative support

### **I. Participants**

- Faculty working with laboratory animals
- Students having animal contact through research projects
- Others having direct contact with animal tissue, fluids or wastes

- Relevant personnel involved in facilities maintenance, custodial services, security

The OHSP is provided for all personnel involved in activities applicable to the Emmanuel College Assurance of Compliance with the Public Health Service (PHS) policy on Humane Care and Use of Laboratory Animals. Applicable in the College's Assurance of Compliance are all research experimentation, research training, biological testing and related activities involving live, vertebrate animals.

Enrollment in the OHSP applies to all workers who contact research animals for which there is increased risk of animal related injury or illness. An employee or student is at an increased risk if they are exposed to live, vertebrate animals in a way that gives them an increased risk of an occupational illness, such as a zoonotic disease, physical injury, or allergy.

Certain animal contact/projects pose little health risk to individuals and may be exempted from the program. Exemptions may be given for projects that involve the observation of animals or for other uses that pose no increased risk. Questions or interpretations concerning potential exemptions should be directed to the Animal Facility Supervisor. Students who are only exposed to animals in a classroom setting are not required to enroll in the OHSP.

At the time of enrollment, all participants will be provided a health questionnaire (History and Risk Assessment Survey-see below). Completed student questionnaires will be reviewed by Emmanuel College Health Services and completed faculty/staff questionnaires shall be reviewed by the individual's Primary Care Physician (PCP). The questionnaire deals with anticipated or actual exposure to animals at work, immunization status with regard to rabies and tetanus, and any existing medical condition that creates an animal contact health risk. Physical examinations and counseling are based on the functional requirements of the position, the type of animal contact, and the individual's prior medical history.

The OHSP at Emmanuel College requires coordination between the research investigators, the Animal Care and Use Program, the environmental health and safety program, occupational health services and the administration including Human Resources, Business Office and Facilities and Operations. The Institutional Biosafety Committee facilitates communication and evaluation of health and safety in the workplace. The IACUC requires certification by individuals working with animals, animal tissues, or animal products on an approved protocol be informed of relevant occupational health and safety issues prior to performing their duties. Moreover, occupational health and safety issues are topics for consideration by the IACUC in its semiannual site inspections and programmatic reviews. The Chair of the IACUC will be responsible for record keeping and working with the Office of Campus Safety on investigating accidents/injuries/adverse incidents. The Lab Managers will provide consultation to participants on topics such as ventilation, storage of hazardous materials, and engineering controls (e.g., biological safety cabinets). History and Risk Assessment Survey

## **II. Institutional Animal Care and Use Committee (IACUC)**

Emmanuel College's Institutional Animal Care and Use Committee (IACUC) is a standing committee that oversees animal use and care at Emmanuel. The charge of the IACUC is to assure the humane care and use of animals utilized in biomedical and behavioral research, teaching, and testing. Every effort is made to follow all federal, state, and local laws and regulations that govern the care and use of animals in these manners. Specific guidance can be found in the Animal Welfare Act, the Public Health Service Policy on Humane Care and Use of Laboratory Animals, and the Guide for the Care and Use of Laboratory Animals.

The Emmanuel College Office of Sponsored Programs web site is provided to assist those involved with animal research to meet the basic requirements necessary to be in compliance and help faculty and staff through the processes required to meet those obligations. All animal use and research must be reviewed and approved by the IACUC prior to ordering, breeding or using animals in research, teaching or testing at Emmanuel. The IACUC is responsible for assuring appropriate use, care, and treatment of all vertebrate animals used for College activities, and has the authority to approve or withhold approval of protocols for all such activities involving animals in accordance with the Public Health Service Policy on the Humane Care and Use of Laboratory Animals regulations of the Animal Welfare Act (Public Law 99-158).

## **III. Institutional Biological and Chemical Safety Committee**

The Emmanuel College Biological and Chemical Safety program goals are to minimize the health risks of biohazardous materials (i.e. infectious agents, recombinant DNA, biological toxins, and Select Agents/Toxins) to faculty and students; minimize the risks to college community and environment; and meet federal, state and local regulatory requirements. Emmanuel Environmental Health and Safety (EH&S) is responsible for assisting the college community in implementing college-wide environmental, health and safety policies while complying with applicable federal, state, and local regulations and guidelines.

Other Emmanuel College safety programs applicable to laboratories that work with biological agents include the Chemical Hygiene Plan, Chemical Waste Management Program, Bloodborne Pathogens and Respiratory Protection.

## **IV. Program Requirements**

- Complete the Animal Handler Health Questionnaire;
- Attend an instructional session regarding appropriate animal care and handling presented by faculty advisor.
- Training in appropriate gowning procedures by Dr. Otero.
- Complete two components of training offered by the Collaborative Institutional Training Initiative (CITI), which is found at [www.citiprogram.org](http://www.citiprogram.org).
- Attend a Laboratory Safety Session given by the Biology Department Lab Manager.

- Agree to wear the Personal Protection Equipment recommended by advisor and/or by the Lab Manager.
- Notify either the faculty advisor, Health Services, the Animal Facility Supervisor or the Biology Lab Manager in the event of an animal bite or scratch that breaks the skin.
- Notify advisor of any skin rash or breathing problems, or any other lab related accidents, such as needle sticks or glassware cuts.
- Read the protocol thoroughly and ask any questions or concerns before starting the work.
- Sign an agreement acknowledging the completion of all training above.

#### Potential Hazards and Exposures When Working with Animals

Bite or Scratch from an Animal

Hazardous Materials Used in Animals

Working Safely with Animals

Safe Use of Cleaning Chemicals

#### Safety Equipment Required for Chemical Use in DCM Facilities

| Chemical Name                                  | Safety Glasses<br>** | Gloves    | Respirator |
|--|----------------------|-----------|------------|
| Alcide ExporeR                                 | required             | required  |            |
| Anti-fog glass cleaner                         | suggested            | suggested |            |
| Bacteria Enzyme (water soluble)<br>Deodorizer) | suggested            | required  |            |
| Betadine Solution                              | suggested            | suggested |            |
| Cleaner/Degreaser(CD-1)                        | required             | required  |            |
| Clear-Vu (glass cleaner)                       | suggested            | suggested |            |
| Clidox-S Activator                             | required             | required  |            |
| Clidox S Base                                  | required             | required  |            |
| Clidox S Dilution (1:5:1 & 1:18:1)             | required             | required  |            |
| Clout  | required             | required  |            |
| Ethanol  | suggested            | suggested |            |
| Fantastic                                      | suggested            | suggested |            |
| Generic Bleach                                 | suggested            | required  |            |
| Hydrochloric Acid                              | required             | required  |            |
| Nolvasan                                       | suggested            | suggested |            |
| Quatricide PV or TB                            | suggested            | required  |            |
| 3-M Stainless Steel Cleaner                    | suggested            | required  |            |
| Uneeque (liquid scouring compound)             | Suggested            | required  |            |

|          |          |          |
|----------|----------|----------|
| Urid     | required | required |
| Uri-solv | required | required |

\*\* The Lab Manager can provide safety glasses when requested.

## **Zoonoses**

### **Laboratory Mice:**

Modern laboratory mice are bred to exclude all zoonotic agents. Unless the laboratory mice are exposed to wild mice (those coming from the natural habitat outside the laboratory), there is limited concern for disease from these research mice. However, there is always concern about secondary infections that can occur with bites and scratches. Common skin, intestinal, and soil bacteria present on you or the animal can infect the scratch or bite wound and cause these secondary infections. Therefore, you should handle all mice with care and always cleanse any wound immediately with soap and water or antiseptic and seek medical consultation for severe wounds.

### **Hantavirus**

Hantavirus is transmitted through inhalation of dried rodent feces and urine when such material is raised into the air from disturbed bedding or nesting material. Transmission can also occur through rodent bites and contamination of broken skin or mucous membranes. The infection progresses from flu-like symptoms to respiratory complications and has resulted in death over 50% of the cases, particularly when medical care was not quickly obtained. You can prevent exposure through the use of provided PPE, good personal hygiene, and wet, properly ventilated handling of waste bedding material.

### **Lymphocytic Choriomeningitis (LCM) Virus**

LCM virus is transmitted to humans by inhalation, broken skin or mucous membrane exposure to blood, urine, feces, and other body secretions from infected mice. The infection results in flulike symptoms 1 to 3 weeks after exposure. More severe symptoms of meningitis and encephalitis can result. There is a special risk of exposure during pregnancy because the fetus can become infected.

Because mice are well-screened and provided from virus-free sources, the potential for exposure in Emmanuel College animal facilities is very limited. Again, use of proper PPE, such as disposable gloves and a lab coat along with careful hand washing will further reduce the likelihood of exposure.

\*Each of the hyperlinked policy guides directs users to the most current document versions stored on Emmanuel's internal portal.

# Emmanuel College ID Policy

## I. PURPOSE

- A. The following guidelines have been established to reduce the risk of incident to faculty, administrators, staff and students in or around campus buildings. The goal of this particular program is to provide the Emmanuel community with a way to recognize employees and students immediately, to differentiate Emmanuel College employees and students from outside contractors, and to prevent misrepresentation of an individual as an Emmanuel College employee or student.

## II. SCOPE

- A. This policy applies to all part-time and full-time employees including faculty, administrators and staff, and all students.

## III. POLICY

- A. Because Emmanuel College is an “open campus,” picture identification is the only way to differentiate our employees and students from the general public. Therefore, all employees and students must obtain and wear an Emmanuel College ID. The College ID should be conspicuously displayed to allow for ease of recognition by the campus community. As long as it is visible, the ID may be placed in any of the following locations:

- 1) on a lanyard around the neck\*
- 2) clipped, magnetized, or pinned to the upper left or right breast pocket area of a shirt or jacket or attached to a belt

*\*If working around equipment or machinery a lanyard or other holder around the neck should not be used.*

- B. The Emmanuel College ID can be obtained from Campus Safety.
- C. Employees have the right to question anyone who is not wearing an ID and may also contact Campus Safety at 617-735-9710.

## IV. POLICY VIOLATIONS

- A. It is the responsibility of each supervisor and Student Affairs personnel to oversee the implementation and enforcement of these guidelines. The Emergency Preparedness Committee has implemented this program for reasons of personal safety.
- B. Any violations of this policy should be reported to the Office of Human Resources who will contact the appropriate Executive Committee Member for review.
- C. For violations regarding students, the Dean of Students should be notified.

## V. POSSIBLE REPERCUSSION

- A. Disciplinary action may result from non-compliance of this policy.