



Mount Saint Mary College

EMPLOYEE HANDBOOK

2019-2020



The information contained in this edition of the Employee Handbook supersedes all previous editions. Employees are expected to be knowledgeable about all college procedures, policies and regulations. Changes in procedures, policies and regulations will be communicated to the college community in writing by Human Resources and such notification will be considered as addenda to the Employee Handbook.

WELCOME

On behalf of your colleagues, we welcome you to Mount Saint Mary College. We believe that each employee contributes directly to the growth and success of the college and hope that you will take pride in being a member of our team.

This Employee Handbook was developed to assist you in understanding some of the expectations we have of our employees and to outline the policies and procedures that exist to help you to meet those expectations. In addition, this Handbook describes the programs and benefits the college makes available to eligible employees. Please familiarize yourself with the contents of this Handbook as soon as possible, as it will answer many questions related to your employment.

We hope that your experience here will be fulfilling and rewarding. Again, welcome.



Jason Adsit
President



Arthur Glass II
VP for Finance and Administration



Sharnie Canary
Director of Human Resources

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FORWARD

The purpose of this Handbook is to provide a reference for employees regarding what is expected of you as an employee and the benefits available to you as an employee of Mount Saint Mary College. The contents are presented as a matter of information only. The Handbook is not all-inclusive, nor intended to be. Use it as a guideline concerning some of the usual questions asked. If you desire more information about your job or have questions regarding the specifics of any personnel policy, please contact the Director of Human Resources. Mount Saint Mary College reserves the right to unilaterally add, amend or delete policies in this handbook.

THE HANDBOOK IS NOT AN EMPLOYMENT CONTRACT AND SHOULD NOT BE INTERPRETED AS ONE.

THIS EMPLOYEE HANDBOOK SUPERSEDES AND REPLACES ALL PREVIOUS VERSIONS.

Mount Saint Mary College maintains an “AT-WILL EMPLOYMENT RELATIONSHIP” with its employees. This permits the College, or you, the employee, to terminate the employment relationship at any time, with or without cause, with or without notice, and at any time.

No manager, supervisor or employee has any authority to enter into a verbal or written agreement of employment for any specified period of time or to make an agreement for employment other than at-will. Only the President or the Chairman of the Board of Trustees have the authority to make any such agreement and then only in writing.

NOTICE OF NON-DISCRIMINATION

In accordance with its obligations pursuant to Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973 and all other similar federal, state and local laws, Mount Saint Mary College does not discriminate on the basis of race, color, sex, disability, age, religion, creed, national or ethnic origin, sexual orientation or any other characteristic or classification protected by federal, state or local law, in the administration of any of the College's education programs or activities, admissions policies, athletics or other school administered programs, scholarship and loan programs or employment practices.

Pursuant to, and consistent with its obligations under Title IX, the College does not discriminate on the basis of sex, and prohibits sexual harassment, sexual misconduct and sexual violence, in connection with any of its educational programs, activities or employment practices.

Unlawful discrimination has no place at Mount Saint Mary College and offends the College's core values which include the commitment to equal opportunity and inclusion. All Mount Saint Mary College employees, faculty, students and community members are expected to join with and uphold this commitment.

Mount Saint Mary College has designated a Title IX Coordinator, who is primarily responsible for coordinating the College's compliance with Title IX and other federal, state and local laws relating to sex-based discrimination, as well as handling inquiries and questions regarding the College's non-discrimination policies. The College's Title IX Coordinator is also responsible for overseeing the school's response to Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. Mount Saint Mary College's Title IX Coordinator(s) and Section 504 Compliance Officer are:

- Title IX Coordinator: Michael J. O'Keefe, Executive Director of Operations and Risk Management, 319 Powell Avenue, 2nd floor, 845-569-3597, titleixcoordinator@msmc.edu
- Deputy Title IX Coordinator: Sharnie Canary, Director of Human Resources, 369 Powell Avenue, 845-569-3548, sharnie.canary@msmc.edu
- Section 504 Compliance Officer: Alisha McCorvey, Director of Disability Services, 845-569-3641, alisha.mccorvey@msmc.edu

Inquires or questions regarding the application of Title IX may also be directed to:

United States Department of Education
Office for Civil Rights, New York Office
32 Old Slip, 26th Floor
New York, New York 10005-2500
646-428-3900
OCR.NewYork@ed.gov

Section 1: About the College

HISTORY

The Dominican Sisters of Newburgh founded Mount Saint Mary College in 1959, but the Sisters had established an academic presence in Newburgh since 1883 with Mount Saint Mary Academy. The College grew out of the Dominican Sisters' school for teacher training, founded in 1930. Since opening its doors in 1959, the College's goals have been the pursuit and dissemination of truth and the development of the capacity to discern and use it.

Mount Saint Mary College maintains a firm belief in the value of a liberal arts education and a commitment to the Judeo-Christian traditions upon which it was founded. It retains the spirit of the intellectual, cultural, ethical, spiritual, and social philosophies of its founders.

The College remains on sound footing, supported by meaningful academic programs, prudent fiscal management, and a commitment to serving the Hudson Valley. Mount Saint Mary College has a respected position in the region.

PREAMBLE TO THE MISSION STATEMENT

Mount Saint Mary College is an institution of higher education guided by the Catholic and Dominican traditions of academic rigor, pursuit of truth, social justice, leadership and service.

The distinctive approach provides the philosophy for our commitment to educating the whole person and to cultivating intellectual achievement, religious and spiritual growth and development of moral character. Consistent with these principles, Mount Saint Mary College endeavors to graduate students who

- are inquisitive and value the free exchange of ideas in pursuit of truth
- are analytical in their approach to problem solving
- are motivated toward self-improvement
- have developed an aesthetic sense
- possess effective leadership and communication skills
- respect the value and ethics of the Catholic and Dominican traditions
- embrace civic responsibility and community service

The deepening of Mount Saint Mary College's commitment to these principles will involve the leadership efforts of the entire college community, within a culture of academic excellence.

MISSION

As reflected in its motto "Doce Me Veritatem" (Teach Me the Truth) Mount Saint Mary College, founded by the Dominican Sisters of Newburgh, is an independent, coeducational institution committed to providing students with a liberal arts education to prepare them for lives of leadership and service. Through a variety of majors and professional programs students are also prepared for career entry or graduate and professional studies. Consistent with Judeo-Christian values and the Dominican tradition of education that values the inherent worth of the individual, the mission of Mount Saint Mary College is to create an environment, which fosters close student-faculty interaction that enables students to reach their full potential as lifelong learners. Mount Saint Mary College strives to provide a stimulating environment that promotes the intellectual and personal growth of undergraduate, graduate and continuing education students.

Section 2: Employment

Mount Saint Mary College maintains an “AT-WILL EMPLOYMENT RELATIONSHIP” with its employees. This permits the College, or you, the employee, to terminate the employment relationship at any time, with or without cause, with or without notice, and at any time.

No manager, supervisor or employee has any authority to enter into a verbal or written agreement of employment for any specified period of time or to make an agreement for employment other than at-will. Only the President or the Chairman of the Board of Trustees have the authority to make any such agreement and then only in writing.

2.1 EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION

It is the policy of Mount Saint Mary College to promote equal opportunity for all qualified individuals regardless of race, color, religion, sex, age, disability, national origin, marital status, sexual orientation and/or genetics except in cases where there is a bona fide occupational qualification for one of these protected classes.

The College’s policy on non-discrimination not only includes all employment practices; it also extends to all services and programs provided by the College.

Mount Saint Mary College will promote equal opportunity through internal communications, in internal and external posting of vacancies, in new hire orientation and when reviewing and applying hiring and other employment practices.

The Director of Human Resources is responsible for overseeing the College’s affirmative action and equal opportunity programs. All questions, concerns and complaints should be brought to the attention of the Director of Human Resources.

2.2 DISPUTE RESOLUTION POLICY

DEFINITION OF GRIEVANCE

A grievance shall mean any dispute between an employee and the College concerning the application of, interpretation of, or a claimed violation with regard to policies or procedures at Mount Saint Mary College.

PROCEDURES FOR EMPLOYEES REGARDING CONDITIONS OF EMPLOYMENT

STEP 1: INFORMAL

Within fifteen (15) days of the event giving rise to the grievance, the employee should bring the grievance to the attention of his or her immediate supervisor. The immediate supervisor shall attempt to resolve the grievance and provide the employee with a response normally within fifteen (15) days of notification of the grievance. If the grievance cannot be resolved at this level, the employee may file a formal grievance. An employee may voluntarily opt out of an informal review and go directly to the formal process.

If the employee has a grievance against the employee's supervisor, the employee should go to the next level of supervision or go directly to the formal process.

STEP 1: FORMAL

Within fifteen (15) days of receiving the College's response in the informal process, the decision may be appealed in writing to the Director of Human Resources (DHR). The written appeal shall state the name of the aggrieved, the action causing the grievance, and the policy/procedure alleged to have been violated, if any. Upon receipt of the appeal, a meeting shall be held within fifteen (15) days under normal circumstances between the aggrieved and the DHR or DHR's designee. The College shall provide a written response to the appeal within fifteen (15) days of the meeting.

STEP 2: FORMAL

Within fifteen (15) days of receiving the College's answer to STEP 1, the grievance may be appealed by the grievant to the Vice President for Finance and Administration (VPFA) or the VPFA's designee. The written appeal shall state the name of the aggrieved, the action causing the grievance, and the policy/procedure alleged to have been violated, if any. Upon receipt of the appeal, the VPFA will review all documentation related to the complaint and may meet with the grievant. The College shall provide a written response to the grievant within fifteen (15) days under normal circumstances.

DEFINITION OF COMPLAINTS BETWEEN EMPLOYEES

A complaint shall mean any dispute between two or more employees that are not related to violations of policy(ies) or law. Violations of policies or law will be addressed through the applicable policy and/or procedure affected.

PROCEDURES FOR COMPLAINTS BETWEEN MSMC EMPLOYEES

STEP 1: INFORMAL

Within fifteen (15) days of the event giving rise to the complaint, the employee should bring the complaint to the attention of his or her immediate supervisor. The immediate supervisor shall attempt to resolve the complaint and provide the employee with a response normally within fifteen (15) days. If the complaint cannot be resolved at this level, the employee may file a formal grievance.

STEP 1: FORMAL

Within fifteen (15) days of receiving the College's response in the informal process, the decision may be appealed in writing to the Director of Human Resources (DHR). The written appeal shall state the name of the complainant, the action causing the complaint, and the remedy requested by the complainant. Upon

receipt of the appeal, a meeting shall be held normally within fifteen (15) days between the complainant and the DHR or DHR's designee. The College shall provide a written response to the appeal normally within fifteen (15) days of the meeting. The decision of the DHR or his/her designee shall be final.

TIME LIMITATIONS:

Wherever used in this policy, the word "days" means calendar days. Regular recess leave and summer periods set forth in the Academic Calendar shall not be counted as "days." Time limits may be extended only when there are compelling reasons and will be communicated to the affected parties. If the grievant fails to comply with the time limits set forth in this policy, the grievance will be considered to have been resolved/waived.

2.3 BACKGROUND VERIFICATIONS OF CANDIDATES AND APPLICANTS FOR EMPLOYMENT

The purpose of this policy is to implement background checks of individuals considered for employment. Mount Saint Mary College believes that background checks serve an important part in employing qualified individuals for positions in the College and protecting the College, its students and staff.

The College conducts background checks on all job candidates and applicants post-offer/pre-hire (offer is contingent on passing the background check). The College may use a third-party administrator to conduct all or part of a background check. The type of information to be sought includes, but is not limited to, criminal records, civil court actions, sex offender registries, motor vehicle and driving records, education, employment history, credit, professional, work and personal references, address history, military and government service, social security verification, and other reports that relate to suitability for employment. The information sought will be that which the College deems necessary depending on the job for which the candidate is applying. This process is conducted to verify the accuracy of the information provided by the candidate or applicant and to determine his/her suitability for employment by the College.

All background checks will be conducted in compliance with applicable federal and state statutes.

All criminal record searches are conducted post-offer/pre-hire (offer is contingent on passing the background check). A reported criminal conviction will not necessarily disqualify a candidate or applicant from employment; rather the reported information will be evaluated on a case-by-case basis, in compliance with existing state and federal law requirements.

The College reserves the right to make the sole determination concerning information or any employment decision arising out of a background check.

The College also reserves the right to seek additional background checks and information covered by such investigations at other times during employment. At the discretion of the College, new authorizations may be required for subsequent applications for alternate positions.

PROCEDURE

1. Once a candidate for hire has been identified, the hiring manager shall inform the candidate that a job offer is contingent upon the satisfactory results of the background check.
2. Background checks are required for all new hires, including full-time, part-time, and temporary employees and volunteers. The background check must be completed before any employee or volunteer begins work.
3. A background check is required for all rehires who have been separated from employment by the College for longer than one year.
4. Each candidate or applicant must authorize the background check by submitting an electronic authorization as part of the application process, once a contingent offer is made. The Employment Background Check Authorization will contain any statements or notices that may be required by State or Federal law. At the discretion of the College, new authorizations may be required for subsequent background checks. The results of each background check will only be sent to the Office of Human Resources.
5. If there are any material discrepancies or criminal convictions in the reported results, the Director of Human Resources and Legal Counsel, if deemed appropriate, will review the information in accordance with all laws for determination on recommended hiring.

6. If the background check is satisfactory, in the opinion of the College, the Office of Human Resources will notify the hiring manager that the candidate is approved to begin employment.
7. The College reserves the right to withdraw any offer of employment or to terminate an employee upon finding any unsatisfactory information, including, but not limited to, a falsification, misrepresentation or omission of fact on an employment application, resume, other attachments, or in verbal statements, regardless of when it is discovered.
8. If a background check reports results which the College determines to be sufficient to disqualify an applicant:
 - a. Human Resources will notify the hiring manager.
 - b. Human Resources will inform the candidate or applicant that the background indicated criminal history that may disqualify them for hire. When applicable, the candidate or applicant will also be sent written notification of the individual's rights under the Fair Credit Reporting Act (FCRA) to review a copy of the report, or reports, and to dispute inaccurate information in a given time period.
 - c. After the candidate is given a chance to dispute the accuracy of the results, as required by the FCRA, and fails to do so, Human Resources will inform the candidate or applicant that the college is rescinding its contingent offer of employment.
 - d. A Notice of Adverse Action and corresponding paperwork will be provided to the candidate by the College or College's background vendor.

2.4 EMPLOYMENT STATUS

EXEMPT (NON-TEACHING) ADMINISTRATIVE EMPLOYEES:

Exempt employees may be full or part time employees who are paid a salary and are not subject to overtime provisions of the law.

NON-EXEMPT REGULAR FULL TIME HOURLY EMPLOYEES:

Regular full time employees are employees who are regularly scheduled to work at least 35 hours per week; are paid based upon an hourly rate of pay, and are subject to overtime according to college policies and state and federal law.

NON-EXEMPT REGULAR PART TIME HOURLY EMPLOYEES:

Regular part time employees are employees hired to work less than 35 hours per week.

NON-EXEMPT TEMPORARY/SEASONAL HOURLY EMPLOYEES:

Temporary/seasonal hourly employees are hired for a limited period of time. Temporary/seasonal employees may work up to 40 hours per week and may be employed for up to 5 months. Temporary/seasonal employees are not eligible for any College benefits.

PROBATIONARY EMPLOYEES:

Employees hired to be regular full or part time employees are considered “probationary” employees for the first 90 days of employment.

PER DIEM (ON-CALL):

Per Diem employees are on-call employees that may be called to replace an absent regular employee or to supplement staff during a period of special needs.

2.5 PROBATIONARY PERIOD-NEW HOURLY EMPLOYEES

The first 90 calendar days of employment shall be considered an employee's probationary period. It is an opportunity for the employee to become acquainted with one's job and College policies and procedures. It is also an opportunity for the College to evaluate the employee's job performance and interaction with other members of the community.

During the probationary period, the College may terminate employment at any time for any lawful reason. The Dispute Resolution procedure does not apply to probationary employees.

If, at the conclusion of the probationary period, the employee has performed satisfactorily, the employee shall be considered regular and shall be accorded benefits based upon full or part time status as permitted.

2.6 TRANSFERS

EMPLOYEE INITIATED:

An employee may request a lateral transfer to another department or within a department subject to approval of the affected department supervisors and the Director of Human Resources. A transfer will be considered only if it is determined that a position is available and only after consideration of the legitimate business needs of the College.

COLLEGE INITIATED:

College officials may transfer an employee at any time to resolve conflicts, to resolve grievances, to comply with state and federal law, to provide additional help in special situations, or for the legitimate business needs of the College.

Section 3: Benefits and Leaves of Absence

GENERAL STATEMENT

Mount Saint Mary College offers certain employment benefits designed to be affordable for the College while providing value for College employees. This handbook contains general summaries of the plan of benefits. In all cases, plan benefits will be applied according to the specific contract.

Unless otherwise stated, only regular full time employees are eligible for benefits.

The College reserves the right to eliminate, amend or add to the plan of benefits at any time.

Mount Saint Mary College maintains an "AT-WILL EMPLOYMENT RELATIONSHIP" with its employees. This permits the College, or you, the employee, to terminate the employment relationship at any time, with or without cause, with or without notice, and at any time.

No manager, supervisor or employee has any authority to enter into a verbal or written agreement of employment for any specified period of time or to make an agreement for employment other than at-will. Only the President or the Chairman of the Board of Trustees have the authority to make any such agreement and then only in writing.

3.1 MEDICAL INSURANCE

Full-time employees may elect individual, two-person or family coverage from the college contracted health provider.

Coverage is voluntary and begins on the first of the month following the employee's first day of work for administrators and after 90 days of employment for hourly employees. Plan enrollment takes place once per year during open enrollment.

Employees are required to contribute to the monthly premium through payroll deduction according to the following contribution schedule:

| COVERAGE TYPE | EMPLOYEE PAYS | MSMC PAYS |
|---------------|---------------|-----------|
| Individual | 20% | 80% |
| Two Person | 25% | 75% |
| Family | 25% | 75% |

Employees who work an academic year, or a 10-month and/or special contract, and, who are considered full time, are eligible to enroll in a health plan, but must make arrangements to assume full responsibility for the total monthly premium for those time periods not actively employed by the college. Full time employees who decline MSMC coverage must sign a coverage waiver form.

3.2 DENTAL INSURANCE

Full time employees may elect individual or family coverage from the college contracted health provider. Dental insurance for the individual employee is provided at no cost to full time employees.

Single coverage is provided to all full time employees and begins on the first of the month following the employee's first day of work for administrators and after 90 days of employment for hourly employees. Family coverage is voluntary. Plan enrollment takes place once per year during open enrollment.

Employees are required to contribute to the monthly premium through payroll deduction according to the following contribution schedule:

| COVERAGE TYPE | EMPLOYEE PAYS | MSMC PAYS |
|---------------|---------------|-----------|
| Individual | 0% | 100% |
| Family | 64% | 36% |

3.3 FLEXIBLE SPENDING ACCOUNT

Full-time employees may enroll in the Flexible Spending Account with the College's current provider after three months of service. The FSA permits an employee to withhold pre-tax earnings to be used for unreimbursed medical expenses, qualified dependent care expenses and medical insurance premium.

Participation is voluntary and an option to enroll is offered during the annual open enrollment period. Once enrolled, participants must remain in the FSA for one full Plan Year.

Flexible Spending Account information booklets and enrollment forms are available in the Human Resources Office.

3.4 HOLIDAYS

The College generally observes seventeen (17) paid holidays during its fiscal year and publishes this calendar annually. One of the seventeen (17) holidays is a Personal Choice Holiday that permits an employee to select an additional holiday of personal significance to observe. Time off for the Personal Choice Holiday must be requested in advance and is granted subject to the employee's supervisor's approval.

Regular full time employees receive holiday pay based on the employee's standard work hours for a workday.

Part time employees will receive holiday pay for those holidays that fall on the part time employee's regularly scheduled workday. The holiday pay will be based on the number of hours the employee would otherwise have worked on the holiday.

Full and part time hourly employees who are required to work on a holiday will receive regular pay for the hours equal to the employee's standard hours for that workday plus premium pay for the actual hours worked. Premium will be paid at the rate of 1 ½ times the base hourly rate.

Employees that are absent due to disability and/or time taken under the Family Medical Leave or Paid Family Leave benefits, are not paid for holidays or college closings during that timeframe.

Temporary employees, seasonal employees and employees on a leave of absence are not eligible for holiday pay.

The College will post a list of scheduled holidays prior to the start of each fiscal year via email to employees. Supervisors will post a copy in the department.

3.5 VACATION-HOURLY EMPLOYEES

The amount of vacation time for hourly employees is based upon the length of continuous service and time worked at the end of each fiscal year (June 30 of each year). Vacation is earned in one fiscal year to be used in the next fiscal year.

Employees must work at least 90% of their regularly scheduled days each month for that month to count for vacation accrual purposes. Paid Sick Days, paid Personal Days, paid Vacation Days, paid Holidays, approved Bereavement Leave and absences due to an injury at work shall be considered as days worked for the purpose of accruing vacation.

Unpaid absences, unpaid leaves of absence, and absences paid under New York State short-term disability will result in reduced vacation accruals if the absences total more than 10% of regularly scheduled workdays in any month. Vacation accruals will be reduced by 1/12th for each month the employee does not work 90% of their regularly scheduled days.

All hourly employees must begin employment by April 1 to earn vacation in their first fiscal year of employment.

All vacation must be used in the fiscal year immediately following the year in which it was earned; no carry over from one fiscal year to another is permitted. Terminated employees will receive pay for current earned vacation and accrued vacation pro rata based upon the employee's termination date. Payment will be made with the next scheduled payroll period following termination.

Vacation time for full time employees is awarded in vacation hours by multiplying the number of the employee's regular scheduled standard workday hours by the number of "vacation days" according to the matrix below:

| Employee's Length of Service | # of Vacation Days Earned As of June 30 |
|------------------------------|---|
| Less than 4 months | 0 |
| 4 months | 3 |
| 5 months | 4 |
| 6 months | 5 |
| 7 months | 6 |
| 8 months | 7 |
| 9 months | 8 |
| 10 months | 9 |
| 11 months | 10 |
| 1 year | 11 |
| 2 years | 12 |

After one year of service, an employee will earn one additional day of vacation for each year of service. The maximum vacation permitted for an hourly employee is 20 days, which is achieved with 10 years of service as of June 30 in a given year.

All hourly employees hired before January 1, 2007, continue to receive a maximum of 30 vacation days.

Employees must receive approval from their supervisor to schedule and take vacation. Employees should request vacation at least two weeks before their planned vacation. Exceptions may be granted at the

supervisor's discretion. Some departments have periods of the year when vacation is not permitted or permitted on a very limited basis. Please check with your supervisor as to whether or not you are affected by this provision.

Vacation time will not be advanced, nor can accrued vacation be taken before awarded at the beginning of each fiscal year. Accrued vacation time will not be paid in lieu of time off from work.

Employees may use vacation time for absences under the College's Inclement Weather policy. Vacation time used for this purpose will be considered as time worked for the purpose of vacation accrual.

Employees may also request payment of vacation for time lost due to illness if the employee has exhausted the employee's Sick Time allowance. Payment of vacation in lieu of sick time will not excuse the absence and the employee may be subject to disciplinary action for the absence.

3.6 VACATION-ADMINISTRATIVE EMPLOYEES

Full time salaried administrators receive 20 days of vacation at the beginning of each fiscal year. New employees hired during the fiscal year will be granted vacation on a pro rata basis. All vacation must be used; no carryover of vacation from one fiscal year to the next is permitted.

Employees must receive approval from their supervisor to schedule and take vacation. Employees should request vacation at least two weeks before their planned vacation. Exceptions may be granted at the supervisor's discretion.

Vacation time will not be advanced, nor can accrued vacation be taken before awarded at the beginning of each fiscal year. Vacation will not be paid in lieu of time off from work.

Employees may use vacation time for absences under the College's Inclement Weather policy.

Employees may also request payment of vacation for time lost due to illness if the employee has exhausted the employee's Sick Time allowance. Payment of vacation in lieu of sick time will not excuse the absence and the employee may be subject to disciplinary action for the absence.

3.7 SICK TIME

The purpose of Sick Time is to provide a period of wage continuation for brief periods of illness or injury, which may or may not be causally related to employment.

Regular full and part time employees are eligible for Sick Time. Sick Time for regular full time employees is computed by multiplying 8 days (the annual allotment for full time employees) by the standard hours for the employee's workday. Regular part time employees receive pro-rated Sick Time. New employees receive pro-rated Sick Time at the conclusion of the employee's probationary period retroactive to the employee's start date of employment.

Additional Sick Time allotments are granted at the beginning of each fiscal year. Unused Sick Time may be carried forward to the next fiscal year with the total carry over not to exceed 60 days. An employee with the maximum carry over begins a fiscal year with the equivalent of 68 days (60 days carry over plus the new 8-day annual allotment). Employees terminating employment with the College will be reimbursed for ½ of their existing Sick Balance at the time of termination if the employee has completed 25 years of continuous employment at the college.

Employees must use Sick Time for all full day or partial day absences not otherwise designated for payment as Vacation Time or Personal Time. Sick time shall not count as time worked for the purpose of computing overtime pay.

A medical excuse from a physician is required for any absence that exceeds 5 consecutive workdays and for absences of 3 consecutive workdays if the employee has been previously disciplined for absenteeism. Additionally, the College may also require a physician's verification for intermittent absences that may or may not be excusable under the Family Medical Leave policy.

Sick Time balances for hourly employees are maintained by the ADP Time Keeping System with current available balances appearing on the employees' check stub.

Salaried administrative employees are required to record their Sick Time usage using the ADP Time Keeping System. Administrative employees report both full days and half days of Sick Time. Current balances do not appear on the administrator's pay stub.

Unused Personal Time at the end of a fiscal year is converted to Sick Time and added to the Sick Time balance.

3.8 SICK LEAVE BANK

The purpose of the Mount Saint Mary College Sick Leave Bank (SLB) policy is to provide additional paid leave for employees who have exhausted their sick and vacation leave benefits as a result of a catastrophic illness or injury. "Catastrophic" illness or injury is a medical condition that results in a prolonged absence from work and might include but is not be limited to cancer, major non-elective surgery, serious accident, heart attack/stroke, etc. In order to be considered as "catastrophic," an illness must be seriously incapacitating, of extended duration, and requires the services of a licensed health care provider.

Employees utilizing Workers' Compensation Leave of Absence are ineligible for this benefit.

The SLB will be created via the voluntary contribution of Sick Days by employees. An employee may contribute up to five (5) Sick Days per fiscal year provided the employee retains a personal beginning balance of eight (8) days on the first day of the fiscal year.

Employees who wish to donate Sick Days must sign a statement indicating the number of days donated and acknowledging that the donation is voluntary and irrevocable. The College will hold an open "donation period" in May and June preceding the next fiscal year. The College may also schedule an additional donation period if the balance of SLB days reaches 20 or fewer days.

ELIGIBILITY:

Participation in the SLB is open to all MSMC employees who are otherwise eligible for Sick Days. Eligible part time employees receive a pro-rated benefit. A day of Sick pay for hourly employees will equal the regular hours an employee is otherwise scheduled to work. A day of Sick pay for an eligible part time employee will equal the number of standard hours scheduled per week divided by the standard hours of a regular full time employee from the same department. A day of Sick Pay for Administrators and Faculty is equal to the daily rate of pay as calculated by dividing the employee's base annual salary by the number of workdays in the fiscal year.

Use of Sick Leave Bank (SLB) during an approved FMLA Leave is included in the 12 weeks of FMLA leave if applicable.

WITHDRAWALS FROM THE SLB:

Eligible employees are limited to receiving a maximum of 20 SLB Days in a twelve-month period.

The employee or designee must complete an application for SLB benefits and submit the application to the Human Resources office. The application must include a statement from a licensed health care professional that includes the following information:

- Beginning date of the condition
- A description of the illness or injury
- A prognosis for recovery
- An estimated length of the absence

The application must be submitted before or at the time of a claim for disability benefits.

ADMINISTRATION OF THE SLB:

The Director of Human Resources will determine whether or not to approve the application for SLB benefits. Notice of the decision will be sent to the employee's payroll address of record within 5 working days of receipt of the application.

APPEAL PROCESS:

Any appeal to the decision of the Director of Human Resources must be made in writing to the Vice President for Finance and Administration. Any reversal of the decision of the Director of Human Resources will be made jointly by the Vice President for Finance and Administration and the Vice President for Academic Affairs. Their decision is final.

3.9 PERSONAL TIME

Regular full time employees are granted three personal days per fiscal year, pro-rated for part time employees and employees who begin employment during the fiscal year (after the 90 day probationary period for hourly employees).

Whenever possible, personal time should be requested in advance from one's supervisor. A minimum of three days' advance notice is preferred.

Personal Time is to be used for personal business that cannot be scheduled for hours when one is away from work or to receive pay for not reporting to work because of inclement weather when the College remains open for business. Personal Time may also be used for holidays not observed by the College, to attend dependents' school events, to attend to an ill family member, to attend funeral services for other than immediate family as stated in the Bereavement Policy and for other business.

Unused Personal Time at the conclusion of a fiscal year shall be converted to Sick Time and added to the employee's Sick Time balance.

3.10 RETIREMENT PLAN

The College maintains a 403(b) Retirement Plan that is administered by TIAA-CREF.

Employee participation in the plan is voluntary.

Full time employees are eligible to participate in the plan after completing one year of continuous employment. The waiting period is waived for new hires that were previously employed in a higher education institution with an existing TIAA-CREF account.

An employee must contribute an amount equal to 5% of his/her W-2 wages to receive the College's contribution. The College will contribute 9% of the employee's W-2 wages until the employee reaches his 5th anniversary of employment. The College contribution will increase to 9.5% on the 5th anniversary, 10% on the 10th anniversary and 10.5% on the 15th anniversary. The maximum College contribution is currently set at 10.5%. Vesting is immediate upon participation.

Employees may contribute more than 5%, subject to IRS regulations, by enrolling in a Group Supplemental Retirement plan through the College. The Group Supplemental Plan is also available to part time employees who do not meet the 1000 hour requirement for participation in the College plan, and to all employees in their first year of employment before they are eligible for the College plan.

Informational brochures and forms are available in the Human Resources Office.

3.11 BEREAVEMENT LEAVE OF ABSENCE (BLOA)

Regular full and part time employees shall receive a paid BLOA of up to 3 consecutive workdays for a death in the employee’s immediate family. For purposes of this policy, immediate family shall include any of the following:

| | | | |
|--------------|-------------------|-----------------|----------------------------------|
| Spouse | Son | Grandchild | Mother-in-Law |
| Brother | Daughter | Son-in-Law | Grandparent-in-Law |
| Sister | Stepson | Daughter-in-Law | Dependent Living in Household |
| Half Sister | Stepdaughter | Brother-in-Law | |
| Half Brother | Grandparent | Sister-in-Law | |
| Legal Parent | Great Grandparent | Father-in-Law | |

* Dependent Living in Household shall refer to an individual residing in the employee’s home that the employee claims as a dependent on the employee’s tax return.

The term “Legal Parent” shall include court appointed guardians and stepparents.

The “In-Law” relationship will continue to be honored after the death of a spouse unless and until the surviving employee remarries. Divorce will terminate “In-Law” relationships for the purpose of this policy.

To receive pay for a BLOA, the employee must follow the policy for reporting off from work. The College reserves the right to require proof of death (obituary, death certificate, etc.) from the employee before paying the employee for the BLOA.

If an immediate family member’s death occurs during an employee’s vacation, or on a College observed holiday, the employee will be permitted up to 3 consecutive days off (equal to the number of planned days off) at a later date subject to approval by the employee’s supervisor and Director of Human Resources.

Bereavement pay will be made at the employee’s regular rate of pay. Time paid under this policy shall not be considered as time worked for the purpose of computing overtime. Bereavement pay will not be paid for weekend days unless the employee is regularly scheduled to work on a weekend day(s).

Absences from work for attendance at a funeral for other than a member of the employee’s immediate family will be considered a personal day or vacation day, in that order. A day off without pay is not permitted unless the employee has exhausted all personal and vacation time.

3.12 Jury Duty

Regular full time and regular part time employees summoned to jury duty will be paid regular earnings when the employee is absent from work at a time when the employee would otherwise be scheduled to work.

To be eligible to receive pay for jury duty, the employee must:

1. Notify the employee's supervisor at least 3 working days in advance of the date the employee may be required to report for service by providing a copy of the jury summons to the supervisor. The supervisor will forward the copy of the jury summons to the Human Resources department.
2. The employee must furnish the employee's supervisor with a written statement from the appropriate court official that verifies the date(s) and time (s) served that must be forwarded to the Human Resources department.

Employees summoned to jury duty who are customarily assigned to the second or third shift shall be considered as having been scheduled for the first shift on any day they are required to report for jury duty. First shift and daytime employees are NOT entitled to jury duty pay if they are summoned to serve jury duty after work hours that do not necessitate being away from work during the employee's regular workday.

Employees must report for work on any day when the employee is excused before noon from jury duty service or the employee is on call to report.

Time away from work under this policy shall be considered as time worked for the purpose of computing overtime.

This policy shall also apply when an employee has been subpoenaed to testify as a witness in court.

3.13 FAMILY AND MEDICAL LEAVE (FMLA)

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

Mount Saint Mary College will grant up to 12 weeks of family and medical leave (or up to 26 weeks of military caregiver leave) during any 12-month period to eligible employees in accordance with the Family and Medical Leave Act of 1993 (FMLA), as amended. The leave may be paid, unpaid or a combination of paid and unpaid depending on the circumstances and as specified in this policy.

ELIGIBILITY:

To be eligible for FMLA leave under this policy, the employee must meet all of the following conditions:

The employee must have worked for the College for at least 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for a part of a week or if the employee was on leave during the week.

The employee must have worked at least 1250 hours during the 12-month period immediately before the date the leave is scheduled to begin. Vacation hours are included as hours worked; sick and personal hours are excluded and do not count as part of the 1250 hour requirement.

TYPES OF FMLA LEAVE PROVIDED:

Eligible employees may request FMLA leave for any of the following reasons listed below:

1. The birth of a child and in order to care for that child
2. The placement of a child for adoption or foster care and to care for the newly placed child
3. To care for a spouse, child, or parent with a serious health condition (described below)
4. The serious health condition (described below) of the employee

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's job. A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care, or a condition which requires continuing care by a licensed healthcare provider (a doctor of medicine, doctor of osteopathy, podiatrist, dentist, clinical psychologist, optometrist, nurse practitioner, nurse midwife and Christian Science practitioner).

This policy covers illnesses of a serious and long-term nature resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that results in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

An employee with questions about what illnesses are covered by this policy is encouraged to consult with

the Human Resources office.

An employee must submit a medical certification as evidence of the serious health condition. The certification process is outlined later in this policy.

If an employee takes a paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the College may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

5. Qualifying exigency leave for family members of the National Guard or Reserves or a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: 1) short-notice deployment, 2) military events or activities, 3) child care and school activities, 4) financial and legal arrangements, 5) counseling, 6) rest and recuperation, 7) post-deployment activities and 8) additional activities that arise out of active duty, provided that the College and employee agree, including agreement on timing and duration of leave.

"Covered active duty" means:

(a) In the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and

(b) In the case of a member of a reserve component of the Armed Forces, duty during the deployment of a member of the Armed Forces to a foreign country under a call or order to active duty under U.S. law.

The leave may commence as soon as the individual receives the call-up notice. This type of leave is counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

6. Military caregiver leave (also known as covered service member leave) to care for an injured or ill service member or veteran.

An employee whose son, daughter, parent or next of kin is a covered service member may take up to 12 weeks in a single 12-month period to care for that service member.

Next of kin is defined as the closest blood relative of the injured or recovering service member.

The term "covered service member" means:

(a) A member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

(b) A veteran who is undergoing medical treatment, recuperation, or therapy for a serious illness or injury and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five years preceding that date on which the veteran undergoes that medical treatment, recuperation or therapy.

The term “serious injury or illness” means:

(a) In the case of a member of the Armed Forces (including a member of the National Guard or Reserves) means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; and

(b) In the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered service member, means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in the line of duty on an active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member becomes a veteran.

AMOUNT OF LEAVE

An eligible employee can take up to 12 weeks for the FMLA circumstances (1) through (5) of this policy during any 12-month period. The College will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee requests FMLA leave, the College will compute the leave used in the 12 months immediately preceding the start date of the newly requested leave, subtract that amount from 12 weeks, and the balance is the amount of current leave available.

An eligible employee can take up to 26 weeks for the FMLA circumstance (6) above (military caregiver leave) during a single 12-month period. For this military caregiver leave, the college will measure the 12-month period as a rolling 23-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If a husband and wife both work for the College and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (not a parent in-law) with a serious health condition, the husband and wife may only take a total of 12 weeks of leave combined. If a husband and wife both work for the College and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

EMPLOYEE STATUS & BENEFITS DURING LEAVE:

While an employee is on FMLA leave, the College will continue the employee’s health and dental benefits at the same level and under the same conditions as if the employee continued to be at work.

Under current College policy, the employee pays a portion of the health care premium and the dependent portion of the dental insurance premium. The employee will be required to continue to make these contributions during the leave. The payment must be made to the College no later than the last day of each month of coverage. If payment is not received by the College by the end of the month, the coverage(s) may be terminated for the balance of the leave.

If the employee chooses not to return to work at the end of the leave for reasons other than a continued serious health condition of the employee, the College will seek reimbursement for medical and dental insurance (College portion of premiums) paid during the leave.

Employees that are absent due to time taken under the Family Medical Leave benefit are not paid for holidays or college closings.

EMPLOYEE STATUS AFTER LEAVE:

An employee who takes leave under this policy will be required to provide a fitness for duty clearance from their health care provider in order to return to the same job or a job with equivalent status, pay, benefits and other employment terms. The position will be the same or one that entails substantially equivalent skill, effort, responsibility and authority. THE COLLEGE MAY CHOOSE TO EXEMPT CERTAIN HIGHLY COMPENSATED EMPLOYEES FROM THIS REQUIREMENT AND NOT RETURN THEM TO THE SAME OR SIMILAR POSITION.

USE OF PAID AND UNPAID LEAVE:

An employee taking leave because of the employee's own serious health condition must use, in order, all sick, personal and vacation time concurrent with the leave. If, after the use of sick, personal and vacation time, there remains a balance of leave time, the balance of leave time will be unpaid leave.

The employee must also apply for disability (if applicable) at the beginning of the leave. Disability will also run concurrent with the leave.

An employee who is taking leave to care for a family member (as defined in this policy) who has a serious health condition, or for the adoption or foster care placement of a child, must use, in order, personal, and vacation time that will run concurrent with the leave.

An employee who is using military FMLA leave for a qualifying family member exigency or military care giving must use all paid vacation and personal leave prior to being eligible for unpaid leave.

INTERMITTENT LEAVE OR REDUCED WORK SCHEDULE:

An employee may take FMLA in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year), or under certain circumstances may use the leave to reduce the workweek or workday, resulting in a reduced hours schedule. In all cases, the total amount of leave may not exceed a 12 weeks over a 12-month period (or 26 weeks to care for an injured or ill service member over a 12-month period).

The College may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule.

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

If the employee is taking leave for a serious health condition or because of the serious health condition of a covered family member, the employee should try to reach an agreement with the College before taking intermittent leave or working a reduced hours schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary. The College may require certification of the medical necessity.

CERTIFICATION OF THE EMPLOYEE'S SERIOUS HEALTH CONDITION:

The College will ask for certification of the serious health condition for which the FMLA leave is requested.

The employee must respond to such a request within 15 days of the request or provide the College a reasonable explanation for the delay. Failure to provide medical certification may result in denial of leave or denial of continuation of leave. Medical certification may be provided by submitting the DOL Certification of Health Care Provider for Employee's Serious Health Condition.

The College may directly contact the employee's health care provider for verification or clarification purposes using a health care professional and an HR professional, leave administrator or management official. The College 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 the deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the College will obtain the employee's permission for clarification of individually identifiable health information.

The College has the right to ask for a second opinion if it has reason to doubt the certification. The College will pay for the employee to get a certification from a second doctor, which the College will select. The 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 College will require the opinion of a third doctor. The College and the employee will mutually select the third doctor, and the College will pay for the opinion. The 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.

CERTIFICATION FOR A FAMILY MEMBER'S SERIOUS HEALTH CONDITION

The 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.

The College may directly contact the employee's family member's health care provider for verification or clarification purposes using a health care professional and an HR professional, leave administrator or management official. The College will not use the employee's direct supervisor for this contact. Before the College makes this direct contact with the health care provider, the employee will be given an opportunity to resolve the deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the College will obtain the employee's family member's permission for clarification of individually identifiable health information.

The College has the right to ask for a second opinion if it has reason to doubt the certification. The College will pay for the employee's family member to get certification from a second doctor, which the College will select. The 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, the College will require the opinion of a third doctor. The College and the employee will mutually select the third doctor, and the College will pay for the opinion. The 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.

CERTIFICATION OF QUALIFYING EXIGENCY FOR MILITARY LEAVE

The 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.

CERTIFICATION FOR SERIOUS INJURY OR ILLNESS OF COVERED SERVICE MEMBER FOR MILITARY FAMILY LEAVE

The College will require certification for the serious injury 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 of Qualifying Exigency for Military Family Leave.

RECERTIFICATION

The 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, the 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. The 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.

PROCEDURE FOR REQUESTING LEAVE

All employees requesting FMLA leave must provide verbal or written notice of the need for leave to the Director of Human Resources. Within five business days after the employee has provided this notice, the Director of Human Resources will complete and provide the employee with the DOL Notice of Eligibility and Rights.

When an employee plans to take leave under this policy, the employee must give the College 30 days advance notice. If it is not possible to give 30 days' notice, then the employee must give notice as soon as practical. If circumstances cause the employee to be away from work before requesting FMLA leave, the College may make the effective date of the leave retroactive to the first day absent.

An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment(s) to minimize disruptions to the College's operations.

DESIGNATION FOR FMLA LEAVE

Within five business days after the employee has submitted the appropriate certification form, the Director of Human Resources will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice.

INTENT TO RETURN TO WORK FROM FMLA LEAVE

While on leave, employees are required to report periodically (at least once every four weeks) to the College, the status of their medical condition and their intent to return to work. All information is to be submitted directly to the Human Resources office.

3.14 NEW YORK STATE PAID FAMILY LEAVE (PFL)

Effective January 1, 2018, New York State Paid Family Leave (PFL) provides eligible administrative and staff employees with partially paid, job-protected leave in certain qualifying circumstances. Paid Family Leave is entirely employee-funded through a payroll deduction set by the Paid Family Leave Law.

ELIGIBILITY

- Employees with a regular work schedule of 20 or more hours per week are eligible after 26 weeks of consecutive employment.
- Employees with a regular work schedule of less than 20 hours per week are eligible after 175 days worked, which need not be consecutive, in a 52 week period.

In limited circumstances, employees whose regular work schedules are temporary or seasonal may opt out of Paid Family Leave.

Employees who hold more than one job may take Paid Family Leave from both jobs, but they must do so with both employers at the same time.

QUALIFYING EVENTS

NEW CHILD: You can take Paid Family Leave during the first 12 months following the birth, adoption, or fostering of a child. Expectant mothers cannot take Paid Family Leave for their own pregnancy.

Paid Family Leave for the birth of a child begins after the birth. It is not available for prenatal conditions

SERIOUS ILLNESS: You can take Paid Family leave to care for a close relative with a serious health condition. These relatives can live outside of New York State and even outside the country. You cannot take Paid Family Leave for your own health condition. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves:

1. Inpatient care in a hospital, hospice, or residential health care facility, or
2. Continuing treatment or continuing supervision by a health care provider

A close relative includes a spouse, domestic partner, child or stepchild, parent or stepparent, parent-in-law, grandparent or grandchild.

MILITARY ACTIVE SERVICE DEPLOYMENT: You can take Paid Family Leave to assist with family situations arising when your spouse, domestic partner, child, or parent is deployed abroad on active military service or has been notified of an impending military deployment abroad. You cannot use Paid Family Leave for your own qualifying military event.

Obligations are consistent with the federal Family Medical Leave Act (e.g. attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, and attending post-deployment re-integration briefings).

When applicable, PFL will run concurrently with Family Medical Leave (FMLA). Employees may take leave in continuous or intermittent full-day increments. Employees may not designate partial days as leave under PFL.

PFL is not available for the employee's own health condition or qualifying military event.

Employees may not receive PFL and disability benefits at the same time.

The College allows only one employee at a time to receive PFL to bond with the same child or care for the same family member.

Employees may use accrued time with PFL benefits in order to receive full pay during their absence. While on PFL, employees will continue to accrue sick and vacation time.

Vacation, Sick and Personal days will be counted toward an employee's eligibility determination.

AMOUNT OF LEAVE

During 2018, an eligible employee can take up to 8 weeks for PFL and receive 50% of your average weekly wage, capped at 50% of the NY State Average Weekly Wage (SAWW). Your average weekly wage is the average of your last 8 weeks of pay prior to starting Paid Family Leave.

Leave can be taken either all at once or in full-day increments. You may take the maximum time-off benefit in any given 52-week period. The 52-week clock starts on the first day you take Paid Family Leave.

EMPLOYEE RESPONSIBILITY

The employee must provide 30 days advance notice of their intention to use PFL. If the event was not foreseeable, the employee must notify the College as soon as practical. The employee must comply with normal call-in procedures and identify the type of family leave when providing notice to the College.

Claim forms are available in the Office of Human Resources and should be completed within 3 business days of providing notice of a request for PFL.

EMPLOYEE STATUS & BENEFITS DURING LEAVE

While an employee is on PFL, the College will continue the employee's health and dental benefits at the same level and under the same conditions as if the employee continued to be at work. Employees are responsible for paying their share of health insurance premiums while on Paid Family Leave.

Under current College policy, the employee pays a portion of the health care premium and the dependent portion of the dental insurance premium. The employee will be required to continue to make these contributions during the leave. The payment must be made to the College no later than the last day of each month of coverage. If payment is not received by the College by the end of the month, the coverage(s) may be terminated for the balance of the leave.

If the employee chooses not to return to work at the end of the leave for reasons other than a continued serious health condition of the employee, the College will seek reimbursement for medical and dental insurance (College portion of premiums) paid during the leave.

Employees that are absent due to time taken under the Paid Family Leave benefit are not paid for holidays or college closings.

FUNDING

Paid Family Leave is funded through employee payroll contributions that are set each year to match the cost of coverage. The rate of employee contributions is reviewed annually, and is subject to change by New York State's Department of Financial Services.

You can use the calculator at ny.gov/PFLcalculator to get an estimate of your weekly deduction.

YOUR RIGHTS AND PROTECTIONS

1. Job protection, ensuring you can return to the same job (or a comparable one) when you return from Paid Family Leave
2. Health insurance while on leave—if you contribute to the cost of your health insurance, you must continue to pay your portion of the premium cost while on leave
3. Your employer is prohibited from discriminating or retaliating against you for requesting or taking Paid Family Leave.

You do not have to take all of your sick and/or vacation time before using Paid Family Leave.

TAKING PAID FAMILY LEAVE

When you want to take Paid Family Leave, you must notify the College at least 30 days before your leave will start if it's foreseeable. Otherwise, notify you're the College as soon as possible.

You must obtain the required forms by contacting Human Resources or the College's insurance carrier.

Fill out the Request For Paid Family Leave (Form PFL-1) following the instructions on the cover sheet, and submit it to Human Resources. Human Resources must fill out their section of the form and return it to you within three business days. If the College fails to respond, you may proceed to the next step below and submit all materials directly to the College's Paid Family Leave insurance carrier.

Obtain and attach supporting documentation. The specific documentation or additional forms required for each type of leave are described on the request for Paid Family Leave and at ny.gov/PaidFamilyLeaveApply.

Submit your request forms and supporting documentation. Submit to your employer's Paid Family

You can submit your claim before or within 30 days after the start of your leave. The insurance carrier must pay or deny your request within 18 calendar days of receiving your completed forms.

RIGHT TO WAIVE PFL

Employees whose regular employment schedule is (a) 20 hours or more per week but they will not work 26 consecutive weeks; or (b) less than 20 hours per week and they will not work 175 days in a 52 consecutive week period, have the option to waive family leave benefits. In order to waive these benefits and avoid the corresponding payroll deductions, eligible employees must complete a Waiver of Benefits Form. This is an optional waiver. Employees who complete a waiver will not contribute to Paid Family Leave through payroll deductions and will not be eligible to take Paid Family Leave. If the employee's schedule changes and they qualify for Paid Family Leave, the waiver is then automatically revoked and the employee is responsible for paying any required Paid Family Leave contributions from the first day of employment. Waiver forms are available in the Office of Human Resources.

3.15 LIFE INSURANCE

The College provides a life insurance benefit at no cost to all full time employees. Eligible employees are covered beginning the first of the month following the employee's first day of work. The benefit amount is equal to two (2) times the employee's base annual salary rounded to the next even thousand dollars unless the multiple is an even thousand. The maximum benefit is \$350,000.00.

Employees whose benefit amount exceeds \$50,000 will be taxed on the amount over \$50,000 as required by IRS regulations.

Information and enrollment/beneficiary forms are available in the Human Resources Office. It is the responsibility of each employee to keep beneficiary information up to date.

3.16 WORKER'S COMPENSATION

Employees of Mount Saint Mary College are covered by Workers' Compensation insurance for injuries or illness occurring in the course of the employee's employment.

Employees must report and sign an accident report prepared by their supervisor as soon as possible following an injury or illness at work. The Human Resources department will file all claims with the insurance company. The insurance company will review the claim and determine if benefits are applicable and the degree of coverage.

The College will support any attempts by the insurer to determine the legitimacy of a claim and any follow-up investigations.

3.17 SHORT-TERM DISABILITY

Short-term disability coverage is provided for all employees as required under New York State law.

The amount of disability an employee is able to collect under this policy is based upon state law. Currently, the benefit is equal to 50% of an employee's average salary over the 6 weeks immediately preceding the disability to a maximum benefit of \$170 per week. Benefits are limited to 26 weeks in any 52-week period.

Employees are required to file for disability benefits after an absence of 7 continuous days (including weekend days). Employees must use their allotted Sick Time before collecting disability payments directly. The disability insurer will remit the disability payment to the College as reimbursement for paying the Sick Time to the employee. Disability will then be paid directly to the employee once Sick Time has been exhausted.

Employees are required to contribute to the premium, via payroll deduction, the maximum amount permitted by law.

Employees that are absent because of disability are not paid for holidays or college closings while on Short-Term Disability.

3.18 LONG-TERM DISABILITY

The College offers a Long-term Disability (LTD) benefit at no cost to full time employees. A full-time employee is eligible for (LTD) benefits on the first of the month following three months of continuous service. The LTD insurance carrier is the sole determiner if an LTD benefit will be paid to a College employee.

There is a 6-month qualifying period of disability that must be satisfied before benefits may be paid. The LTD plan pays the difference between the sum of all other disability benefits and 2/3 of the employee's base salary at the time of disability. The maximum monthly benefit is \$7,500.

3.19 COBRA ENHANCEMENT

An employee of Mount Saint Mary College who has attained the age of 60 and has completed 20 years of continuous full time service at the College will be permitted to continue medical insurance benefits through the College until attaining the eligible age for Medicare coverage (currently 65), if the employee retires prior to attaining the eligible age for Medicare.

Continuation of medical insurance under this policy shall be governed by the following rules:

The retired employee is responsible for reimbursing the College for the full monthly premium for the level of coverage selected. Payment is due on the first day of each month. Coverage will be terminated if payment is not received or mailed with a postmark within 30 days of the due date.

A retired employee opting to continue coverage under this policy must have been a participant in the College's medical plan for at least two consecutive years immediately prior to retiring and must begin coverage immediately at retirement. An employee who does not exercise this option at retirement will not be permitted to enter the plan at a later date.

A spouse and/or dependents may be covered under the employee's plan if enrolled at the beginning of the continuation period. The spouse may continue coverage under this policy until attaining the eligible age for Medicare coverage. Should the retired employee predecease the spouse, the surviving spouse will be permitted to continue the coverage until attaining the eligible age for Medicare by reimbursing the College for the full monthly premium per the same premium payment rules stated above.

Dependent children will be covered under the rules of the plan outlined for dependent children.

Eligible employees will be required to enroll in the current provider program as required by the College.

If applicable, state and/or federal law regarding continuation of benefits shall prevail.

3.20 UNEMPLOYMENT INSURANCE

An employee who loses employment for any reason may apply for Unemployment Insurance through the New York State Department of Labor (DOL).

The DOL will determine benefit eligibility, benefit amount and duration of the benefit. The College will aggressively contest unemployment benefits for those employees terminated for cause.

Section 4: Compensation

4.1 COMPENSATION PHILOSOPHY

Mount Saint Mary College's intention is to provide a quality work environment and pay program to attract, retain and motivate qualified staff to achieve the College's mission to advance students and the institution to new levels of excellence. The compensation and benefits programs and the work environment are designed to:

- Motivate the productivity and commitment of a diverse and highly qualified staff.
- Help the College compete successfully for employees with the skills vital to its mission.
- Provide a total compensation program that is competitive with similar educational institutions and recruiting markets.
- Operate within all legal, contractual, and compliance requirements.
- Be fiscally responsible

TOTAL COMPENSATION

Total compensation is the sum of salary and benefits programs.

Base pay is designed to:

- Recruit and retain qualified staff.
- Reward performance at all levels.
- Reflect the contribution, content, and complexity of the work.
- Recognize market pressures in designing pay practices. Both internal and external factors are considered.

The benefits programs are designed to deliver an array of benefits to provide for the diverse needs of our employees, including healthcare coverage, retirement, tuition assistance, and other work-related benefits. The College does so in the belief that a healthy and secure staff is best able to contribute to the accomplishment of the College's mission.

Guiding principles of the benefits philosophy include the following:

- Offer flexible options for employees to choose the benefits that best meet their needs and preferences and are responsive to their own life events.
- Benefits are competitive with those offered by similar employers.
- Benefits are paid for by a combination of employee contributions and College contributions in a way that supports mutual fiscal responsibility.
- When legally possible and fiscally prudent, the College will design benefits that enable employees to take advantage of tax-related savings.
- Information and counseling is offered to help employees make educated choices about their benefits.
- Market considerations, fiscal prudence, or regulatory demands may cause the College to change its compensation and benefit practices. Employees should be aware that their benefits may change over time as a result of College policy decisions.

The marketplace will be evaluated periodically for competitive compensation practices.

4.2 PAYROLL

The College pays its employees via paychecks. Employees may opt for direct deposit of their paychecks to a participating Automated Clearing House institution.

Paychecks/stubs will be mailed to the employee. Employees utilizing direct deposit may choose to opt out of receiving pay stubs via mail and receive an electronic notification instead.

Payday is Friday except when a Friday payday falls on a College holiday. When a payday coincides with a College holiday, payday will occur on the last workday immediately preceding the holiday. Unless specifically advised otherwise, paychecks are cashable on payday.

The College is required to withhold from an employee's pay certain mandatory deductions. Mandatory deductions include:

- Federal Withholding Tax
- New York State Withholding Tax
- FICA (Social Security and Medicare)
- New York State Disability to the permitted maximum
- New York State Paid Family Leave
- Child Support
- Garnishments

The College will also withhold voluntary deductions with the written consent of the employee. The number and type of voluntary withholdings permitted is at the discretion of the College. Some examples of voluntary withholdings include:

- Medical and/or Dental Premium Contributions
- Retirement
- Section 125 Accounts
- Banking/Credit Union Direct Deposits
- Annual Fund Contributions
- Additional State and/or Federal Tax Withholdings
- Other voluntary benefit payments

4.3 OVERTIME

Hourly employees are expected to work extended hours whenever it is deemed necessary. Failure to work additional hours, as required, may result in disciplinary action up to and including termination.

Overtime rates will apply if the following conditions exist:

- hours worked beyond 40 hours in the work week
- hours worked when the employee is called in to work from vacation
- hours worked on a regularly scheduled College holiday
- hours worked when the College is closed due to inclement weather

Overtime shall be paid at the rate of one and one-half times the employee's "regular" hourly rate and must be authorized by the employee's supervisor in advance, except in the case of an emergency.

Federal Law does not permit the use of "Comp" time. A supervisor may permit the adjusting of workdays within a workweek, but may not extend the adjustment into the next week.

e.g.) an employee may work on Sunday (subject to our overtime pay policy) in exchange for not working on Monday. The employee cannot however substitute a Saturday for the preceding Friday, as that Saturday would be in a new workweek.

The use of personal and sick time are not considered time worked for the computation of overtime, and will not be counted towards overtime pay.

Section 5: WORK CONDITIONS AND TARDINESS

5.1 ATTENDANCE, HOURS OF WORK, AND TARDINESS

HOURS OF WORK:

The College's core workday hours are from 8:00 AM to 5:00 PM. During these core hours, department supervisors should stagger the start and ending times of employees to ensure adequate coverage for their function.

Full time employees will work 35, 37.50, or 40 hours per work depending on the department assignment. In most cases, office and clerical are assigned a 35-hour workweek, custodial employees a 37.50-hour workweek, and grounds, maintenance and security employees, a 40-hour workweek. Variations may occur within an individual department.

Work schedules may be altered during College recesses, holidays, Fridays and at any other time the College deems necessary. At the discretion of the College, lunch periods may be reduced to ½ hour on Fridays, and daily during winter and summer semester breaks to accommodate early (1/2 hour) dismissals for office and contractual employees.

WORKWEEK:

The normal workweek begins at 12:00 AM on Saturday and concludes at 11:59:59 PM on the next succeeding Friday.

BREAK AND MEAL PERIODS:

Full time hourly employees are permitted one paid 15 minute break during the first half of the workday and one paid 15 minute break during the second half of the employee's workday. All full time employees will have a one hour unpaid lunch break to be taken in the middle of the workday.

ATTENDANCE:

The College expects its employees to report to work except in cases of illness or a planned day off.

If an absence is anticipated (vacation, personal choice holiday, personal day), the employee should notify the employee's supervisor as early in advance as possible. The College reserves the right to approve or deny requests for vacation and personal time based on the legitimate business of the College.

In the case of an unexpected absence, employees must notify their supervisor no later than one-half hour after the regular scheduled start time. This must be done for each absence that is not expected to last beyond one workday.

A physician's note will be required for any absence due to illness that exceeds five consecutive workdays. Employees previously disciplined for attendance problems will be required to submit a physician's note for absences of three consecutive workdays.

Employees who are absent for three consecutive days without notification (speaking directly) to one's supervisor or the Director of Human Resources will be considered to have abandoned employment and will not be permitted to return to work at the College.

TARDINESS

Employees are expected to begin working at the designated start time of their workday and return from

authorized breaks and lunch times in a timely manner. Frequent tardiness places an unfair burden on co-workers and other departments. If you expect to be late for work, you must notify your supervisor as soon as possible. If the event was not foreseeable, the employee must notify the College as soon as practical.

Frequent lateness of any kind will result in disciplinary action, up to and including termination.

LEAVING BEFORE END OF WORKDAY:

Employees are expected to work to the end of their designated workday. Frequent departures from work before the end of the workday, are not permitted and will result in disciplinary action, up to and including termination.

5.2 INCLEMENT WEATHER AND EMERGENCY CLOSINGS

When severe inclement weather makes it necessary to close the College, employees who are not required to report in order to maintain those services designated as essential to students, will not be required to report to work until the designated time. No lost time will be charged to the employee and the employee will be paid by the College.

If an employee is unable to report to work at the designated time or does not remain at work due to the inclement weather if the College remains open, the employee must use Personal or Vacation, in that order, to be paid for the absence.

An employee who has previously scheduled a personal day or vacation day for the date that results in a closing or partial closing will have the duration of the closing returned to the vacation or personal balance. If the employee calls in sick on the day of the closing, the same will apply. However, if the employee had been absent due to illness on the day or days preceding the closing, no adjustment will be made.

Closings or delayed opening announcements will be placed on the voice mail and can be heard by dialing 845-569-3500 or at the College's web portal (my.msmc.edu). In the event of a delayed opening announcement, continue to check the voice message prior to leaving for work on the occasion that a closing eventually occurs.

Announcements will also be made via several radio stations in the area including:

| | |
|---------------|---------------|
| WHUD 100.7 FM | WRWD107.3 FM |
| WCZX 97.7 FM | WEOK 101.5 FM |
| WGNY 1220 AM | WBNR 1260 AM |
| WEOK 1390 AM | WKIP 1450 AM |

Employees are encouraged to sign up for MSMC Alert on the College's web portal (my.msmc.edu/secure/MSMCAAlerts/) to receive text or email alerts regarding inclement weather or other campus emergencies.

5.3 CHILDREN IN THE WORKPLACE

Mount Saint Mary College values family life and maintains policies and benefits that are supportive of families. Nonetheless, the College believes that the workplace should not be used in lieu of other childcare provider options. It is inappropriate for children of employees to be in the workplace for several reasons:

- The risk of harm to the children
- The potential liability to the College
- The decreased employee productivity due to distractions and disruptions that affect both the parent and other employees in the area

It is the policy of the College that children of employees not be present at an employee's workplace for other than a momentary visit during the employee's work hours. If an employee needs to meet with their child, the employee may do so during the employee's break or lunchtime in one of the College's common areas.

Section 6: Employee Conduct

Mount Saint Mary College maintains an “AT-WILL EMPLOYMENT RELATIONSHIP” with its employees. This permits the College, or you, the employee, to terminate the employment relationship at any time, with or without cause, with or without notice, and at any time.

No manager, supervisor or employee has any authority to enter into a verbal or written agreement of employment for any specified period of time or to make an agreement for employment other than at-will. Only the President or the Chairman of the Board of Trustees have the authority to make any such agreement and then only in writing.

6.1 PERSONAL CONDUCT RULES

It is expected that employees will satisfactorily perform their work responsibilities and conduct themselves appropriately. When an employee does not meet these expectations, the College will take Progressive Disciplinary action to bring this to the attention of the employee. Progressive Discipline may include a first warning (written or verbal); second warning (written); one day suspension without pay; and, three days suspension without pay. The college reserves the right to suspend or terminate the employee without previous warnings.

The following list is a non-inclusive sample of infractions that can result in discipline up to and including termination of employment:

1. Use or possession (including personally owned vehicle storage) of a weapon, firearm, or fireworks on College property without the expressed authorization of the Director of Security and the Director of Human Resources
2. Deliberate falsification of College records or documents (purchase orders, time sheets, expense records, etc.)
3. Inappropriate and/or immoral conduct
4. Possession, use, sale or transfer on College property of any illegal narcotic or substance
5. Sexual or other harassment and/or sexual misconduct
6. Assaulting or physically attacking another person on College property or assaulting or physically attacking a College employee at any time (at or away from work)
7. Threatening, intimidating, coercing or interfering with any person that endangers the safety of that person, other members of the College community or the physical plant
8. Insubordination—refusal to comply with instructions of a supervisor
9. Deliberate or reckless damage, destruction or abuse of College property
10. Sale, possession or consumption of intoxicating beverages on College property, except when authorized for a sanctioned College event
11. Stealing or unauthorized use of a fellow worker or employer’s property
12. Gambling or conducting unlawful games of chance on College property
13. Horseplay or pranks that could result in injury or property damage
14. Littering or causing/contributing to unsanitary conditions on College property
15. Posting or distributing literature on College property without written permission from the Vice

President responsible for your department

16. Conducting personal business on College property for the primary purpose of earning personal income
17. Failure to comply with College policies
18. Any activity not otherwise listed that endangers the safety of employees, students, visitors or College property

6.2 WHISTLEBLOWER POLICY

Mount Saint Mary College (“College”) has a responsibility for the stewardship of the College’s resources and the public and private support that enables it to pursue its mission. As employees and representatives of the College, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations. Therefore, any unintentional and intentional violations of laws, regulations, policies and/or procedures must be reported in accordance with this policy.

REPORTING

All members of the College community, including Board of Trustees, employees, directors, officers, students, vendors and alumni, may report instances of alleged misconduct existing within the College that they reasonably believe constitutes fraud, questionable accounting, internal controls and/or auditing improprieties. Allegations of improper activities shall be made in writing to the College’s designated Compliance Officer. Such reports shall contain as much detail and specific information including names, dates and times as possible.

When there is a potential conflict of interest or if the College’s designated Compliance Officer is the subject of the report, such report may be made to the Vice President for Finance and Administration. All reports will be investigated promptly, thoroughly and with discretion. At the conclusion of the investigation, remedial and/or disciplinary action will be taken where the allegations are substantiated.

An employee who knowingly makes a false allegation or whose allegations are not made in good faith should not be protected under this policy. Disciplinary action may be taken if an employee is discovered to have knowingly made a false allegation.

COMPLIANCE OFFICER

The College’s Compliance Officer is responsible for investigating and resolving all reported complaints and allegations concerning violations and, at his/her discretion, shall advise the President and/or Vice President. The Compliance Officer is also required to report to the audit committee at least annually on compliance activity. The Director of Human Resources serves as the College’s Compliance Officer.

CONFIDENTIALITY

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible and permitted by law, and consistent with the need to adequately conduct an investigation.

NO RETALIATION

No employee, director, officer, student, vendor or alumnus, who in good faith reports a violation, shall suffer harassment, retaliation or any adverse employment consequence. An individual who retaliates against someone who has reported a violation in good faith may be subject to discipline, up to and including suspension, termination, expulsion, cancellation of a vendor contract, removal from campus, and/or any other action the College deems appropriate and necessary.

This Whistleblower Policy is intended to encourage and enable individuals of the College community to raise serious concerns within the College prior to seeking resolution outside of the College.

6.3 DRUG AND ALCOHOL ABUSE

The possession and/or use of illegal drugs by an employee on College property is prohibited. Any employee who is found to have violated this policy shall be subject to disciplinary action up to and including termination.

Any employee convicted of violating a criminal drug statute (including alcohol violations) while in the workplace must notify the Human Resources office no later than 5 days following the conviction. Within 30 days of receiving this notification, the College will determine a course of action, which can include disciplinary action up to and including termination.

If it is determined that an employee's job performance is being negatively affected by a drug or alcohol problem, the employee will be asked to seek professional assistance to remedy the problem. Referrals may be made to and through the departments of Health Services, College Counseling Center and/or Human Resources. If the employee refuses assistance or does not attempt to correct this health problem and job performance continues to be unsatisfactory, the employee shall be subject to disciplinary action up to and including termination.

6.4 DISCRIMINATION, HARASSMENT AND RETALIATION

Mount Saint Mary College is committed to maintaining a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, the College expects that all relationships among persons at the College will be business-like and free of bias, prejudice and harassment.

The College has developed this policy to ensure that all its employees can work in an environment free from unlawful harassment, discrimination and retaliation. The College will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of such policies will be investigated and resolved appropriately.

These policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions. In other words, no one should make the mistake of engaging in discrimination or exclusion to avoid allegations of harassment. The law and the policies of Mount Saint Mary College prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges and perquisites of employment. The prohibitions against harassment, discrimination and retaliation are intended to complement and further those policies, not to form the basis of an exception to them.

All workers, at every level, will be subject to discipline, up to and including termination, for any violation of this policy. Employees are prohibited from harassing others both on and off college premises and during or outside of work hours.

EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of Mount Saint Mary College to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, marital status, citizenship, national origin, genetic information, or any other characteristic protected by law. Mount Saint Mary College prohibits any such discrimination or harassment.

DEFINING SEXUAL HARASSMENT

Sexual harassment is unwelcome conduct of a sexual nature that is persistent or offensive and interferes with an employee's job performance or creates an intimidating, hostile or offensive work environment. Sexual harassment is defined by the federal Equal Employment Opportunity Commission as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example: a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment can be physical and psychological in nature. An aggregation of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing.

Examples of Prohibited Conduct

Title VII of the Civil Rights Act of 1964 recognizes two types of sexual harassment: a) quid pro quo and b) hostile work environment. Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Specifically prohibited conduct include the following:

- physical assaults of a sexual nature, such as rape, sexual battery, molestation or attempts to commit these assaults, and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body or poking another employee's body.
- unwelcome sexual advances, propositions or other sexual comments, such as sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience.
- preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.
- subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's sex.
- sexual or discriminatory displays or publications anywhere in Mount Saint Mary College's workplace by the College's employees.
- retaliation for sexual harassment complaints.

DEFINING HARASSMENT

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law, or that of his or her relatives, friends or associates, and that: a) has the purpose or effect of creating an intimidating, hostile or offensive work environment, b) has the purpose or effect of unreasonably interfering with an individual's work performance, or c) otherwise adversely affects an individual's employment opportunities.

Examples of Prohibited Conduct

Specifically prohibited harassing conduct include the following:

- epithets, slurs or negative stereotyping.
- threatening, intimidating or hostile acts.
- denigrating jokes.
- written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed on walls or elsewhere on the College's premises or circulated in the workplace, on College time or using College equipment by e-mail, phone (including voice messages), text messages, social networking sites or other means.

RESPONDING TO CONDUCT IN VIOLATION OF POLICY

Employees

If an employee feels that he or she is being subjected to discrimination, harassment or retaliation, he or she may immediately inform the harasser that the conduct is unwelcome and needs to stop. If the

inappropriate conduct does not cease, or if the employee is unable to or uncomfortable with addressing the alleged harasser directly, he or she should report the incident to his or her own supervisor or to Human Resources.

It is important to report all concerns of discrimination, harassment, inappropriate sexual conduct or retaliation to Human Resources or a supervisor/manager as soon as possible. Management must be made aware of the situation so that it can conduct an immediate and impartial investigation and take appropriate action to remediate or prevent the prohibited conduct from continuing.

Managers and Supervisors

Managers and supervisors must deal expeditiously and fairly when they have any knowledge of discrimination, harassment or retaliation within their departments, whether or not there has been a written or formal complaint. Managers and supervisors must:

- take all complaints or concerns of alleged or possible discrimination, harassment and retaliation seriously no matter how minor or who is involved.
- report all incidents to HR immediately so that a prompt investigation can occur.
- take any appropriate action to prevent retaliation or prohibited conduct from recurring during and after any investigations or complaints.

Managers and supervisors who knowingly allow or tolerate discrimination, harassment or retaliation, including the failure to immediately report such misconduct to HR, are in violation of this policy and subject to disciplinary action, up to and including termination.

Any employee who has questions or concerns about these policies should talk with the Director of Human Resources or a member of the Human Resources office.

COMPLAINT PROCEDURE

Complaints should be submitted in writing as soon as possible after an incident has occurred. To ensure the prompt and thorough investigation of a discrimination, harassment or retaliation complaint, the complainant should provide as much of the following information as is possible:

1. The name, department and position of the person or persons allegedly committing harassment
2. A description of the incident(s), including the date(s), location(s) and the presence of any witnesses
3. The effect of the incident(s) on the complainant's ability to perform his or her job, or on other terms or conditions of his or her employment
4. The names of other individuals who might have been subject to the same or similar discrimination, harassment or retaliation
5. What, if any, steps the complainant has taken to try to stop the discrimination, harassment or retaliation
6. Any other information the complainant believes to be relevant to the discrimination, harassment or retaliation complaint

At the conclusion of its investigation, the College will take whatever action it believes is appropriate under the circumstances, including that which will stop the inappropriate behavior and/or prevent its recurrence. Violations of this policy will result in appropriate disciplinary action, up to and including termination.

Mount Saint Mary College prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

If a party to a complaint does not agree with its resolution, that party may appeal to Mount Saint Mary College's Vice President for Finance and Administration.

False and malicious complaints of harassment, discrimination or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be subject to appropriate disciplinary action up to and including termination.

6.5 NEW YORK STATE SEXUAL HARASSMENT PREVENTION

Mount Saint Mary College is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the College's commitment to a discrimination-free work environment. Sexual harassment is against the law¹ and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with the College. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

POLICY

The College's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with Mount Saint Mary College. In the remainder of this document, the term "employees" refers to this collective group.

Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).

Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The College will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of the College who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees² working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or Human Resources. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject the College to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.

The College will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Mount Saint Mary College will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

¹ While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

² A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

All employees are encouraged to report any harassment or behaviors that violate this policy. The College will provide all employees a complaint form for employees to report harassment and file complaints. This form can be found on the Human Resources Portal Page: (https://portal.msmc.edu/ICS/Offices/Human_Resources/)

Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to Human Resources.

This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

SEXUAL HARASSMENT

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of Sexual Harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;

- Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling.

Who Can Be a Target of Sexual Harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where Sexual Harassment Can Occur

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

RETALIATION

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;

- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

REPORTING SEXUAL HARASSMENT

Preventing sexual harassment is everyone's responsibility. Mount Saint Mary College cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or Human Resources. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or Human Resources.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

SUPERVISOR RESPONSIBILITIES

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to Human Resources.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

COMPLAINT AND INVESTIGATION OF SEXUAL HARASSMENT

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The College will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

LEGAL PROTECTIONS AND EXTERNAL REMEDIES

Sexual harassment is not only prohibited by the College but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the College, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

STATE HUMAN RIGHTS LAW (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to Mount Saint Mary College does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458.

Visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

CIVIL RIGHTS ACT OF 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a

Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Visit their website at www.eeoc.gov or reach them via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

LOCAL PROTECTIONS

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

6.6 SEXUAL MISCONDUCT

The policies and procedures that follow specifically address sexual misconduct. The purpose of this policy is to help Mount Saint Mary College protect the safety, rights, and dignity of all students, faculty, administrators, staff, and visitors without regard to person or position. Good judgment and respect for oneself and others can go a long way toward avoiding problems before they start.

Mount Saint Mary College's Campus Security is on call 24 hours per day. IN THE EVENT OF ANY EMERGENCY on campus, such as a disturbance, hazard, injury, or suspected crime of any kind, please contact Security at 845-569-3200.

The College, through Campus Security, may refer suspected violations of the Municipal Code of the City of Newburgh, the laws of New York State, or Federal law to their respective authorities as the case may warrant.

STUDENTS' BILL OF RIGHTS

All students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure from the institution;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any unfair suggestion that the reporting individual is at fault when these crimes and violations are committed, or that he or she should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few institutional representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
9. Have access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process, and who may also be present during all meetings and hearings related to such process if the student wishes; and
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

The above rights are in addition to any other rights afforded under federal, state or local law.

REPORTING AND RESPONSE

Individuals wishing to report incidents of sexual assault, domestic violence, dating violence, and/or stalking have the right to pursue more than one of the reporting options below, or to choose not to participate in any of the options below. You may choose to:

Report the incident confidentially to a College official, who by law may maintain confidentiality, and can assist

in obtaining support, counseling, and protective services. Please see the table below which lists names and contact information of professional and pastoral counselors;

| Name: | Title: | Email: | Phone: |
|---------------------|---------------------------------------|-----------------------------|---------------|
| Dr. Orin Strauchler | Director of Counseling | orin.strauchler@msmc.edu | 845-569-3547 |
| Fr. Gregoire Fluet | Chaplain, Director of Campus Ministry | gregoire.fluet@msmc.edu | 845-569-3154 |
| Caitlin Kramer | Counselor | caitlin.kramer@msmc.edu | 845-569-3114 |
| Benjamin Greenwald | Counselor | benjamin.greenwald@msmc.edu | 845-569-3433 |

Report the incident to other administrators and staff who can offer *privacy* and can assist in obtaining direction, suggestions, or referrals to services that may be helpful. Please see the table below which lists names and contact information of non-professional counselors;

| Name: | Title: | Email: | Phone: |
|---------------------|---|-----------------------------------|---------------|
| Dr. Stephen Shapiro | Consulting Physician | Please call | 845-569-3152 |
| Dr. James DiLorenzo | Consulting Physician | Please call | 845-569-3152 |
| Dori Bischof | Director of Health Services, FNP-BC | doreen.bischof@msmc.edu | 845-569-3153 |
| Dina Leduc | Assistant Director of Health Services, RN | dina.leduc@msmc.edu | 845-569-3353 |
| Kely Da Silva | RN-Health Services | kely.dasilva@msmc.edu | 845-569-3647 |
| Barbara Seymour | Administrative Assistant-Health Services | barbara.seymour@msmc.edu | 845-569-3152 |
| Alisha McCorvey | Director of Disability Services | alisha.williams-mccorvey@msmc.edu | 845-569-3641 |

Have, upon the first instance of disclosure by a reporting individual, emergency access to a College official who is trained in interviewing victims of sexual assault, in order to receive information regarding options to proceed, and, where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible, and detailing that the criminal justice process utilizes different standards of proof and evidence, and a trained College official who handles sexual assault interviews can answer any questions about whether a specific incident violated the penal law, and whether the issue should be addressed to law enforcement or to the district attorney;

Disclose *confidentially* the incident and obtain services from the New York State or county hotlines: <http://www.opdv.ny.gov/help/dvhotlines.html>. Additional disclosure and assistance options are catalogued by the Office for the Prevention of Domestic Violence and presented in several languages: <http://www.opdv.ny.gov/help/index.html> (or by calling 1-800-942-6906);

File a criminal complaint with Campus Security, local law enforcement, and/or state police:

- Campus Security: 845-569-3200
- City of Newburgh Police Department: 845-561-3131
- New York State Police:
 - 844-845-7269 (Campus Sexual Assault Victims Unit)
 - 845-344-5300 (Troop F-Middletown, NY);

Disclose, if the accused is a faculty member, staff member, or administrator of the College, the incident to the College's Human Resources authority or the right to request that a confidential or private employee assist in reporting to the appropriate Human Resources authority;

Receive assistance from appropriate College representatives in initiating legal proceedings in Family Court or civil court;

Withdraw your complaint or involvement from the College process at any time.

A complainant wishing to file charges may choose to do so either through the College's disciplinary process, criminally, or both.

ALCOHOL AND/OR DRUG USE AMNESTY

At Mount Saint Mary College, the health and safety of every student is of great importance to us. The College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs, may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The College strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to College officials. A bystander acting in good faith or a reporting individual acting in good faith who discloses any incident of domestic violence, dating violence, stalking, or sexual assault to College officials or law enforcement will not be subject to the College's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

SEXUAL ASSAULT, BATTERY, ABUSE, and COERCION involve a nonconsensual sexual act with another person, whether by physical force, threat, or coercion; including when a person is incapacitated.

RAPE is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

HARASSMENT under New York State Law means:

1. To communicate or cause someone to communicate with another person in a manner likely to cause annoyance or alarm.
2. To engage in a course of conduct that places another person in reasonable fear of physical injury.
3. To intentionally and repeatedly harass another person by physical following in a public place with the intent to annoy, threaten, or alarm.

DOMESTIC VIOLENCE is defined as physical violence committed by a current or former spouse of the victim, by a person with whom the victim has a child in common, by a person who is cohabitating or has cohabitated with the victim as if a spouse (as determined under applicable law), or by any other person against an adult or youth victim who is protected from that person's acts by applicable domestic or family violence laws.

DATING VIOLENCE is violence committed by a person who is or has been in a social relation of a romantic or intimate nature with the victim. The length, type, and frequency of the interaction between the persons involved in the relationship are key aspects of these kinds of crimes.

STALKING is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

If you are the victim of Sexual Violence or another crime, or if you witness a crime of any kind, **CONTACT CAMPUS SECURITY** at 845-569-3200, and follow the operator's instructions. You may also contact Michael O'Keefe, Executive Director of Operations and Risk Management & Title IX Coordinator, TitleIXCoordinator@msmc.edu, 845-569-3597. His office is located at 319 Powell Avenue, 2nd floor.

SEXUAL HARASSMENT is defined as unwelcome sexual advances, requests for favors, or other verbal or physical conduct of a sexual nature, when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's safety, employment, grade, or education;
2. submission to or rejection of such conduct by an individual is used as the basis for employment, grade, or education decisions affecting an individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or subjecting him or her to intimidation, hostility, or humiliation.

Sexual harassment can originate from a person of either sex against a person of the opposite or the same sex.

A **HOSTILE ENVIRONMENT** is one in which, when viewed from the perspective of a reasonable person in the complainant's position, unreasonably interferes with the individual's ability to access education or ability to execute his or her work-related responsibilities.

RETALIATION is defined in this context as punishing or sanctioning a person for either filing a complaint or acting as a witness regarding a complaint of sexual harassment by intimidation, threats, coercion or discrimination.

If you believe you are the victim of Sexual Harassment as described above, contact Michael O'Keefe, Executive Director of Operations and Risk Management & Title IX Coordinator, TitleIXCoordinator@msmc.edu, 845-569-3597. His office is located at 319 Powell Avenue, 2nd floor.

AFFIRMATIVE CONSENT is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent may be initially given but withdrawn at any time. When consent is withdrawn or can no longer be given, sexual activity must stop.

Past consent does not imply future consent and consent to one form of sexual activity does not imply consent to any other forms of sexual activity. The initiator has the sole responsibility to confirm consent. Coercion, force, intimidation or threat of harm invalidates consent. An individual of minority age cannot give consent.

An **INCAPACITATED PERSON** is incapable of giving consent. A person is incapacitated if that person is in a physical or mental state such that he or she lacks the ability to make a knowing and deliberate choice to

engage in the sexual interaction. For the purposes of this policy, a person who is asleep, unconscious, or involuntarily restrained is incapacitated, without exception. A person may also become incapacitated due to other factors, which may include the use of alcohol and/or drugs to such a degree that the person no longer has the ability to make a knowing or deliberate choice to engage in the sexual interaction. When the question of whether the complainant was incapacitated is at issue, the perspective of a sober, reasonable person in the position of the respondent will be the basis for determining whether the respondent should have known that the complainant was incapacitated and thus incapable of giving consent.

FALSE CLAIMS

Filing a false claim or grievance against another person or one that is not made in good faith is a serious breach of the College code, and can incur College, civil, and legal penalties. Filing a false police report can be either a misdemeanor or felony under the New York State criminal code, depending on the circumstances.

CONFIDENTIAL vs. NON-CONFIDENTIAL COUNSELING

Mount Saint Mary College is committed to the safety and well-being of all students, faculty, staff, and visitors. Please be aware that if you are a victim of sexual violence, are considering filing a claim of harassment, or if you simply wish to discuss a possible incident of sexual misconduct, there are individuals on campus with whom you can speak confidentially who will not report a complaint without your permission. They are listed below.

PRIVILEGED AND CONFIDENTIAL COMMUNICATIONS

Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the school community are not required to report any information about an incident to anyone without a complainant’s permission.

Below is the contact information for professional and pastoral counselors:

| Name: | Title: | Email: | Phone: |
|---------------------|---------------------------------------|-----------------------------|---------------|
| Dr. Orin Strauchler | Director of Counseling | orin.strauchler@msmc.edu | 845-569-3547 |
| Fr. Gregoire Fluet | Chaplain, Director of Campus Ministry | gregoire.fluet@msmc.edu | 845-569-3154 |
| Caitlin Kramer | Counselor | caitlin.kramer@msmc.edu | 845-569-3114 |
| Benjamin Greenwald | Counselor | benjamin.greenwald@msmc.edu | 845-569-3433 |

Members of the College community should understand that, if they wish to maintain complete confidentiality, the College may be unable to conduct a thorough investigation into a particular incident or pursue disciplinary action against a respondent.

However, in these cases, the College’s confidential professional counselors can still recommend accommodations or changes to a complainant’s living, working, or course schedules.

NON-PROFESSIONAL COUNSELORS

A complainant can seek assistance and support from non-professional counselors without triggering a College investigation that could reveal his or her identity, or the fact that the incident was reported. However, these non-professional counselors are required to report the nature, date, time, and general location of an incident to the Title IX Coordinator within 24 hours of learning of the complaint. For example, they may deem a timely warning to local authorities necessary for the safety of the community. This warning would not include readily identifiable information about the complainant.

Below is the contact information for non-professional counselors and advocates:

| Name: | Title: | Email: | Phone: |
|---------------------|---|-----------------------------------|---------------|
| Dr. Stephen Shapiro | Consulting Physician | Please call | 845-569-3152 |
| Dr. James DiLorenzo | Consulting Physician | Please call | 845-569-3152 |
| Dori Bischof | Director of Health Services, FNP-BC | doreen.bischof@msmc.edu | 845-569-3153 |
| Dina Leduc | Assistant Director of Health Services, RN | dina.leduc@msmc.edu | 845-569-3353 |
| Kely Da Silva | RN-Health Services | kely.dasilva@msmc.edu | 845-569-3647 |
| Barbara Seymour | Administrative Assistant-Health Services | barbara.seymour@msmc.edu | 845-569-3152 |
| Alisha McCorvey | Director of Disability Services | alisha.williams-mccorvey@msmc.edu | 845-569-3641 |

A complainant wishing to file charges may choose to do so either through the College’s disciplinary process, criminally, or both.

REPORTING BY RESPONSIBLE EMPLOYEES

A “Responsible Employee” is a College employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty. The following is a list of employees (or categories of employees) whom the College has designated as Responsible Employees:

- Athletic Coaches and Administrators
- Resident Directors
- Resident Advisors
- Full-time and part-time Faculty
- Administration (excluding professional and pastoral counselors as listed above)
- Academic Coaches
- Advisors to student organizations
- Security and Safety officers and staff

A complainant who wishes to report an incident to a Responsible Employee should consider such communications non-confidential. The College will consider a request for confidentiality when a report is made to such responsible employees, but may nevertheless be required to report it.

Even College offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.

WEIGHING THE REQUEST FOR CONFIDENTIALITY

The College has designated the following individuals to evaluate requests for confidentiality once a responsible employee has been informed of alleged sexual harassment or sexual violence:

| Name: | Title: | Email: | Phone: |
|-----------------|---|-------------------------|---------------|
| Elaine O’Grady | Vice President for Student | elaine.ogrady@msmc.edu | 845-569-3110 |
| Michael O’Keefe | Executive Director of Operations and Risk Management & Title IX Coordinator | michael.okeefe@msmc.edu | 845-569-3597 |
| Sharnie Canary | Director of Human Resources/Title IX Deputy Coordinator | sharnie.canary@msmc.edu | 845-569-3548 |

The College will seek consent from reporting individuals prior to conducting an investigation, and will generally honor a request not to investigate unless the College determines in good faith that failure to investigate does not adequately mitigate a potential risk of harm to the reporting individual or other members of the College community. Honoring a request not to investigate may limit the College’s ability to meaningfully investigate and pursue conduct charges against an accused individual. Factors used to determine whether to honor such a request include, but are not limited to:

- Whether the accused has a history of violent behavior or is a repeat offender;
- Whether the incident represents escalation in unlawful conduct on behalf of the accused from previously noted behavior;
- The increased risk that the accused will commit additional acts of violence;
- Whether the accused used a weapon or force;
- Whether the reporting individual is a minor; and
- Whether the College possesses other means to obtain evidence, and whether available information reveals a pattern of perpetration at a given location or by a particular group.

Requests for confidentiality and/or not to initiate an investigation will be weighed against the College’s obligation to provide a safe, non-discriminatory environment for all members of its community.

PUBLIC AWARENESS/ADVOCACY EVENTS

If you disclose a situation through a public awareness event such as candlelight vigils, protests, or other public events, the College is not obligated to begin an investigation. The College may use the information you provide to inform the need for additional education and prevention efforts.

INSTITUTIONAL CRIME REPORTING

Reports of certain crimes occurring in certain geographic locations will be included in the Mount Saint Mary College Clery Act Annual Security Report, contained in the Annual Campus Safety Report, in a manner that identifies neither the specifics of the crime nor the identity of the victim/survivor.

The College is obligated to issue timely warnings of Clery Act crimes occurring within relevant geography that represent a serious or continuing threat to students and employees (subject to exceptions when potentially compromising law enforcement efforts and when the warning itself could potentially identify the victim/survivor). A victim/survivor or reporting individual will never be identified in a timely warning.

The Family Educational Rights and Privacy Act allows institutions to share information with parents when (1) there is a health or safety emergency, or (2) when the student is a dependent on either parent's prior year federal income tax return. Generally, the College will not share information about a report of sexual violence with parents without the permission of the student.

INTERIM PROTECTION OR RESPONSIVE MEASURES

The College will take appropriate measures promptly if it receives notice of a sexual violence allegation. Interim protections or responsive measures are available without a formal complaint, and are available to both the complainant and respondent in the areas of safety, counseling, housing, and educational accommodations. Interim measures may include, but are not limited to, no-contact orders (meaning that continuing to contact the protected individual is a violation of college policy subject to additional conduct charges; if the accused and a protected person observe each other in a public place, it is the responsibility of the accused to leave the area immediately and without directly contacting the protected person); change of housing or place of employment; change of class schedule or location; change of transportation; or change of supervision. Interim measures are available from the time of the incident until a final decision is rendered by the College. Both the accused or respondent and the reporting individual shall, upon request, and consistent with the College's policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of any such interim measure and accommodation that directly affects him or her, and shall be allowed to submit evidence in support of his or her request.

In addition, individuals have the right to receive the following protections and accommodations:

- To receive assistance from Campus Security or other college officials in obtaining an Order of Protection, or if outside of New York State, an equivalent protective or restraining order;
- To receive a copy of the Order of Protection or equivalent (when such has been received by the College) and have an opportunity to meet or speak with a College official who can explain the Order and answer questions about it, including information from the Order about the accused's responsibility to stay away from the protected person(s) [**NOTE:** such burden does not rest on the protected person(s), but rather on the accused];
- To an explanation of the consequences for violating these orders, which include, but are not limited to arrest, additional conduct charges, and interim suspension;
- To receive assistance from Campus Security to call on and assist local law enforcement in effecting an arrest for violating such an Order;
- When the accused or respondent is a student determined to present a continuing threat to the health and safety of the community, to have the accused subject to interim suspension, pending the outcome of a conduct process;
- When the accused is not a student but is a member of the College community and presents a continuing threat to the health and safety of the community, to subject the accused to interim measures in accordance with applicable collective bargaining agreements, employee handbooks, and rules and policies of the College.

The College determines if a student is a continuing threat to the health and safety of the community by evaluating each instance on an individual basis and applying current threat assessment guidelines. The Vice President for Students will consult with the Director of Security & Safety, and/or the Title IX Coordinator, and may convene the Assessment and Care Team (ACT), whose mission is to identify members of the MSMC community who may pose a threat to the safety and well-being of themselves or others, if further review is warranted.

When a case involves a foreign student, the College will work with a SEVIS Designated School Official if the student's course load is likely to drop below full-time status as a result of the alleged incident. (Threatening a student with deportation or invoking a student's immigration status in an attempt to deter testimony in such cases is a violation of the investigative process and applicable Federal law.)

The College does not require a complainant to participate in any investigation or disciplinary proceeding.

GRIEVANCE PROCEDURES

Every student has the right to request that student conduct charges be filed against the accused.

When the College opens an investigation that may lead to disciplinary action under this policy, it will provide written notice to the responding party. Such notice will include the allegation(s), the section of code allegedly violated, identity of the parties involved, and the date and location of the incident. Each party will receive written notice in advance of any interview or hearing involving that party with sufficient time to prepare for meaningful participation. The College has established a two-part grievance procedure.

Initiation of an Informal procedure is appropriate for allegations of non-violent acts. This does not prevent either party from continuing to a Formal procedure.

Any investigations of allegations of rape, sexual assault, or other acts of sexual violence begin automatically with Formal proceedings.

Both parties (the complainant and respondent) have procedural rights in disciplinary proceedings arising from allegations of sexual misconduct. These include:

1. The right to have a person of their choice accompany them throughout the disciplinary hearing (reporting individuals have this same right);
2. The right to exclude their own prior sexual history with persons other than the other party in the hearing, or their own mental health diagnosis and/or treatment from admittance in the College disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction;
3. The right to a prompt response to any complaint and to have the complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the respondent, including the right to a presumption that the respondent is "not responsible" until a finding of responsibility is made, and other issues including, but not limited to domestic violence, dating violence, stalking or sexual assault;
4. The right to an investigation that is fair, impartial and provides a meaningful opportunity to be heard, and that is not conducted by individuals with a conflict of interest;
5. The right to have the College's disciplinary proceedings run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than 10 days except when law enforcement specifically requests and justifies a longer delay;
6. The right to be informed promptly of the outcome of the hearing.

Informal Procedure: Some complainants may not be sure if their complaint meets the criteria defined in the College's policy; or simply may wish to see the problem resolved as quickly and quietly as possible. In such situations, the complainant is encouraged to talk over the situation with a responsible College official.

Please note that in all cases, individuals are free to take their concerns regarding sexual harassment to any of

these College officers: the Vice President for Students, the Vice President for Finance and Administration, or the Vice President for Academic Affairs, should the Informal procedures described above seem inappropriate.

Students may discuss their concerns with the Director of Counseling, Vice President for Students, or other responsible Student Affairs administrators. The administrator, with the student's permission, will seek a satisfactory resolution.

Formal Procedure: Those who allege sexual misconduct involving rape, sexual assault, or sexual harassment can file a written, signed, formal complaint immediately. In addition, anyone who does not wish to go through the informal procedure or feels the informal procedure was not resolved appropriately can file a formal complaint. The complaint should describe the relevant dates, times, places, names of persons involved, and the nature of the alleged event, as well as the names and contact information of any potential witnesses. The procedure to be followed differs, based on whether the alleged offender is a student, faculty member, administrator, staff member or guest of the College.

Students: When the respondent is a student, adjudication will occur according to the College's Student Judicial Code and the procedures described in the Student Handbook. The written complaint is to be given to the Vice President for Students. If the Office of Student Affairs determines that there is reasonable cause to believe that a violation of the Code has occurred, the accused student will normally be notified in writing within ten (10) business days of receipt of the complaint. Notification time may take longer if necessary for completion of the investigation.

The notice will include:

1. The name of the complainant;
2. The nature of the complaint, including the specific code sections alleged to have been violated, applicable conduct procedures and the sanctions that may result;
3. The time and place of the hearing. All Student Conduct Hearings will be scheduled during the College's regular business hours. (9 a.m. – 5 p.m., Monday - Friday);
4. Notice of the right of both parties to have witnesses;-
5. Notice of the right of both parties to present relevant information;
6. The names of others who will be present at the hearing (if known), including the names of the hearing officers on the Hearing Panel;
7. Notice that a Document File compiled by the Office of Student Affairs with statements from the complainant(s), respondent, student(s), and witnesses, and any other documentary information will be available to the respondent, complainant, and their campus advisors for review at least three (3) days prior to the Student Conduct Hearing. An appointment is required to review the Document File.

Rights afforded to the Complainant and Respondent in a Formal Hearing (when a student is the accused)

- Throughout the investigation, both parties shall have an equal opportunity to present relevant witnesses and other evidence.
 - All school-imposed restrictions and permissions shall be extended to both parties in regard to their advisor/advocate.
 - If one party is permitted to submit third-party expert testimony, then both parties shall be allowed to do so.
 - Both the complainant and respondent are permitted to have an advisor of their choice or have advisors appointed for them by the Vice President for Students. Advisors may be members of the College community (e.g., coaches or faculty members) or attorneys paid for by the students.

- Advisors may be present at the Student Conduct Hearing, but they may not answer for students, make objections, or pose questions.

- The right to receive written or electronic notice, provided in advance of any meeting they are required to or are eligible to attend, of the specific rule, rules or laws alleged to have been violated and in what manner, and the sanction or sanctions that may be imposed on the respondent based upon the outcome of the judicial or conduct process, at which time the designated hearing or investigatory officer or panel shall provide a written statement detailing the factual findings supporting the determination and the rationale for the sanction imposed;

- The right to make an impact statement during the point of the proceeding when the decision maker is deliberating on appropriate sanctions;

- The right to choose whether to disclose or discuss the outcome of a conduct or judicial hearing.

Faculty members: When the respondent is a faculty member, the written complaint is provided to the Vice President for Academic Affairs (VPAA). The VPAA will appoint a teaching faculty member to chair a hearing board consisting of one other faculty member and an administrator/staff member. All of the participants in the hearing board will be chosen from a pool of trained faculty/administrators/staff who will undergo annual sexual misconduct training as mandated under Title IX. The VPAA shall turn over the complaint to the hearing board, whose chair shall monitor the hearing, rule on procedure, and deliver a written decision on the case within a reasonably prompt timeframe after receipt of the complaint. Appeals from the decision of the hearing board on matters of procedure, sanctions, or new evidence not available at the time of the hearing may be made in writing to the President of the College within 6 working days of the decision being delivered. The President shall make the final decision on the outcome of the case within 15 days of receipt of the appeal.

Administrators and staff: When the respondent is an administrator or a staff member, the written complaint is given to the Director of Human Resources (if the Director of Human Resources is the respondent in the complaint, the complaint is given to the Vice President for Finance and Administration). The Director of Human Resources shall chair a hearing board that includes a faculty member and an administrator/staff member, chosen from a pool of trained faculty/administrators/staff who will undergo annual sexual misconduct training as mandated under Title IX. The chair of the hearing board shall monitor the hearing, rule on procedure, and deliver a written decision on the case within a reasonably prompt timeframe after receipt of the complaint. Appeals from the decision of the hearing board on matters of procedure, sanctions, or new evidence not available at the time of the hearing may be made in writing to the President of the College within 6 working days of the decision being delivered. The President shall make the final decision on the outcome of the case within 15 days of receipt of the appeal.

POTENTIAL OUTCOMES

Both complainant and respondent shall be notified concurrently in writing of the outcome of the hearing within a reasonably prompt timeframe after receipt of the complaint. The College shall inform the complainant as to whether it found that the conduct occurred as alleged, any individual remedies offered or provided to the complainant, any sanctions to be imposed on the alleged offender, and other steps the institution plans to take to resolve the matter.

In cases where sexual violence is found to have occurred, the complainant shall be informed of the institution's final determination and any disciplinary sanctions to be imposed on the respondent. The respondent shall not be notified of individual remedies offered or provided to the complainant.

APPEALS

An appeal from a student conduct hearing decision on matters of procedure, sanctions, or newly-discovered

evidence that was unknown or not available at the time of the original hearing may be made by written letter or email to the Vice President for Students within six business days of receipt of the determination. A three-member panel designated by the Vice President for Students, not involved in the grievance previously, will consider all appeal requests. Both parties have a right to appeal.

The appeal panel will review the appeal request(s). When any party requests an appeal, the other party (parties) will be notified and joined in the appeal.

Where the appeal panel finds that at least one of the grounds (matter of procedure, sanctions or newly discovered evidence) is met, and proceeds, additional principles governing the hearing of appeals include the following:

- Decisions by the appeal panel are to be deferential to the original decision, making changes to the finding only where there is clear error, and to the sanction/responsive action only if there is a compelling justification to do so.
- Appeals are not intended to be full re-hearings of the grievance. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. Appeals granted based on new evidence should normally be remanded to the original hearing panel unless otherwise directed by the Vice President for Students or designee.
- Sanctions imposed by the hearing panel are implemented immediately unless the Vice President for Students or designee determines their implementation should be stayed in extraordinary circumstances, pending the outcome of the appeal.
- The Vice President for Students or designee will, on behalf of the appeal panel, submit the recommendation of the appeal panel to the College President. The Vice President for Students or designee, in consultation with the President, will review the matter for procedural errors and issue the final decision on behalf of the College within 10 business days of the date on which the hearing panel made its recommendation. The decision will be final and binding within the College Student Judicial Code Structure in all cases.
- All parties will be informed of whether the grounds for an appeal are accepted and the outcome of the appeal.
- Once an appeal is decided, the outcome is final: further appeals are not permitted.
- If the complaint is dismissed, the College shall delete records of the proceedings from the respondent's record, as appropriate.
- Both parties shall have the right to have all information obtained during the course of the conduct or judicial process be protected from public release until the appeal process concludes, unless otherwise required by law.

Appeals from conduct of faculty members, administrators, or staff shall be handled in the faculty, administrators, and staff section of this policy.

An employee may also file a complaint with the following agencies:

Equal Employment Opportunity Commission (EEOC) at the New York District Office, 33 Whitehall Street, 5th Floor, New York, New York 10004; the New York State Division of Human Rights at 99 Washington Avenue, Albany, New York 12210; or the United States Department of Education, Office for Civil Rights at 32 Old Slip, 26th Floor, New York, New York 10005.

A student may also file a complaint with the following agencies:

United States Department of Education, Office for Civil Rights at 32 Old Slip, 26th Floor, New York, New York 10005; and the New York State Division of Human Rights at 99 Washington Avenue, Albany, New York 12210.

TRANSCRIPT NOTATIONS

For students who, after a formal conduct procedure, have been found responsible for a crime of violence (including forcible and non-forcible sex offenses, robbery, aggravated assault, criminal homicide, burglary, motor vehicle theft, and arson), the College will make a notation on the transcript of such students that they were *“Suspended After a Finding of Responsibility for a Code of Conduct Violation”* or *“Expelled After a Finding of Responsibility for a Code of Conduct Violation.”* For respondents who withdraw from the College while such conduct charges are pending, and decline to complete the disciplinary process, the College will make a notation on the transcript of such students that they *“Withdrew with Conduct Charges Pending.”*

To request that a transcript notation be removed after a suspension ends, a student must submit a written request to the Vice President for Students; this request will be considered one year from the date of the suspension’s end. The Vice President for Students, in consultation with other College officials, will review the request and any documentation provided. After conducting a thorough review, the Vice President for Students will make a recommendation to the College President, who will render a decision on behalf of the College. The decision will be final within the College Student Judicial Code Structure. The student will be notified of the outcome, in writing, and, if the request is granted, the transcript notation will be removed within ten (10) business days following notification.

Factors considered in review of requests include:

- The conduct of the student subsequent to the disciplinary violation;
- The nature of the disciplinary violation; and
- The information provided by the student in the request.

If a transcript notation is removed, a Student Affairs hold will remain on the student’s record. Students seeking re-enrollment after Disciplinary Suspension must follow the procedures under definition in the Student Code of Conduct, Article II.

Students may seek the removal of a transcript notation for a suspension in accordance with the procedures outlined in Article III, The Student Conduct Hearing of the Student Code of Conduct, located in Section XII of the Student Handbook, except that such notation shall not be removed prior to one year after conclusion of the suspension. Notations for expulsion shall not be removed.

If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed. Notations for expulsion shall not be removed.

NON-RETALIATION

The College prohibits any retaliatory behavior, including, but not limited to intimidation, reprisal, and harassment, directed against complainants and/or witnesses in an investigation pursuant to this grievance procedure.

6.7 PROTECTION OF MINORS AT MSMC-REPORTING SUSPECTED ABUSE AND MALTREATMENT OF MINORS

This policy creates an independent duty for members of the Mount Saint Mary College (MSMC) (including Bishop Dunn Memorial School) community who interact with, supervise, chaperone, or otherwise oversee minors in College-sponsored programs and activities to report immediately suspected cases of abuse and maltreatment of individuals under the age of 18.

Any member of the MSMC community may report a concern if they have reasonable suspicion that a child has been abused or maltreated. (See Contacts below for telephone numbers for reporting)

REASON(S) FOR THE POLICY

Although most students on MSMC's campus or enrolled in its programs are over the age of 18, there are times during the course of a year where minors may be participating in College-sponsored programs or activities. MSMC has a legal and moral obligation to protect those individuals.

Although some College employees, as mandated reporters, are required by law to report suspected child abuse and maltreatment, we should all follow these procedures to ensure that we protect minors who are participating in College-sponsored programs and activities, both on and off campus.

Mandated reporters are required to report cases of suspected child abuse and maltreatment under New York State Law and include physicians, registered nurses, social workers, and mental health professionals, among others. Additional information is available in the reference section of this policy.

PRIMARY GUIDANCE TO WHICH THIS POLICY RESPONDS

- Title 6 of Article 6 of the New York State Social Services Law, §§411-428 define child abuse and maltreatment.
- Title IX of the Education Amendments of 1972 ("Title IX ") is a Federal Civil Rights law that prohibits discrimination on the basis of sex and gender in any education program or activity receiving federal funds. The "Dear Colleague Letter on Sexual Violence," dated April 2011, emphasizes that sexual violence is the most egregious form of sexual harassment under Title IX.
- The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. §1092(f) (the "Clery Act") requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their campuses.

RESPONSIBLE COLLEGE OFFICE & OFFICER

MSMC Office of Security and Safety
MSMC Title IX Coordinator

WHO IS GOVERNED BY THIS POLICY

All employees, contractors, consultants, and volunteers who provide services to the College, directly or through contract, whereby such services performed by such persons involve direct contact with minors. This includes, but is not limited to, administrators, faculty, librarians, coaches and other athletic staff, support staff, volunteers, graduate and undergraduate students (who are acting as employees or volunteering as members of a MSMC sponsored program, activity, or event), interns, employees of temporary employment agencies, and independent contractors/consultants.

WHO SHOULD KNOW THIS POLICY

All employees, contractors, consultants, and volunteers who provide services to the College (including BDMS), directly or through contract, whereby such services performed by such persons involve direct contact with minors.

EXCLUSIONS AND SPECIAL INSTRUCTIONS

The duty to report may not apply to certain confidential communications to attorney or members of the clergy in cases where a recognized legal duty of confidentiality applies. Physicians, psychiatrists, licensed therapists, and other clinicians who are reporting suspected child abuse or maltreatment to the New York State Child Abuse and Maltreatment Hotline in connection with their clinical care to patients are not required to notify MSMC's Security and Safety Office of the report if doing so would breach a patient's legal rights to confidentiality.

This policy is not intended to create or otherwise impose on the College any additional duty of care or supervision with regard to minor visitors to campus who are not participating in formal College-sponsored programs or activities involving minors.

REQUIREMENT TO REPORT AN INCIDENT(S)

MSMC requires all employees, contractors, consultants, and volunteers who provide services to the College, directly or through contract, whereby such services performed by such persons involve direct contact with minors, to report immediately if they have reasonable cause to suspect abuse or maltreatment of individuals under the age of 18. Any member(s) of the MSMC College community may report a concern if they suspect that a child has been abused or maltreated.

The College does not tolerate retaliation against individuals who report concerns in good faith.

RESPONSIBILITY

If you believe that a minor may have been abused or maltreated, you must take the following steps:

- If a child is in immediate danger or you require emergency assistance, call 911.

If you suspect child abuse or maltreatment:

- Call the New York State Child Abuse & Maltreatment Hotline: 800-342-3720 and
- Call the Office of Security and Safety: 845-569-3200.

You are also strongly encouraged to notify the appropriate program, department or area director. If any College employee covered by this policy willfully fails to report a case of suspected child abuse or maltreatment, this will result in disciplinary action, up to and including termination of employment.

REASONABLE CAUSE TO SUSPECT

Note that under Social Services Law §413 a report is required when a person has reasonable cause. Reasonable cause to suspect child abuse or maltreatment means that, based on your rational observations, professional training and experience, you have a suspicion that the parent or other person legally responsible for a child is responsible for harming that child or placing that child in imminent danger of harm) to suspect:

- A child is an abused or maltreated child
- The parent, guardian, custodian, or other person legally responsible for the child comes before a person and states from personal knowledge facts, conditions, or circumstances that, if correct, would render the child abused or maltreated

DEFINITIONS

CHILD ABUSE includes physical abuse, physical neglect, sexual abuse, and emotional abuse. New York law defines these types of abuse as follows:

PHYSICAL ABUSE: Non-accidental physical injury of a child that ranges from superficial bruises and welts to broken bones, burns, serious internal injuries and in some cases, death. It includes actions that create a substantial risk of physical injury to the child.

PHYSICAL NEGLECT: Withholding, or failing to provide, adequate food, shelter, clothing, hygiene, medical care, education, or supervision, such that the child's physical, mental or emotional condition is impaired or at imminent risk of being impaired.

SEXUAL ABUSE: When an individual commits a sexual offense against a child or allows a sexual offense to be committed, such as rape, sodomy, or engaging a child in sexual activity or performing a sexual act.

EMOTIONAL ABUSE: Acts or omissions that cause or could cause serious conduct, cognitive, affective, or other mental disorder such as torture, close confinement, or the constant use of verbally abusive language. This may include emotional neglect, such as withholding physical and emotional contact to the detriment of the child's normal emotional or even physical development.

MALTREATMENT (includes neglect) means that a child's physical, mental, or emotional condition has been impaired, or placed in imminent danger of impairment, by the failure of the child's parent or other person legally responsible to exercise a minimum degree of care by:

- failing to provide sufficient food, clothing, shelter, education; or
- failing to provide proper supervision, guardianship, or medical care (refers to all medical issues, including dental, optometric, or surgical care); or
- inflicting excessive corporal punishment, abandoning the child, or misusing alcohol or other drugs to the extent that the child was placed in imminent danger

MANDATED REPORTERS are certain professionals recognized by New York State who are specially equipped to perform the important role of mandated reporter of child abuse or maltreatment. For additional information, please refer to the Summary Guide for Mandated Reporters in New York State (Pub. 1159). Definitions and examples of sexual harassment, sexual assault, intimate partner violence, and stalking are available in MSMC Student Handbook.

MINORS are persons under the age of eighteen (18). The term "minors" and "children" are used interchangeably in this policy.

CONTACTS

- New York State Child Abuse & Maltreatment Hotline: 800-342-3720
- Mandated Reporter Hotline: 800-635-1522
- Mount Saint Mary College Office of Security and Safety: 845-569-3200
- Mount Saint Mary College Title IX Coordinator: 845-569-3597

6.8 EMPLOYMENT OF RELATIVES

Mount Saint Mary College is committed to providing employment and advancement opportunities based on qualifications and merit and does not discriminate in favor of, or in opposition to, the employment of relatives.

Due to potential for perceived or actual conflicts, such as favoritism or personal conflicts from outside the work environment which can be carried into the daily working relationship, the College will hire or consider other employment actions concerning relatives of persons currently employed only if:

1. candidates for employment will not be working directly for or supervising a relative; and
2. candidates for employment will not occupy a position in the same line of authority in which employees can initiate or participate in decisions involving a direct benefit to the relative. Such decisions include hiring, retention, transfer, promotion, wages and leave requests.

Relatives are defined as one of the following:

1. relationships by blood—parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece and first cousin;
2. relationships by marriage—husband, wife (as defined by state law), step-parent, step-child, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, half-brother, half-sister, uncle, aunt, nephew, niece, spouse/partner of any of the above and co-habiting couples or significant others.

The hiring supervisor is responsible for ensuring policy compliance. Department directors are responsible for monitoring changes in employee reporting relations after initial hire to ensure compliance with this policy. Employees are responsible for immediately reporting any changes to their supervisor.

If any employee, after employment or change in employment, enters into one of the above relationships, one of the affected individuals must seek a transfer or a change in the reporting relationship. Such changes must be approved and assigned by the vice president of the department.

No exception to this policy will be made without the written consent of the Vice President of Finance and Administration.

Mount Saint Mary College also forbids staff and administrative employees from having intimate or sexual relations with students, or with students whom they employ, supervise, counsel, advise or potentially discipline.

Staff and administrative employees must be aware that romantic or sexual relations with students or employees in violation of this policy will result in discipline up to and including termination and could also result in legal action by the complainant.

6.9 CONFLICT OF INTEREST

It is the policy of Mount Saint Mary College that no employee shall derive for himself, a relative, or close acquaintance, any improper benefit or gain from his association with the College. Reports of conflicts or appearances of conflict of interest can undermine the public trust and damage the integrity of the College.

Officers, faculty and staff may not accept gifts, travel or entertainment with a value of \$100 or greater from a vendor, organization or individual who conducts or wishes to conduct business with the College.

Any employee responsible for educating students, conducting research, setting policy, purchasing supplies, services or equipment, deciding on vendors or exercising any role in which objectivity and sound judgment are required, must display no evidence of favoritism or impropriety.

Whenever a case of conflict of interest exists or appears to exist, it is the responsibility of the employee to disclose his interest, including any interest, financial or otherwise, in the organization or entity, which might benefit from the employee's association with Mount Saint Mary College.

Employees who believe they may be involved in circumstances regarding conflict of interest must make full disclosure as follows:

1. Vice Presidents must disclose circumstances to the President.
2. Faculty must disclose circumstances to the VP for Academic Affairs.
3. Other employees must disclose circumstances to the VP in charge of their department.

6.10 SOLICITATION

The College prohibits the solicitation, distribution and posting of materials on or at college property by any employee or non-employee, except as may be permitted by this policy. The sole exceptions to this policy are charitable and community activities supported by College management and College sponsored programs and services.

Non-employees may not solicit employees or distribute literature of any kind on College premises at any time. Employees may not solicit other employees at any time on college property, except in connection with a College approved or sponsored event.

Employees may not distribute literature of any kind in any work area at any time, except in connection with a College approved or sponsored event.

The posting of materials or electronic announcements are permitted only with prior approval from Human Resources.

Violations of this policy should be reported to Human Resources.

6.11 DRESS AND APPEARANCE

An employee's appearance is a reflection of the College and the employee. The College expects employees to appear professional in their appearance.

All employees are expected to dress in a manner appropriate for their position and responsibilities. In departments where uniforms or other types of dress are required, it is considered to be a part of the employee's job to comply with the requirement. This includes employees working in Security, Grounds, Maintenance, Housekeeping and Custodial Services.

Employees in academic or administrative offices are expected to use good judgment in dressing professionally for the workplace. It is the responsibility of each department head to counsel an employee when the employee's appearance is unsatisfactory.

6.12 TELEPHONE AND CELL PHONE USAGE

Office telephones and College issued cell phones are to be used to conduct College business. Discretionary use for personal phone calls is permitted.

The use of personal cell phones while at work should be restricted to break and lunch periods. Using a cell phone at other times should not be of a frequency or duration as to keep the employee's attention away from work. Employees are prohibited from using cell phones for college business while driving or when using a college vehicle.

An employee using an office phone or cell phone for personal use is considered not to be working at the time of usage.

Employees who do not comply with this policy are subject to discipline up to and including termination.

6.13 USE OF COLLEGE VEHICLES

The College owns vehicles that can be borrowed to conduct official College business.

An employee who wishes to borrow a vehicle must make arrangements with the Purchasing Manager. The employee will need to sign a waiver authorizing the College insurer to conduct a driver license verification report with the DMV to verify the employee's license is in good standing.

The employee must also follow all instructions regarding the use of the vehicle including but not limited to reporting any accidents with the vehicle, returning the vehicle with a full tank of fuel and reporting any performance issues with the vehicle.

Fines incurred because of driving violations (parking or speeding, for example) are the responsibility of the driver. The College will not pay for or reimburse an employee for the cost of tickets obtained while driving College owned vehicles.

6.14 TOBACCO-FREE ENVIRONMENT

In order to provide a healthy, comfortable and productive working and learning environment for students, faculty and staff, Mount Saint Mary College is a tobacco-free environment. Students, Faculty, Administrators and Staff are expected to adhere to the following:

- Smoking and/or the use of tobacco products is prohibited in the interior of all buildings, residences (including residence halls), housing on the campus, in buildings owned or leased by the College and in campus-owned, leased or rented vehicles. Use is also banned within 20 feet of any building. This applies to any outdoor gathering, seating, serving areas or eating facilities, including athletic fields and within 20 feet of same.
- This policy applies to all faculty, staff, students, contractors and visitors. The policy is in effect twenty-four hours a day, seven days a week.
- For the purpose of this policy, smoking is defined as, but not limited to inhaling, exhaling, burning or carrying any lighted product including but not limited to cigarettes (cloves, bidis and kreteks), e-cigarettes, cigars, cigarillos, pipes and hookah-smoked products. Prohibited uses of tobacco products includes chewing tobacco.

This policy depends upon the courtesy, respect and cooperation of all members of the College community.

Smoking and tobacco waste management products such as ashtrays have been removed wherever use is prohibited. All tobacco products must be disposed of properly prior to entering a tobacco free area. Improper disposal includes but is not limited to littering (e.g. discarded cigarette butts, throwing butts out of windows, spitting etc.), or any action that creates a fire or health hazard.

Violations of the policy will be directed to the responsible person:

- Resident students will be counseled by Residence Life
- Faculty, staff and administrators must comply as a condition of employment
- Commuter students will be counseled by the Vice President for Students
- Faculty, staff, administrators and students are responsible for their own guests
- Any unattended guests will be the responsibility of Security & Safety

Section 7: Additional Information

7.1 TUITION EXCHANGE

Mount Saint Mary College is a member of two tuition exchange programs; The Tuition Exchange, Inc. (TE) and the Council of Independent Colleges Exchange Program (CIC).

TE permits children of college employees in one institution to attend a participating institution at significantly reduced tuition and, in some cases, tuition-free, subject to TE rules and individual institutional policies. Participating institutions can be found at <https://www.tuitionexchange.org>.

The availability of TE awards is determined by “credits” accumulated under TE rules. The accumulation of credits is based upon MSMC enrolling students from other institutions, which, in turn, allows MSMC to award opportunities to children of MSMC employees. Therefore, there is no certainty as to the number of awards that will be made each year. Circumstances can result in no awards in a given year. Employees may apply for the award in the fall of their dependent’s senior year of high school.

When awards can be made, MSMC awards four years (8 consecutive semesters) to each student. Awards are made to full time employees only and the determination of who receives an award is based upon the employee’s years of service at the College. An employee who has been granted a previous award may be granted a second award if no other full time employees apply in a given year or if not enough employees apply for the available awards.

The CIC exchange program permits employees and dependents of one institution to attend a participating institution tuition free, subject to CIC rules and individual institutional policies. Participating institutions can be found at: <https://www.cic.edu/member-services/tuition-exchange-program>. All full time employees and their dependents are eligible to apply. When awards are granted, the award is for four (4) years (8 consecutive semesters), as long as the student remains in good academic standing. Employees may apply for the award in the fall of each academic year.

The TE and CIC Exchange programs are administered by the Director of Human Resources in consultation with the Vice President of Finance and Administration.

7.2 TUITION WAIVER-UNDERGRADUATE

FULL TIME EMPLOYEES

Full time employees and their spouses are eligible for tuition waiver benefits upon completion of one year of continuous service. Eligible employees and spouses are entitled to take one three-credit course (graduate or undergraduate) each semester or session, not to exceed eight courses in any fiscal year (July 1 to June 30).

An employee may take a second course within a session only with the written consent of the employee's supervisor. The second course may not be taken during the employee's regularly scheduled workday. Employees enrolled in a course during any part of their workday must make arrangements with their supervisor to make up their work time.

Dependent children of full time employees are eligible for full tuition benefits (graduate or undergraduate) after the employee has completed two consecutive years of employment at the College. Any dependent student receiving a tuition waiver is not eligible for any Mount Saint Mary College scholarships or grants towards room and board, fees or tuition.

PART TIME EMPLOYEES

Part time employees (who work at least 20 hours per week, 12 months per year) and their spouses are eligible for tuition waiver (graduate or undergraduate) upon completion of one year of continuous service. Eligible employees and their spouses are entitled to take one course each semester or session; not to exceed four courses in any fiscal year.

Part time employees may not take a course during any part of their normally scheduled workday.

Dependent children of eligible part time employees are eligible for one-half tuition waiver (graduate or undergraduate) following the employee's completion of two consecutive years of employment at the College.

STUDENT EMPLOYEES

The tuition waiver benefit is not available to student employees. For purposes of this policy, a student employee is defined as a part-time hourly employee who is concurrently enrolled at the College with the primary goal of achieving a degree. Thus, the employment is interim or temporary in nature and is incidental to the pursuit of an academic program.

DEPENDENT ELIGIBILITY

Dependents are defined as those individuals that meet the IRS rules for establishing dependency. Employees will be required to submit a copy of their most recent Federal tax filing to the Financial Aid office as proof of dependency. Proof of marriage for spousal waivers may also be requested. All employees, spouses and dependents must submit applications for scholarships, TAP grants, etc., as required by the Financial Aid office.

GRADUATE TUITION WAIVERS

The tuition waiver benefit for graduate courses is a tax-free benefit for employees up to a maximum of \$5,250. The value of a graduate tuition waiver received by employees, spouses and dependents is a taxable fringe benefit to the employee. Contact the HR Department for additional information.

FAILED COURSES

Tuition waivers for both graduate and undergraduate courses may not be used to repeat a graded course, including the “WF” grade.

BISHOP DUNN MEMORIAL SCHOOL

Children of full time College employees who have completed one year of continuous service are eligible for one-half tuition waiver while attending Bishop Dunn. This tuition waiver applies to regular school tuition only and does not apply to the before or after school programs. Bishop Dunn limits the number of waivers available to College employees. This may result in the denial of a waiver for some employees.

7.3 ID CARD

All Mount Saint Mary College employees are issued an ID Card that contains a photograph of the employee.

ID Cards are processed and issued by the Safety/Security Office and the Support Services Department.

Employees are expected to possess their ID card while on campus property and to produce their ID card if requested by Security personnel.

7.4 LIBRARY PRIVILEGES

Employees of Mount Saint Mary College enjoy the same library privileges that students receive.

Employees must present their College ID card when borrowing books, DVD's, etc., from the library. Borrowed items are expected to be returned on time and in good condition.

7.5 FOOD SERVICE PRIVILEGES

Employees may avail themselves of any of the food service establishments on campus.

Employees may pay cash directly or by having charges deducted from their “Mount Money” account. “Mount Money” permits employees to create a personal account by depositing money with the College and charging their account through the use of their College ID card. The charges are automatically deducted from their account balance with the College.

7.6 PARKING PRIVILEGES

Employees must secure a parking permit from the Department of Safety/Security (Security), display it according to Security directions, and park in approved employee parking. An employee's vehicle must display the permit or the employee will be subject to a fine, which must be paid in the Finance office.

Employees are responsible for reading and complying with all parking and traffic regulations issued by Security. Parking is on a first come, first served basis. The College cannot guarantee an available parking place for each employee.

A complete description of parking rules can be found on the College web site or you may request a printed copy from Security.

Section 8: End of Employment

Mount Saint Mary College maintains an “AT-WILL EMPLOYMENT RELATIONSHIP” with its employees. This permits the College, or you, the employee, to terminate the employment relationship at any time, with or without cause, with or without notice, and at any time.

No manager, supervisor or employee has any authority to enter into a verbal or written agreement of employment for any specified period of time or to make an agreement for employment other than at-will. Only the President or the Chairman of the Board of Trustees have the authority to make any such agreement and then only in writing.

8.1 TERMINATION OF EMPLOYMENT-HOURLY EMPLOYEES

In accordance with New York State law, the College is an at-will employer and may terminate employment at any time. It is the right of College officials to determine what shall be considered cause for termination of employment. Initiation of progressive discipline does not negate the College’s right to terminate an employee immediately.

When an employee’s conduct is judged to be grounds for immediate termination, the employee will be suspended without pay pending a review of the circumstances by the Director of Human Resources and the employee’s supervisor. A final decision should be rendered by the Director of Human Resources within three workdays.

In the case when an employee is to be terminated following a series of disciplinary warnings, no preliminary suspension needs to be given.

A terminated employee may appeal the decision to terminate employment through the College’s Dispute Resolution Procedure. During this review process, the employee will receive no pay or benefits. If the employee’s appeal is successful, the employee will be fully reinstated and will receive retroactive pay for the days away from work.

Terminated employees will receive pay for all wages due as of their last day of work to include pay for all earned and accrued vacation. The final pay will be issued to the employee on the employee’s regular payday for the week in which employment terminates in accordance with state labor law.

8.2 TERMINATION OF EMPLOYMENT-EXEMPT (NON-TEACHING) EMPLOYEES

In accordance with New York State law, the College is an at-will employer and may terminate an employment at any time. It is the right of College officials to determine what shall be considered cause for termination of employment.

When an employee's conduct is judged to be grounds for immediate termination, the employee will be suspended without pay pending a review of the circumstances by the Director of Human Resources and the employee's supervisor. A final decision should be rendered by the Director of Human Resources within three workdays.

In the case when an employee is to be terminated following a series of disciplinary warnings, no preliminary suspension needs to be given.

A terminated employee may appeal the decision to terminate employment through the College's Dispute Resolution Procedure. During this review process, the employee will receive no pay or benefits. If the employee's appeal is successful, the employee will be fully reinstated and will receive retroactive pay for the days away from work.

Terminated employees will receive pay for all wages due as of their last day of work. The final pay will be issued to the employee on the employee's regular payday for the week in which employment terminates in accordance with state labor law.

8.3 RESIGNATION/RETIREMENT

RESIGNATION

Hourly employees who intend to resign employment at MSMC are asked to notify their supervisor at least two weeks before the effective date. Whenever possible, a longer term notice is preferred.

Salaried employees who intend to resign employment at MSMC are asked to notify their supervisor at least 30 days before the effective date. Wherever possible, a longer-term notice is preferred.

RETIREMENT

Employees who intend to retire are asked to notify their supervisor at least 45 days before the effective date of retirement.

Section 9: Closing

9.1 HUMAN RESOURCES STATEMENT

If you have any questions about the policies contained in this handbook, please reach out to Human Resources using the contact information below:

[Sharnie Canary, Director of Human Resources:](#)

845-569-3548

Sharnie.Canary@msmc.edu

[Melissa Caridi, Human Resources Manager:](#)

845-569-3229

Melissa.Caridi@msmsc.edu

[Natalie Ramos, Human Resources Coordinator:](#)

845-569-3294

Natalie.Ramos@msmc.edu

THE HANDBOOK IS NOT AN EMPLOYMENT CONTRACT AND SHOULD NOT BE INTERPRETED AS ONE.

THIS EMPLOYEE HANDBOOK SUPERSEDES AND REPLACES ALL PREVIOUS VERSIONS