



Nichols College

*Learn. Lead. Succeed.*

# Employee Handbook

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## **INTRODUCTION**

This handbook is designed to provide an overview of employment at Nichols College. It outlines many of the policies, procedures and benefits associated with working at Nichols College. The content of this document is presented for information purposes only and does not alter your status as an at-will employee. This is not a contract.

The College, in its sole discretion, reserves the right to unilaterally amend, modify or revoke the policies and procedures herein described at any time, with or without notification.

If an employee encounters a situation not covered in the handbook, the employee should consult with Human Resources. Questions, corrections and/or suggestions regarding the handbook should be directed to Human Resources.

*These policies are not intended to infringe upon an employee's right to engage in protected concerted activity under Section 7 of the National Labor Relations Act, 29 U.S.C. sec. 157. Employees have the right to discuss terms and conditions of employment and mutual work related concerns.*

## **MISSION STATEMENT**

Within a supportive community, Nichols College transforms today's students into tomorrow's leaders through a dynamic, career-focused business and professional education. To support its mission, Nichols College

- Offers an experiential business curriculum with a strong liberal arts foundation that is enhanced by the scholarship of practice and pedagogy.
- Integrates research and scholarship into the student experience programs and activities that cultivate and enhance professional skills and readiness.
- Develops the communication and critical thinking abilities, the ethical and cultural perspectives, and the necessary teamwork skills that are required of leaders in a global economy.

## **EQUAL EMPLOYMENT OPPORTUNITY STATEMENT**

It is the policy of Nichols College to provide equal employment opportunities by recruiting, hiring, training and promoting applicants and employees without regard to race, color, religion, creed, national origin, sex, age, ancestry, sexual orientation, genetics, pregnancy, or condition related to said pregnancy, marital status, gender identity/expression, disability, handicap, military obligations, veteran status or any other

category protected by law. Unlawful discrimination of any type, including retaliation against an individual filing a charge or making a complaint of discrimination, is not tolerated.

***All Nichols employees are also referred to the separate Nichols College Sexual Misconduct Policy and Nichols College Policy Against Discrimination, Harassment and Retaliation.***

### **REASONABLE ACCOMMODATION FOR DISABILITIES**

The College is committed to complying fully with the Americans with Disabilities Act (ADA) and all applicable state laws, to ensure equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis.

Reasonable accommodations to the known physical or mental limitations of the employee will be provided unless the accommodations impose an undue hardship on the operation of Nichols College or the individual is incapable of performing the essential functions of the job. Accommodation suitable for individual employees will be determined on a case-by-case basis by Nichols College in consultation with the individual and perhaps medical experts.

Employees who are disabled and believe an accommodation is necessary to enable them to perform the essential functions of their job should advise Human Resources or their supervisor of the disability and suggest the nature of the accommodation they believe is necessary to enable them to perform their job. Human Resources will then conduct an Interactive Dialogue with the employee. Employees with an illness or physical or mental condition that requires work-related restrictions may be asked to provide a medical certification setting forth what accommodations are necessary for the employee to continue to perform the essential functions of his or her job, without posing a direct threat to their own health or safety or the health or safety of others.

All information concerning disabilities will be kept confidential to the extent possible and permitted by law and will be distributed on a need-to-know basis. Anyone found to be engaging in any type of unlawful disability discrimination will be subject to disciplinary action, up to and including termination.

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, the College asks that employees not provide any genetic information when submitting their requests. 'Genetic information,' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member, or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

If employees have any questions regarding this policy, they are encouraged to discuss them with Human Resources.

***In addition, all Nichols employees are referred to the separate Nichols College Policy Against Discrimination, Harassment, and Retaliation.***

### **EMPLOYMENT AT WILL**

Nothing in this handbook should be taken to establish or imply a contract of employment or a guarantee of continued employment. Nichols College values all employees and hopes that they will have a rewarding career at Nichols College. However, all employment with Nichols College is “at-will” which means that employment can be terminated with or without cause, and with or without notice, at any time, at the option of either the College or the employee, except as otherwise prohibited by law. Nothing in this handbook or in any document or statement shall limit the right of the College or the employee to terminate employment-at-will. No manager or employee of the College may enter into any agreement for employment for any specified period of time or make any agreement, implied or expressed, for employment other than on an at-will-basis. Only the President of College has the authority to make any such agreement and then only in writing.

### **ABSENTEEISM AND TARDINESS**

If it is necessary to be absent or tardy because of sickness, weather or for personal reasons, your supervisor must be notified as early as possible and alerted to the reasons and probable duration of the absence or tardiness.

#### **Job Abandonment**

Unauthorized absence from your position for more than three (3) consecutive working days will be considered job abandonment and may be considered a voluntary resignation.

### **EMPLOYEE STATUS DEFINITIONS**

#### **Exempt Employees**

Employees who are exempt from the minimum wage overtime provisions of the Fair Labor Standards Act (Wage-Hour Law) as amended.

#### **Non-Exempt Employees**

Employees who are not exempt from minimum wage, overtime and timecard provisions of the Fair Labor Standards Act (Wage-Hour Law) as amended. These employees receive overtime pay when over forty (40) hours are worked in a week. This group includes anyone who is paid on an hourly basis.

## **Full-Time**

Employees who work at least 32 hours per week.

## **Regular, Part-Time**

Employees whose regular work schedule is at least 18.75 hours and no more than 32 hours per week.

## **Full-Time Teaching Load**

According to the *Faculty Policy Manual*:

*Normal teaching loads will be twelve (12) credit hours or the equivalent per semester and shall be distributed on a schedule which permits one professional non-teaching day per week. When a faculty member is asked to assume a teaching overload or duties of an administrative, supervisory, or non-instructional nature, such assignments will be compensated equitably.*

### Rules and Justification:

Full-time teaching loads consist of twenty-four (24) credit hours taught per academic year\* and are comprised of one (1) credit and three (3) credit hours courses.

#### Contact Hours:

Three (3) credit hour courses consist of forty (40) contact hours; therefore, when a faculty member teaches twenty-four (24) credit hours in one (1) academic year, three hundred-twenty (320) hours of his/her teaching load is comprised of contact hours.

One (1) credit hour courses equate to a one and one half (1.5) credit hour course and consist of fifteen (15) contact hours.

#### Preparation Hours:

For every contact hour, two (2) hours of preparation is anticipated; therefore, six hundred-forty (640) hours of preparation would be expected of a full-time faculty member who is teaching twenty-four (24) or the equivalent credit hours per academic year.

\*Winter Intersession and Summer Session courses are considered overloads.

Calculation: 120 hours/course X 24 credit hours = 960 hours/academic year

## **Adjunct Teaching Load**

An adjunct with a three-and-three course load\*, works 720 hours/academic year

\*Up to three, three (3) credit-hour courses in both the fall and spring semester

Employees may be hired on a full-time or part-time basis. Part-time employees may be compensated on the basis of any time period agreed to by the College and the employee. Generally, full-time and regular, part-time employees are eligible for benefits.

## **TERMINATION OF EMPLOYMENT**

Resigning employees are requested to give timely notice in writing to the College so it may make arrangements for a replacement. Timely notice will be considered to be two (2) weeks' notice for non-exempt employees and four (4) weeks' notice for exempt employees. Human Resources may conduct an exit interview and will explain benefits continuation options.

## **IMMIGRATION REFORM AND CONTROL ACT OF 1986**

Employment and continued employment at Nichols is contingent upon proof of identity and legal authorization to work in the United States. You will be required to comply by presenting documents and completing an I-9 Form.

## **NEPOTISM POLICY**

A spouse, spousal equivalent, parent, child (including stepchildren), sibling or in-law of a Nichols College employee may not be hired if:

- Direct supervision or control would exist; or
- It would adversely impact College operations.

If employees enter into a relationship after employment with the College has been established, employment may continue as long as one employee does not have managerial control over the other and so long as the College determines that there is no adverse impact on its operation.

The President may make case-by-case exceptions to this policy. Requests for an exception should be submitted in writing to the Department Head and Human Resources.

## **FLEXIBLE WORKING HOURS (FLEX TIME)**

Nichols College employees desiring flexible working hours (flex time), or an alternative schedule which differs from the normal working hours for the position in question, must make a request in writing to their immediate supervisor. The request will be submitted to the President's Council for approval. If approved, the flex time schedule may be implemented. On any day where an employee works at least six (6) hours, lunch time must be scheduled for not less than one half (1/2) hour. Lunch periods may not be used at either the first or last portion of the working day.

Some departments may be unable to offer flexible hours for some positions and/or during certain times of the year. Granting of flex time is always subject to the operational needs of the work unit and, accordingly, may be changed or revoked to accommodate any changes in those needs.

### **Massachusetts Pregnant Workers Fairness Act**

As provided for by the Massachusetts Pregnant Workers Fairness Act ("PWFA"), Nichols College (i) prohibits discrimination against employees on the basis of pregnancy or a condition related to pregnancy and (ii) provides reasonable accommodations to expectant and new mothers in the workplace.

Depending on the circumstances, Nichols may provide reasonable accommodations, including but not limited to, the following:

- more frequent or longer paid or unpaid breaks;
- time off to recover from childbirth with or without pay;
- acquisition or modification of equipment or seating;
- temporary transfer to a less strenuous or hazardous position;
- job restructuring;
- light duty;
- private non-bathroom space for expressing breast milk;
- assistance with manual labor; or modified work schedules.

Pursuant to state law, any requested accommodation is subject to an undue hardship analysis, and Nichols may require medical documentation to support the need for certain accommodations. Nichols will not require medical documentation for requests by a pregnant employee for more frequent breaks, seating accommodations, or limits on lifting over 20 pounds.

Employees who desire accommodations due to pregnancy or a condition related to pregnancy should provide notice to Nichols College, in writing, at the earliest opportunity to allow for appropriate accommodations and scheduling among employees.

### **Breastfeeding/Nursing Mothers**

Nichols will provide reasonable unpaid break time and a private area to allow nursing mothers to express breast milk for nursing children.

Each break shall generally be no less than twenty (20) minutes and breaks may be taken as needed by the employee, but employees can elect to take shorter breaks for this purpose. Shorter breaks may be paid depending on the circumstances and within reason.

Non-exempt employees are required to clock out for such breaks and clock back in upon their return to work. Upon election of the employee, unpaid break time may run concurrently with regularly scheduled paid break or meal periods, or employees may work before or after their normal shift to make up the amount of time used during the unpaid break time(s) for the expression of breast milk, so long as such additional time requested falls within the College's normal work hours. An employee may be required to postpone scheduled unpaid break time for no more than thirty (30) minutes if she cannot be spared from her duties until appropriate coverage arrives.

## **SUBSTANCE ABUSE/DRUG FREE CAMPUS/WORKPLACE**

### **The College Policy**

The College community recognizes that abuse of alcohol and other drugs can cause health, safety, and/or security problems. The College, therefore, has pledged to comply with the Drug Free Workplace Act (1988) and the Drug Free Schools and Communities Act Amendment of 1989, which require that programs be adopted to prevent the use of illicit drugs and the abuse of alcohol by students and employees. Accordingly, the college prohibits the unlawful manufacture, dispensing, distribution, possession, use or sale of illicit drugs and alcohol in the workplace. Violation of this policy may result in a variety of sanctions up to and including discharge from the College.

### **Substance Abuse**

Nichols College will not tolerate any substance abuse by its employees. Any employee, either working on the job or appearing on College premises, under the influence of alcohol or non-prescription drugs will be asked to leave the worksite or premises immediately. When such a situation occurs, the employee's manager will document the absence as an unpaid, unexcused absence from work. If possible, depending upon the circumstances, Nichols College may make transportation arrangements to assist the employee in returning home.

An employee who is taking either prescribed or over-the-counter medication that may impair his/her attention or performance, or that make the employee drowsy, should

inform his/her manager upon arrival for work to ensure the safety of the employee and his/her coworkers. It is essential that an employee be alert and in full possession of his/her faculties when working. Being under the influence of drugs or alcohol can cause an accident or injury. Accordingly, no employee may report to work or remain on duty while under the influence of, or impaired by, alcohol or any controlled substance or drug.

No employee may possess, sell or distribute alcohol, drugs or controlled substances while on Nichols College property or on College time. If such substances are found, the employee will be subject to disciplinary action up to and including immediate termination. Furthermore, drinking alcoholic beverages or use of other intoxicants, drugs, or controlled substances on College time, including during breaks or lunch is prohibited and will result in disciplinary action, up to and including immediate termination.

**To prevent drugs and other contraband from being brought onto the College premises, the College may, at its discretion, inspect any locker, package, purse, tool box, or other personal belongings brought onto the College premises in connection with the investigation of any rule violation or in the maintenance of a safe workplace.** An employee is expected to cooperate in all investigations of suspected rule violations of workplace safety. Employees who observe such behavior should report it to their manager or Human Resources.

The Nichols College Employee Assistance Program (EAP) offers help that is comprehensive – providing help or referral for every type of substance abuse problem or for alcohol dependency. The EAP's counseling, referral, and treatment is completely confidential for Nichols' employees and members of their immediate family. Nichols' EAP administrator, **Employee Connect**, can be reached 24 hours a day at **(888) 628- 4824** or visit [www.lincoln4benefits.com](http://www.lincoln4benefits.com) or [www.guidanceresources.com](http://www.guidanceresources.com). For more information about this program, refer to the Employee Assistance Program policy under Benefits.

Further, employees suffering from addiction may request reasonable accommodations, such as time off for treatment. If an employee has a drug or alcohol problem, the College urges the employee to report the matter to Human Resources before work-related problems occur.

### **VIOLENCE POLICY**

Nothing is more important to Nichols College than the safety and security of its employees and visitors. Threats, threatening behavior, or acts of violence against employees, visitors, or guests of the College will not be tolerated. Violations of this policy will lead to disciplinary action, up to and including immediate termination. In addition, the College is sensitive to issues of domestic violence and the potential danger it poses to our employees and our workplace. Accordingly, the College will not hesitate to contact the appropriate law enforcement authorities in the event of any threatening behavior or act of violence against employees, visitors or guests of the College, and to initiate criminal prosecution, if appropriate.

No employee shall be permitted to bring any guns, knives, or other items which could be used as weapons onto College premises. The College reserves the right to prohibit employees from carrying any items which management, in its sole discretion, deems to be dangerous or potentially dangerous.

If an employee becomes aware, either directly or indirectly, of any violence or threats of violence, whether vague, direct or indirect, he/she must notify his/her manager, or Human Resources immediately. In addition, the College requests that employees who currently hold or seek to obtain temporary or permanent restraining orders against others who have threatened or committed violent acts against them to so inform their manager or Human Resources in order to apprise the College of any potential threats to their security or the security of others within the workplace. Nichols College management understands the sensitivity of this type of information, and will make every effort to protect the confidentiality and privacy of the person(s) involved.

Additionally, Nichols employees must be aware that sexual misconduct of any form is a violation of the rights and dignity of those subjected to the misconduct as well as a serious violation of Nichols policy. When any member of our community engages in an act of sexual misconduct, that person exhibits a fundamental failure to act with integrity and to recognize and respect the intrinsic worth of another.

***All Nichols employees are also referred to the Nichols College Sexual Misconduct Policy for more information regarding the College's handling of sexual misconduct and/or violence.***

#### **HEALTH, SAFETY AND ENVIRONMENTAL AFFAIRS STATEMENT**

It is the responsibility of the College and its employees to ensure that their educational programs and other activities protect and promote the health and safety of our students, our employees, our visitors, and the environment.

It is the responsibility of the College to provide a safe and healthy environment for working and learning. Employees will receive appropriate training for all operations involving hazards at the time of employment and whenever the nature of these hazards change.

Nichols employees are expected to follow College health and safety regulations; to report all unsafe or unhealthy conditions and practices, incidents, accidents and injuries to their supervisor; and to perform only those tasks which they personally believe can be conducted safely.

#### **NON-SMOKING POLICY**

Nichols strives to provide a healthy and productive working environment for all of its employees; therefore, we enjoy a smoke-free environment. The non-smoking policy is strictly enforced and offenders will be disciplined. Employees who smoke either

traditional tobacco cigarettes or e-cigarettes may do so only in designated outdoor areas, but no smoking or vaping is allowed within fifteen (15) feet of any doorway.

### **SOLICITATION POLICY**

Solicitation for any cause or distribution of literature unrelated to College programs or events during working time is not permitted. The online College Bulletin Board maintains an area for appropriate postings of this nature.

### **POLICY PROHIBITING HARASSMENT**

Any form of harassment or abusive treatment toward employees, guests, customers, or applicants for employment in any form will not be tolerated by Nichols College. All employees are responsible for assuring that the workplace is free from harassment of any type. Due to the College's strong disapproval of offensive or inappropriate behavior at work, all employees must avoid any action, conduct, or behavior, which could be viewed as inappropriate by normal considerations.

All employees have the right to be treated with respect and dignity. The College supports an employee's right to work in an environment free from sexual harassment. It is the College's policy that no employee may harass another. In addition to sexual harassment, harassment is also illegal when harassment is based on age, color, disability, gender, gender identity/expression, national origin, race, religion, ancestry, sexual orientation, veteran or marital status, physical appearance, or any other basis applicable under federal or state law.

Harassment training will be required of all current and newly hired employees during the new hire orientation period. Instructions for completing the online workplace safety education program will be sent under separate cover.

#### **Policy Statement**

It is the goal of Nichols College to promote a professional workplace, one that treats all employees with dignity and respect. Sexual harassment is unlawful and will not be tolerated by the College. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated.

Because the College takes all allegations of sexual harassment or harassing behavior very seriously, we will respond promptly to complaints of sexual harassment or harassing behavior and, where it is demonstrated to the College's satisfaction that such harassment or behavior has occurred, we will act promptly to eliminate the harassment or behavior and impose such corrective action as necessary, including disciplinary action up to termination, as appropriate.

This policy applies to all terms, conditions, and privileges of employment, including but not limited to recruitment, hiring, performance reviews, training, development, promotion, transfer, compensation, benefits, educational assistance, layoff and recall, social and recreational programs, associate facilities, termination, and/or retirement.

Sexual harassment is behavior directed towards either male or female employee(s) on the basis of gender, and can include sexual advances, requests for sexual favors, or verbal and physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
- Submission to or rejection of such conduct is used as the basis for making employment decisions; or
- 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.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are examples of conduct which, if unwelcome, may constitute harassment depending on the circumstances:

- Sexual advances - whether they involve physical touching or not;
- Requests for sexual favors in exchange for actual or promised job benefits, such as favorable reviews, salary increases, promotions, increased benefits or continued employment;
- Use of sexual epithets, written or oral references to sexual conduct, gossip regarding one's sex life, comments on an individual's body, comments about an individual's sexual activity, deficiencies, or prowess;
- Displaying or distributing sexually suggestive objects, pictures (including inappropriate computer screensavers and emails), or cartoons;
- Dissemination of sexually explicit voicemail, email, graphics, downloaded material or websites;
- Leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences;
- Discussion of one's sexual activities; and
- Assault or coerced sexual acts.

Due to the nature of business, it is possible that any employee may, in the normal course of work, be assigned to look at information, published online on the Internet or elsewhere, which is beyond the control of the College. If any employee is asked to look at any such information which he/she finds personally offensive, it is that employee's duty to promptly consult his/her manager or Human Resources. When this happens, the manager shall make best efforts to reassign the workload.

If an employee has any questions about what constitutes harassing behavior he/she should ask his/her manager or Human Resources.

Harassment of Nichols College employees in connection with their work by non-employees may also be a violation of this policy. Any employee who experiences harassment by a non-employee or who observes harassment of an employee by a non-employee shall report such harassment to his/her manager or Human Resources. Harassment of Nichols College's customers, clients, or students by employees is also strictly prohibited.

If any employee of Nichols College believes that he/she has been subjected to sexual harassment, the employee is strongly encouraged either to inform his/her manager or Human Resources.

Any reported incident will be promptly and thoroughly investigated. While each investigation will proceed as the particular circumstances warrant, an investigation will at a minimum involve an interview with the employee making the complaint and interviews with persons identified as witnesses or having knowledge of the incident or conduct. Nichols will conduct such investigations in a confidential manner to the extent permitted by law. Also, any form of retaliation directed towards an individual who makes a complaint or who participates or cooperates in an investigation is unlawful and will not be tolerated by Nichols College.

If, as a result of the investigation, it is determined that any individual engaged in conduct that either constitutes harassment or otherwise violates the College's policies, appropriate remedial or disciplinary action will be taken. Such actions could include (among others) eliminating contact between the employees involved in the incident, mandated training and/or counseling, demotion or immediate termination.

Nichols College will also meet with the employees involved to make certain that any improper conduct has stopped, and that there has been no discrimination or retaliatory action against the complaining employee.

Employees should be aware that while this policy sets forth our goals of promoting a workplace that is free of harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment or other forms of illegal harassment.

The importance of this policy cannot be emphasized enough. An environment free of sexual harassment is not only the law, it is fundamental to the culture of Nichols College. While the College hopes that any employee who believes that he/she has been sexually harassed will immediately bring the matter to the attention of his/her manager and/or the employees designated above, employees also have the right to contact the state and/or federal employment discrimination agencies which enforce the law against sexual harassment and discrimination:

1. The United States Equal Employment Opportunity Commission (“EEOC”)  
475 J.F.K. Federal Building  
Government Center  
Boston, MA 02203-0506  
(617)-565-3200
  
2. The Massachusetts Commission Against Discrimination (“MCAD”)  
Boston Office: Springfield Office:  
One Ashburton Place – RM 601 436 Dwight St., Suite 220  
Boston, MA 02108 Springfield, MA 01103  
(617)-727-3990 (617)-739-2145  
  
New Bedford Office:  
800 Purchase Street, Room 501  
New Bedford, MA 02740  
(508)-990-2390

To be automatically connected to the nearest EEOC Field Office in other locations, employees should call 1-800-669-4000. Each of the agencies has a short time period for filing a claim (EEOC – 180 days (the 180 calendar day filing deadline is extended to 300 calendar days if a state or local agency enforces a law that prohibits employment discrimination on the same basis); MCAD - 300 days).

**EMPLOYEES MUST NOT ASSUME THAT NICHOLS COLLEGE KNOWS ABOUT AN EMPLOYEE’S SITUATION. EMPLOYEES SHOULD REPORT ALL INCIDENTS OF HARASSMENT TO THEIR SUPERVISOR, MANAGER, HUMAN RESOURCES , OR ANY OTHER MEMBER OF THE MANAGEMENT TEAM.**

***The above sets forth the general guidelines and principles regarding sexual harassment and other forms of harassment at Nichols College. Employees must be aware that Nichols College has a separate Nichols College Sexual Misconduct Policy and Nichols College Policy Against Discrimination, Harassment, and Retaliation. Those policies trump this handbook to the extent there are any conflicts.***

### **FRATERNIZATION POLICY**

Nichols College prohibits any sexual, romantic or dating relationship between a faculty/staff member and a Nichols student. Relationships in which a differential of power exists or may exist between the parties increase the risk of exploitation, favoritism, bias and conflicts of interest, as well as perceptions thereof. This policy is intended to

protect the academic and institutional integrity of Nichols College by reducing the potential for these problems or the perceptions of them that otherwise might occur.

Faculty (including adjunct) and staff (including, but not limited to, administrators, hourly, coaches, graduate assistants) of Nichols College are prohibited from engaging in a sexual, romantic or dating relationship, or sexual or romantic conduct with any Nichols College student (including, but not limited to, day, evening, undergraduate, graduate, full-time, part-time, and online) regardless of the claimed consensual nature of such relationship or conduct. The fact that a student may be employed by Nichols College in a work-study or similar position will not render the student a staff member for purposes of this policy.

Likewise, because of the inherent difference in authority, Nichols College prohibits any faculty or staff member from engaging in a sexual, romantic or dating relationship or sexual or romantic conduct with any other faculty or staff whom that person supervises or evaluates in any way directly, indirectly or through subordinates.

This fraternization policy applies to relationships between all faculty/staff members and students and faculty/staff members and other faculty/staff regardless of gender or sexual orientation. It does not apply, however, to existing relationships between faculty/staff and their spouses or domestic partners that would otherwise be prohibited.

A violation of this fraternization policy will result in disciplinary sanctions up to and including the termination of the faculty or staff member's employment for cause.

***Employees must be aware that Nichols College has a separate Nichols College Sexual Misconduct Policy and Nichols College Policy Against Discrimination, Harassment, and Retaliation. Those policies trump this handbook to the extent there are any conflicts.***

### **DRESS CODE**

Reasonable standards of dress and appearance are expected of employees during regular business hours. These standards are established to assure the safety of employees and to maintain an appearance of professionalism to external constituencies.

While employees are expected to use good judgment and common sense when selecting appropriate clothing, the following are general guidelines of items that are acceptable.

Business dress is preferred, but depending upon job responsibilities, the following may be acceptable:

- Khaki pants or any other type of pants generally viewed as business casual;
- Golf or polo shirts; and
- Dresses/skirts no shorter than three (3) inches above the top of the knee.

Clothing/footwear that is considered inappropriate and unacceptable includes:

- Items that are worn, ripped, frayed, torn, stained or unkempt;
- Items containing obscene, profane, discriminatory, provocative or inflammatory words or pictures;
- Items advertising alcoholic beverages, drugs, drug paraphernalia or tobacco products;
- Sweatshirts/sweatpants/leggings;
- See-through garments, halter tops, bare midriff/back tops, tank tops, muscle shirts, tops with spaghetti straps, low-cut blouses and pants;
- Pool/beach attire, including beach sandals and flip-flops;
- Jeans or other denim pants or shorts (unless the supervisor approves as an exception based on the nature of the job or project);
- Collarless shirts; and
- Athletic shoes and sneakers.

Employees should err on the side of caution. If an item is questionable, another item of clothing should be selected. If an employee has questions about what is appropriate, they should consult their supervisor. If a conflict arises between a supervisor and employee regarding dress attire that cannot be resolved within the department or with that divisional Vice President/Dean, Human Resources should be consulted.

### **ETHICAL STANDARDS**

All College employees share responsibility in observing a code of ethics requiring truthfulness, honesty, and integrity in all activities. Each employee will be expected to adhere to any and all confidentiality policies of Nichols College. If an employee is ever in doubt whether a situation or activity meets the College's ethical standards, the employee should ask his/her manager or Human Resources.

*This policy is not intended to infringe upon an employee's right to engage in protected concerted activity under Section 7 of the National Labor Relations Act ("NLRA"), 29 U.S.C. sec. 157. Employees have the right to discuss terms and conditions of employment and mutual work related concerns.*

#### *Defend Trade Secrets Act*

*Additionally, while all employees are expected to observe all relevant confidentiality policies of the College, employees should be aware that pursuant to the Defend Trade Secrets Act ("DTSA"), an individual shall not be held criminally or civilly liable under any Federal or State trade secret law for the disclosure of a trade secret that is made in confidence to a Federal, State, or local government official or to an attorney solely for the purpose of reporting or investigating a suspected violation of law. An individual shall not be held criminally or civilly liable under any Federal or State trade secret law for the disclosure of a trade secret that is made in a complaint or other document filed in a lawsuit or other proceeding, if such filing is made under seal. An individual who*

*files a lawsuit for retaliation by an employer for reporting a suspected violation of law may disclose the trade secret to the attorney of the individual and use the trade secret information in the court proceeding, if the individual files any document containing the trade secret under seal; and does not disclose the trade secret, except pursuant to court order.*

### **COMPLAINTS REGARDING ETHICAL BEHAVIOR**

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

A College employee may not: (1) retaliate against an employee or applicant for employment who had made a protected disclosure or who has refused to obey an illegal order, nor (2) directly or indirectly use or attempt to use the official authority or influence of his or her position for the purpose of interfering with the right of an applicant or an employee to make a protected disclosure to the College. It is the intention of the College to take whatever action may be needed to prevent and correct activities that violate this policy.

Nichols encourages employees to report unethical or questionable accounting, auditing or internal control matters as well as any policies, practices or action that the employee reasonably believes to be in violation of the law or public policy. If the problem is outside of the President's Council area in which you work, it should be reported to the President's Council member responsible for your area. If the problem concerns a member of President's Council, it should be reported directly to the President. If either of these avenues proves to be unsatisfactory, you should contact Andrea Becker, Assistant Dean in Academic Affairs. Ms. Becker has direct access to the College's Audit Committee, and will pursue resolution of the issue through them. The Audit Committee is composed of College trustees, and has overall responsibility for the integrity of the College's accounting and internal control systems. An individual who wishes to raise his or her concerns under this policy anonymously, he or she may do so using anonymous reporting tool Ethical Advocate via online <https://nichols.ethicaladvocate.com> or dedicated toll free phone line 866-873-5300.

Andrea Becker may be approached in person, contacted by telephone at (508) 213- 2388, or reached by e-mail at [andreabecker@nichols.edu](mailto:andreabecker@nichols.edu). All complaints will be investigated, and all matters will be held in confidence to the extent possible and permitted by law. To ensure unfettered, good faith reporting it is the policy of the College that no one who, in good faith, reports a suspected violation of law, policy or procedure will suffer any form of retaliation, or any adverse employment, academic or educational consequence on account of such report. It is the intention of the College to take whatever

action may be necessary to prevent and/or correct violations of this policy. The procedures established by this policy apply only to those acting in good faith.

### **GRIEVANCE PROCEDURE**

Nichols College is dedicated to the principle that employees are an important resource. Because Nichols believes in team effort and insists on an open atmosphere, it has developed a process for handling complaints in a fair and equitable procedure.

This procedure will not be used to effect changes in policies, such as hours of employment or rates of compensation.

If you feel that you have not received fair treatment, you have the undeniable right to proceed to the next step in this procedure. Below are the steps you can take to ensure that the procedure for the resolution of your concern is fair and equitable. These steps should be followed:

Step 1: Discuss the concern with your supervisor in an open and frank manner. If you do not receive an answer you feel is fair and equitable within seven (7) calendar days, or if your supervisor fails to respond, you may proceed to Step 2. Step 2 must be pursued within seven (7) calendar days of the receipt of the response, or if no response is received, within fourteen (14) calendar days of the discussion.

Step 2: You shall submit a written summary of the complaint and remedy requested to Human Resources. The complaint shall be signed by you and will include supporting documentation. Human Resources will conduct an independent investigation including discussions with you and your immediate supervisor. Interviews may take place with the Senior Administrator and/or other College personnel if appropriate. Within ten (10) working days of the receipt of the grievance, Human Resources will prepare a report which includes a written summary of the investigation and a recommendation of action. The findings will be submitted to you and your supervisor during a follow-up meeting with Human Resources. If you still believe the action to be unfair, you may proceed to Step 3.

Step 3: You should submit a written synopsis of your grievance to the Senior Administrator of the area. After investigation, the Senior Administrator will provide you with a written decision within seven (7) calendar days. The Senior Administrator may elect to:

- Uphold the earlier decision;

- Overturn the decision; or
- Initiate a Board of Review (in accordance with Step 4).

If you believe that your concern has still not been resolved in a fair and equitable manner, you may proceed to Step 5 within seven (7) calendar days of the decision.

**Step 4:** When a Board of Review is found necessary, it will consist of a chairperson (non-voting) and five (5) voting members. The Senior Administrator of the area where the complaint originates will appoint a chairperson who has no direct or indirect supervisory relationship to the complainant. The chairperson will appoint the voting members, subject to the approval of the complainant. Voting members will be from outside the complainant's department.

**Step 5:** If you are denied a Board of Review in Step 3, or if you believe that your concern still has not been resolved satisfactorily, you may appeal through a letter to the President of the College.

Within fourteen (14) calendar days of the letter to the President, the President or her/his designee will review all aspects and circumstances of the case as they pertain to the appeal and render a decision in writing to the employee. The decision of the President/designee is final.

### **Disciplinary Policies and Procedures**

The College relies on individual good judgment and sense of responsibility. Employees are expected to conduct themselves in an appropriate manner and maintain a high level of job performance.

It is the policy of Nichols College that any conduct that interferes with, or adversely affects employment is grounds for disciplinary action, ranging from verbal warnings to immediate termination. The College will, at its sole discretion, determine what disciplinary action is appropriate in a given situation.

Depending on the nature of the employee conduct in question or performance issue, the College will generally utilize progressive discipline. This means that employees will be given increasingly severe penalties each time they are disciplined. The purpose of progressive discipline is to provide employees with an opportunity to correct behavior and improve performance. The College will determine what type of corrective action is appropriate based on the specific circumstances.

A verbal warning is a clear indication that repetition of the offense may eventually call for more serious discipline.

A written warning is more serious, and it will become part of the employee's personnel file.

A disciplinary suspension can last a few days to a few weeks, and during that time the supervisor and Human Resources will investigate and decide whether further discipline is appropriate or necessary.

Finally, if performance and/or conduct are not corrected, termination may be appropriate. As noted, the company will determine what disciplinary action will be taken in any given situation, up to and including the immediate termination of employment.

Factors that may be considered in ascertaining the appropriate steps include:

- Seriousness of conduct;
- Employment record;
- Employee's ability to correct conduct;
- Action taken with respect to similar conduct by other employees;
- Effect on customers, other employees, and the business; and
- Surrounding circumstances.

In situations where employee misconduct is an issue, the College may conduct an investigation to determine what occurred and the employee's role in the situation. Employees are expected to cooperate with the investigation. When there is reason to believe that an employee has violated Nichols College policy, action will be taken that is consistent with this policy and appropriate given the specific circumstances.

Like all other policies, these disciplinary procedures are guidelines and do not create a contract of employment for any specific amount of time. As always, employees have the right to terminate their employment at any time, with or without reason, and Nichols College maintains the same right.

***Employees must be aware that Nichols College has a separate Nichols College Sexual Misconduct Policy and Nichols College Policy Against Discrimination, Harassment, and Retaliation. Those policies trump this handbook to the extent there are any conflicts.***

## **PAYROLL INFORMATION**

### **Non-Exempt Payroll and Time Sheet Policy**

All non-exempt (hourly) full- and part-time employees are paid bi-weekly on Fridays for work done the prior two (2) weeks (holidays notwithstanding). These procedures also apply to students who work on campus. To ensure accurate payrolls, each hourly employee must submit a weekly electronic time sheet detailing the hours worked in a given week. A standard work week begins on Sunday and ends the following Saturday.

Electronic time sheets should be maintained on a daily basis to accurately record the time worked. Time should be recorded in quarter hour (.25) increments. Each employee is asked to record the following amounts each day: time work started, amount of time taken for lunch break, amount of time taken for personal reasons, and time work ended.

At week's end, each employee should approve the time sheet and submit to his/her supervisor. The supervisor will review the time sheet for accuracy and approve or reject the time sheet. Once approved the supervisor will submit the employee's time sheet via the Payroll Time Entry database. If the payroll department has any questions, they will work directly with the department manager to resolve any discrepancies.

**All time sheets and staff compensation reports provided by department managers are due in Payroll each Monday no later than 12:00 p.m.** Each employee must make appropriate arrangements for the time sheet submission if absent on Friday/Monday. Please make every effort to be prompt. Payroll will not process additional check runs to accommodate late entries.

### **Exempt Payroll and Time Sheet Policy**

All exempt employees are paid bi-weekly. For record-keeping purposes, exempt employees are required to complete a bi-weekly time sheet using exception reporting and submit it to Payroll at the end of the pay period.

### **Payroll Deductions**

The College is required by law to make the following payroll deductions based on the W-4 Form submitted by its employees:

- Federal Income Tax;
- Social Security & Medicare Tax (FICA); and
- State Income Tax.

The following deductions may also apply:

- Health and Dental Insurance Premium;
- Voluntary Insurance Premium;
- Retirement Plan Contribution;
- Flexible Spending Accounts;
- Supplemental Retirement Accounts; and
- PFMLA

Nichols College takes all reasonable steps to ensure that employees receive the correct amount of pay and that employees are paid promptly on the scheduled pay day. In the unlikely event that there is an error in the amount of pay, employees should promptly bring the discrepancy to the attention of Human Resources. Corrections will be made as quickly as possible. In most cases, it will occur in the next scheduled pay day. All employees may file complaints or raise concerns regarding deductions from wages without fear of reprisal.

Nichols College prohibits improper deductions to employee pay (as stated in the FLSA regulations). Nichols College is committed to preventing improper deductions. Managers who are uncertain about whether a deduction is proper should seek guidance from Human Resources or Payroll before making or ordering the deduction. Managers who knowingly make or authorize improper deductions are subject to disciplinary action, up to and including termination. Employees with questions or complaints about any deductions to their pay should see their manager or Human Resources immediately for clarification or correction.

If an employee's wages are garnished by a court order (i.e. child support, etc.), the College is legally required to withhold the amount indicated in the garnishment order from the employee's paycheck, up to applicable maximums.

All deductions will be detailed on the employee's paystub and totaled each year on the Wage and Tax Statement Form W-2.

All questions regarding payroll deductions should be directed to Payroll. Questions pertaining to benefits should be directed to Human Resources.

### **OVERTIME PAY**

Occasionally, a non-exempt employee may be asked to work beyond the normal hours for which the employee was hired to work. Overtime is to be worked only at the request of the supervisor. The College's procedures regarding overtime pay are in strict compliance with the Fair Labor Standards Act, Section 7 and the Massachusetts Wage Act.

Non-exempt employees are compensated at the rate of one and one half (1- 1/2) times their regular hourly wage for any time in "active pay status" in excess to forty (40) hours per week, excluding Sunday and holiday pay, as noted below. For purposes of this policy, "active pay status" is defined as all hours worked or approved as paid leave. Vacation, sick leave, and holidays are included in the calculation of "active pay status" hours.

Double time will be paid for scheduled hours worked on Sunday, provided that the employee has worked on all six (6) preceding days of the work week. Double time will also be paid for employees required to work on College holidays. These double time hours are not counted in determining hours on active pay status for overtime purposes since these hours are already compensated at double time. If an employee has any questions regarding this policy, please check with Human Resources for clarification.

### **CALL-BACK PAY**

Employees eligible under the Fair Labor Standards Act for overtime (non-exempt) are eligible for Call-Back Pay. Employees called back after having completed their normal work schedule and leaving the College will receive a minimum of three (3) hours of pay at their regular rate of pay. If hours worked exceed three (3), the additional hours will also be paid at their regular rate of pay. Hours paid as call-back hours will be considered time

worked when computing overtime. The three (3) hour call-back provision of this policy shall not apply when an employee continues to work after the regular work schedule without leaving the work site or when an employee is called into work early and continues to work into the regular work shift. Additional information regarding this policy may be obtained from your supervisor.

### **DIRECT DEPOSIT**

All new employees are required to enroll in direct deposit of payroll checks. Money will be available in employee accounts on the pay day.

### **BENEFITS FOR DOMESTIC PARTNERS**

The domestic partners (as defined below) of employees and their qualified dependents may be eligible to participate in the following:

- Health Insurance;
- Dental Insurance;
- Education Benefits; and
- Employee Assistance Program.

Nichols employees may designate only one person as their domestic partner, and each must be the sole partner of the other.

Domestic partners must:

- Be at least eighteen (18) years and mentally competent to consent to a civil contract;
- Not be married to, or legally separated from, any other person; and not be in another domestic partnership.

To enroll an eligible domestic partner, the employee may request a “Declaration of Domestic Partnership” from Human Resources. The Declaration must be completed and signed by both parties before benefits begin.

The dollar value of the domestic partner benefit may be considered as taxable income to the employee. Please contact Human Resources for details.

### **JOB POSTINGS**

When a position becomes available, it is generally the policy of Nichols College to post it on the College’s website and outside recruitment sites.

It is the College’s policy to hire the best qualified candidate for the position. Qualified internal candidates are encouraged to apply. (See Promotions and Transfers.)

From time to time, circumstances may warrant an appointment without written postings. The College reserves its right to take such actions.

### **PROMOTIONS AND TRANSFERS**

An employee may request a transfer from one job or department to another job or department after said job is posted. Such a request need not be in the nature of a promotion; lateral moves are allowed. Requests for transfer must first be submitted to Human Resources unless the job posting specifies otherwise. Except in an extraordinary circumstance, a new employee's request for transfer will be considered only after he/she has been employed for, at least, six (6) months at the College in the same position.

Frequent job transfers will not be permitted; therefore, a subsequent transfer to another job or department will only be granted after two (2) continuous years of service after the first transfer was made.

In most cases, the current department must release the employee to be transferred within a reasonable time period, but not to exceed four (4) weeks. In some exceptional cases, the department head may request a delay in the promotion or transfer provided the employee is informed and a timeframe has been established. The request must be made to Human Resources. The new department head must be in agreement with the requested arrangement.

Employees promoted or transferred from one department to another will be paid the rate of pay of the new position when the promotion/transfer becomes effective. Accordingly, in some cases a transfer will involve a pay decrease. Human Resources will inform interested and qualified candidates as to whether the transfer will result in an increase, a decrease, or no change in salary.

### **POLICY REGARDING STAFF WHO TEACH**

College administrators with appropriate credentials and permission of their supervisor and the Vice President for Academic Affairs and Dean may be granted permission to teach classes at Nichols under the following guidelines:

1. Staff interested in teaching assignments make the interest known to the appropriate program chair.
2. Day assignments will normally be scheduled for the beginning or end of the day unless the individual's work hours are outside the typical 8:30am – 4:30pm office hours.
3. Compensation for teaching courses will be made at the same rate of pay as full-time faculty receive for teaching an extra assignment

Exceptions to this policy must be approved by the President's Council member of the appropriate area, and a written copy of the approval and the adjusted work schedule

forwarded to Human Resources. The College reserves its right to grant or withhold approval to teach at its sole discretion.

**Maximum Teaching Load**

	Per Semester (Fall, Spring, Summer)
Full-Time Faculty	15 credit hours
Professional Staff	3 credit hours
Adjunct Faculty	9 credit hours

***The credit hours are based on equivalent pay credit not student academic credit.***

**ACCEPTABLE USE OF INFORMATION TECHNOLOGY RESOURCES**

**Purpose**

The purpose of this policy is to outline the acceptable uses of computing and information technology resources for the Nichols College community. This policy outlines the standards for acceptable use of college computing and information technology resources that include, but are not limited to, equipment, software, networks, data, and telecommunications equipment, whether owned, leased, or otherwise provided by Nichols. This policy is intended to reflect the College’s commitment to the principles, goals, and ideals described in the Nichols Mission Statement. This policy is not intended to infringe upon an employee’s right to engage in protected concerted activity under Section 7 of the National Labor Relations Act (“NLRA”), 29 U.S.C. sec. 157. Employees have the right to discuss terms and conditions of employment and mutual work related concerns.

**Coordination with Other Policies**

Users of information technology resources at Nichols College are advised that other college policies, including those for Human Resources, and the faculty and student handbooks, and notably those policies governing copyright and intellectual property compliance, may be related to use of information technology resources, and that those policies must be observed in conjunction with this policy.

Additionally, laws (including, but not limited to FERPA, HIPAA, etc.) and College policies relating to disclosure of confidential information must be observed.

## **Access to and Expectations of Persons Using Information Technology Resources**

It is the policy of Nichols to maintain access for its community to local, national and international sources of electronic information in order to provide an atmosphere that encourages the free exchange of ideas and sharing of information. Nichols maintains a variety of information technologies for use as resources for people, catalysts for learning, increased access to technology, and an enriched quality of learning. Access to this environment and the College's information technology resources is a privilege and must be treated with high ethical and legal standards.

Preserving the access to information resources is a community effort that requires each member to act responsibly and guard against abuses. Therefore, both the Nichols community as a whole and each individual user have an obligation to abide by the following standards of acceptable and ethical use:

- Use only those computing and information technology resources and data for which you have authorization and only in the manner and to the extent authorized;
- Use computing and information technology resources only for their intended purpose;
- Protect the access and integrity of computing and information technology resources;
- Abide by applicable laws and College policies and all applicable contracts and licenses, and respect the copyright and intellectual property rights of others, including the legal use of copyrighted material; and
- Respect the privacy and personal rights of others.

Access to Nichols information technology and computing resources is a privilege granted to students, faculty and staff of Nichols. The College extends access privileges to individual users of the College's information technology and computing resources. The extension of these privileges is predicated on the user's acceptance of and adherence to the corresponding user responsibilities detailed in this policy. The College reserves its right to limit, restrict, or extend access to information technology resources.

### **Application**

This policy applies to all users of Nichols computing and information technology resources, including faculty, staff, students, alumni, guests, external individuals or organizations and individuals accessing external network services, such as the internet via College facilities. The Chief Information Officer will determine operational policies, networking standards, and procedures to implement the principles outlined in this policy. The Information Technology Department (IT) has the right to protect shared information technology resources.

## **Ownership**

Nichols College assumes and reserves ownership of all data, files, messages, and programs stored in its computer systems. Users cannot claim ownership of any data stored in Nichols College computer systems. Cooperation with any system administrator requests regarding user computer activities is required.

During working hours, employees should use the Internet and e-mail for College related business only. Employees should never use the Internet or e-mail for unlawful purposes or for any purpose that violates College policies. Even if a specific website can be accessed, it does not imply that the site is in compliance with Nichols' policies. Employees should have no expectation of privacy with respect to their use of Nichols provided Internet access.

Similarly, the College reserves the right to monitor all e-mail messages and accounts. As the e-mail accounts are College property, employees should have no expectation of privacy with respect to their use of e-mail whether for business or personal use. However, this policy is not intended to prohibit any communications allowed by law. More specifically, nothing herein shall prevent employees from using Nichols e-mail for activity protected by the National Labor Relations Act during non-working time.

Under certain circumstances, including but not limited to issues of system integrity, sexual harassment, discrimination, or suspicion of illegal use of computer resources; at the direction of the President of the College, Chief Information Officer, or Dean of Student Services, the system administrator may access e-mail stored in user accounts.

## **Copying Copyrighted Materials (software, music, videos)**

Respect for the intellectual work and property of others has traditionally been essential to the mission of academic institutions. As members of the academic community, Nichols College values the free exchange of ideas. Just as Nichols College does not tolerate plagiarism, it does not condone the unauthorized copying of any copyrighted materials. The copying of these types of materials without the permission of its owner is illegal and a criminal offense.

## **Storage/Copying of Confidential Information**

Nichols maintains systems that store a significant amount of confidential information on faculty, staff, students, donors, prospects, vendors, etc. Access to this information is restricted based on a need to know. Under no circumstances is any of this information to be copied or exported off the server and stored on a laptop/portable computer, home computer, PDA (such as a Blackberry or similar device), or removable storage media including, but not limited to, CD/DVD, USB key/thumb drive, or IPOD/MP3 players.

It should also be understood that e-mail messages, which have file attachments containing confidential information, run the same risk of exposure as files on removable storage media, laptops, or PDAs. Therefore, confidential information must not be attached to any e-mail messages.

## **Use of College-Assigned Usernames and Passwords**

Nichols College assigns usernames and passwords to individuals to provide users with access to specific information and system resources, based on the needs of their job function. Under no circumstances are users to share usernames and passwords with anyone else, unless requested to do so by a system administrator for the purpose of troubleshooting a system issue. Sharing of this information will be construed as circumventing the College's security practices and procedures, and will expose that user to the risk of disciplinary action. Any need for system access to data or resources must be processed as a request through the appropriate channels, so that appropriate authorizations can be obtained and documented.

## **Right to Monitor and Access**

The campus computer systems linked together on a common fiber-optic network are owned by Nichols College or, in some cases, are privately owned as personal computers brought to campus by faculty, staff, or students. Regardless of ownership, every computer attached to the campus network for any reason (e.g., internet connectivity, e-mail accessibility, etc.) is subject to monitoring by the IT staff.

**Devices and information stored on the Nichols College network are not private.** Thus, any information users input or transmit on the Nichols College network can and may be reviewed by the College without prior notice to them, even if that information is protected by an individual password. Nichols College explicitly reserves the right to access, monitor, review, copy or delete any information stored or transmitted on any device on the College network at any time as the College deems appropriate. This may include random, unannounced audits to ensure that the College's information systems are being used in accordance with this policy.

## **Uses**

In general, the Nichols community shall use College information technology resources (which include privately-owned computers connected to the College network) in connection with the College's core teaching, research, and service missions. Uses that do not significantly consume resources or interfere with other users also are acceptable, but may be restricted by IT. Under no circumstances shall members of the College community or others use College information technology resources in ways that are illegal, that threaten the College's tax exempt or other status, or that interfere with reasonable use by other members of the College community. Any use of College information technology resources, including network infrastructure, for commercial purposes is prohibited.

## **Sanctions for Violations**

Failure to comply with the appropriate use of computing and information technology resources threatens the atmosphere for the sharing of information, the free exchange of ideas, and the secure environment for creating and maintaining information property and subjects one to disciplinary action. Any member of the Nichols community found using

computing and information technology resources in violation of this policy is subject to existing disciplinary procedures including, without limitation, suspension of system privileges, expulsion from school, termination of employment and/or legal action as may be appropriate. Nichols College also reserves the right to confiscate any privately-owned equipment that is used during the violation of this Acceptable Use Policy.

### **Review of the Policy**

This policy may be assessed from time to time to reflect substantive change as a result of changes to the Nichols information technology resources and/or changes in legal statutes that impact information technology resources, copyright, or other intellectual property issues. The Chief Information Officer is responsible for determining when the policy needs to be reviewed and the process for review and revision.

### **SOCIAL MEDIA POLICY**

Nichols College recognizes that Internet-provided social media can be highly effective tools for sharing ideas and exchanging information. Nichols College uses social media to promote the College's visibility and maintain communications with current and prospective students, employees, faculty, staff, customers, business partners, vendors and suppliers, affiliates and subsidiaries, other members of the Nichols College community, and the general public. Nichols College is also concerned with ensuring that use of social media serves the College's need to maintain Nichols College's brand identity, integrity, and reputation while minimizing actual or potential legal risks.

This policy addresses appropriate use of social media to convey College information, whether such media is used in or outside the workplace. Nothing in this policy shall be construed to limit employees' rights under *Section 7 of the National Labor Relations Act, 29 U.S.C. sec. 157*.

### **Employee Responsibilities When Using Social Media**

Employees who use social media should be mindful of their responsibilities to the College at all times. Online postings can remain on the Internet indefinitely and content posted to private websites does not always stay private.

Nichols College strives to maintain a professional work environment and considers harassment in all forms to be a serious offense. Employees must not use social media to post or display comments about coworkers, managers, supervisors, students, faculty, staff, members of the administration, Board of Trustees, or other members of the Nichols College community that are vulgar, obscene, threatening, intimidating, harassing, or a violation of College's workplace policies against discrimination, harassment, or hostility on basis of race, color, religious creed, retaliation, national origin, ancestry, sexual orientation, gender, gender identity/expression, disability, mental illness, genetics, choice of health insurance, marital status, age, veteran status, or any other basis prohibited under applicable law.

## **General Social Media Guidelines**

Nichols College defines **social media** broadly to include online platforms that facilitate activities such as professional or social networking, posting commentary or opinions, and sharing pictures, audio, video, or other content. Social media includes personal websites and all types of online communities (for example, Facebook®, LinkedIn®, Yelp®, Pinterest®, YouTube™, Twitter™, blogs, message boards, and chat rooms).

Nichols College recognizes that employees might have their own personal social media webpages. As such, the College respects employees' right to express personal opinions when using personal social media webpages and does not retaliate or discriminate against employees who use social media for political, organizing, or other lawful purposes. Nichols College encourages employees to link to the College's external or internal website or social media webpages from personal social media webpages as long as those personal pages follow the employee responsibilities outlined below.

Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that conduct that adversely affects your job performance, the performance of fellow employees or otherwise adversely affects members of the College community, or the College's legitimate academic and business interests may result in disciplinary action up to and including termination.

### **Be respectful**

Always be fair and courteous to current, prospective and former employees, students, faculty, customers, business partners, vendors, suppliers, affiliates and subsidiaries, competitors, and other members of the Nichols College community.

Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or by utilizing the Grievance Procedure outlined in this Handbook than by posting complaints to a social media outlet.

### **Be honest and accurate**

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false.

### **Post only appropriate and respectful content**

Maintain the confidentiality of Nichols' trade secrets and private or confidential information. Trade secrets may include information regarding the development of systems, processes, products, know-how and technology. Do not post internal reports, policies, procedures or other internal business-related confidential communications.

Do not create a link from your blog, website or other social networking site to a Nichols website without identifying yourself as a Nichols employee. Express only your personal opinions. Never represent yourself as a spokesperson for Nichols College. If Nichols is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of Nichols, fellow employees or members of the Nichols community.

If you do publish a blog or post online related to the work you do or subjects associated with Nichols, make it clear that you are not speaking on behalf of Nichols. It is best to include a disclaimer such as “The postings on this site are my own and do not necessarily reflect the views of Nichols College.”

### **Using social media at work**

Refrain from using social media while on work time or on equipment we provide, unless it is work-related as authorized by your manager or supervisor or consistent with other policies within this Handbook. Do not use Nichols College e-mail addresses to register on social networks, blogs or other online tools utilized for personal use.

Employees cannot advertise or sell College products via social media websites without prior written approval from the Director of Web and Social Media.

Nichols College protects its premises, including employees, customers, and guests on College premises. Employees must be mindful that any posting they make on social media (including recording audio/video or taking pictures on College premises) reflects on the College.

### **Violations of Nichols’ Social Media Policy**

Nichols College strongly urges employees to use official College communications to report violations of the College’s Social Media policy, including security breaches, misappropriation or theft of proprietary organization information, and trademark infringement. Employees can report actual or perceived violations to their managers, other managers, or to Human Resources.

Employees who violate the College’s Social Media policy are subject to discipline, up to and including termination. Employee violations of Nichols College’s Social Media policy also can constitute violations of other relevant College policies. Employees who use social media for defamatory or other illegal purposes are subject to appropriate legal action by the College or governmental entities.

### **Retaliation is prohibited**

Nichols prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

## **Media contacts**

Employees should not speak to the media on Nichols College's behalf without contacting the Director of Public Relations. All media inquiries should be directed to same.

*This policy is not intended to infringe upon an employee's right to engage in protected concerted activity under Section 7 of the National Labor Relations Act ("NLRA"), 29 U.S.C. sec. 157. Employees have the right to discuss terms and conditions of employment and mutual work related concerns.*

## **BENEFITS**

The following is a list of the current benefits that may be offered to eligible employees. Benefits are granted based on employee status and may be modified at the discretion of the President and with notice to the community. Additional information or questions regarding benefits should be directed to Human Resources.

- Medical Insurance;
- Dental Insurance;
- Medical/Dental Insurance Continuation – COBRA;
- Flex Spending Account;
- Disability Insurance;
- Life Insurance (Voluntary Whole/Term Life);
- Vision Insurance (Voluntary);
- Education Benefits;
- Retirement Plans;
- Employee Assistance Program;
- Leaves of Absence:
  - ❖ Bereavement;
  - ❖ Court and Jury Duty;
  - ❖ Family and Medical Leave Act;
  - ❖ Parental Leave;
  - ❖ Military Leave;
  - ❖ Personal Leave;
  - ❖ Sick Leave; and
  - ❖ Domestic Violence Leave.
- Social Security/Medicare;
- Unemployment;
- Personal Days;
- Holidays;
- Vacations (Non-faculty only); and
- Workers' Compensation.

## **Medical Insurance**

The College offers several medical insurance programs from which to choose. Information packets and employee premium contribution rates are available from Human Resources. Please review the information to determine which plan best serves your needs and contact Human Resources if you have questions. Open enrollment occurs annually between the months of May and June, and changes are effective on July 1<sup>st</sup>.

## **Dental Insurance**

The College offers dental insurance for all benefits-eligible employees. Information packets and employee premium contribution rates are available from Human Resources. Please refer to the plan description available from Human Resources for details of coverage and claims procedure. Open enrollment occurs annually between the months of May and June, and changes are effective on July 1<sup>st</sup>.

## **Medical/Dental Insurance Continuation (COBRA)**

COBRA is a statute that provides for the continuation of group health insurance coverage for members and/or “qualified beneficiaries” when coverage would end because of the following reasons:

- Loss of coverage of a member or qualified beneficiary due to a reduction in benefit eligible employment hours or termination of benefit eligible employment, excluding termination for gross misconduct;
- Loss of coverage of a qualified beneficiary due to divorce or legal separation;
- Loss of coverage of a qualified beneficiary due to death of a member;
- Loss of coverage of a qualified beneficiary due to the member’s entitlement to Medicare benefits; and
- No longer meeting the eligibility requirements as a member’s dependent.

The maximum period of continuation under COBRA is eighteen (18) months for individuals who qualify due to termination of employment or reduction in hours. If an employee qualifies due to death, divorce, entitlement to Medicare or ceases to be an eligible dependent child, he/she has the right to elect to continue coverage for up to thirty-six (36) months from the date of the qualifying event.

At the end of the designated continuation period, the employee may be allowed to convert to an individual policy directly through the carrier. The employee has sixty (60) days to decide to take advantage of COBRA coverage and notify Human Resources. If the employee fails to do so during the sixty (60) day period, then coverage continuation rights will automatically end. The employee or beneficiary may elect to continue coverage by paying the full cost of coverage under the College’s group rates, plus a two percent (2%) administration fee. Failure to make timely payments within thirty (30) days of the established due date will result in permanent cancellation of coverage. If the College terminates employment, the employee will be sent notification regarding his/her rights

and obligations under COBRA. Otherwise, the employee or qualified beneficiary is responsible for informing Human Resources of any circumstances under which continuing coverage under COBRA would apply.

### **Flex Spending Account (FSA)**

You fund your FSA with contributions that come out of your paycheck. You can choose the amount to contribute, up to a maximum determined by your employer. One great advantage of an FSA is that your contributions are taken out before you pay taxes, so you don't pay taxes on your contributions and your money goes further. You can use your FSA for qualified health care expenses that include: copayments and co-insurance for health care provider visits and prescriptions; medical/prescription costs that count toward the deductible; certain over-the-counter medical products.

One of the best things about an FSA is that you can save on your taxes. For example, say you're in the 30 percent (30%) federal tax bracket and contribute one hundred dollars (\$100) each month to your FSA. Your taxable income will decrease by one hundred dollars (\$100), saving you thirty dollars (\$30) in tax.

### **Disability Insurance**

The College provides disability insurance for all benefits-eligible employees. Short-Term Disability benefits are seventy percent (70%) of salary, payable on the eighth (8<sup>th</sup>) day for an illness and the first day for an accident, for up to one hundred-eighty (180) days. On the 180<sup>th</sup> day of disability, Long-Term Disability benefits take effect, payable at sixty-six and two thirds (66 2/3%) of salary. Information on application procedures and payment duration are available from the Human Resources department. Both Short-Term and Long-Term Disability benefit payments may be adjusted based on other income. Contact Human Resources for more information.

### **Life Insurance**

The College provides Group Life Insurance in an amount equal to two times the annual salary per the policy schedule of insurance. This benefit has a double indemnity clause in the event of accidental death or dismemberment. For employees with an annual salary greater than \$25,000, a portion of the College-paid premium is taxable, and the employee's last paycheck in the calendar year will be adjusted accordingly. Upon termination, the life insurance policy is portable. Further information is available from Human Resources.

### **Education Benefits**

#### **Tuition Remission**

As an academic institution, Nichols College is dedicated to the pursuit of knowledge and intellectual growth of its faculty, staff, and students. To assist with this growth, Nichols offers tuition remission benefits to all employees. Employees who have been in continuous service at Nichols for at least two (2) years, may take up to 6 undergraduate

credits per semester, plus one (1) one-credit course per semester at Nichols College for which tuition will be remitted.

Employees who have been in continuous service at Nichols for at least two (2) years, may take up to 6 graduate credits per semester, plus one (1) one-credit course per semester at Nichols College for which tuition will be remitted. Classes must not interfere with the employee's regular work schedule. A tuition remission form must be completed in Docfinity and approved by Human Resources.

Dependent children and spouses of full-time employees will receive tuition remission for undergraduate classes only as space is available in courses at the College after two (2) years of continuous employment. Tuition charges for undergraduate classes for spouses and dependent children will be fully remitted. The remission program does not apply to room, board, application, registration, laboratory, graduation, student activity fees, study abroad programs or books. A Tuition Remission form must be completed in Docfinity and approved by Human Resources. Upon the termination of a full-time employee, the tuition remission benefit will end immediately. Upon the death of a full-time employee, dependent children enrolled in an undergraduate program may continue to participate in the tuition remission privileges provided all academic requirements are satisfied and full-time continuous status is maintained.

### **Graduate Assistant**

Nichols College offers tuition remission benefits to all Graduate Assistants. There is no limit to the number of credits a Graduate Assistant can take in a semester. A tuition remission form must be completed in Docfinity before classes begin. Graduate Assistant's must be accepted and enrolled into program prior to hire.

### **Tuition Exchange Program**

The Tuition Exchange Program is available only to full time employees who have been in continuous service at Nichols for at least two (2) years, and applies strictly to undergraduate programs at colleges that participate in the exchange network. Employees can choose, on behalf of their spouses and dependent children, participating schools from two (2) networks, the Tuition Exchange Program or Consortium of Independent Colleges. After the application is approved, spouses and dependent children of Nichols College employees are eligible for the exchange program for undergraduate programs only. The exchange program does not apply to room, board,

application, registration, laboratory, study abroad programs, graduation, student activity fees or books.

The Tuition Exchange Program is limited and not guaranteed. It is based on availability, balance and discretion.

Upon the death of a full-time employee, dependent children enrolled in an undergraduate program may continue to participate in the tuition exchange privileges provided all academic requirements are satisfied, they are in good standing with the college, and full-time continuous status is maintained.

Payments in lieu of tuition credits will not be granted.

### **Tuition Reimbursement**

To the extent there exists an *undergraduate or masters-level course of study*, not available at Nichols, that,

- (i) is deemed “strategically related” to the job function of a Nichols full or part time employee by that employee’s immediate supervisor, and by the appropriate Vice President at the College with ultimate oversight of the employee;
- (ii) is approved in advance by the employee’s immediate supervisor and Vice President;
- (iii) has been paid for in full by the employee; and
- (iv) has been “successfully completed” by the employee (a grade of “C” or higher for an undergraduate course; “B” or higher for a graduate course),

Nichols will reimburse the employee one-half (1/2) of the tuition for a maximum of three (3) credit hours per semester. The reimbursement program does not apply to room, board, application, registration, laboratory, graduation, student activity fees, study abroad programs or books.

To the extent there exists a *Ph.D. or DBA* program that (i) is deemed strategically important for Nichols College accreditation purposes by the Vice President for Academic Affairs; and (ii) is approved by both the Vice President of Academic Affairs and the Vice President for Business and Finance at least one (1) year in advance, Nichols may reimburse the employee a fair proportion of the cost of the program (based upon, among other things, budget conditions, allowances, and restrictions and the cost of the program) to be mutually agreed upon by the College and the employee. The agreement reached between the College and the employee may include a required period of continuing service post successful completion of the program by the employee.

## **Retirement Plans**

Employees over the age of twenty-five (25) and normally scheduled to work at least twenty (20) hours per week or more, are eligible and required to participate in the Nichols 403(b) plan after one year of continuous employment. If you are not normally scheduled to work at least twenty (20) hours per week, then you are not required to participate even if you periodically end up working over twenty (20) hours per week. All employees except employees not scheduled to work twenty (20) hours or more each week and Student Employees may make voluntary deferrals upon date of hire.

After the age 25/one (1) year eligibility requirements are met, a five percent (5%) mandatory reduction is made from the employee's gross earnings and the College contributes seven percent (7%). Upon date of hire eligible employees can make voluntary contributions into the Nichols 403(b) up to the allowable limits regulated by the IRS. Full details of these plans are available in Human Resources.

## **Employee Assistance Program**

Nichols College has an Employee Assistance Program (EAP) which provides confidential assistance to those who are having personal problems due to physical or emotional difficulties, including: chemical dependency, alcoholism, drug use, co-dependency, legal concerns, and marital, family or emotional stress.

Nichols recognizes that problems like these may impact employees' well-being and can negatively impact job performance. The College believes most of these problems can be resolved with early identification and appropriate care. Therefore, supervisors may request that employee to seek care if the problem is adversely impacting job performance.

In using the Employee Assistance Program, employees have the opportunity to talk to experienced counselors. Where appropriate, referrals will be made to community agencies that have been screened by the EAP staff to assure that the best care will be provided. For more information, contact Human Resources.

The Nichols College Employee Assistance Program offers help that is comprehensive – providing help for employees having personal problems due to physical or emotional difficulties. The Employee Assistance Program's counseling, referral, or treatment is completely confidential for Nichols' employees and members of their immediate family.

Nichols' EAP administrator, **Employee Connect**, can be reached twenty-four (24) hours a day at **(888) 628-4824** or visit [www.lincoln4benefits.com](http://www.lincoln4benefits.com) or [www.guidanceresources.com](http://www.guidanceresources.com).

## **Social Security/Medicare**

Social Security & Medicare (FICA) payments are withheld from an employee's salary as provided by law. The amount is matched by a required contribution from the College.

## **Unemployment Compensation**

If your services are terminated by the College due to factors not within your control, you may be eligible for unemployment compensation as long as you are actively seeking other employment. Information regarding unemployment compensation will be provided at termination or upon request from Human Resources.

## **Leaves of Absence**

### **Bereavement Leave**

In the event of a death in the immediate family, an employee will be given up to three(3) days of bereavement leave with pay. Immediate family is intended to include parent(s), spouse/domestic partner, child(ren), grandparent, grandchild(ren), and sibling(s). Employees may take one (1) day of bereavement leave in the event of the death of a mother/father-in-law, or son/daughter-in-law.

When possible, Nichols will allow the usage of vacation hours or unpaid leave for the deaths of other relatives, friends, or co-workers.

### **Court and Jury Duty**

Employees may serve on a jury or serve as court witnesses when subpoenaed without loss of pay. Your regular salary will be paid to you the first three (3) days of the trial. After the first three (3) days, the College will pay the difference between the jury duty fee and the regular earnings. A letter from the court stating the days served and the amount paid should be submitted to the Payroll Office as soon as possible following jury service.

### **Time Off to Vote**

Employees are encouraged to exercise their right to vote. When possible, employees are expected to do so before or after work. Upon request, employees may apply for a leave of absence to vote during the two (2) hours after the polls open in the employee's district.

### **Family and Medical Leave Act**

Nichols College understands the importance of family issues to today's workforce. Because employees may find it necessary to take leave from their jobs for a temporary period to address certain family responsibilities or their own serious health conditions, and in order to comply with the Family and Medical Leave Act of 1993 (FMLA), Nichols hereby establishes its Family and Medical Leave Policy.

Nichols will grant an eligible employee (an employee who has been employed at least twelve (12) months and has worked at least one thousand two-hundred fifty (1,250) hours during that twelve (12) month period) unpaid leave for up to twelve (12) weeks during a twelve (12) month period if the procedures in this policy are followed and leave is requested for one or a combination of the following reasons:

1. Birth of an employee's child or to care for the new born child.

2. Placement of a child with the employee for adoption or foster care.
3. To care for an employee's spouse, child or parent who has a serious health condition.
4. The employee's own serious health condition which makes the employee unable to perform the essential functions of the employee's job.
5. Qualifying exigent circumstances arising out of the fact that an employee's spouse, child or parent is a "covered military member" on active duty or on an impending call to active duty.
6. To care for an employee's spouse, child, parent or next of kin who is a covered service member with a "serious injury or illness."

## Definitions

"Serious Health Condition" is defined as an illness, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider, as those terms are further defined by applicable law and regulations. A serious health condition of an employee may result from injury on or off the job. Employees will be required to use FMLA leave concurrently with their Workers' Compensation or Disability leave.

"Qualified Exigency Leave" is leave to attend to certain "exigencies" when a spouse, child or parent of the employee is on active duty or is called to active duty. An employee can qualify for this type of leave for the following reasons:

1. Short- notice deployment:  
to address issues arising from the fact that a covered military member is notified of an impending call or order to active duty ("call to duty") seven calendar days or fewer before the date of deployment.
2. Military events and related activities:  
to attend official ceremonies, programs, or events sponsored by the military, to attend family support and assistance programs, or briefings.
3. Childcare and school activities:  
to arrange alternate or urgent childcare or school arrangements or attend certain school activities or meetings because of the call to duty.
4. Financial and legal arrangement:  
to make or update financial or legal arrangements directly related to the covered military member's absence, such as preparing and executing financial and healthcare documents or a will; to represent

the covered military member before any agency for the purpose of obtaining, arranging, or appealing military service benefits during the call to duty and for ninety (90) days thereafter.

5. Counseling:

to attend counseling provided by someone other than a healthcare provider for oneself, for the covered military member, or for an eligible child, provided that the need for counseling arises from the call to duty.

6. Rest and recuperation:

to spend time with a covered military member who is on short-term, temporary rest and recuperation leave during the period of deployment (five (5) days of leave on each occasion).

7. Post-deployment activities:

to attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of ninety (90) days following the termination of the covered military member's active duty; to address issues arising from the death of a covered military member while on active duty status.

8. Additional activities:

to address other events which arise out of the covered military member's active duty or call to active duty status if Nichols and employee agree.

If you are in a situation where a family member has received orders to report for active military duty, please let Human Resources know as soon as possible so that we may work with you to determine if you qualify for FMLA leave.

“Military Caregiver Leave” is leave needed to care for a covered service member whose spouse, child, parent or next of kin has a serious injury or illness which renders the service member unfit for military duty. An employee may take up to twenty-six (26) weeks of Military Caregiver leave. This is the only situation where an employee will be allowed to take more than 12 weeks of FMLA leave in any twelve (12) month period. If you are in a situation where a family member has been injured or has an illness related to active military duty, please let Human Resources know as soon as possible so that we may work with you to determine if you qualify for FMLA leave.

Employees are limited to a maximum of twelve (12) weeks unpaid leave for any of the aforementioned purposes, but an employee cannot take twelve (12) weeks paternal leave and twelve (12) weeks sick leave during the same twelve (12) month period. If the leave is for birth, adoption or foster care placement, the leave must be completed within twelve

(12) months of the date of birth or placement. If a husband and wife both work at Nichols and are eligible for leave, they are only entitled to a combined twelve (12) weeks of leave.

An employee taking leave for personal illness or to care for a sick family member need not take such leave continuously, but may take it on an intermittent basis or by reducing the employee's scheduled work hours, providing the employee provides certification from the health care provider caring for the employee or for the family member, that the leave must be taken in that manner. Requests for intermittent or reduced schedule leave after the birth, adoption, or foster care placement of a child are subject to the consent of the employee's department head. The initial request should be made to Human Resources.

The FMLA is an unpaid leave, but employees may choose to use accrued paid leave (vacation, sick time, personal days) to cover some or all of the FMLA leave taken. In some cases, Nichols may require the substitution of accrued vacation time for any of the situations covered by the FMLA. All absences due to disability or worker's compensation will run concurrently with the FMLA and will count towards the employee's FMLA leave entitlement (i.e., an employee will be out of work for six (6) months due to a worker's compensation injury, the first twelve (12) weeks will be designated as FMLA; therefore, the employee could not take the six (6) months worker's compensation time and then expect twelve (12) more weeks of FMLA leave).

Employees should provide written notice of their need for leave for a reason that qualifies under FMLA to the Office of Human Resources. An employee who takes FMLA leave may be asked to provide a fitness for duty (FFD) clearance from their health care provider before returning to work. The written request for leave must be given at least thirty (30) days prior to the start of the leave. If the reason for the leave could not have been foreseen thirty (30) days in advance, the written notice should be given as soon as possible before the leave. Written notification should include:

1. The reason for the requested leave; and
2. The start date and the actual or estimated return to work date.

Failure to give enough notice could result in your leave being delayed or denied.

Employees taking leave due to their own Serious Health Condition or that of a family member will be required to submit a medical certification form completed by the health care provider in order to demonstrate entitlement to FMLA leave. This medical documentation should state whether a block of leave is needed, or whether intermittent leave or reduced hour leave is sufficient. Employees taking a Qualified Exigency leave or a Military Caregiver leave will also be required to submit a completed certification form, which will be supplied by Human Resources. If you do not provide the requested medical or military leave certification, your FMLA leave may be delayed or denied. If the College has a question about your certification, it may ask you for clarification, or may ask that you seek a second, or third, opinion. The College expects your full cooperation.

### **Employment Status and Benefits as a Result of FMLA Leave**

### Returning to Your Former Position

Employees returning no later than the expiration of FMLA leave are entitled to return to the same job or an equivalent position. You will not lose any benefits accrued prior to taking your leave (**with the exception of the paid vacation and personal time required to be used during this leave**).

### Continuation of Health Care Benefits

Eligible employees are entitled (but not required) to maintain their group health coverage during their leave. The employee is responsible for making a weekly payment equal to that which is normally deducted from their paycheck each week for medical coverage. Arrangements for these payments must be made at the time the leave is granted. There is a thirty (30) day grace period for non-payment of these costs. After such time, a letter of cancellation of benefits will be sent to the employee with another fifteen (15) day grace period. If payment is not made during that time, the benefit(s) will be cancelled without further notification. If a payment is missed at the end of the leave, a deduction will be made from your paycheck, along with the regular weekly deduction, upon your return.

If an employee does not return to work after the expiration of the FMLA leave, their employment with the College may be terminated, and the College may proceed to recover from the employee all premiums it paid to maintain health coverage for the employee during the leave.

Any questions regarding the FMLA policy should be directed to the Human Resources department.

More information, including federal guidelines on the Family And Medical Leave Act, is available from Human Resources.

### **Massachusetts Paid Family and Medical Leave**

#### **Notice of Benefits Available Under M.G.L. Chapter 175M Paid Family and Medical Leave**

##### ***Beginning on October 1, 2019:***

- Employers will deduct payroll contributions from a covered individual's wages or other earnings to fund PFML benefits.

##### ***Beginning on January 1, 2021:***

- Covered individuals may be entitled to up to 20 weeks of paid medical leave in a benefit year if they have a serious health condition that incapacitates them from work.

- Covered individuals may be entitled to up to 12 weeks of paid family leave in a benefit year related to the birth, adoption, or foster care placement of a child, or because of a qualifying exigency arising out of the fact that a family member is on active duty or has been notified of an impending call to active duty in the Armed Forces.
- Covered individuals may be entitled to up to 26 weeks of paid family leave in a benefit year to care for a family member who is a covered service member with a serious health condition.

***Beginning on July 1, 2021:***

- Covered individuals may be entitled to up to 12 weeks of paid family leave to care for a family member with a serious health condition. Covered individuals are eligible for no more than 26 total weeks, in the aggregate, of paid family and medical leave in a single benefit year.

***Who is a Covered Individual Under the Law?***

Generally, a worker qualifies as a covered individual and may be eligible for paid family and medical leave if:

- S/he is paid wages by a Massachusetts employer; or
- S/he resides in Massachusetts and is paid for contract services by a Massachusetts entity that is required to report payment for services on IRS Form 1099-MISC for more than 50 percent of its workforce; or
- S/he is a self-employed individual who resides in Massachusetts and chooses to opt-in to the program.

***Job Protection***

Generally, an employee who has taken paid family or medical leave must be restored to the employee's previous position or to an equal position, with the same status, pay, employment benefits, length-of-service credit, and seniority as of the date of leave.

*These job protections do not apply to contractors.*

***Weekly Benefits***

To fund PFML benefits, employers will deduct payroll contributions from a covered individual's wages or other earnings beginning on October 1, 2019. Covered individuals can apply for benefits beginning in January 2021 through the Department of Family and

Medical Leave. A covered individual's average weekly earnings will determine his or her benefit amount, for a maximum weekly benefit of up to \$850.

### **Massachusetts Parental Leave**

Massachusetts' employees who are not eligible for FMLA may be eligible for leave under the Massachusetts Parental Leave statute, which allows eligible employees up to eight (8) weeks of unpaid job protected leave for the birth or adoption of a child under eighteen (18) years of age (or under twenty-three (23) years of age, if the child is disabled) and up to sixteen (16) weeks of unpaid job protected leave for the birth or adoption of twins or other multiples.

Regular, full-time employees working in Massachusetts, who have completed at least three (3) months of employment, are eligible to request Massachusetts Parental leave. The employee must give at least fourteen (14) days written notice of the anticipated date of departure and intention to return to the job unless the delay in providing notice is for reasons beyond the individual's control in which case notice must be provided as soon as practicable.

Those eligible for parental leave may use accrued time off to substitute for any unpaid leave. For any period of the leave in which an employee is unavailable to work prior to delivery due to the effects of pregnancy, she may use accrued sick leave. A physician's statement may be required to justify the use of sick leave at this time.

At the conclusion of the parental leave, Nichols College will offer reinstatement to the employee's previous position, or a similar position with the same status, at a salary equal to that which he/she received at the commencement of the leave. However, there are no greater rights provided because of the leave than if the employee were not on leave. Nichols College reserves the right not to reinstate an employee on parental leave to his/her previous or similar position if other employees of equal seniority and status in the same or similar position have been laid off due to economic or other conditions affecting employment during the period of the leave.

An employee who is not reinstated as a result of the above policy will be given consideration for another position for which he/she is qualified and/or entitled at the termination of the leave.

If an employee fails to report to work at the end of the approved leave, and has not applied for an extension, Nichols College will assume that the employee has resigned, as is the policy with any leave. If unable to return to work at the end of a leave because of an extended disability due to recovery from childbirth, an employee will be treated in accordance with appropriate disability program provisions.

Parental leave is available to both men and women under Massachusetts law. If both parents work for Nichols College, such employees are only entitled to a combined eight (8) weeks of leave.

## **Parental Leave of Absence**

Parental leaves may also be covered under the Family and Medical Leave Act (FMLA) and short-term disability benefits. Employees should refer to those sections for more information.

## **Military Leaves of Absence**

Long-Term Tours of Duty: Full-time employees called to active military duty will be granted an unpaid military leave of absence. Notice of the leave should be given in writing to the supervisor at least ten (10) working days prior to the time the leave is to commence. The duration of the leave shall be the term of the enlistment plus any additional time that may be required by the government. It shall also include a reasonable allowance of time for travel and adjustment. Reenlistment or any other voluntary extension of the tour of duty will cancel the leave of absence.

On return from military leave of absence, the employee will be reinstated, as required by law, subject to these conditions:

- The employee must apply for reinstatement within the time required by law;
- The employee must be physically qualified; and
- If the employee's former job is not available, the College will provide a job of similar status and pay.

Short-Term Military Leave: Full-time employees may be granted a short-term leave of up to ten (10) working days per year to satisfy a military training requirement. Notice of the leave should be given in writing to the supervisor at least ten (10) working days prior to the time the leave is to commence.

The College will pay the difference between military pay and normal salary. Upon return, employees should forward to Payroll military vouchers showing the amounts paid to them while on military duty. College adjustments will be made in the next regular paycheck.

### Military Reserve Leave

If an employee wishes to apply for military reserve leave (time required to participate in annual military training duty as a member of the armed forces or the National Guard), he/she should do so in writing to his/her immediate supervisor at least fourteen (14) working days prior to the time the leave is to commence. It is understood in a case of national emergency that he/she may be called to duty without prior notice. He/she will receive the difference between military pay and regular College pay for a period up to fourteen (14) days. A period of active duty training which extends beyond the fourteen (14) days shall be considered a leave of absence without pay, with full reemployment rights. Earned vacation and other employee benefits will not be affected by the leave. A copy of his/her training duty orders and earnings statement must be presented to the supervisor immediately upon returning to work in order to receive any differential pay.

## **Small Necessities Leave Act (SNLA)**

The Massachusetts Small Necessities Leave Act provides eligible employees with a right of twenty-four (24) hours of unpaid leave during any twelve (12) month period for the purposes of:

- Participation in school activities directly related to educational advancement of a son or daughter of the employee, such as parent-teacher conferences or interviewing for a school;
- Accompanying a son or daughter to routine medical or dental appointments, such as checkups or vaccinations; and
- Accompanying an elderly relative to routine medical or dental appointments or appointments for other professional services relating to the elder's care, such as interviewing at nursing or group homes. (An elderly relative is an individual who is at least sixty (60) years old and who is related by blood or marriage to the employee.)

Eligible employees are those who meet the requirements of the Family and Medical Leave Act.

The twenty-four (24) hour leave may be taken intermittently or on a reduced leave schedule. If an employee wishing to take necessities leave is entitled under existing College policy to take paid PTO leave, the College will require that all available paid leave be taken and exhausted before unpaid necessities leave may be used.

If the necessity for the leave is foreseeable, an employee is required to provide the College with at least seven (7) days' notice before the date the leave is to begin. If the necessity for the leave is not foreseeable, then the employee must provide such notice as is practicable.

Employees should contact Human Resources for more information about the Small Necessities Leave Act.

## **Personal Leave of Absence**

A personal leave of absence is a leave without pay, but with all fringe benefits consistent with the provisions of this handbook. Such a personal leave, generally for a period not to exceed three (3) months, may be granted for personal, family, health, or other exceptional circumstances which cannot be resolved through vacation time. Each request will be reviewed on its own merits after consideration of the reason(s) and the effect on the College's operations.

A request for personal leave of absence must be made in writing to the immediate supervisor at least thirty (30) days prior to the time the leave is to commence indicating:

(a) expected date of departure; (b) reason for the request; and (c) expected date of return. Request must be approved by Human Resources and the Vice President/Dean of the department.

The College recognizes that emergencies do occur and, therefore, the leave will not be

unreasonably jeopardized because of short notice. Vacation time will not be accrued during any leave in which wages are not being paid. College paid retirement benefits (matching) will not occur during any leave in which wages are not being paid.

The employee portion of the health insurance premium must be paid in advance of the leave. Employees should coordinate payment with Human Resources.

Failure to return from a personal leave of absence on the agreed upon date will be considered a voluntary resignation.

## **Policy Regarding Paid Sick Leave**

### **Time Allowed and Accrual**

For full-time exempt employees, there is generally no set number of days allocated for Earned Sick Time (EST). However, Nichols reserves the right to limit the use of EST to sixty (60) hours (equivalent to eight (8) days) during the benefit year which runs July 1<sup>st</sup> – June 30<sup>th</sup>.

For full-time non-exempt employees, the College provides an EST leave benefit of sixty (60) hours during the benefit year. Non-exempt employees may accumulate no more than sixty (60) hours. Employees on unpaid leave or disability will not accrue EST. *Upon exceeding the sixty (60) hours of an illness-related absence, the employee must apply for short-term disability.*

All part-time employees will accrue EST a rate of one (1) hour for every thirty (30) hours worked up to forty (40) hours.

Employees paid on a piece work or fee-for-service basis accrue EST on a reasonable measure of the time the employees work. Adjunct faculty compensated on a fee-for-service or “per course” basis shall be deemed to work three (3) hours for each “classroom hour” worked.

### **Eligibility**

Accrual of EST begins on the date of hire, but employees are not entitled to use their accrued EST until the ninetieth (90<sup>th</sup>) calendar day following the start date of their employment. On or after the ninety (90) day period, EST time can be used as it accrues.

### **Carry-Over of EST to the Following Benefit Year**

Pursuant to Massachusetts law, employees are entitled to carry over up to forty (40) hours of EST into the following benefit year. However, full-time non-exempt employees may not use more than sixty (60) hours of EST during a benefit year and part-time employees may not use more than forty (40) hours of EST during a benefit year.

Additionally, once a part-time employee possesses a bank of forty (40) hours of unused EST, such employees may not accrue further time until the employee draws down on the bank of EST to below forty (40) hours.

## **Permissible Uses of EST**

Employees are required to use this benefit in accordance with the Massachusetts Earned Sick Time (EST) law. Specifically, EST is provided to allow an employee to:

1. care for the employee's own physical or mental illness, injury, or other medical condition that requires home, preventative, or professional care;
2. care for a child, parent, spouse, or parent of a spouse who is suffering from a physical or mental illness, injury, or other medical condition that requires home, preventative or professional care;
3. attend routine medical and dental appointments for themselves or for their child, parent, spouse or parent of a spouse;
4. address the psychological, physical, or legal effects of domestic violence; or
5. travel to and from an appointment, a pharmacy, or other location related to the purpose for which the time was taken.

Use of EST for other purposes is not allowed and may result in an employee being disciplined.

Employees may not use EST if the employee is not scheduled to be at work during the period of use. An employee may not accept a specific shift assignment or other assignment with the intention of calling out sick for all or part of that shift.

Employees may use EST for full or partial day absences. The smallest amount of EST that an employee can take is one (1) hour. For uses beyond one (1) hour, employees can use EST in fifteen (15) minute increments. Exempt employees should use EST in full or half day increments only.

EST cannot be used as an excuse to be late for work without an authorized purpose.

If an employee's absence from work requires the College to call in a replacement worker to cover the absent employee's job functions, the College may require an absent employee to use an equal number of hours of EST as were worked by the replacement. If the employee lacks sufficient accrued EST to cover all such time worked by the replacement, the College will provide sufficient job-protected unpaid leave to make up the difference in that shift.

## **Absence Notification Procedures**

If an employee needs to be absent, to be late or to leave work early (for purposes that are permissible under the EST law), the employee must give advance notice via email, text message, or hard copy letter to his or her supervisor or other designated contact person, except in an emergency.

If the absence is foreseeable (for example, if the employee will be absent to attend a previously scheduled appointment), the employee must provide up to seven (7) days' advance notice via email or hard copy letter, unless the employee learns of the need to use EST within a shorter period of time.

If the absence is not foreseeable, the employee must provide notice to his or her supervisor or other designated contact at least two (2) hours before the start of the employee's shift. If two (2) hours' notice is not reasonable due to an accident or sudden illness, notice must be provided as soon as practicable.

If the employee is going to be absent on multiple days, the employee or the employee's surrogate (e.g., spouse, adult family member or other responsible party) must provide notice of the expected duration of the leave or, if unknown, provide notice of continuing absence on a daily basis, unless the circumstances make such notice unreasonable.

### **Documentation of Use of EST**

The College will generally require an employee to submit a medical provider's note or other accepted documentation to support the use of EST if the absence:

1. exceeds twenty-four (24) consecutively scheduled work hours or three (3) consecutive days on which the employee is scheduled for work;
2. occurs within two (2) weeks prior to an employee's final scheduled day of work (except in the case of temporary employees); or
3. occurs after four unforeseeable and undocumented absences within a three (3) month period.

Required documentation must be submitted within seven (7) days of the absence. Additional time will be allowed for good cause shown.

If an employee fails to timely comply with the documentation requirements, the College may recoup the EST paid from future wages and/or deny future use of an equivalent number of EST hours until such documentation is provided.

### **Nichols' Expectations Regarding Attendance**

Employees should remember that regular, reliable attendance and timeliness is expected at Nichols College.

If an employee commits fraud or abuse by engaging in an activity that is not consistent with allowable purposes for EST, the employee may be subject to disciplinary action.

If an employee is exhibiting a clear pattern of taking leave on days just before or after a weekend, vacation, or holiday, the College may discipline the employee for misuse of EST, unless the employee provides verification for authorized use.

### **No Payout of EST**

EST is not payable upon termination of employment.

### **Interaction with Other Types of Leave**

If any time off covered under this policy is also covered under the College's FMLA,

Parental leave, Domestic Violence leave, SNLA leave or other leave of absence policies, EST shall run concurrently with such leave. Employees may choose, and the College may also require employees, to use EST to receive pay for absences under other leave policies if those absences would otherwise be unpaid.

### **Other Miscellaneous Provisions Regarding EST**

#### **Institutional Holidays and EST:**

When an employee is taking EST and a regular institutional holiday occurs, the time off for that day shall be counted as a paid holiday and not EST.

#### **Disabilities During Vacation:**

When an employee is hospitalized while on vacation, the period of disability should be charged to accumulated EST and, if appropriate, a claim should be filed for disability plan benefits.

### **Domestic Violence Leave**

The Massachusetts Domestic Violence Leave Law requires employers with fifty (50) or more employees to provide all employees, regardless of their eligibility for other leaves, with up to fifteen (15) days of unpaid leave in any (12) twelve month period to address the consequences of “abusive behavior” to themselves or family members.

Nichols College has made the decision to provide **paid** leave for employees taking Domestic Violence Leave.

**Eligibility:** To be eligible, employees must be taking the leave from work to seek or obtain medical attention, victim services, or legal assistance, to secure housing, to obtain a protective order from a court, to appear in court before a grand jury, to meet with a district attorney or other law enforcement official, to attend child custody proceedings, or to address other issues directly related to the abusive behavior against him/her or his/her family member.

Any employee who is the perpetrator of the abusive behavior against his/her family member is not eligible for leave under this law.

**Definitions:** For the purposes of this policy, the following words shall have the following meanings:

“Family members” means:

- Spouses, parents and step-parents, children and step-children, siblings, grandparents, grandchildren, persons with whom an employee has a substantive dating or engagement relationship, persons with whom an employee has a child in common, and persons with whom an employee is in a guardianship relationship.

“Abusive behavior” means:

- Domestic violence – defined as abuse against an employee or the employee’s family member by (i) a current or former spouse of the employee or the employee’s family member, (ii) a person with whom the employee or the employee’s family member shares a child in common, (iii) a person who is cohabitating with or has cohabitated with the employee or the employee’s family member, (iv) a person who is related by blood or marriage to the employee, or (v) a person with whom the employee or employee’s family member has or had a dating or engagement relationship.
- Stalking – defined as willfully and maliciously engaging in a knowing pattern of conduct or series of acts over a period of time directed at a specific person that seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, and making a threat with the intent to place the person in imminent fear of death or bodily injury.
- Sexual assault – defined as rape or assault with intent to commit a rape; indecent assault and battery; enticement of a minor into prostitution, human trafficking, or commercial sexual activity; or subjecting, recruiting, enticing, harboring, transporting, providing, or obtaining by any means, or attempting to subject, recruit, entice, harbor, transport, provide, or obtain by any means, another person to engage in commercial sexual activity, a sexually-explicit performance or the production of unlawful pornography, or causing a person to engage in commercial sexual activity or a sexually-explicit performance or the production of unlawful pornography; or kidnapping.

“Abuse” means:

- Attempting to cause or causing physical harm.
- Placing another in fear of imminent serious physical harm.
- Causing another to engage involuntarily in sexual relations by force, threat, or duress or engaging or threatening to engage in sexual activity with a dependent child.
- Engaging in mental abuse, which includes threats, intimidation, or acts designed to induce terror.
- Depriving another of medical care, housing, food, or other necessities of life, or
- Restraining the liberty of another.

Compensation and Benefits During Leave: Leave taken under this policy will be paid. Employees taking leave will not be required to exhaust any unused vacation other paid time off although domestic violence leave shall run concurrently with leave charged to EST.

An employee on leave will be retained on the College’s health plan under the same conditions as active employees, except that the employee must make arrangements with Human Resources for timely payment of the employee’s portion of the premium in order

to continue such coverage. If any premium payment is more than thirty (30) days late, coverage may be lost during the remainder of the leave. In circumstances where an employee is on paid leave, the appropriate deductions will be made in the same manner as with the employee's regular paycheck.

An employee on a leave of absence for abusive behavior will be eligible for holiday pay during a designated holiday observed during the leave. If a holiday falls during a full week of leave, the holiday will count towards the employee's fifteen (15) days of total leave.

In the event that an employee fails to return from leave, the employee may be liable for the employer's share of the insurance premiums.

*Return from Leave:* Upon returning to work, an employee will be restored to his/her original or an equivalent position, unless economic, business, or other circumstances unrelated to his/her use of leave under this policy would have resulted in a change in his/her employment status or position.

The use of leave under this policy shall not result in the loss of any employment benefits accrued prior to the date on which the leave taken under this policy commenced.

Employees shall not be subject to retaliation for their use of leave under this policy.

*College Notifications Regarding Leave:* Except in cases of imminent danger to an employee or an employee's family member, an employee must provide thirty (30) days' advance notice of the need to take leave when the need is foreseeable. When thirty (30) days' notice is not possible, an employee must provide notice as soon as practicable, which should be on the same day or next business day of the date that the employee becomes aware that the leave is needed.

If leave is due to imminent danger to an employee or an employee's family member and advance notice cannot be provided, the employee must then notify the College within three (3) workdays. Such notice may be communicated by the employee, a family member, or any professional person who may be assisting in addressing the abusive behavior and its consequences, such as a counselor, a social worker, a health care worker, a member of the clergy, a shelter worker, a lawyer, or a legal advocate.

When seeking leave, an employee may be requested to provide documentation within thirty (30) business days after returning to work showing that the leave was taken to address issues directly related to the abusive behavior, as defined above. Any of the following documents are sufficient. An employee need not show evidence of an arrest, conviction, or other law enforcement documentation.

- A protective order, order of equitable relief, or other documentation issued by a court as a result of abusive behavior sought or issued on the date(s) of leave.
- A document on the letterhead of the court, provider, or public agency stating that the employee sought assistance relating to the abusive behavior on the date(s) of leave.
- A police report or statement of a victim or witness provided to police,

- including a police incident report, documenting the abusive behavior on the date(s) of leave.
- Documentation that the perpetrator of the abusive behavior has admitted to sufficient facts to support a finding of guilt of abusive behavior or has been convicted of, or has been adjudicated a juvenile delinquent by reason of, any offense constituting abusive behavior and which is related to the abusive behavior that necessitated the leave under this section.
  - Documentation of medical treatment or counseling as a result of the abusive behavior on the date(s) of leave.
  - A sworn statement, signed under the penalties of perjury, provided by a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate, or other professional who has assisted in addressing the effects of the abusive behavior on the date(s) of leave.
  - A sworn statement signed under the penalties of perjury, from the employee attesting to being a victim of abusive behavior or is the family member of a victim of abusive behavior.

If an unscheduled absence occurs as a result of abusive behavior, no negative action will be taken against the employee if, within thirty (30) days from the last unauthorized absence in the instance of consecutive days of unauthorized absences, the employee provides any of the documentation described above.

***Record Retention:*** Any documentation provided to the College in connection with abusive behavior leave will be maintained in the employee's employment record only for as long as required for the College to make a determination of eligibility for leave.

All information related to a leave due to abusive behavior will be kept confidential and will not be disclosed, except to the extent that disclosure is (i) requested or consented to, in writing, by the employee, (ii) is ordered to be released by a court, (iii) is otherwise required by applicable federal or state law, (iv) is required in the course of an investigation authorized by law enforcement, including, but not limited to, an investigation by the attorney general, or (v) is necessary to protect the employee's safety or the safety of other employees at the College.

### **Personal Days**

After six (6) months of employment, non-exempt employees will be entitled to take two (2) regularly scheduled workdays per year as PERSONAL DAYS under the following two (2) conditions:

- PERSONAL DAYS will be granted when requested in writing in advance and approved by the supervisor; and
- PERSONAL DAYS will be granted only when such absence will not involve the payment of overtime as a consequence or cause inconvenience to the department.

Terminated employees are not compensated for unused personal days. Personal days are

not accumulated annually.

## **Holidays**

Nichols College generally observes the following holidays:

- New Year's Day
- Martin Luther King Day\*
- President's Day\*
- Memorial Day
- Independence Day
- Labor Day\*
- Wednesday afternoon before Thanksgiving (half day)
- Thanksgiving Day
- Friday after Thanksgiving
- Christmas Eve
- Christmas Day
- Additional day during Christmas week

\*Floating Holidays: If required to work, another day may be taken during the same pay period.

Regular, full-time and part-time employees are eligible for holiday pay. Holiday pay is based on the straight-time rate for regularly scheduled hours. If a holiday falls on a weekend, the holiday will be observed on the closest Friday or Monday. Casual part-time and temporary employees are not eligible to receive holiday pay.

## **Religious Holidays**

Nichols College respects the religious beliefs and practices of all employees and will make an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship on the College's operations.

## **Vacation**

Nichols College is dedicated to the principle that employees are an important resource. The College provides paid vacation leave to promote a healthy balance between work-time and personal time away from the job.

Full-time and regular, part-time employees are eligible for vacation time.

All vacation requests must be submitted in a timely manner to your supervisor via the Payroll Time Entry system for approval.

The following rules govern the use of vacation days:

- Selection of the vacation period is done on a seniority basis and must be approved by the immediate supervisor;

- Vacation time may be accumulated up to twenty (20) days (at no time can the unused balance exceed twenty (20) days);
- Payment in lieu of time off will not be granted;
- Graduate Assistants are not eligible for paid vacation time;
- Employees on unpaid leave or disability will not accrue vacation time; and
- Regular, part-time employees' vacation time is prorated based on hours worked.
- 

**Exempt Employees Vacation Accrual**

<b>Employee Type</b>	<b>Annual Accrual*</b>	<b>Accrual Per Pay Period*</b>
Exempt 12 month employee	20 Days	5.769
Exempt 9/10/11 month employee	10 Days	2.88

**Non-Exempt Employee Vacation Accrual**

<b>Employee Type</b>	<b>Year of Service</b>	<b>Annual Accrual*</b>	<b>Accrual Per Pay Period*</b>
Non-Exempt	0 – 4 years	10 Days	2.88
Non-Exempt	5 – 9 years	15 Days	4.326
Non-Exempt	10 years or more	20 Days	5.769

**\* accrual is prorated to part-time hours for part-time employees.**

**TERMINATED EMPLOYEES**

An employee who resigns or is terminated by the College will be paid any unused, accrued vacation time. Terminated employees should return College keys, equipment and credit cards to Human Resources before receiving their final paycheck.

**WORKERS' COMPENSATION**

If you suffer a job related injury or illness, you are covered by Workers' Compensation Insurance. All accidents and injuries must be reported immediately to Public Safety, your supervisor and to Human Resources. A formal accident report must be filed promptly with Human Resources.

Human Resources should be notified of all doctor's appointments and/or treatments related to the injury. Workers' Compensation Insurance will pay sixty percent (60%) of your regular salary after five (5) days of work missed due to the injury.

## **ACCIDENT REPORTING**

Any accident which occurs while you are working or engaged in College business must be reported immediately to your supervisor and Human Resources. Accident reporting forms are available on the Nichols.edu portal under Human Resources. To be prepared in the event of an accident, illness or emergency, please leave your personal physician's address and telephone number, along with an emergency contact number with Human Resources.

When reporting an accident, it is essential that you provide a complete description of the accident to include **WHO** was involved and/or injured, **WHAT** injuries occurred, **WHEN**, **WHERE**, and **HOW** the injury/accident occurred.

It is every employee's responsibility to report any accident and/or injury which occurs while you are working or engaged in College business immediately to your supervisor. In the supervisor's absence, employee should report the accident and/or injury directly to Human Resources.

## **BUILDING AND OFFICE SECURITY**

Any keys issued to you must be returned to Human Resources when your employment is terminated. If you are the last to leave your office, you are responsible for seeing that the office (or building) is locked. Confidential files should never be left out in an unattended office. Computers logged into the administrative computing system should not be left unattended.

## **CHANGE OF NAME, ADDRESS OR MARITAL STATUS**

Any change of name, address, or marital status should be reported promptly to Human Resources. You should also inform Human Resources of the birth or adoption of a child.

## **CONFIDENTIALITY**

We release the following directory information about our students: address and telephone number if listed in the student directory.

Under no circumstances should information regarding one student be given to another student.

## **EMERGENCY CLOSING/EARLY RELEASE**

Decisions to delay opening, to close, or to suspend operations at Nichols College due to adverse weather conditions or other emergency conditions will be made by the College's Provost/Senior Vice President.

If, because of an emergency situation, the Nichols College campus is closed before the normal workday begins or opening is delayed, an announcement will be broadcast on the

following radio stations:

- WTAG 580 AM (Worcester)
- WESO 970 AM (Southbridge)
- WINY 1350 AM (Putnam, CT)
- WBZ TV Channel 4 (Boston)
- WSRS 96.1 FM (Worcester)
- WCVB TV Channel 5 (Boston)
- WXLO 104.5 FM (Worcester)

You may also call the Nichols Snow Line: (508) 213-2452.

### **Delayed Openings**

When the announcement heard on the television states that Nichols College is delayed, that pertains not only to students but also to all Nichols College employees. Hourly employees will be paid for the time of delay.

### **Classes are Cancelled**

When the announcement states that classes are cancelled, the offices at Nichols College will be open, and staff will be expected to come to work. Employees will not be penalized for arriving late on bad weather days, but best effort must be made to get here as close to starting time as possible. If you cannot make it in, your supervisor must be notified.

### **College is Closed**

An announcement that states that the College is closed means that staff will not be expected to come in. Employees will be paid for their scheduled hours when the college is closed due to weather emergencies.

### **Early Release**

A decision to suspend operations during the workday will be communicated through the Office of the President. Hourly employees will be paid for the time of early release.

## **PARKING**

Employees who wish to park on campus must register their vehicle with the Office of Public Safety and obtain a parking sticker. Applications for stickers are available in the Office of Public Safety. Decals should be affixed to employee vehicles as determined by the Office of Public Safety. The completed form must be returned to the Office of Public Safety before a sticker will be issued. Employee parking is designated throughout the campus. It is important to observe “No Parking” and “Handicapped Parking” signs.

Due to the ongoing construction on Campus, parking restrictions may change during the course of the academic year. Employees will be advised of any such changes. Employees should always park their vehicles in authorized spaces between two lines. Vehicles parked in designated Handicapped spaces, No Parking Zones, Fire Lanes or any non-authorized parking areas will be subject to immediate towing at the owner’s expense. There will be

no notification made prior to towing. Parked vehicles that block dumpsters or block other vehicles from free movement will be towed. Vehicles not displaying a current valid Nichols College Parking Decal are subject to a minimum fifty dollar (\$50.00) fine and towing at the owner's expense.

There is no temporary parking allowed in non-approved areas. Vehicles loading and unloading must be parked in legal parking spaces. Only vehicles with valid handicapped placards issued in their state of registration will be allowed to park in handicapped spaces.

Employees are advised not to park on Healy Road or Center Road, to include in front of the Dining Hall. These roads are the jurisdiction of the Town of Dudley. Ticketing and towing from these roads will be done by the Dudley Police Department.

### **Parking Violations**

The responsibility for finding a legal parking space rests on the vehicle's operator/person with the parking permit. Lack of space, mechanical problems, and inclement weather are not considered valid excuses for violation of parking regulations. Violation of parking regulations is subject to a citation. Possession or use of a lost, stolen, forged or altered parking permit or temporary permit will result in a fine equal in the amount to the value of the permit.

### **Things to Remember**

- All roads are considered fire lanes and must be kept open for emergencies;
- All vehicles must be parked entirely within lined spaces, an improperly parked vehicle in an adjacent space does not constitute an excuse for straddling the painted line;
- Yellow or white lines in diagonal hash patterns indicate NO PARKING areas;
- Blocking access to buildings, stairs, walkways, loading zones, or fire lanes is not allowed;
- Parking is not allowed on grass or sidewalks;
- Any vehicle parked within ten (10) feet of a fire hydrant, obstructing a fire lane, or obstructing snow removal is subject to citation and the vehicle may be immediately towed off campus at the owner's expense; and
- Any vehicle abandoned, banned from campus, obstructing the free passage of vehicular traffic on any campus roadway or parking lot, or parked in delivery zones is subject to citation and the vehicle may be immediately towed off campus at the owner's expense.

### **Parking Fines**

All fines are payable at the Student Financial Services Office, 3<sup>rd</sup> Floor, Conrad Hall.

<b>Violation</b>	<b>Fine</b>
No Permit/Unauthorized Permit	\$50.00
Handicapped Area	\$100.00

Fire Lane/Fire Hydrant	\$20.00
Parked in Wrong Lot	\$15.00
Operating Recklessly/Negligently	Recommend to Administration for Banned from Parking with no refund.
Parked in No Parking Zone	\$15.00
Landscape Violation	\$15.00
Parking on Walkway/Grass	\$15.00
Speeding	Recommend to Administration for Banned from Parking with no refund.
Reserved Parking Area	\$15.00
Blocking Parked Cars or Dumpster	\$15.00
Blocking Emergency Exit/Entrance	\$20.00
Other – As defined by Parking Officer on Citation	\$15.00
Warning	

\*\*All Faculty and Staff are responsible for payment of all fines that are not granted an appeal. Payment of fines should be paid upon receipt or within thirty (30) days of issuance. If an appeal is made and rejected, payment is due thirty (30) days after notice of the rejection. In an effort to enforce Nichols College policy as it pertains to Parking Violations, department managers are being notified and made aware that if employees do not pay their outstanding parking violations the money owed will come directly out of the employee's department budget.

### **Appeals**

Appeal of a citation issued for a violation must be made within fifteen (15) days of the alleged offense. Appeals will not be honored after the fifteen (15) day limit. All appeals will be reviewed by the Parking Appeals Committee.

Appeal forms can be picked up at the Office of Public Safety.

### **Motorcycles**

Motorcycles must also be registered with the Office of Public Safety and display a valid parking permit on the topside of the headlight. Motorcycles must be parked in designated parking spaces.

### **Temporary Passes**

Temporary passes may be issued to drivers with a valid reason for no more than three (3) consecutive days annually. Passes are issued at the Office of Public Safety and the vehicles Certificate of Registration must be presented. The Nichols College Host must be present at the time of issuance of a temporary pass. Temporary permits must be displayed on the vehicle's rear view mirror mount as the pass as designed.

### **Visitor Passes**

All visitor/guest vehicles must obtain a temporary/visitor parking pass. Visitor passes may be obtained at the Office of Public Safety in South Hall.

### **EQUIPMENT REMOVAL**

The removal of College equipment from the campus is prohibited except with authorization from your supervisor. The transfer of furniture, equipment or office machines from one room to another must be approved in the same manner. Removal of equipment, furniture, or other College property without prior authorization may result in disciplinary action up to, and including, termination.

### **MAINTENANCE**

Problems with heating, lighting or equipment at your work site should be brought to the attention of your supervisor, the Department of Facilities Management, or the IT Department as appropriate.

### **NOTARY PUBLIC**

Notary services are available in Financial Operations. These services may only be used/provided for College-related business and are not to be used/provided for personal use. Any providing or use of notary services for personal use is expressly not authorized by the College and considered to be outside the scope of employment of any such employee notary. The College shall bear no responsibility or liability for any such unauthorized use of notary services.

### **PERFORMANCE EVALUATIONS AND SALARY REVIEWS**

Performance evaluations are administered to all employees by their immediate supervisor. The evaluation is intended to provide insight into an employee's development and contribution to the College in the eyes of the supervisor. It is also designed to give employees an opportunity to express opinions about their own performance and progress.

Evaluations must be in writing and shown to the employee being evaluated. These should be as thorough as possible and cover all aspects of the employee's performance, including competence, growth, and improvement. The employee is entitled to a copy and a review session with the supervisor before evaluations are submitted to the Vice President/Dean

and Human Resources.

The review of the evaluation should allow for frank discussion between the employee and the supervisor concerning the employee's job performance and what can be done to improve performance. The employee shall have the right to attach a statement to the supervisor's evaluation. Proof of this review will be provided by the signatures of both, the supervisor and the employee, on the written evaluation.

It is mandatory that regular performance evaluations are held at least once a year.

### **PERSONNEL RECORDS**

Human Resources has the responsibility for maintaining records regarding each employee, including an application for employment or resume, current address, telephone number, insurance beneficiaries, federal and state income tax withholding statements, sick leave information, vacation, and leave of absence requests. Any changes must be reported to Human Resources. Performance reviews will also be included in an employee's personnel file. (See Fair Information Practices Act.)

### **FAIR INFORMATION PRACTICES ACT**

Under this Act, you have the right to look at your personnel file during regular office hours. Appointments for this purpose should be made with Human Resources.

Files may not be removed from Human Resources. Upon request, photocopies of the file can be provided within five (5) working days.

### **PERSONAL/STUDENT USE OF SUPPLIES AND EQUIPMENT**

Students are not to be allowed access for personal use to the telephones, photocopying machines, computers, etc. Nichols College letterhead is not to be used by employees or students for personal business.

### **SUMMARY**

The Nichols College community believes that an open, fair and honest flow of communication within an atmosphere of mutual trust is of prime importance to its employees. The College will do its best to keep you as well informed as possible in order for you to meet your own and our objectives. At the same time, and realizing that effective communication is always a two-way street, the College encourages constructive opinions and positive suggestions from its employee.