



STAFF HANDBOOK

2017

Wheaton College

Staff Handbook

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Welcome

Wheaton College enjoys a reputation as a leading liberal arts college, and it is due in no small part to dedicated faculty and staff, whose hard work and commitment are key to our success.

Wheaton is a community that emphasizes respect, trust, cooperation and collaboration. The benefits, services, policies and procedures outlined here have been designed to foster those values. Wheaton reserves the right, at its discretion, to unilaterally change or modify any of its guidelines, policies, practices, working conditions or benefits with or without notice.

This handbook has been compiled to be a convenient guide and can help answer many of the questions you may have about your employment at Wheaton. Please familiarize yourself with it and use it as a reference. It is important to remember, however, that each situation is unique and judgment must be used in applying policies fairly and equitably. Neither this handbook nor any other college guidelines, policies or practices constitute or create an employment contract or any other type of contract.

We hope you find your time at Wheaton challenging and rewarding as we work together to maintain and improve our learning community. If you have any further questions concerning the material described in this handbook, contact the Human Resources Department.

Introduction

This handbook has been prepared to acquaint you with the personnel policies and benefits that are generally applicable to Wheaton College staff. This handbook applies to all persons employed by the college who are staff employees. It does not apply to those persons employed as faculty or student employees, unless otherwise stated.

The information in this handbook has deliberately been presented in an informal manner and is only a summary of college policies and practices. For more detailed information, you should contact the Human Resources Department. Please note that this Handbook supersedes information published in previous handbooks.

This handbook provides a general guide to college policies. Because no two employment situations are ever exactly alike, college policies must have some flexibility. There are times when rigid policies can be as unfair as no policies at all. Because the college's goal is to treat employees fairly, it may modify, suspend, or otherwise deviate from the policies summarized here on those occasions when it determines that the circumstances warrant special consideration.

The policies summarized in this handbook, and any other policy summaries that may be issued from time to time in the future, are adopted voluntarily by the college and are not intended to give rise to contractual rights or obligations of any kind. We value our employees and look forward to a mutually satisfactory at-will employment relationship with each of you. Neither you nor the college is obliged to continue our employment relationship if either of us does not wish to do so.

The policy summaries contained within this handbook provide general information about the college's policies that are in effect at the time the summary was prepared. Changes may be made from time to time. In addition, separate documents describe benefits that are summarized only briefly here. The actual provisions of each benefit plan or contract will govern if there is any inconsistency between this summary and the college's formal plans or contracts.

Mission Statement

Wheaton College provides a transformative liberal arts education for intellectually curious students in a collaborative, academically vibrant residential community that values a diverse world.

Wheaton College Ethics Code

Introduction

Wheaton College is committed to the highest ethical and professional standards of conduct as an integral part of its mission, the promotion of learning. To achieve this goal, the college relies on each community member's ethical behavior, honesty, integrity and good judgment. It is expected that every person employed by the college – each of whom is a member of the Wheaton College community – will perform his or her responsibilities to the best of her or his ability, and with the best interests of the college in mind. This Ethics Code establishes guidelines for professional conduct by those acting on behalf of the college including (1) executive officers, faculty, staff, and student-workers and other individuals employed by the college, using college resources or facilities, (2) consultants, vendors and contractors when doing business with the college and (3) volunteers and representatives acting as agents of the college. This Ethics Code refers to all these persons collectively as “members of the college community” or “community members.”

This Ethics Code cannot address all situations that may arise, but it offers a framework to assist community members in understanding their obligations. Some of the following statements are summaries of formal detailed policies and are not intended to be all-inclusive. Complete policies that apply to Wheaton College community members include, but are not limited to, (1) Faculty Handbook, (2) Staff Handbook and (3) Student Handbook. This code supplements but does not supersede the rights and obligations of the college community under the law.

Code of Conduct

Members of the Wheaton community have the obligation to respect and to be fair to other members, students, and persons they supervise, and to foster their intellectual and professional growth. Community members must not engage in, nor permit, harassment and illegal discrimination. Spoken or written intimidation, harassment, coercion or threats of violence are unacceptable and will not be tolerated. Behavior that jeopardizes the health and safety of community members, or intrudes upon their rights and freedoms, is unacceptable. Physically endangering behavior includes any deliberate, negligent or reckless actions that endanger the physical safety or well-being of any person, including themselves. Members must not abuse the authority they have been given and care must be taken to ensure that any personal relationships do not result in situations that might interfere with objective judgment. Members should conduct themselves in a businesslike manner on campus or when attending an off-campus work related function. Also unprofessional activities such as inappropriate language, keeping or posting inappropriate materials in the work area or accessing inappropriate materials on computers is strictly prohibited.

Compliance with Laws and Regulations

All persons employed by the college community are expected to transact college business in compliance with all federal, state, and local laws and regulations related to their positions and areas of responsibility, including, but not limited to, equal employment opportunity, fair employment practices, and nondiscrimination laws; laws regarding the privacy and confidentiality

of employee and student records; laws regarding workplace safety and occupational health; and laws regarding antitrust and recording of financial transactions.

Conflict of Interest

All persons employed by the college are responsible for performing their responsibilities in good faith and in the best interest of the college. A conflict of interest arises when your personal situation impairs your judgment and renders you unable to act in the best interest of the college. An apparent conflict occurs when your personal interests have the potential to interfere with your ability to exercise your judgment fairly.

All persons employed by the college are expected to avoid activities, agreements, business investments or interests, or other situations that materially conflict or appear to conflict with the interests of the college or interfere with the individual's duty to loyally serve the college to the best of his or her ability.

All decisions and actions by all persons employed by the college are to be made in a manner which promotes the best interests of the college. Before you engage in any activity that could possibly pose a conflict, you must have the activity approved in advance by your supervisor.

If you have a financial, personal or professional interest that could potentially create a conflict of interest (or the perception of one) in any decision or transaction involving the college, you must do the following:

1. Disclose clearly and fully in writing to your supervisor (and/or Division Officer) the nature of the decision or transaction and the potential conflict of interest; and
2. Refrain from participation (acting individually or as a member of a group) in the college's consideration of the transaction or the processing of the transaction.

Examples of the potential for a conflict of interest include, but are not limited to, the following:

- An employee, a family member or friend has an existing or potential financial or other interest which impairs (or might appear to impair) independent, unbiased judgment in the discharge of responsibilities to the college
- An employee is employed by both the college and an organization that supplies products or services to the college, and that employee might influence the use or purchase of those products or services
- A college employee, friend, or family member stands to benefit from a particular transaction or vendor relationship
- College materials, supplies or services are used for anything other than college-related activities; or confidential or privileged information acquired at the college is used by an employee in an outside activity.

Additionally, you must adhere to the following rules regarding conflicts of interest:

1. Inform your supervisor of any family or personal relationship that might influence or appear to influence your judgment when acting as a college employee; and
2. You cannot accept payment from any other source for work you do at Wheaton.

Any gifts or services from vendors with values exceeding \$100 must be approved by the Division Officer prior to acceptance. In addition, employees must disclose to a Division Officer their interest in entities for which the college has a relationship and (1) the employee has an equity interest of more than \$5,000 for publicly-traded corporations (except when the ownership interest is maintained by an investment vehicle such as a mutual fund where the employee does not have direct control over the investment decisions) or (2) the employee has a private equity interest in a non-publicly traded company or (3) the employee has some sort of management role in the company (i.e. board member, officer, employee).

Consulting and Outside Employment

If a person is a full-time employee of the college, the employee's main employment responsibility is to Wheaton. Prior to the commencement of any outside employment or consulting engagements that may involve a conflict of interest with your college responsibilities or that may compromise the college's relationship with the outside employer or consulting client, approval must be granted by the supervisor, the Division Officer, and in some cases, the college President. If an employee is currently engaged in outside employment or consulting that fits the definition above, the employee must disclose this information to the supervisor and the Division Officer for review under this policy.

The general conditions under which the college will approve an employee's engaging in outside employment or consulting are:

- Outside employment or consulting will not interfere with or impair the employee's college responsibilities or raise substantial concerns about possible conflicts of interest or interference with the employee's college responsibilities.
- Outside employment or consulting will not compromise the college's relationship with the outside employer or consulting client.
- College materials, supplies and services will not be used for any outside work unless approved by the Division Officer.
- The property and facilities of the college will not be used for outside work unless approved by the Division Officer.
- Any time given to these activities must be outside the employee's normal work schedule, unless approval is granted by and arrangements are made with the supervisor and the Division Officer to use vacation time or take time off without pay.

Other conditions may be applicable based on the circumstances of each situation.

Records and Information Management

All records created or received by administrative and academic offices in the daily course of business, regardless of the format in which the record was created, are the property of Wheaton College. All persons employed by the college are responsible for the proper management of college records.

Records may not be destroyed when associated with an in-progress or pending investigation, legal action or proceeding, litigation, audit, or program review.

The Records and Information Management (RIM) Program at Wheaton College is designed to help college employees learn and apply appropriate records management policies and procedures. For more information, please see the RIM website: <http://wheatoncollege.edu/rim/>

Grants and Contracts

Employees requesting funding from government agencies, corporations, foundations, and other granting organizations have an affirmative obligation to make full, accurate, and honest representation concerning all relevant information submitted to or requested by the granting organization. Accurate and complete records, including supporting documentation, as required by the granting organization must be maintained. Also all funds provided by federal agencies must be spent in ways consistent with the funding documents and in compliance with the guidelines on allowable costs.

Accuracy of Records and Reporting

The records, data and information owned, used, and managed by the college must be accurate and complete. The accuracy and reliability of financial reports is of the utmost importance to the business operation of the college. Employees must record, allocate and charge costs accurately and maintain documentation as required by established policies and procedures. All reports, including travel/reimbursable, bills, invoices, payroll information, personnel records and other essential business records, must be prepared with care and honesty. All employees responsible for accounting and record-keeping must fully disclose and record all assets, liabilities or both, and must exercise due diligence in enforcing these requirements.

Reporting Suspected Violations or Concerns

Wheaton College Ethics Code compliance efforts focus on teaching community members standards that require adherence. Nevertheless, violations may occur. In addition, members of the college community may have concerns about matters that they are not sure represent violations. Therefore, community members should report suspected violations or concerns about these standards promptly to one of the following college offices: Human Resources, Vice President of Finance and Operations, or President. In addition, community members may call the “Whistleblower” hotline. Reports are made anonymously to this number, unless the caller wishes to leave their contact information. Wheaton College will investigate claims of inappropriate activities, including informing the Board of Trustees Audit Committee of claims related to the misuse of college assets and violation of compliance laws. Wheaton College will protect from retaliation anyone who makes a good faith effort to appropriately disclose perceived wrongdoing.

Confidential Complaints about Compliance and Ethics

The following policy and procedures have been adopted by the Board of Trustees' Audit Committee of Wheaton College, relating to the receipt, retention, and treatment of complaints regarding Wheaton's accounting practices and ethics violations, to protect the confidential, anonymous reporting of employees' concerns.

Policy and Procedures

It is the policy of Wheaton College to treat complaints about ethics violations and accounting complaints (i.e. accounting, internal accounting controls, fraud, auditing matters, or questionable financial practices) seriously and expeditiously.

If an employee has a concern or suspects there has been a violation of the Wheaton College policies identified in the Ethics Code (see staff handbook), the employee is strongly encouraged to first speak with his or her supervisor or a representative from Human Resources. If the employee is uncomfortable talking to any of these individuals for any reason, Wheaton College has established a compliance hotline and reports can be made by:

Toll-Free Telephone:

- English speaking USA and Canada: **(855) 840-0070** (not available from Mexico)
- Spanish speaking North America: **(800) 216-1288** (from Mexico user must dial 001-800-216-1288)

Website: <https://www.lighthouse-services.com/wheatoncollege>

E-mail: reports@lighthouse-services.com (must include college's name – Wheaton College, MA - with report)

Fax: **(215) 689-3885** (must include college's name – Wheaton College, MA - with report)

The compliance hotline is available 24 hours a day, 7 days a week. Those reporting through the hotline will have the ability to remain anonymous if they choose. If you call the hotline, a trained specialist, who is employed by Lighthouse, will listen to your concerns and prepare a report. Regardless of the format of submission (phone, web, e-mail or fax), all reports are shared with the Vice President for Finance and Administration, the Chair of the Audit Committee of the Board of Trustees and the Director of the Boston Consortium Shared Internal Audit Group. In addition, reports that involve accounting or auditing issues are routed to the Controller and human resources related issues are also routed to the Assistant Vice President and Director of Human Resources.

Please note that the information provided by you may be the basis of an internal and/or external investigation into the issue you are reporting and your anonymity will be protected to the extent possible by law. However, your identity may become known during the course of the investigation because of the information you have provided. If requested by the employee, Wheaton College will protect the confidentiality and anonymity of the employee to the fullest

extent possible, consistent with the need to conduct an adequate review. Vendors, customers, business partners and other parties external to Wheaton College will also be given the opportunity to submit complaints; however, Wheaton College is not obligated to keep complaints from non-employees confidential or maintain the anonymity of non-employees.

Wheaton College will not retaliate against employees for submitting complaints under these procedures.

Access to Reports and Records and Disclosure of Investigation Results

All reports and records associated with ethics and accounting complaints are considered confidential information and access will be restricted to Officers of the college (or a designated person investigating the complaint), members of the Audit Committee, and (if necessary) outside legal counsel. Access to reports and records may be granted to other parties at the discretion of the Audit Committee.

Complaints and any resulting investigations, reports or resulting actions will generally not be disclosed to the public except as required by any legal requirements or regulations.

Retention of Records

All documents relating to an ethics or accounting complaint made through the procedures outlined above shall be retained for a period of no less than 2 years from the date of the complaint unless otherwise subject to a specified retention period (i.e. accounting records are retained for 7 years) after which the information may be destroyed unless the information may be relevant to any pending or potential litigation, inquiry, or investigation, in which case, the information may not be destroyed and must be retained for the duration of that litigation, inquire, or investigation and thereafter as necessary.

Confidentiality

The college is committed to protecting the privacy of individuals (employees, students and alumnae/i) and the confidentiality of records. In the course of performing their job duties, many employees handle a variety of proprietary and private information concerning colleagues, students, alumnae/i, or others associated with the college, as well as confidential information regarding college business. This material, including payroll figures, personal data, such as employee home addresses, donor files, or student records, is deemed confidential. Disclosure or discussion of confidential information obtained from college or department records, either during or after employment with the college, is impermissible unless such disclosure is a requirement of an employee's position and has been specifically authorized, or unless contrary to applicable law. Employee's responsibilities include ensuring that confidential documents, in either paper or electronic form, are not left unattended and refraining from engaging in discussion of confidential information in forums where the information may be overheard. If an employee is confronted with a situation in which he or she is unsure about the appropriateness of disclosing certain information, then the employee should consult with a supervisor, Division Officer, or the Human Resources Department.

Consequences of Violations of the Wheaton College Ethics Code

Material violations of this section on Wheaton College Ethics Code or any related policies and procedures may subject the violator to disciplinary consequences, up to and including revocation of privileges and dismissal from employment. Such violations could also subject individuals to civil or criminal actions in state or federal courts.

Equal Opportunity and Affirmative Action

Equal Employment Opportunity

Wheaton College is committed to providing equal opportunities to all employees and applicants as defined under federal and state law. Wheaton does not discriminate on the basis of race, color, mental or physical disability, national origin or ancestry, citizenship, age (age 40 or older), religion, gender, sex, pregnancy, sexual orientation, gender identity, gender expression, genetic information, marital or familial status, veteran or military status, membership in the Uniformed Services, or any other characteristic protected by law. Unlawful employment discrimination and harassment by managers, supervisors, employees, vendors, clients, and contractors will not be tolerated.

This Policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, benefits and training. It applies to all work-related settings and activities, whether inside or outside the workplace, and includes business trips and business-related social events.

Employees who believe they have been subjected to any form of unlawful discrimination or retaliation, or have questions about this policy or inquiries regarding a specific employment issue should contact the Human Resources Department. Employees can raise concerns and make reports without fear of reprisal, as retaliatory behavior is prohibited.

Affirmative Action Policy

Wheaton College provides equal employment opportunities for all prospective and current employees. Wheaton does not discriminate on the basis of race, color, national origin, religion, sex, sexual orientation, gender identity and expression, age, veteran status, disability, genetic information, or any other status protected by law. Wheaton takes affirmative action to ensure equal employment opportunity. Affirmative Action is a results-oriented program designed to ensure that each individual can participate equally in all employment opportunities at Wheaton.

Wheaton recruits, hires, trains, and promotes individuals in all job titles and ensures that all personnel actions are administered without regard to sex, race, disability veteran status, or any other protected category. All employment decisions are based only on valid job requirements. This policy governs all aspects of employment, including application, hiring, compensation, promotion, discipline, termination of employment, and access to benefits and training. Wheaton maintains an audit and reporting system to measure the effectiveness of its affirmative action program.

Wheaton encourages any employee with questions or concerns about equal employment opportunity or discrimination in the workplace to bring these issues to our attention. Employees and applicants shall not be subjected to harassment, intimidation, threats, coercion, or discrimination because they have engaged in or may engage in any of the following activities: filing a complaint; assisting or participating in an investigation, compliance evaluation, hearing, or any other activity related to the administration of the affirmation action provisions of Executive Order 11246, Section 503 of the Rehabilitation Act, or any other federal, state, or local law

requiring equal opportunity for minorities, females, individuals with a disability, protected veterans; opposing any act or practice made unlawful by Executive Order 11246, VEVRAA, or the Rehabilitation Act; or exercising any other right protected by Executive Order 11246, VEVRAA, or the Rehabilitation Act.

The President of Wheaton College supports fully the college's equal employment and affirmative action policies and has delegated to Director of Human Resources the responsibilities of providing guidance in affirmative action program development and in the coordination of implementation procedures. The implementation of this policy requires the understanding and cooperation of all faculty members, managers, and employees.

Wheaton maintains a written affirmative action program. The program is audited periodically and updated annually.

Unlawful Discrimination and Harassment Policy

Wheaton College is committed to maintaining an environment free of all Unlawful Discrimination and Harassment, including any forms of coercion that impede the academic freedom, security, or well-being of any member of the community.

Unlawful Discrimination and Harassment is inimical to such an environment. Wheaton does not discriminate on the basis of race, color, mental or physical disability, genetic information, national origin or ancestry, citizenship, age (age 40 or older), religion, sex,¹ gender, sexual orientation, gender identity, gender expression, pregnancy, marital status, veteran or military status, membership in the Uniformed Services, or any characteristic protected by law. These are referred to in this Policy as "Legally Protected Categories." Unlawful Discrimination and Harassment by managers, supervisors, employees, vendors, clients, and contractors will not be tolerated.

This Policy applies to all work-related settings and activities, whether inside or outside the workplace, and includes business trips and business-related social events. College property (e.g., telephones, copiers, scanners, computers, and computer applications, such as e-mail and Internet access) may not be used to engage in conduct that violates this Policy.

Wheaton will investigate all complaints that implicate this Policy, as set forth below. Persons found to have violated this Policy will be subject to disciplinary action, as set forth in this Policy.

Definitions

Sexual Harassment. Any unwelcome sexual advance, request for sexual favors, or other unwelcome conduct of a sexual nature, whether verbal, physical, graphic, or otherwise. Sexual Harassment may occur between opposite sex or same sex individuals and is not limited by gender or gender identity. In general, Sexual Harassment can be divided into two types of conduct:

(A) **Tangible Employment or Educational Action.** This type of Sexual Harassment occurs when the terms or conditions of employment, living environment or participation in a College activity is conditioned upon, either explicitly or implicitly, submission to or rejection of unwelcomed sexual advances or requests for sexual favors, or such submission or rejection is a factor in decisions affecting that individual's employment, living environment, or participation in a College program or activity.

(B) **Hostile Environment Harassment.** This type of Sexual Harassment exists when the conduct is sufficiently serious (i.e., severe, pervasive, or persistent) so as to deny or limit a person's ability to participate in or benefit from the College's

¹To the extent that a complaint involves sexual or gender-based misconduct and implicates the Wheaton College Sexual & Gender-Based Misconduct Policy for Staff, the complaint will be handled as per the process outlined in that policy.

programs, services, opportunities, or activities or when such conduct has the purpose or effect of unreasonably interfering with an individual's employment. In determining whether a hostile environment exists, consideration will be made as to whether a reasonable person in a similar situation would have also perceived the conduct as objectively offensive.

Retaliation. Any acts or words that constitute intimidation, threats, or coercion because of that person's: (1) report of unlawful discrimination or harassment; (2) assistance in reporting unlawful discrimination or harassment; (3) participation in any proceeding under this Policy; or (4) protest of Unlawful Discrimination and Harassment, and that would also deter a reasonable person from reporting or assisting in reporting a violation of this Policy, participating in any proceeding under this Policy, or protesting of unlawful Discrimination and Harassment. An adverse action does not include minor annoyances or another's lack of good manners as those actions will not deter a reasonable person from engaging in the process.

Unlawful Discrimination and Harassment Based on Legally Protected Categories. Discrimination in the terms and conditions of employment or harassment in the workplace on the basis of race, color, religion, age, sex, sexual orientation, gender identity, gender expression, pregnancy, national origin, disability, genetic information, status as a veteran (including, but not limited to, a veteran of the Vietnam era or a recently separated veteran, or a disabled veteran), membership in uniformed services, or other categories protected by applicable laws.

Prohibited Conduct

Wheaton employees are prohibited from engaging in:

- (1) Unlawful Discrimination and Harassment Based on Legally Protected Categories;
- (2) Sexual Harassment; and
- (3) Retaliation

Examples of Conduct Which May Constitute Sexual Harassment

Sexual Harassment refers to behavior that is not welcome, and may occur in a variety of situations which share a common element: the inappropriate introduction of sexual activities or comments into the work environment. Conduct is unwelcome when those subject to the harassment do not solicit or invite it and regard it as undesirable or offensive. The fact that a person may accept or not voice objection to the conduct does not necessarily mean that he or she welcomes it.

Examples of behavior that might be considered Sexual Harassment include but are not limited to:

- Unwelcome sexual innuendo, propositions, sexual attention or suggestive comments and gestures; inappropriate humor about sex or gender-specific traits; sexual slurs or derogatory language directed at another person's sexuality, gender

identity, sexual orientation or gender expression; insults and threats based on sex, gender, gender identity, sexual orientation or gender expression; and other oral, written or electronic communications of a sexual nature that an individual communicates is unwanted and unwelcome.

- Written graffiti or the display or distribution of sexually explicit drawings, pictures, or written materials; sexually charged name-calling; or the circulation, display, or creation of e-mails, text messages, or web sites of a sexual nature.
- Display or circulation of written materials or pictures degrading to an individual or gender group where such display is not directly related to academic freedom, or an educational/pedagogical, artistic, or work purpose.
- Unwelcome physical contact or suggestive body language, such as touching, patting, pinching, hugging, kissing, or brushing against an individual's body.
- Physical coercion or pressure of an individual to engage in sexual activity or punishment for a refusal to respond or comply with sexual advances.
- Use of a position of power or authority to: (1) threaten or punish, either directly or by implication, for refusing to tolerate Sexual Harassment, for refusing to submit to sexual activity, or for reporting Sexual Harassment; or (2) promise rewards in return for sexual favors.
- Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping.

In general, sexual and intimate conduct and/or romantic attentions or relationships that are unwelcomed are prohibited.

Sexual and intimate conduct and/or romantic attentions or relationships, even if welcomed, between any members of the college community who have a supervisory relationship or evaluative relationship (for example, grading a student's work or participating in decisions regarding reviews, promotions, awards, program eligibility, and other privileges) with each other also are prohibited.

In addition, individuals should understand that sexual and intimate conduct and/or romantic attentions or relationships that begin as welcomed sometimes evolve into problematic situations, particularly those relationships between individuals of unequal authority. Such relationships may raise concerns, whether perceived or real, about the validity of consent, conflict of interest, fairness of treatment, or the creation of a hostile or intimidating environment, and the relationship may be called into question under this Policy. Accordingly, the College strongly discourages these types of relationships, even if they are welcomed.

It is not advisable (or possible) to formulate a policy so specific that all conceivable incidents are clearly included or excluded from the definition of Sexual Harassment. Decisions about alleged

improper conduct and determinations of appropriate action by the institution will be made on a case-by-case basis. Such action may range from a reprimand or counseling to termination of employment, and may include such other forms of disciplinary action as the College may deem necessary under the circumstances.

Examples of Conduct Which May Constitute Retaliation

As stated in this Policy, Retaliation includes any acts or words that constitute intimidation, threats, or coercion because of that person's: (1) report of unlawful discrimination or harassment; (2) assistance in reporting of Unlawful Discrimination and Harassment; (3) participation in any proceeding under this Policy; or (4) protest of Unlawful Discrimination and Harassment and that would also deter a reasonable person from reporting or assisting in reporting a violation of this policy, participating in any proceeding under this policy, or protesting of Unlawful Discrimination and Harassment. An adverse action does not include minor annoyances or another's lack of good manners as those actions will not deter a reasonable person from engaging in the process. Examples of Retaliation include but are not limited to:

- exclusion of a complainant from social events because of the complainant's report of unlawful discrimination or harassment;
- harassment of any witnesses because of their cooperation in the investigation process;
- bullying, taunting, or intimidating a complainant because of the complainant's report of Unlawful Discrimination and Harassment; and
- termination of College employment, denial of promotion or leadership position because of the complainant's report of unlawful discrimination or harassment.

The College does not tolerate Retaliation in any form against any persons for their participation or involvement in the reporting, investigation, and/or resolution of matters subject to this policy. The College includes Retaliation as prohibited conduct under this policy. Retaliation may constitute a violation of this policy even when the underlying report made does not result in a finding of responsibility.

Examples of Conduct Which May Constitute Unlawful Discrimination or Harassment Based on Protected Categories

Depending upon the circumstances, examples of Unlawful Discrimination or Harassment based on any of the *Legally Protected Categories* could include, but is not limited to, the above examples concerning Sexual Harassment, as well as the following types of conduct:

- epithets, slurs, negative stereotyping, jokes, or bullying, threatening, or intimidating acts that relate to a person's status within any of the *Legally Protected Categories*;
- repeated verbal abuse or innuendo or use of derogatory words concerning any of the *Legally Protected Categories*;

- making decisions about an employee’s employment based upon his or her membership in any of the *Legally Protected Categories*;
- denying an employee a promotion because that person made a report of a violation of this Policy;
- an open display of objects or pictures that are reasonably offensive to another person based upon his or her being in any of the *Legally Protected Categories*.

The conduct listed in the above examples may also constitute Retaliation. Retaliation also includes, but is not limited to, taking an adverse employment action such as denying an employee a promotion, because that employee made a report of a violation of this Policy or assisted the College with an investigation into a reported violation of this Policy.

Sexual Harassment by Visitors

An important area of concern relates to visitors to the campus. The College prohibits Sexual Harassment by individuals visiting or conducting business on the Wheaton campus or in such places where the College provides educational benefit to its community. Any persons who believe that they have been subjected to conduct by a visitor that could violate this Policy, should call Public Safety. Public Safety will take other appropriate action. If visitors' behavior is illegal (e.g., vandalism, sexual assault, etc.), they may be subject to arrest. Members of the community have a responsibility to make clear to their visitors that such behavior is not acceptable at the College.

Unlawful Discrimination and Harassment Complaint and Investigation Procedure

This section explains the process for investigating allegations that the College’s Unlawful Discrimination and Harassment Policy may have been violated, as well as the process of determining and administering any sanctions or remedies. As noted above, this process applies to all such allegations except for those concerning sexual or gender-based misconduct. To the extent that a complaint involves sexual or gender-based misconduct and implicates the Wheaton College Sexual and Gender-Based Misconduct Policy for Staff, the complaint will be handled as per the process outlined in that policy.

For the purposes of this Policy, “Respondent” means a person alleged to have engaged in conduct in violation of this Policy and “Complainant” means an individual who experienced the alleged conduct that violates this Policy.

Reporting Conduct that Implicates this Policy

Individuals who believe that they have been subject to unlawful discrimination or harassment or Retaliation should notify the Assistant Vice President of Human Resources or one of the persons listed in the “Contact List” at the end of this Policy. Similarly, employees in managerial or supervisory positions have an obligation to notify the Assistant Vice President of Human Resources or one of the persons listed in the “Contact List” at the end of this Policy if they receive complaints or learn about incidents or concerns involving unlawful discrimination, harassment or retaliation.

Filing a Complaint

Individuals who believe that they have been discriminated or harassed on the basis of any of the Legally Protected Categories or subject to Retaliation may file a complaint for the college to address. To file a complaint with the college, an employee must make a report to the Assistant Vice President of Human Resources or one of the persons listed in the “Contact List” at the end of this Policy, outlining the specific nature of the complaint and relevant details.

Resolution Process

The resolution process generally involves an initial review of the complaint, an investigation, determination of responsibility, and disciplinary action. In general, the Assistant Vice President of Human Resources or designee will serve as the investigator. The College can designate that an additional individual assist the Assistant Vice President of Human Resources in the investigation, or the College may designate another appropriate individual on a case-by-case basis to provide a prompt and equitable investigation process.

Initial Review:

The investigator will conduct an initial review of the complaint. The investigator will gather sufficient information from the Complainant to understand the nature of the complaint and to determine whether the behavior alleged implicates this Policy. If the investigator determines that the alleged conduct implicates this Policy, the investigator will notify the Complainant and the Respondent of the nature of the complaint and the accusations and will confirm that the College will investigate the complaint.

Investigation:

As soon as possible, but no later than three (3) business days after receiving notice of the identity of the investigator, the parties should inform the Assistant Vice President of Human Resources of any conflicts or potential conflicts of interest with regard to the selected investigator. The Assistant Vice President of Human Resources or a designee will determine if a conflict of interest exists and, if so, assign an appropriate alternate investigator. The parties will have an additional three (3) business days to notify the Assistant Vice President if there are any additional conflicts with the newly named investigator.

Once affirmed, the investigator will schedule interviews with the Complainant, the Respondent, and other persons the investigator believes may have information that is relevant and necessary for the investigation. The Complainant and Respondent will have the opportunity to identify evidence and witnesses. In all cases, the investigator will determine the scope of the investigation.

Investigative Report:

At the conclusion of the investigation, the investigator will prepare an investigative report that sets forth a determination of responsibility and sanctions, if any. In determining whether a violation of this Policy occurred, the investigator will use the preponderance of the evidence standard.

Determination of Responsibility and Disciplinary Action

In the event the Respondent is found Not Responsible for a violation, the Assistant Vice President of Human Resources or designee will simultaneously notify the Complainant and Respondent.

In the event the Respondent is found Responsible for a violation, the Assistant Vice President of Human Resources (or designee) will determine the appropriate disciplinary action. Some examples of disciplinary action for staff include, but are not limited to, termination, suspension, reassignment, non-renewal of a contract, and other changes in employment terms or conditions. In all cases, the Assistant Vice President of Human Resources will notify the Complainant and Respondent in writing of the outcome and the option to appeal.

In limited circumstances, when the safety of the College community is at risk, if the material facts are undisputed, if there are extenuating circumstances involving either of the parties, or if the Assistant Vice President or designee, in consultation with appropriate administrators, determines it is in the best interest of the College and/or the community, the College retains the right to determine, in its sole discretion, if it will address a report of conduct that falls under this Policy administratively and outside of the process described in this Policy. Whenever the College determines that it will exercise this provision, its actions will be in accord with and stay true to the processes described in this Policy to the extent possible. The College will also clearly explain to the parties any alternate processes it will take in the given situation.

Appeal Process

At the conclusion of the determination phase, a Complainant or Respondent may appeal the decision. The guidelines and steps for the appeal process are as follows:

Filing an Appeal:

Within five (5) business days of the date the Assistant Vice President of Human Resources decision is sent in writing to the party, either party may appeal the decision by submitting to the Executive Vice President for Finance & Administration a letter stating why the party requesting the appeal believes the determination of responsibility was inappropriate.

Content for Appeal:

A party may file an appeal only on the following grounds:

- Newly discovered material information that was not known to the appellant party and unavailable during the investigation and which likely would have changed the finding of responsibility or the sanctions or disciplinary action imposed had it been available; or
- Substantial procedural error that materially prejudiced the appellant party.

The appellant party must set forth in detail the grounds for review and must attach all materials that the party wishes to have considered in the appeal process.

The Executive Vice President for Finance and Administration will notify the Complainant and Respondent in writing of receipt of the appeal as soon as practicable. The Executive Vice President

or his designee will decide appeals. The Executive Vice President may decide to accept, modify or reject the original decision. The Executive Vice President will provide simultaneous written notice of the outcome to the Complainant and Respondent as soon as practicable. In all cases, the decision of the Executive Vice President is final.

Contact List

If you have any questions about this Policy or if you would like to file a complaint of a conduct you believe to be a violation of this Policy, you may do so by contacting the appropriate individual listed below:

For complaints made against members of the staff and other persons working on campus:

Omaira Roy, Assistant Vice President of Human Resources
Hebe
(508) 286-3544
roy_omaira@wheatoncollege.edu

For complaints made against members of the faculty:

Renée White, Provost
Park Hall, Room 114
(508) 286-8212
white_renee@wheatoncollege.edu

For complaints made against students:

Kate Kenny, Vice President for Student Affairs and Dean of Students
Park Hall, Room 103
(508) 286-8218
kenny_kate@wheatoncollege.edu

Title IX Director (Any student, staff or faculty may contact the Title IX Director)

Rachael Pauze, Director of Title IX Compliance
Science Center, Room 227
(508) 286-3231
pauze_rachael@wheatoncollege.edu

Outside Agencies

In addition to filing a complaint with an official of the college, persons may contact the government agencies listed below to file a complaint of Sexual Harassment. Please note there are time limitations for filing complaints with these agencies and you should contact the agencies if you have questions about the time limitations or the agencies' complaint processes.

The United States Equal Employment Opportunity Commission (“EEOC”)

John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
(800) 669-4000

The Massachusetts Commission Against Discrimination (“MCAD”)

Boston Office:
One Ashburton Place, Room 601
Boston, MA 02108
(617) 994-6000

Worcester Office:
484 Main Street, Room 320
Worcester, MA
(508) 453-9630

Springfield Office:
436 Dwight Street, Room 220
Springfield, MA 01103
(413) 739-2145

New Bedford Office:
800 Purchase Street, Room 501
New Bedford, MA 02740
(508)990-2390

Office for Civil Rights (“OCR”)

US Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109-3921
(617) 289-0111

Sexual and Gender-Based Misconduct Policy for Staff

I. Introduction

The Sexual and Gender-Based Misconduct Policy for Staff (‘the Policy’) describes how Wheaton College (‘the College’) will address and investigate a report that a staff member has engaged in conduct that could constitute Sexual and Gender-Based Misconduct and determine what, if any, safety measures and/or disciplinary sanctions are appropriate. The Policy also outlines the process available to those who experience Sexual and Gender-Based Misconduct by Staff. For more information or to report Sexual and Gender-Based Misconduct, please contact Rachael Pauze, Director of Title IX Compliance at (508) 286-3231, pauze_rachael@wheatoncollege.edu, or in person at her office, Room 227 in the Science Center.

II. Definitions

For purposes of the Policy, the following terms have the meanings indicated in this section.

Appellate Officer. The Executive Vice President for Finance and Administration or a designee.

Complainant. A Complaining Individual who experienced the alleged Sexual and Gender-Based Misconduct and who becomes a party to the conduct process under Section IV of the Policy.

Complaining Individual. An individual who experienced the alleged Sexual and Gender-Based Misconduct.

Confidential Resource Person. A College staff or faculty member or third-party partner who is not required to report allegations of Sexual and Gender-Based Misconduct to the Title IX Director.

Effective Consent. Consent which is informed, freely and actively given through clear words or actions, and creates mutually understandable permission regarding the conditions of sexual activity. Effective Consent is achieved only where each party mutually understands what behavior the party’s partner consents to and what behavior the party’s partner does not consent to with regard to physical and sexual interactions. Effective Consent at one time does not imply Effective Consent at any other time. Effective Consent cannot be obtained: (1) through silence alone (absent a non-verbal action clearly demonstrating consent); (2) from minors (under the age of 16 in Massachusetts), individuals with mental disabilities, or incapacitated persons; or (3) through physical force, threat of physical force (by words, gestures, or non-verbal actions), coercion, fraud, intimidation, or incapacitation.

Non-Consensual Sexual Penetration. Any sexual penetration (anal, oral or vaginal), however slight, with any object or sexual intercourse, without Effective Consent. Sexual intercourse includes vaginal or anal penetration by a penis, object, tongue or finger and oral copulation by mouth to genital contact or genital to mouth contact.

Non-Consensual Sexual Touching, Disrobing or Exposure. Any intentional sexual touching, however slight, with any object without Effective Consent. Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other body orifice of another individual or any other bodily contact in a sexual manner. It also includes ejaculating semen onto another individual without Effective Consent. Any disrobing of another individual, or intentional exposing of oneself to another individual without Effective Consent.

Order of No Contact. A written order issued by the College prohibiting contact between two or more parties and, when applicable, ordering restriction from one or more locations on campus.

Procedural Advisors. Trained faculty members, staff or administrators who provide information and procedural advice regarding the Policy and process to the Complainant and the Respondent.

Relationship Violence. Any act of violence or threatened act of violence against a person who is, or has been involved in, a sexual or dating relationship with that person. Relationship Violence may involve one act or an ongoing pattern of behavior. Relationship Violence can encompass a broad range of behavior including, but not limited to, threats, assault, property damage, emotional abuse, violence or threat of violence to one's self, one's sexual or romantic partner or to the family members or friends of the sexual or romantic partner. Relationship Violence can occur with individuals of all genders, gender identities, gender expressions and sexual orientation and can occur across racial, cultural and socio-economic identities.

Reporting Individual. An individual who did not experience Sexual and Gender-Based Misconduct but who becomes aware of it and reports it to the College.

Respondent. An individual who is alleged to have committed Sexual and Gender-Based Misconduct and who becomes a party to the conduct process under Section IV of the Policy.

Responsible Employees. All College employees, including residential advisors and student academic advisors. While residential advisors are Responsible Employees at all times, student academic advisors are Responsible Employees only when receiving disclosures from or about the students whom they advise. Responsible Employees do not include persons with a statutory privilege (licensed psychologists, mental health counselors, social workers, clergy and designated medical personnel) who are acting within that privileged role, and individuals the College explicitly designates as Confidential Resource Persons.

Retaliation. Any acts or words that constitute intimidation, threats, or coercion because of that person's: (1) report of Sexual and Gender-Based Misconduct; (2) assistance in reporting of Sexual and Gender-Based Misconduct; (3) participation in any proceeding under the Policy; or (4) protest of Sexual and Gender-Based Misconduct, and that would also deter a reasonable person from reporting or assisting in reporting a violation of the policy, participating in any proceeding under the Policy, or protesting of Sexual and Gender-Based Misconduct. An adverse action does not include minor annoyances or another's lack of good manners as those actions will not deter a reasonable person from engaging in the process.

Sexual and Gender-Based Misconduct. Sexual Harassment, Sexual Exploitation, Sexual Misconduct by Inducement of Incapacity, Stalking, Relationship Violence, Non-Consensual Sexual Penetration, Non-Consensual Sexual Touching, Disrobing or Exposure, Sexual Misconduct by Incapacity, any other sexual contact or activity that occurs without Effective Consent, as well as any other form of discrimination based on gender.

Sexual Exploitation. Taking non-consensual, unfair, or abusive sexual advantage of another for that individual's own advantage or benefit, even where that behavior does not constitute another Sexual and Gender-Based Misconduct offense.

Sexual Harassment. Any unwelcome sexual advance, request for sexual favors, or other unwelcome conduct of a sexual nature, whether verbal, physical, graphic, or otherwise. Sexual harassment may occur between opposite sex or same sex individuals and is not limited by gender or gender identity. In general, Sexual Harassment can be divided into two types of conduct:

Tangible Employment or Educational Action. This type of Sexual Harassment occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment or participation in a University activity is conditioned upon, either explicitly or implicitly, submission to or rejection of unwelcomed sexual advances or requests for sexual favors, or such submission or rejection is a factor in decisions affecting that individual's employment, education, living environment, or participation in a University program or activity.

Hostile Environment Harassment. This type of Sexual Harassment exists when the conduct is sufficiently serious (i.e., severe, pervasive, or persistent) so as to deny or limit a person's ability to participate in or benefit from the University's programs, services, opportunities, or activities or when such conduct has the purpose or effect of unreasonably interfering with an individual's employment. In determining whether a hostile environment exists, consideration will be made as to whether a reasonable person in a similar situation would have also perceived the conduct as objectively offensive.

Sexual Misconduct by Incapacity. Any sexual interactions with someone a person knows, or reasonably should know, to be incapacitated by alcohol, drugs, sleep, or other type of incapacitating condition, such that they cannot give Effective Consent.

Sexual Misconduct by Inducement of Incapacity. The inducing of incapacitation through the provision of alcohol or drugs to another individual, with or without that individual's knowledge, for the purpose of causing impairment or intoxication and taking advantage of that individual's impairment or intoxication to engage in sexual activities.

Sexual Violence. Any sexual act committed against someone without that person's Effective Consent.

Stalking. An intentional course of repeated conduct or behavior over a period of time, directed at a specific person, which causes the person to feel alarm, annoyance, emotional distress or fear and which may include persistent calling, texting or posting on a social networking site as well as in-person conduct, where the content of the messages or the nature of the in-person conduct is gender-based or of a sexual nature. Stalking may involve individuals who are known to one another or have an intimate or sexual relationship, or may involve individuals not known to one another.

Timely Warning. A warning issued by the Director of Public Safety to the campus community to notify the community of a serious crime that constitutes an ongoing or continuing threat.

Title IX. Title IX of the Education Amendments of 1972 (20 U.S.C.A. § 1681).

Title IX Coordinator for Staff. The College Title IX Coordinator for Staff or a designee.

Title IX Director. The College Director of Title IX Compliance or a designee.

III. Prohibited Conduct

This section outlines conduct which is prohibited under the Policy.

- (1) Sexual and Gender-Based Misconduct is prohibited. Such prohibitions include:
 - (a) Sexual Exploitation;
 - (b) Sexual Harassment;
 - (c) Sexual Misconduct by Inducement of Incapacity;
 - (d) Stalking;
 - (e) Relationship Violence; and
 - (f) Any sexual contact or activity that occurs without the Effective Consent of any individual involved including but not limited to:
 - (i) Non-Consensual Sexual Penetration;
 - (ii) Non-Consensual Sexual Touching, Disrobing or Exposure; and
 - (iii) Sexual Misconduct by Incapacity.
- (2) Retaliation is prohibited.
- (3) Attempts to commit Sexual and Gender-Based Misconduct is prohibited.

(4) Aiding the commission of Sexual and Gender-Based Misconduct is prohibited.

IV. Process for Resolving Complaints

This section outlines how the College will investigate a report of conduct that could constitute a violation of the Policy and determine what, if any, interim measures and disciplinary action is appropriate.

(1) **Reporting Sexual and Gender-Based Misconduct.** Responsible Employees must, within twenty-four (24) to forty-eight (48) hours, disclose to the Title IX Director incidents of Sexual and Gender-Based Misconduct that come to their attention.

(2) **Response to reports of Sexual and Gender-Based Misconduct.** The College will respond to all reports of Sexual and Gender-Based Misconduct in a prompt, equitable, and effective manner.

(3) **Initial Assessment; Interim Measures.** After receiving notice of conduct that could constitute a violation of the Policy, the Title IX Director will take a number of initial steps. These initial steps are not an investigation. Rather, these initial steps will enable the College to assess the need to take any immediate action to address the safety and health needs of the Complaining Individual and the College community and to determine the next steps for investigating the reported conduct and the need for any interim measures. These initial steps may include, but are not limited to, the following:

- (a) **Contact with the Complaining Individual.** The Title IX Director will promptly contact the Complaining Individual and encourage the individual to meet to discuss the nature and circumstances of the reported conduct, review relevant documentation that is available, and address the Complaining Individual's immediate physical safety and emotional needs, including the need for any interim measures. Examples of possible interim measures may include interim Orders of No Contact, requests for academic adjustments or other accommodations, access to additional support services, changes to living, transportation and working situations, and other actions to address the situations and concerns raised on an interim basis. The Title IX Director will notify the Complaining Individual of the available resources for seeking medical treatment, counseling, spiritual guidance, or other interim measures. These resources can be found at <http://wheatoncollege.edu/sexual-assault/friend/>. A formal complaint is not necessary to trigger this part of the College's process.
- (b) **Disclosures Regarding Law Enforcement.** The Title IX Director will notify the Complaining Individual: (1) about the availability of the Policy; (2) about the right to report (or decline to report) the matter to Public Safety and/or to local law enforcement; and (3) that a report to law enforcement will not change the College's duty to respond to the matter but it may briefly delay the timing of any investigation if a law enforcement agency requests that the College delay its

process for a reasonable amount of time to allow it to gather evidence of criminal conduct.

- (c) **Policy on Retaliation.** The Title IX Director will inform the Complaining Individual about the policy regarding retaliation. Moreover, the College will respond to any reports of retaliation immediately.
- (d) **Threat Assessment.** The Title IX Director will assess the reported conduct to determine whether the circumstances pose a threat to the health or safety of the College community and warrant the issuance of a Timely Warning, an interim Order of No Contact for any persons, or any other interim protections.
- (e) **Determining Application of the Policy.** If the Title IX Director determines, after speaking with the Complaining Individual, that the reported conduct would not, in any way, implicate the Policy, the Title IX Director will advise the Complaining Individual of such in writing and, if appropriate, refer the reported conduct to the appropriate administrator for handling consistent with any other pertinent College policy. If new information is subsequently provided, the decision whether or not to investigate under the Policy will be reevaluated. If the Title IX Director determines the reported conduct could, in any way, violate the Policy, the Title IX Director will contact the Complaining Individual to discuss that determination and work with the Complaining Individual to initiate the conduct process. If, at this time, the Complaining Individual requests that the process not move forward, the College, in accordance with Section V(6) of the Policy, will weigh that request and the reasons for it against the College's obligation to address any risk of harm to the Complaining Individual or other individuals in the community and the nature of the incident or conduct at issue. Mediation is not an option for resolving allegations involving any form of Sexual Violence.

(4) **Investigation.** If, during the Initial Assessment, it is determined that the reported conduct implicates the Policy and the Complaining Individual initiates the conduct process or the College otherwise determines that it must move forward, the formal investigation phase will commence and include the steps outlined below.

- (a) **Notice of Investigation.** The Title IX Director, in consultation with the Title IX Coordinator for Staff, will provide a copy of any written complaint along with a written notice to the Respondent that will include a description of the allegations, the portions of the Policy that are alleged to have been violated, and any interim measures in place about which the Respondent must be made aware. This written notice does not constitute a finding or a determination of responsibility, but it will re-affirm to both parties that they are not to retaliate against each other, as that term is defined in the Policy.
- (b) **Procedural Advisors.** The Title IX Director, in consultation with the Title IX Coordinator for Staff, will offer the Complainant and the Respondent an opportunity to use a Procedural Advisor. Parties may elect not to utilize a Procedural Advisor, and may select any other person to serve as an advisor-of-choice, including an attorney. Parties may also elect to participate in the conduct

process without utilizing a Procedural Advisor or an advisor-of-choice. Procedural Advisors or advisors-of-choice may be present during any meeting, interview, or hearing held pursuant to the Policy.

Individuals participating in the conduct process as a Procedural Advisor or as an advisor-of-choice must comply with the Policy in performing their respective roles. Procedural Advisors and advisors-of-choice may not speak on behalf of the individual they are advising while present at any meeting, interview, or hearing, although they may ask to suspend any meetings, interviews, or hearings briefly and in a reasonable and non-disruptive manner to provide private consultation related to the matter in progress. They may also ask clarifying questions on a limited basis that do not interfere with the proceeding in question. Procedural Advisors or advisors-of-choice are subject to the same confidentiality expectations applicable to others in attendance. Accommodations, including scheduling of meetings, interviews, or hearings, will not be made for any advisers if they unduly or unnecessarily delay the process.

- (c) Designation of Investigator. The Title IX Coordinator for Staff will serve as an internal investigator to conduct a prompt, fair, equitable and impartial investigation of the reported conduct and prepare a report of investigative findings (the “Investigative Report”). At the College’s discretion, an external investigator may be assigned in place of the internal investigator. The College may also exercise discretion in assigning an additional external investigator to conduct the investigation with the College’s internal investigator.

All investigators – internal or external – will be qualified and trained individuals employed by the College or engaged by the College for the purpose of conducting investigations under the Policy. If an internal Investigator other than the Title IX Coordinator for Staff is assigned, the Title IX Director will provide the parties with the name of the Investigator. As soon as possible, but no later than three (3) business days after receiving notice of the identity of the investigator, the parties should inform the Title IX Director (in writing) of any conflicts or potential conflicts of interest with regard to the selected investigator. The Title IX Director will consider the nature of the conflict and determine if different individuals should be assigned as Investigator. The Title IX Director’s decision regarding any conflicts is final.

- (d) Nature of the Investigation. The investigation will include separate interviews with the Complainant, the Respondent, and any witnesses whom the investigator believes will provide necessary and relevant information. The investigation may include the review of documentation or other items relevant to the reported conduct. The investigator will provide the parties with written notice of meetings at which their presence is required.

The investigator will provide a statement to each party participating in an interview that explains the applicable rules of confidentiality. Such rules include that any information learned, including questions asked or statements made by the investigator are to be kept confidential and not shared with anyone except the parties' Procedural Advisors. The investigator will also explain that the Director of Title IX Compliance will be available to provide support should a party wish to discuss anything learned during the course of the investigation or have any questions regarding the level of confidentiality expected.

- (e) The Parties' Identification of Potential Witness(es) and Documentation. The parties have the opportunity (and are expected) to provide the investigator with the identities of potential witnesses who have specific information about the reported conduct and with whom they would like the investigator to speak. The parties also have the opportunity (and are expected) to provide the investigator any documentation or other evidence they would like to be considered. All information described in this section must be presented to the investigator in writing and include a brief description as to how the persons, documents, and/or evidence are relevant to the reported conduct. This information must be provided to the investigator during the investigation phase and without delay upon becoming aware of it. The investigator will exercise discretion in their determination of what information to consider and which potential witnesses identified by the parties can provide relevant information to the investigation.
- (f) Investigative Report. At the conclusion of the investigation phase, the investigator will prepare an investigative report, which should include a summary of the factual information presented during the investigation phase and the determination of responsibility.
- (g) Determination of Responsibility. The investigator must use the preponderance of the evidence standard when determining whether a Respondent is responsible for violation(s) of the Policy.
- (h) Sanctions. If the investigator determines the Respondent is responsible for violation(s) of the Policy, the investigator will determine the sanction(s) to be imposed unless the investigator is external, in which case the Title IX Coordinator for Staff will decide sanctions based on the investigator's fact finding and determination. Pertinent records of previous disciplinary action may be used in determining an appropriate sanction. Sanctions may include but are not limited to the following: termination; suspension; probation; reprimand; warning; restitution; education/counseling; Order of No Contact; restriction from or loss of leadership opportunity or positions in activities.

- (i) Notice. The Title IX Coordinator for Staff will promptly present the determination and sanctions to the Complainant and Respondent. The Title IX Director will send written notice of the same along with a copy of the investigative report to the Complainant and Respondent.

(6) **Appeals of Decisions.** At the conclusion of the investigation and determination phase, either party may file an appeal. The appeal process includes the steps outlined below.

- (a) Filing an Appeal. Within five (5) business days of receiving written notice of the determination on responsibility and sanctions, either the Complainant or the Respondent may appeal the decision by submitting to the Title IX Director a letter stating why the party requesting the appeal believes the determination of responsibility and/or the sanctions were inappropriate.
- (b) Content for Appeal. A party may appeal only on the following grounds:
 - (i) newly discovered material information that was not known to the appellant party during the investigation and during the hearing and which likely would have changed the finding of responsibility or the sanction imposed had it been available; or
 - (ii) substantial procedural error that materially prejudiced the appellant party.

The party submitting the appeal must set forth in detail the grounds for review and must attach all materials that the party wishes to have considered in the appeal process. The Title IX Director will provide a copy of the appeal submitted by one party to the other party.

- (c) Appellate Officer. The Appellate Officer will decide the merits of any appeal and in so doing, may consult with the investigator and any other individual that the Appellate Officer deems appropriate.

The purpose of the appeal is not to rehear the case; rather, it is to determine if there is sufficient information presented to allow a reconsideration of the investigator's decision.

- (d) Enforcement of Decision. Any action assessed or recommended by the investigator may be enforced, in whole or in part, pending the outcome of the appeal at the sole discretion of the Title IX Director including a removal or suspension.
- (e) Appeal Determinations. The Appellate Officer will review the appeal and render a decision usually within ten (10) business days.

The Appellate Officer may affirm all or part of the decision (which includes the sanction, as well as the determination of responsibility) or may refer the matter to the investigator for further consideration. If the matter is referred back to the investigator, the Appellate Officer will provide specific instructions with the referral. In the event of a referral, the Appellate Officer may mandate such further proceedings as the Appellate Officer deems appropriate under the circumstances, consistent with the Policy.

The decision of the Appellate Officer will be provided in writing and is final. The Title IX Director will inform the parties simultaneously and in writing of the outcome of the appeal.

V. Additional Matters

(1) **Request for Delay of Proceedings.** If the Complainant, the Respondent, or law enforcement agencies request that the College conduct proceeding be delayed because the conduct in question is also being addressed in a civil or criminal court, the College will review the request, but it retains the right to hear the case before, after, or during the same time period as the civil or criminal case, and to implement appropriate action (including but not limited to interim Orders of No Contact, removal from campus, interim removals, or suspensions) to maintain the safety of the campus. The grievance process outlined under the Policy shall be confidential to the extent possible and as allowed by law and considerations of safety.

(2) **Duty of Honesty.** All parties and witnesses are obligated to be completely honest during the course of the entire process set forth in the Policy. Any person who knowingly makes a false statement – either explicitly or by omission – in connection with any part of the process may be subject to separate College disciplinary action.

(3) **Duty of Cooperation.** All parties and witnesses are obligated to cooperate with the Title IX Director and any persons charged with implementing the Policy. Any person who knowingly interferes with the actions taken to implement the reporting, investigation, or resolution of matters under the Policy may be subject to separate College disciplinary action.

(4) **Prohibitions.** Neither party will be permitted to directly question or cross-examine the other party during the investigation. Moreover, the investigator generally will not consider information related to either party's character or sexual history outside of the conduct in question. However, where there is evidence of pattern of conduct similar in nature by the Respondent, either prior to or subsequent to the conduct in question, regardless of whether there has been a finding of responsibility, this information may be deemed relevant and probative to the investigator's report and determination of responsibility or sanction. In those instances, the Title IX Director will determine whether the previous incident was substantially similar to the conduct cited in the report and/or indicates a pattern of behavior and substantial conformity with that pattern by the Respondent. The Title IX Director may choose to provide this information to the investigator, with appropriate notice to the parties. Additionally, either party or an identified witness may seek to provide to the investigator: (1)

information concerning the prior relationship of the parties; or (2) information indicating that a person other than the Respondent is responsible for the misconduct alleged. The investigator will review any such information and determine if it is relevant and probative to the Investigators' report and determination of responsibility or sanction. In no case will the sole fact of a current or previous consensual dating or sexual relationship between the parties imply consent to the reported conduct or preclude a finding of responsibility for a Policy violation.

(5) **Amnesty for Students Reporting Misconduct by Staff.** The College encourages reporting under the Policy and seeks to remove barriers to reporting. The College generally will not hold a student who reports conduct or is a witness during an investigation under the Policy accountable for disciplinary violations of the College's Community Standards prohibiting use of drugs or alcohol. Under limited circumstances, a person who reports conduct under the Policy may be held accountable for his or her own misconduct if, in the College's discretion, it is determined that the behavior placed the health and safety of any person at risk, or if it created a danger to the College community. The College retains the right to require students to attend counseling or drug/alcohol related courses even in circumstances in which disciplinary conduct will not be pursued under the Policy.

(6) **Respect for Privacy.** The College values the privacy of individuals involved in the reporting, investigation, and/or resolution of matters subject to the Policy. The U.S. Department of Education has provided guidance indicating that there are situations in which it may be necessary for an institution to override a request for privacy in order to meet its Title IX obligation. In the event circumstances result in the College overriding a request for privacy or confidentiality to meet its Title IX obligation, the College will do so with the utmost sensitivity and respect for the circumstances and the individuals involved.

The factors the U.S. Department of Education suggest institutions consider in determining whether it can grant a request for privacy include circumstances that suggest there is an increased risk of the alleged perpetrator committing additional acts of Sexual Violence or other violence (e.g., whether there have been other Sexual Violence complaints about the same alleged perpetrator, whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence, whether the alleged perpetrator threatened further Sexual Violence or other violence against the student or others, and whether the Sexual Violence was committed by multiple perpetrators), circumstances that suggest there is an increased risk of future acts of Sexual Violence under similar circumstances (e.g., whether the student's report reveals a pattern of perpetration, whether the Sexual Violence was perpetrated with a weapon, the age of the student subjected to the Sexual Violence, and whether the school possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence).

(7) **Special Situations.** In limited circumstances, when the safety of the College community is at risk, if the material facts are undisputed, if there are extenuating circumstances involving either of the parties, or if the Title IX Director, in consultation with appropriate administrators, determines it is in the best interest of the College and/or the community, the College retains the right to determine, in its sole discretion, if it will address a report of

conduct that falls under the Policy administratively and outside of the process described in the Policy. Whenever the College determines that it will exercise this provision, its actions will be in accord with Title IX and it will stay true to the processes described in the Policy to the extent possible. The College will also clearly explain to the parties any alternate processes it will take in the given situation.

Protections for Employees with Disabilities

Wheaton College welcomes qualified employees with disabilities, and these guidelines are intended to ensure that disabled individuals are treated fairly in regard to the terms and conditions of employment. These guidelines are consistent with the Americans with Disabilities Act (as amended) and applicable Massachusetts laws that require reasonable accommodations for qualified persons with disabilities and prohibit discrimination on the basis of disability. (These federal and state laws are collectively referred to as the “ADA” for purposes of this Policy.)

Wheaton College prohibits discrimination on the basis of physical or mental disability, or perceived disability, in all employment practices including hiring, promotion, discharge, compensation, training, benefits and other conditions of employment. The college also prohibits discrimination against an applicant or employee, whether disabled or not, because of the individual’s family, business, social or other relationship or association with an individual who is disabled. A “qualified individual with a disability” is a legal term, and refers to an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of his or her position. The term disability, with respect to an individual, means a physical or mental impairment that substantially limits one or more major life activity, a record of such an impairment, or being regarded as having such an impairment. The essential functions of a job are determined by the job description, the judgment of supervisors, and the needs of the college, each of which may change from time to time. Employees should contact their supervisor or the Human Resources Department with any questions regarding the essential functions of a job.

The college will grant requests for reasonable accommodations for qualified individuals with a disability, provided that the accommodation does not impose an undue hardship on the college or require a fundamental alteration of the nature or operation of the job position or the college. If you are unable, or find it difficult, to do all the functions of your job due to a disability, please inform your supervisor or the Human Resources Department. Information regarding the process for requesting and receiving accommodations can be obtained from the Human Resources Department. Each inquiry will be handled individually, on a case-by-case basis.

Policy Against Abuse of Drugs and Alcohol

The federal Drug-Free Workplace Act of 1988 requires employers who contract with or receive grants from agencies of the federal government to maintain a drug-free workplace. In addition, the federal Drug-Free Schools and Communities Act of 1989, as a condition of the institution receiving federal funds or any other form of financial assistance under any federal program, requires all institutions of higher education to adopt and implement a program to prevent the use of illegal drugs and the abuse of alcohol by students and employees.

The health risks associated with the use of alcohol and illegal substances are significant. Alcohol or any other drug used in excess over time can produce illness, disability, and death. The health consequences of substance abuse also can be immediate and unpredictable, such as cardiac arrest, or more subtle and long term, such as liver deterioration.

In compliance with the requirements of these laws, and in order to provide a safe and healthy environment in which employees and students may work and study, Wheaton College has established a drug prevention program. That program is described in the policy statement included here. Students and employees of the college are notified annually of the requirements of this policy.

Prohibitions:

Wheaton College prohibits the illegal use, possession, manufacture, distribution, dispensing, or other transfer of any controlled substances, in any amount, by any college employee or student while: (1) on college premises or property owned by the college, (2) performing any job-related activity, on or off college premises, or (3) participating in any college activity, on or off college premises.

The terms drugs and controlled substances, as used in this policy are defined in accordance with the federal Controlled Substances Act (CSA), and includes all substances classified as illegal drugs pursuant to the CSA. Those terms do not include medication prescribed by a properly licensed and authorized health professional, provided that the medication is taken strictly in accordance with the health professional's instructions and provided that the possession and use of such drugs does not adversely affect job performance or the safety of students and employees or others. (Employees are to consult with their physicians about the effect of such prescribed medications on their fitness for duty and ability to work safely and disclose any work restrictions promptly to the Human Resources Department or their supervisor. Employees are not expected to disclose underlying medical conditions.)

Also prohibited is the use or possession of alcohol by any employee or student while: (1) on college premises, (2) engaged in any job-related activity, on or off college premises, or (3) participating in any college activity, on or off college premises. An exception to the prohibition on the use or possession of alcohol is made for the moderate and responsible consumption of alcohol by individuals of legal age at functions at which college authorization to serve alcoholic beverages has been obtained in accordance with college policies, and at other college sponsored events for employees that are primarily social in nature, provided that consumption at such functions is moderate and responsible, and limited to individuals of legal age and does not pose a

risk to the safety of the individual or others. Faculty and staff members who live in college owned property shall be permitted to possess and consume alcoholic beverages in their residences.

In addition, no employee may be under the influence of alcohol or any drugs or controlled substances while operating a vehicle or equipment owned or leased by the college, or otherwise performing any work at or for the college.

Disciplinary Action and Sanctions for Non-Compliance:

Employees who violate any provision of this policy may be subject to disciplinary action and sanctions, up to and including termination of employment. Students who violate any provision of this policy may be subject to disciplinary action and sanctions, up to and including expulsion from the college. Additionally, the college will notify law enforcement of violations of this policy, as appropriate in the sole discretion of the college. Actions in violation of this policy, including unlawful possession, use, or distribution of drugs or alcohol may subject an employee or student to criminal penalties.

Legal Sanctions:

In addition to disciplinary actions and sanctions imposed by the college, all students and employees should be aware that local, state, and federal laws make the illegal use of drugs and alcohol a serious crime. Conviction can lead to imprisonment, fines, and assigned community service. Felony and certain other convictions can prevent the convicted individual from eligibility for federal benefits, including student loans, from entering many fields of employment or professions, and may have to be listed on applications for employment or admission to graduate or professional schools. The overview of various relevant laws below is not complete, but provides a summary of the criminal penalties that employees and students may expect when convicted of the illegal use of drugs or alcohol. (Please note that these penalties may be subject to changes through the legislative and judicial process.)

Federal law imposes strict penalties for drug convictions, including mandatory prison terms for many offenses. Under federal law, distribution of drugs to a person under age 21 is punishable by twice the normal penalty, *i.e.*, a mandatory one-year prison term; a third conviction is punishable by mandatory life imprisonment. These penalties apply to distribution of drugs in or within 1,000 feet of a college or school. Federal law sets greatly heightened prison sentences for manufacture and distribution of drugs if death or serious injury results from use of the substance.

Persons convicted of drug possession under state or federal law are ineligible for federal student grants and loans or for participation in federally sponsored research grants or contracts for up to one year after the first conviction, and up to five years after the second; the penalty for distributing drugs is loss of benefits for five years after the first conviction, 10 years after the second, and permanently after the third. Federal drug trafficking convictions may result in denial of federal benefits for up to five years for a first conviction.

Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. Penalties for subsequent convictions are twice as severe. *See* 21 U.S.C. 841. If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of

distributing the substance faces a mandatory life sentence and fines ranging up to \$8 million. Persons convicted on federal charges of drug trafficking within 1,000 feet of a university (21 U.S.C. 845a) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year.

Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison and a mandatory fine of no less than \$1,000 up to a maximum of \$100,000. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of \$5,000.

Additional information on the substances regulated by the federal Controlled Substances Act, and the criminal penalties for the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is available on the U.S. Department of Justice, Drug Enforcement Administration, Office of Diversion Control website, at <http://www.deadiversion.usdoj.gov/21cfr/21usc/index.html>. Information on mandatory minimum penalties for federal trafficking of Schedule I, II, III, IV, and V controlled substances is available on the U.S. Department of Justice, Drug Enforcement Administration website at <http://www.justice.gov/dea/druginfo/ftp3.shtml>

Many cities and towns in Massachusetts, including Norton, have local ordinances and regulations which prohibit public consumption of alcoholic beverages or consumption of alcoholic beverages on private property without the owner's consent. Massachusetts laws punish sale or delivery of alcoholic beverages to persons under 21 with a fine of up to \$2,000 and six months imprisonment, or both. Misrepresenting one's age or falsifying an identification to obtain alcoholic beverages is punishable by a fine of \$300. First conviction of driving under the influence of alcohol has a penalty of a \$500–\$5,000 fine, one-year revocation of driver's license, up to two-and-a-half years in prison, and mandatory alcohol rehabilitation. Massachusetts makes it illegal to be in a place where heroin is kept and to be "in the company" of a person known to possess heroin. Anyone in the presence of heroin risks a serious drug conviction. Sale and possession of "drug paraphernalia" is illegal in Massachusetts. Additional information about the penalties imposed for violations of Massachusetts law preventing the illegal use of alcohol and drugs can be found on the Massachusetts legislature website at <https://malegislature.gov/Laws/GeneralLaws/PartIV>.

Additional Employee Responsibilities:

Any employee who is found guilty, or pleads "no contest", to a charge of violating a criminal statute involving the manufacture, distribution, dispensing, possession, or use of any controlled substance in the workplace must inform the Director of Human Resources within five (5) days of such conviction or plea. Appropriate disciplinary action will be taken.

Counseling and Rehabilitation:

The college strongly encourages employees and students to seek assistance for problems with drug and alcohol abuse. A number of counseling and rehabilitation programs are available to individuals, on a confidential basis, to provide education, counseling, and coordination with available community resources to address drug and alcohol abuse problems. Students may contact

the College Counseling Center for confidential treatment and also for referrals. Employees may seek confidential referrals through the Employee Assistance Program, which provides assistance and referrals to employees and their families in handling problems such as alcoholism and chemical dependency.

Proper Use of College Resources

College Property and Funding

Wheaton College community members must not use college resources other than for their intended purposes. All persons employed by the college have an obligation to manage the institution's resources prudently, with a responsibility to those who provide those resources, including students, parents, alumnae/i, foundations, donors and government agencies. All persons employed by the college are responsible for safeguarding the tangible and intangible assets of the college that are under their control. College resources may not be converted to personal use, either for oneself or another person.

College resources may not be used to make contributions to candidates for public office, to political parties, or to other political organizations that are organized primarily to accept contributions for the purpose of influencing the selection, nomination, election, or appointment of any individual to federal, state, or local public office.

No college equipment provided to employees should be removed from the physical confines of the college campus, unless approved by the employee's supervisor and the employee's job specifically requires use of school equipment outside the physical facility of Wheaton College.

The employee is also responsible for any and all liability for injuries or losses that occur from misuse of equipment. The employee is responsible for returning the equipment in good condition.

Computer equipment, including cell phones, laptops, and other electronic devices, may not be used for more than incidental personal use; this includes word processing and computing functions. All files, programs, and other material stored on school-owned equipment is presumed to be the property of Wheaton College, and under no circumstances is the employee permitted to make a copy of this material for personal use. Also, employees are prohibited from installing any other programs onto a college computer without the written permission of the department head. The copying of programs installed on the school computers is not allowed unless the employee is specifically directed to do so in writing by his or her supervisor.

Employees are requested to limit taking or making personal calls during work time.

Acceptable Use of Campus Network and Computing Systems

This policy applies to faculty and staff. The Student Handbook contains the corresponding policy for students.

It is the responsibility of each member of the community to use the services provided by the college's campus network and computing systems appropriately and in compliance with all college, city, county, state, and federal laws and regulations. This policy covers all persons accessing a computer, telecommunications or network resource at Wheaton College, including the campus data network, electronic mail, file sharing, printing, world-wide web services, telephone services and cable television. College computing systems are college resources and may be provided to employees for business purposes. Computers and the information contained on them are the property of the college and may be accessed by college officials at anytime.

College policy and relevant laws apply to use of the college's network and computing services. Actions that are unacceptable in the college community are also unacceptable on the network, computing systems and other electronic services, including:

- Harassment in any form.
- Failure to respect the rights and property of others.
- Forgery or other misrepresentation of one's identity.
- Downloading and distribution of copyrighted materials without the permission of the copyright owner.

In addition, these policies specific to Wheaton's network and electronic services apply:

- College systems, networks and electronic services may only be used for legal purposes and to access only those systems, software, and data for which the user is authorized.
- College systems, networks and electronic services are provided only for uses consistent with the academic mission of the institution. They may not be used for private commercial or partisan political purposes, for personal gain, nor in any way that jeopardizes the college's tax-exempt status. College facilities may not be used to provide Wheaton network, Internet access, cable TV or telephone service to anyone outside of the Wheaton community for any purpose. The college's conflict of interest and consulting/outside employment policies also apply.
- College facilities may not be used in ways that violate the privacy rights of individuals, the college's confidentiality policy or related laws.
- Information resources licensed by the college for the use of its students, faculty or staff may not be retransmitted outside of the college community. Examples include Project Muse, Encyclopedia Britannica (On-Line), site-licensed software, and commercial cable television service.
- Network, cable TV and telephone services and wiring may not be modified or extended beyond the area of their intended use. This applies to all wiring, hardware, and in-room jacks.
- Computer users may not assign an IP number to their machines. IP numbers are assigned dynamically. Manually assigning an IP number to one's machine may disrupt the network access of another user. Users with special needs may request a permanent IP number from the Director of IT&S.
- Electronic mail is a college resource and is provided as a college-related communications tool. Employees with legitimate business purposes may have the need, and the college reserves the right, to view your electronic mail messages. It is also possible that others

may view your messages inadvertently, and there is no guarantee of privacy for an electronic mail message.

- The campus network is a shared resource. Therefore, network uses or applications which inhibit or interfere with the use of the network by others are not permitted. (For example, applications which use an unusually high portion of network bandwidth for extended periods of time, thus inhibiting the use of the network by others, are not permitted.)
- Users are required to know and obey the specific policies established for the systems and networks they access. They have a responsibility to stay informed of changes and adapt as needed.
- Administrators of the network, computer systems and other electronic services have the responsibility to protect the rights of users, to set policies consistent with those rights, and to publicize those policies to their users. They have authority to control or refuse access to the network or other services to anyone who violates these policies or threatens the rights of other users.
- Employee violations of the Acceptable Use Policy will be treated as violations of college policy, and may result in disciplinary action. Prosecution under state and federal laws may also apply.

Intellectual Property Rights and Copyright Ownership

Introduction

This policy is implemented as part of our mission as a not-for-profit, educational institution, to

- Motivate the development and dissemination of intellectual property by providing appropriate incentives to creators and the college.
- Facilitate the wide transfer of useful inventions, writings and works of art to the public.
- Define and protect the rights of the creator and the college with respect to ownership and disposition of intellectual property created at the college.
- Protect the college's name and trademarks.

This policy is applicable to full and part-time faculty, staff, students, postdoctoral fellows and non-employees who use the college's funds, facilities or other resources, or participate in other college-administered research, regardless of obligations to other companies or institutions.

Definitions

A *Work for hire* is (i) a work prepared by an employee within the scope of his or her employment or (ii) a work specially ordered or commissioned that otherwise qualifies as a work for hire under copyright law.

Computer software is any computer program or database, together with the any users' manuals and other accompany explanatory materials used in connection with teach students.

Creator is a generic term meant to include the originator of a trade secret protectable idea, the author of a work protected by copyright (or an employee creating a work for hire), or the inventor of patentable subject matter.

Disclosure of a potentially patentable discovery or invention occurs, as the term is used in this policy, when the discovery or invention is described in writing to the Provost by its creator.

Educational courseware is computer software or hardware or a database or some combination of these that is used in teaching students.

Faculty includes full-time faculty members, visiting faculty members and postdoctoral fellows.

Intellectual property includes works protected by copyright, or ideas and inventions eligible or potentially eligible for patent and/or trade secret protection under U.S. or international law.

Staff includes employees, research assistants and non-employees who use the college's resources.

Students include full and part-time students not including research assistants.

Work refers to material protected by copyright or trade secret law.

In General

Except as limited by the policy, the creator retains all rights to intellectual property, including works eligible for copyright protection and inventions eligible for patent protection under U.S. or international law.

External Sponsorship

- When intellectual property is created as part of work performed under an agreement between the college and an external sponsor, ownership of that intellectual property will be governed by the terms of that agreement.
- Representatives of the college should ensure that future external sponsorship agreements are explicit about these ownership issues, for the protection of the creator and the college. In cases where a sponsorship agreement does not specify ownership of any intellectual property created, the college will assume that the external sponsor has no claim to that intellectual property.
- The college will inform members of the college community who are engaged in sponsored work of the terms of any intellectual property agreements relevant to that work. Whether or not the college provides this information, faculty and staff performing sponsored work must be mindful of their intellectual property obligations under sponsored agreements, as such obligations may limit future research and other activities.

Works Created by Faculty

- The faculty member holds all intellectual property rights in works that do not constitute sponsored research (as described above) or require significant support from the college (as set out below). Under these circumstances, the college does not consider intellectual property created by faculty members to be a work for hire.
- Where the college makes a significant or unusual commitment of financial or other resources to a project, the college will be entitled to ownership of any works or other intellectual property assets created through the project. The Provost will determine whether such commitments exist in a particular case. In such a case, the college and the creator will create a specific agreement governing ownership of the particular intellectual property and the sharing of any costs and income; however, given the faculty member's closeness to the project, it is the responsibility of the faculty member to bring the issues to the attention of the Provost. A failure of the faculty

member to timely notify the Provost of the issues may be a factor in the Provost's resolution of the issues.

Discoveries and Inventions by Staff and Faculty Members

- Patentable discoveries and inventions by staff and faculty members (and not students) must be disclosed to the college promptly. After such disclosure, and unless subject to a third-party sponsorship agreement, the college will have a reasonable period of time to determine whether the college wishes to fund patent prosecution costs (or obtain an outside sponsor for such efforts) for the discovery or invention. If the college exercises this option, the college and the inventor will make a project plan for prosecuting the patent and a specific agreement describing the allocation of any net income or royalties in a way that reflects the contributions of each to the project.
- If the college waives the above rights, the inventor will have the right to pursue the patenting or commercialization of the invention (if permitted, where applicable, under a relevant sponsorship agreement). If this is done without substantial college support, the inventor will be entitled to all income or royalties from the invention.
- If the inventor does not pursue a patent or the introduction of the invention into public use, the college may choose to do so, and the inventor will cooperate with the college and assign ownership rights to the college.
- If the inventor does not disclose the discovery or invention as set out above, the college will presumptively own intellectual property rights in the invention.

Works Created by Staff

- The college will own intellectual property created by staff members within the scope of their employment, during their work hours, or through the use of college resources. In the absence of a relevant agreement, these intellectual property assets are works for hire.
- When a staff project is directed to the development of intellectual property assets, and a staff member makes substantial creative contributions beyond those expected in the performance of his or her duties, the college may choose to share ownership or otherwise reward the staff member's contributions. The college has sole discretion with respect providing, or declining to provide such a grant.
- Staff should seek a determination from their Division Head if they are engaged in the creation of intellectual property that they believe is not a work for hire. The Division Head shall determine whether the work constitutes a work for hire. If the staff member does not seek such a prior determination, all created works will be considered works for hire.

Student Works and Inventions

- Students shall own the copyright (and other intellectual property rights) in works or patentable subject matter they create, apart from the specific circumstances identified below.
- Students on occasion are hired by faculty members or by the college to create or contribute to materials that are protected by copyright or other intellectual property law. All such student materials shall be works for hire, with the copyright (and other intellectual property rights) in these materials held either by the college or, where applicable under this Policy, by the supervising faculty member.
- If a student-inventor does not pursue a patent or the introduction of the invention into public use, the college may choose to do so, and the student-inventor will cooperate with the college and assign ownership rights to the college.
- When a third party company participates in a college program that involves student participation, then the college, the company and the participating students shall enter into an agreement (prior to or in conjunction with the initiation of the program) allocating the ownership of any inventions, designs, or protectable works of any kind that may be created by the student in the course of that program, and the allocation of revenues derived from such works. In any event, students shall be granted the right to use such works for the limited purpose of displaying them as part of their academic portfolio and in their curriculum vitae. No third party activities involving student participation which may result in protectable works are permitted without the prior approval of the Provost and a written agreement as described above.

College Sponsored Projects Outside of Work

The college may sponsor or commission the creation of intellectual property outside the scope of the faculty member's duties such as targeted projects concerning the development of certain educational courseware or computer software. In this case, the college and the creator must have a specific agreement about the ownership of the particular intellectual property and the sharing of any costs and income. The faculty member should ensure that the proper agreement detailing ownership rights is in place before the commencement of a sponsored project outside of work. If the faculty member does not initiate the process of creating an agreement with the college before commencing work on such a project, the college will own the intellectual property.

Distance Education

Distance learning projects are often resource-intensive and therefore will likely qualify as works which require a significant or unusual commitment of financial or other resources. Moreover, the ability to “package” a course for delivery via distance learning technologies can lead to the concept of a copyright residing in an entire course. If such a copyright exists, and if ownership of this copyright were to be held outside the college, the college could arguably be prevented from later offering the course, or forced to offer the course on disadvantageous terms. Such a result directly conflicts with the college's educational goals.

Public Domain

- Except as limited by the rules for external sponsorship, college sponsorship or work for hire (as described above) the creator may choose to place the intellectual property asset in the public domain. In this case, both the college and the creator waive any ownership rights to the intellectual property. Creators shall not place intellectual property in the public domain if the creation of the intellectual property was sponsored by the college.
- Creators who wish to place their intellectual property in the public domain are responsible for ascertaining that their right to do so is not limited by a sponsorship agreement or terms of employment.
- When intellectual property is placed in the public domain the creator must provide the college with a copy of the intellectual property, to be made available to the public through the college library or other appropriate method of distribution.

College License

It can be challenging for the college to provide student access to works created by faculty members when these works are not publicly available. In circumstances where (i) the college does not hold ownership of, or other applicable rights in intellectual property assets as provided under this Policy, and (ii) the work is not reasonably accessible by the scholars and the public through third-party commercial publication or otherwise, faculty members and staff (but not students) agree to grant the college a perpetual, non-exclusive license to make copies of the work and to modify and incorporate the work in its other projects for use and distribution in teaching, scholarship and research in support of its educational mission. The college will reasonably compensate the creator for such uses, with the understanding that such compensation will be minimal in light of low public demand for the asset.

Attribution

Notwithstanding any of the above, at the college's request the creator of any intellectual property in which the college holds rights, as set out in this Policy, will give the college appropriate credit on every copy of the work or (where applicable) with respect to patentable subject matter.

College Trademarks and Brands

The college retains all rights to control the use of its name, trademarks, and logos (collectively "Name and Logo"). The college's Name and Logo should appear on teaching materials developed by college faculty, whether or not the college has given special funding for that work. The use of the college Name and Logo is a privilege granted by the college, and subject to review by the Provost, who shall have the authority to refuse permission for the use of the college Name and Logo if, in his/her judgment, so identifying the work might or could harm the reputation of the college.

The college Name and Logo may not appear on any works developed by faculty outside of the scope of their employment by the college without the prior written permission of the Provost,

and such permission, in addition, must be sought in accordance with the college's Conflict of Interest Policy. A faculty member may always use the name of the college in his or her academic title and biographical information included with a work.

Institutional Responsibility

The Provost will be primarily responsible for interpreting this policy and resolving questions and disputes that arise.

Employment

The following sections cover the highlights of policies and procedures regarding your employment at Wheaton College.

Definitions

The brief glossary below defines some terms as they are currently used at Wheaton.

Eligible for Benefits

Full-time: Those employees with a full-time equivalency (FTE) of .75 or greater.

- For those with **35 hour work schedules**, this means a regular work schedule of at least **1365 hours** per fiscal year.
- For those with **40 hour work schedules**, this means a regular work schedule of at least **1560 hours** per fiscal year.

Part-time: Those employees with a regular work schedule of at least 910 hours per fiscal year. Part-time positions with work schedules of less than 910 hours within the fiscal year are not eligible to participate in benefit programs.

Not Eligible for Benefits

Unless noted elsewhere in this handbook or required by specific law, the following classifications of employees are not eligible for benefits, as set forth below.

Part-time: Those employees with work schedules of less than 910 hours within the fiscal year.

Temporary: Those employees scheduled to work full or part-time for fewer than seven consecutive months in positions of limited duration. In accordance with applicable law, temporary employees are offered the opportunity to participate in the college's group health insurance after completion of 90 days of employment if they have worked a minimum of 30 hours or more per week.

Seasonal: Seasonal employees are those in positions for which the customary annual employment is six months or less. These positions generally begin and end in approximately the same parts of each year, for example summer or winter. Seasonal employees are not eligible for benefits; however, if the position extends beyond 90 days they would be eligible to use accrued sick leave as required under Massachusetts Sick Leave law, as appropriate, after 90 days. If a seasonal employee returns to a position at the college within 12 months from the date of his or her last employment with the college, the college will not restart the 90-day period. If a seasonal employee returns to a position at the College more than 12 months after the date of his or her last employment with the college, the employee will be viewed as a new employee and the 90 day period will be restarted.

On-call employees: Those employees hired for fill-in assignments.

Other Terms

Fiscal year: The fiscal year at Wheaton begins on July 1 and ends on June 30 of the subsequent year.

Academic year employees: Employees who are scheduled to work less than twelve months per year.

Workplace Policies

Job Opportunities

Available positions will generally be posted on the human resources online application management system which can be accessed from the college website at <https://jobs.wheatoncollege.edu/>. Vacant and new positions are posted for a minimum of five days. On-call positions, temporary and summer positions are not required to be posted. The College may also, at its discretion, make appointments, promotions and/or conduct internal searches.

You are encouraged to apply for positions for which you may be qualified. Qualified internal candidates will normally be interviewed for posted positions by the hiring supervisor. Temporary and on-call employees are not considered internal candidates.

If you are the candidate selected, your current supervisor and your supervisor-to-be will work together to arrange a mutually acceptable date for you to begin your new responsibilities.

Special Job Requirements

Certain positions may have special requirements as conditions of initial and ongoing employment (e.g., physical examinations, current driver's license and satisfactory driving history, certifications/licenses, etc.). Special requirements are generally noted in the job posting and job description.

Background Checks

It is important that Wheaton College, in fulfilling its mission, provide a safe environment for its students, faculty, staff and visitors, preserve college resources, and uphold the reputation of the college. Accordingly, it is the policy of Wheaton College that:

1. New staff (and certain volunteers) must have certain credentials, criminal and other background information verified as a condition of employment (or being a volunteer).
2. Current staff members, including temporary staff (and volunteers), may have their criminal and other background information verified periodically as a condition of continued employment (or being a volunteer).
3. Current staff who transfer to other positions, such as those that involve access to or control over sensitive financial information or interaction with sensitive matters or minors, will have background information verified as a condition of employment.

Background checks are conducted by an outside firm, are in compliance with federal and state regulations, and may include verification of educational and employment credentials, criminal history, credit status, driving record, and other information related to employment decisions by the college.

Candidates who have progressed beyond the interview portions of the hiring process and who are asked to complete and sign “Release and Authorization” and “Notice and Consent” forms, including CORI-specific request/authorization form as appropriate, must do so in order to be eligible for consideration for a position or employment at Wheaton College.

In addition, current Wheaton employees will be required to complete these forms periodically.

In the event that the results of the background check lead to a decision to withdraw plans to make an employment offer or to terminate employment, the Human Resources Department will inform the affected department and the individual as required under applicable law.

Rehire Policy

Employees who leave Wheaton and are later rehired may, in the college’s discretion, receive credit for prior service for vacation eligibility and other benefits. New employees who have had prior service should notify the Human Resources Department so that benefits may be determined accordingly.

Employment of Relatives and Those in Close Relationships

College policy permits the employment of more than one member of a family or other persons in similar close relationships with this important restriction: no person shall supervise or participate, either formally or informally, directly or indirectly, in employment decisions concerning that person’s family member, such as hiring, retention, job assignments, promotion, and salary. Family member, as defined for the purpose of this section, extends to those related through marriage or intimate relationships. In addition, this restriction also applies to other persons in similarly close relationships because the nature of these relationships can often give rise to concerns about actual or perceived favoritism (for example, dating or co-habitation relationships). Contact the Human Resources Department for further information.

Attendance Expectations

Employees are expected to be punctual and dependable in their attendance. If an employee is unexpectedly unable to report to work or if they are going to be late, the employee must notify their immediate supervisor promptly. Frequent tardiness, inconsistent attendance and unscheduled absences from work may be cause for disciplinary action, up to and including termination of employment.

Orientation

During the first three days of employment, all new Wheaton employees are required to complete an I-9 form verifying legal eligibility to work in the United States. In addition, during the first week of employment, new Wheaton employees are scheduled for orientation with a member of the Human Resources staff. During this session, salaries, benefits, and employee programs and services are explained.

The hiring supervisor may also conduct a department orientation covering information about hours of work, performance expectations, use of department facilities and equipment, and other items specific to the immediate workplace and job responsibilities.

Identification Card (ID)

A photo identification card is issued to all employees by the Public Safety Department. Your ID provides access to college facilities such as the library, athletic facility and fitness center.

Parking

Employees are eligible for free parking in accordance with the parking regulations established by the college and described in the information available on the Public Safety Department's website. All vehicles parked on campus must be registered with the Public Safety Department.

Meal and Coffee Breaks

Full-time staff are eligible for a one-hour, unpaid meal break which should be arranged in consultation with your supervisor and according to the needs of the department. Part-time employees may be eligible for a reduced meal break.

In all cases, Massachusetts law requires that employers provide an unpaid meal break of at least thirty minutes for any employee who works six consecutive hours during the workday.

Coffee breaks are not required under federal or state law. Depending upon the work of your department, coffee breaks may or may not be provided.

Please check with your supervisor about your department's meal and coffee break practices.

No Smoking Policy

Wheaton adheres to no smoking in the workplace. Smoking is prohibited in all administrative and academic college buildings, facilities, residence halls, and college vehicles. All members of the community and visitors are expected to comply with regulations on smoking. Questions should be directed to the Human Resources Department.

Personal Property

Personal property, including vehicles, brought to the college premises are at the owner's risk. The college is not responsible for loss or claims associated with personal items. The college's insurance policies are for the protection of property owned by Wheaton College.

Personnel File

Your personnel file, maintained in the Human Resources Department, contains your job application, salary information, performance evaluations and materials pertaining to your employment. Please notify the Human Resources Department whenever you

- Change your address or telephone number.
- Legally change your name.
- Change your marital status.
- Wish to change your insurance beneficiary.
- Wish to change your tax exemptions.

Personnel files and records are the property of Wheaton College. Any employee may submit a written request to the Human Resources Department to review the contents of his or her personnel file and to obtain copies of documents therein. Employees who do not agree with any of the information in their files may submit a written statement explaining their position, which will be included in the files. Review of an employee's personnel file will occur in the Human Resources Office and must occur in the presence of a Human Resources department staff member.

Flexible and Compressed Work Schedules for Individuals

There may be certain occasions when it is in the best interest of both the department and an employee to arrange a flexible or compressed work schedule. After initial discussions between the employee and the supervisor to determine the feasibility of a flexible or compressed work schedule, the details of the proposed arrangement must be put in writing and submitted to the supervisor(s) and Division Officer for their review and approval. The employee and supervisor will assess the success of the flexible work schedule, typically on a monthly basis, and a decision will be made about when modifications, and/or a return to the standard schedule, are needed. An employee should not assume that any alternative schedule is permanent.

A flexible work schedule is defined as working the usual number of hours during each work day, but with different beginning and ending times. A compressed work schedule is defined as working the usual number of weekly hours, but over a shorter time period.

Even if a flexible or compressed work schedule has been approved, there may be times when the employee will be requested by the supervisor to work hours other than the employee's agreed-upon schedule. The supervisor will attempt to give advance notice in these situations, and the employee will be expected to accommodate these requests.

Flexible or compressed work schedules are position specific and an employee should not assume that his or her position will be eligible for a flexible or compressed schedule.

Telecommuting: Working Away from the Campus

For the majority of positions, presence on campus most of the time is important, and typically essential, to effective job performance. However, there may be situations when it is in the best interest of both the department and the employee for the employee to work from a location

other than the campus on either a temporary or regular basis, but with a limited schedule away from the campus (that is, one day per week). After initial discussions between the employee and the supervisor(s) to determine the feasibility of working away from the campus, a written proposal outlining the details of the arrangement (including the anticipated duration) must be submitted for approval to the supervisor(s), Division Officer and the President. The proposal must address and be in compliance with issues raised in the Telecommuting Guidelines. If the proposal is approved, the staff member must complete and sign a Telecommuter's Agreement form, which must be reviewed and renewed annually.

The employee and supervisor(s) will assess the success of the arrangement on a monthly basis, and a decision will be made about when modifications need to be made and/or whether a return to working on campus is needed. This agreement may be revoked at any time by the supervisor(s) or other college official (for example, Division Officer or President).

When deciding whether the request is feasible, consideration should include, but is not limited to, related expenses (for example, phones, computers, other supplies), security and confidentiality for work done away from the campus, the nature of the work, mutual advantages for both the employee and college, measurability of the work being done, past performance of the employee, and the overall impact on the department and on others within and outside the department.

If an arrangement is approved, there may be times when the employee will be requested by the supervisor(s) to return to campus for meetings or for other reasons. The supervisor(s) will attempt to give advance notice in these situations, and the employee will be expected to accommodate these requests.

Telecommuting work schedules are position specific and an employee should not assume that his or her position will be eligible for telecommuting.

Performance Evaluation

Ongoing communication is an integral part of the employee-supervisor relationship. To assist this communication, the college has a formal, written performance evaluation program, and an effort is made to complete a performance evaluation for each employee every year.

For employees new to a position, it is recommended that a formal review occur no later than six months after hire.

The employee's participation in the evaluation process is a condition of his or her continued employment.

Work Performance and Conduct

All employees have an obligation to observe and follow the college's policies and are expected to perform the duties and responsibilities of their jobs at an acceptable level and maintain satisfactory and proper standards of conduct. If an employee is not meeting these obligations or expectations, a decision will be made about whether the person's employment at the college should continue.

The Director of Human Resources is available to assist and counsel both the employee and the supervisor as necessary. A supervisor may not terminate a person's employment without the approval of the Director of Human Resources. In instances of serious misconduct, a supervisor may suspend an employee without prior approval while awaiting final approval for termination.

Except in instances of serious misconduct as determined by the college (in its sole discretion), the college will provide biweekly paid employees whose employment is terminated up to two weeks of advance working notice or up to two weeks of separation pay (based upon the employee's regular base salary) instead of a working notice. Similarly, except in instances of serious misconduct as determined by the college (in its sole discretion), the college will provide monthly employees whose employment is terminated up to one month of advance working notice or up to one month of separation pay (based upon the employee's regular base salary) instead of a working notice. Separation pay will not be granted if employment is terminated prior to completion of the first three months of employment.

Social Media

Wheaton recognizes the benefits that social media platforms offer in many areas, including communicating and accessing information. The college's expectations regarding employee conduct that apply in-person on campus also apply on-line and in social media platforms. In addition, employees are expected to read and comply with the college's Social Media Policy found at <http://wheatoncollege.edu/communications/social-media-policy/>.

Children and Minors on Campus

Children and minors are not permitted on campus unless they are visiting under their parent or guardian's immediate supervision or participating as part of a supervised group or program. It is not appropriate, for safety and security reasons, for children and minors to be unsupervised on campus at other times.

In rare and limited instances, and only with the supervisor's advance approval, employees may be permitted to bring a child into the workplace on a limited and temporary, or emergency basis. If this occurs, it is the employee's responsibility to provide appropriate care and supervision of the child or minor at all times and to ensure that consideration is given to others in the work environment.

If an employee has concerns about children in the workplace, he or she should contact his or her immediate supervisor or Human Resources.

Pets on Campus

The following policy has been established to ensure the safety and care of all college community members and visitors, as well as college buildings and facilities. Students, faculty and staff members have the right to study, work and be part of an environment that:

- is free of animal threat, distraction and disruption
- reduces the potential of animal-related health risks (e.g., allergies, fears).

For these reasons pets and other animals may not be brought into college buildings and facilities. There are three exceptions to this policy:

1. Faculty and staff members who live in on-campus rental housing. Faculty and staff members who live in on campus rental housing may have pets in their residences, and must comply with their lease agreements. (This exception may also apply to staff members who live in residence halls as a condition of employment. Please refer to the specifics of this provision in the policy maintained by the Office of Student Life).
2. Faculty and staff members with a specific disability requiring the assistance of a service animal. The care and supervision of a service animal is the responsibility of the owner. The college reserves the right to exclude a service animal whose behavior poses a direct threat to the health or safety of others.
3. Faculty or staff members who plan to bring an animal to campus for classroom demonstration purposes or for a college-sponsored program. The sponsoring faculty or staff member will obtain approval from the Institutional Animal Care and Use Committee (IACUC) and will notify Public Safety before bringing an animal to campus.

Pet owners who choose to walk their animals on campus are responsible for caring for, cleaning up after and controlling their pets at all times. Pets may not be left unattended, and are expressly prohibited from athletic fields.

Faculty and staff members are expected to comply with this policy. If a violation should occur, please report it to Public Safety. Failure to comply with the policy will result in a progressive series of actions, which include: (1) a verbal warning; (2) a written warning; and (3) a \$250 fine per incident. Additional sanctions may be imposed. All violations will be reported to a staff member's supervisor or to the Office of the Provost for a member of the faculty.

Dress Code

Although the college does not have a college-wide dress code, your department may establish a dress code appropriate to your work area. Your supervisor will let you know the guidelines for proper dress in your department or office.

Work and Responsibility During Inclement Weather

The Wheaton experience for students centers on the academic mission of our college, but also includes the many other services and programs provided as part of residential community life. Since Wheaton is primarily a residential college it is important to maintain these scheduled services. Therefore, the college's operations will normally continue unless the college determines that the weather conditions are so serious that the college should close. Below you will find the policies that govern situations when the college remains open, delays opening, or is closed due to serious weather conditions.

College remains open/individual chooses not to come to campus

We recognize that some employees may be absent, arrive late, or leave early due to weather conditions when the college is open.

Members of the staff must discuss the circumstances with their supervisors. If the supervisor approves the absence, staff members may elect to use earned personal or vacation time. If a staff member is absent and does not have any available vacation or personal time, the hours scheduled but not worked will generally not be paid. Supervisors are responsible for coordinating schedules so that services will continue in those departments that provide essential services.

College delays opening or closes

A decision may be made to delay opening or temporarily suspend or close the operations of certain offices; however, other functions essential to student life and safety will continue. Those departments required to remain open and the level of staffing needed will depend upon the type and severity of the situation, and whether students or others are present on campus. Generally, Public Safety, Physical Plant, SAIL and Dining Services provide essential services and will be required to work. When the college is in session efforts should be made to keep the Madeleine Clark Wallace Library open. Other services may be essential dependent upon the nature, scope and timing of the situation. Questions about specific operations should be referred to your supervisor.

How to Learn of the College's Status (open, delayed opening, closed)

Members of the faculty and staff are responsible for learning whether the college is open, closed or opening is delayed, and may learn this in the following ways:

During the Work Day (Monday – Friday)

1. Ask your supervisor.
2. Call the college announcement line, (508) 286-8285.
3. Check e-mail for a listserv message.
4. Visit the college website home page, <http://www.wheatoncollege.edu> for an announcement.
5. Call Human Resources, extension 8206.

During Evening, Weekend or Early Morning Hours

1. Call the college announcement line, (508) 286-8285.
2. Visit the college website home page, <http://www.wheatoncollege.edu> for an announcement.

Please Note: If there are no messages on the announcement line or home page, the college is open as usual.

For pay purposes, the decision to delay opening or suspend certain operations (referred to as “Special Closing”) will be treated as shown below. These procedures apply to both monthly and biweekly-paid members of the staff unless otherwise noted. Questions about specific situations should be referred to Human Resources.

Situation	Pay Status
Employee reports to work and is sent home, or college delays opening.	Portion of the day the college is closed will be treated as Special Closing, which means that hours scheduled but not worked will be paid.
Employee is advised through the college announcement line or website that the college has suspended operations, and employee does not report to work. (This does not apply to an “essential” employee.)	Treated as Special Closing, which means that hours scheduled but not worked will be paid.
During a Special Closing, employee is out ill, on vacation or had arranged to take a personal day.	Employee will be paid for available sick, vacation or personal time, as appropriate, but not for Special Closing pay.
During a Special Closing, employee is either required to report for work or reports to work and is required by the supervisor to stay during closing.	Biweekly employees receive double time for hours worked during the remainder of the normal shift. Any hours worked beyond the normal shift will be paid at time and one half through the end of the Special Closing.

If you have any questions about this policy, please contact Human Resources.

Problem Resolution

Wheaton strives to provide a good workplace. When people work together, however, disagreement, conflicts, or dissatisfaction may sometimes arise. If there is something about your job that is bothering you, we encourage you to talk to us about it. To assist you in doing so, this Problem-Solving Process has been established.

You are strongly encouraged to bring any work-related problem to the attention of your supervisor or the person most directly involved with the problem you are confronting as soon as possible. Those persons can discuss your concerns with you in an effort to resolve the matter. If you are uncomfortable addressing them directly, or if discussions do not resolve the issue, you should feel free to talk with a member of the Human Resources Department. The staff of the Human Resources Department is available to assist you in defining your concern and examining alternative approaches for resolving your problem. Typically, many problems can be resolved through this direct method of communication and problem-solving process.

Employment at Will

The nature of your position's responsibilities may change during the course of your employment. Flexibility is important in order to be responsive to changes within the college, the external work environment, and economic conditions within both the college and higher education in general. In addition to changes within individual positions, departments and functions may also change. Occasionally, this may result in the elimination of a position or positions. Every effort will be made to provide either appropriate notice or transitional assistance to our staff members whose positions are eliminated.

Please note that your employment at Wheaton is "at will." This means that you or the college may terminate your employment at any time for any reason, in your or the college's sole discretion, and similarly, you may terminate your employment at any time for any reason.

Compensation

Staff Compensation Philosophy

Wheaton's staff compensation program is designed to establish and maintain overall pay and benefit levels that will attract, retain, and engage qualified staff members. This is accomplished by:

- Establishing and maintaining pay rates and benefits that are internally equitable and externally competitive; and
- Providing general salary increases which, at minimum, keep pace with inflation, resources permitting.

The objectives of Wheaton's plan are to:

- Maintain internal equity by objectively evaluating jobs to ensure that a position's responsibilities are valued fairly relative to others within the college.
- Within available resources, maintain compensation levels (salary and benefits) that reflect market pay rates to ensure competitiveness with external markets.
- Conduct reviews of salaries from both an internal and external perspective to ensure awareness of trends and prepare recommendations to correct the most significant problem areas.
- Ensure that salary increases remain a budget priority and, as part of the strategic plan, staff salary increases are given serious consideration during the annual budget process.
- Maintain flexibility so the system will remain responsive to changes within the college, the external marketplace, and the economic conditions within both Wheaton and higher education.
- Provide employees with information about the compensation process, the overall pay structure and hiring ranges for jobs, and performance expectations.
- Ensure that compensation actions are administered in a manner to comply with legal requirements.
- Ensure that the compensation program does not illegally discriminate against any individual or group of individuals.

The following sections highlight Wheaton's current compensation program, which includes salary and benefits. If you would like more information or have specific questions, please contact the Human Resources Department.

Position Categories

The Human Resources Department determines whether a position is classified as *exempt* or *nonexempt* by applying the provisions of the Fair Labor Standards Act (FLSA).

A classification of *non-exempt* indicates that a position is covered by the FLSA. Employees in non-exempt positions are entitled to overtime pay for any hours worked in excess of 40 hours in one work week. In general, non-exempt positions at Wheaton are hourly positions and are paid on a bi-weekly basis.

A classification of *exempt* indicates that a position is not covered by, or is exempt from, the overtime provisions of the FLSA and therefore not eligible to receive pay for hours worked in excess of 40 hours. In general, exempt positions at Wheaton are salaried positions and are paid on a monthly basis.

Hours of Work and Pay

Your pay is transmitted directly into the bank accounts of your choice via direct deposit. You may have your pay distributed to accounts at a variety of banks and credit unions. A direct deposit statement is available online, and includes pay and benefits information. See the Payroll Department for additional information.

Biweekly Paid Employees

The workweek begins on Sunday and ends on Saturday. The standard workweek is:

- *For office and clerical and administrative/non-exempt employees:* 35 hours, Monday through Friday, normally from 8:30 a.m. to 4:30 p.m., with an hour for lunch.
- *For physical plant and public safety employees:* 40 hours. These times vary so check with your supervisor for your workweek.

Bi-weekly paid employees are paid every other Thursday for work performed during the preceding two weeks, with the following exception:

- If a Thursday payday occurs on a national holiday or bank holiday they will be paid on the preceding work day.

Monthly Paid Employees

Full-time monthly employees are expected to work a minimum of 35 hours per week and in general are expected to work the hours necessary to fulfill the duties of their position. Thus, they be required to work additional hours, as needed.

Monthly paid employees are paid for the full month on the twelfth of the month, with the following exceptions:

- If the twelfth falls on a weekend, they will be paid on the preceding Friday.

- If the twelfth falls on a national holiday or bank holiday, they will be paid on the preceding workday.

The work schedule is determined by the supervisor and may be subject to change.

Salary Increases

Salary increases, resources permitting and as appropriate, typically occur in July. New employees hired on or after January 1 of the current year will not be eligible for a salary increase before July 1 of the following calendar year.

Physical plant employees have a salary step structure and receive anniversary increases, resources permitting, in lieu of the July increases until they reach the top step. Once the employee reaches the top step, he or she will be eligible for the July annual increase as long as his or her anniversary increase was prior to January 1 of that year. Otherwise, the employee would wait for an increase until July 1 of the following year.

Salary increases are determined at the discretion of the college.

Compensatory Time

Biweekly Paid Employees

Applicable law prohibits carrying over compensatory time beyond the workweek in which it is earned. Therefore, compensatory time must be used within the workweek in which it is earned.

Monthly Paid Employees

There is no compensatory pay policy for monthly paid employees, because FLSA exempt employees are expected to work the hours needed to fulfill their responsibilities.

Pay Policies for Biweekly Paid Staff

Overtime Pay

If you are a biweekly paid employee, when you work more than 40 regularly scheduled hours in a work week you receive an overtime payment equivalent to one and one-half times your regular hourly rate for each overtime hour worked. If you work second or third shift and work more than 40 regularly scheduled hours in a work week, you will also be paid a special shift differential rate on the overtime hours. Overtime will be paid in those weeks when vacation, jury duty, national holiday, college holiday and hours worked exceed 40 hours. Any other types of earnings paid when you are not working (*e.g.*, sick, personal and bereavement leave) do not count toward the overtime threshold.

Employees may be required to work overtime as a condition of employment or continued employment. All overtime must be approved in advance by your supervisor.

Shift Differential

Biweekly paid employees who work second or third shift receive a shift differential premium of \$.65 per hour. The shift differential rate for overtime hours is \$.98 per hour.

Second and third shift (defined as those work schedules which **begin** between the hours of 3:00 p.m. and 5:00 a.m.) will receive the shift premium for all hours worked during that shift.

In addition, for those employees who are **regularly assigned** to the second or third shift, all paid time off (vacation, sick, personal, holidays, etc.) is calculated on the base hourly rate including the shift premium.

Call-In Pay for Emergency

If you are a biweekly paid employee and you are required to report to work for an emergency situation, you will be guaranteed a minimum of three hours of pay.

Pay for Work on College Holidays

Employees may be required to work on college holidays as a condition of employment or continued employment. If you are a biweekly paid employee and you are requested to work on a college holiday, you will receive twice your regular hourly rate for the hours you work, which includes hours paid for the college holiday and one times pay for hours worked. (See the section in this Handbook on college holidays.)

Pay for Work on National Holidays

Employees may be required to work on national holidays as a condition of employment or continued employment. If you are a biweekly paid employee and you are requested to work on a national holiday, you will receive 2.5 times your regular hourly rate for hours worked on a national holiday, which includes hours paid for the national holiday and 1.5 times pay for hours worked. Please note that the college may celebrate a day other than the actual holiday date (for example, the college may celebrate a national holiday that falls on a Saturday on the preceding Friday, or a holiday that falls on a Sunday on the following Monday. In these instances, if an employee works both the day the college observes the holiday and the actual holiday itself, the employee will be paid the holiday rate for one day, not both.

Pay for Work during Weather Emergencies

If the college officially releases staff early during weather emergencies, biweekly paid employees required to continue working will receive double time for hours worked during the remainder of that shift. (See section on Inclement Weather Policy.)

Benefits

Please Note: The section on Benefits provides general overview information about the college's policies and benefit and insurance plans, which are subject to change. Detailed information about these benefit and insurance plans is contained in the plan documents. The terms and content of those plan documents govern. The descriptions in this handbook are not meant to restate the detailed terms and information contained in the plan documents, and the descriptions do not replace what is in the plan documents because the plan documents are the controlling documents.

Benefit Eligibility

Defined below are the categories of employees and their eligibility or ineligibility for benefits.

Eligible for Benefits

Full-time: Those employees with a full-time equivalency (FTE) of .75 or greater.

- For those with **35 hour work schedules**, this means a regular work schedule of at least **1365 hours** per fiscal year.
- For those with **40 hour work schedules**, this means a regular work schedule of at least **1560 hours** per fiscal year.

Part-time: Those employees with a regular work schedule of at least 910 hours per fiscal year. Part-time positions with work schedules of less than 910 hours within the fiscal year are not eligible to participate in benefit programs.

Not Eligible for Benefits

Unless noted elsewhere in this handbook or required by specific law, the following classifications of employees are not eligible for benefits, as set forth below.

Part-time: Those employees with work schedules of less than 910 hours within the fiscal year.

Temporary: Those employees scheduled to work full or part-time for fewer than seven consecutive months in positions of limited duration. In accordance with applicable law, temporary employees are offered the opportunity to participate in the college's group health insurance after completion of 90 days of employment if they have worked a minimum of 30 hours or more per week.

Seasonal: Seasonal employees are those in positions for which the customary annual employment is six months or less. These positions generally begin and end in approximately the same parts of each year, for example summer or winter. Seasonal employees are not eligible for benefits; however, if the position extends beyond 90 days they would be eligible to use accrued sick leave as required under Massachusetts Sick

Leave law, as appropriate, after 90 days. If a seasonal employee returns to a position at the college within 12 months from the date of his or her last employment with the college, the college will not restart the 90-day period. If a seasonal employee returns to a position at the College more than 12 months after the date of his or her last employment with the college, the employee will be viewed as a new employee and the 90 day period will be restarted.

On-call employees: Those employees hired for fill-in assignments.

If you have questions regarding your eligibility for benefits, please contact the Human Resources Department, which shall, in all cases, be the final arbiter of questions regarding benefits eligibility. If an employee works the requisite number of hours, he or she may be eligible for the retirement plan, even if he or she is not eligible for other benefits. The plan document and applicable law govern the determination of this eligibility.

Domestic Partner Benefits

Domestic partners of employees and their qualified dependents are eligible to participate in the following benefits:

- Medical
- Dental
- Tuition Programs

Domestic partners are a couple of the same or opposite sex, who reside in the same household and are jointly responsible for each other's common welfare and financial obligations. Additional information about domestic partner benefits can be obtained through the Human Resources Department.

Documentation of Eligibility for Benefits

In order for an employee's spouse, domestic partner, and/or child to be eligible for benefits, the employee must provide the college with sufficient documentation reflecting the existence of the relationship.

Insurance Plans

Below are general summaries of some elements of the various insurance and other plans offered by the college. Information describing these plans and comparing their benefits is available from the Human Resources Department. Summary plan descriptions are available through the Human Resources webpage. Whenever the summaries set forth below differ from the terms of the plans themselves, the terms of the plans govern.

Medical Plans

The college offers a comprehensive medical plan. All benefit-eligible employees may enroll in the plan of their choice. For new employees, coverage becomes effective the first day of the month concurrent with or following employment.

The college makes a contribution to the cost of this benefit. Your contributions will generally be deducted from your paycheck on a pre-tax basis.

Dental Plan

The college offers a dental plan, which covers the full cost of diagnostic and preventive services and a percentage of restorative and orthodontic services.

All benefit-eligible employees may enroll. Coverage becomes effective the first day of the month following three months of employment.

The college makes a contribution to the cost of this benefit. Your contributions will be made on a pre-tax basis.

Vision Plan

The college offers a vision plan which provides discounts for eye exams and eyewear.

All benefit-eligible employees may enroll in this plan. Coverage becomes effective the first day of the month concurrent with or following date of hire.

Premiums for this benefit are 100% employee paid and deductions are made on a pre-tax basis.

Group Life and Accidental Death and Dismemberment (AD&D) Insurance

Basic Coverage

You will be provided with group life insurance equal to one times your annual salary, rounded to the next thousand if not an even thousand. The minimum benefit is \$15,000. The amount of your benefit decreases by 50% when you reach age 70.

All benefit-eligible employees may participate in this benefit. For new employees, coverage becomes effective the first day of the month following three months of employment.

If you are full-time, Wheaton pays 100% of the premium cost for your basic coverage. If you are part-time and choose to enroll, Wheaton pays 50%, and you pay 50%.

Optional Coverage

You have the opportunity to purchase additional coverage of one, two, or three times your annual earnings. Employees age 60 and over may purchase insurance equal to one-half, one, two

or three times annual earnings. The maximum coverage for combined basic and optional insurance is \$400,000.

All benefit-eligible employees may participate in this benefit. For new employees, coverage becomes effective the first day of the month following three months of employment.

Rates are based on your age, and you pay the entire cost of this additional coverage. It is important to note that life insurance may be subject to federal taxes.

There is a guaranteed issue amount of life insurance for which no proof of insurability is required. The guaranteed issue amount is the equivalent of basic and one times salary optional coverage. If you do not elect basic or optional coverage when you are first eligible and later decides to enroll, our insurance company requires you to submit proof of insurability. Acceptance is not automatic.

Short-Term Disability Insurance

Short-Term Disability provides partial pay continuation if you are unable to work due to personal non-work related illness or injury. New employees become eligible for this partial pay continuation after one year of employment. Once eligible, there is a 30 calendar day waiting period during which available sick leave, personal and vacation time must be used (one week of vacation may be reserved for use upon return). After all sick leave has been used (sick leave is paid at 100%), partial pay is available as follows:

1 to 10 years of service	50%
10-20 years	65%
20 plus years	80%

Short-term disability ends 2 months after the initial 30 calendar day waiting period ends.

Long-Term Disability Insurance

Long-term disability insurance provides you with a monthly income in the event you have a disability that extends beyond three months. If you elect this coverage, you will receive 60% of your monthly salary up to a maximum of \$12,000 per month during periods of qualifying disability. How long the benefit continues is determined by the age at which the disability occurs, and is subject to review based on on-going medical certification.

All benefit-eligible employees may enroll in this benefit. Coverage becomes effective the first day of the month following three months of employment.

The following illustrates the college's contribution to the premium cost for your long-term disability coverage:

- If you are *full-time*, Wheaton pays 50%, and you pay 50%.
- If you are *part-time*, Wheaton pays 25%, and you pay 75%.

If you do not elect coverage when you are first eligible and later decide to enroll, our insurance company requires you to submit proof of insurability. Acceptance is not automatic.

TIAA Retirement Plan

College Contribution

The college begins contributing to your TIAA 403(b) retirement plan after you have completed one year of benefit-eligible service in which you have worked at least 770 hours. (Note that eligibility for TIAA is not restricted to employees who are full-time.) New employees who have had at least one year of benefit-eligible service at another institution of higher education within twelve (12) months prior to their date of employment at Wheaton are eligible to receive the college contribution immediately.

- *For all employees under age 30, Wheaton contributes 7% of your base pay.*
- *For employees aged 30 or older, Wheaton contributes 9% of your base pay.*

Employee Contribution

Although not required, all employees are encouraged to contribute to the TIAA retirement plan. You may participate immediately upon hire in this voluntary plan. The plan permits savings for retirement on a federal and state tax-deferred basis.

Tuition Programs

Tuition Remission – For Employees

Provides tuition benefits to full-and part-time benefit eligible staff for attending Wheaton. Full-time benefit-eligible employees receive 100% of the cost of tuition of attending Wheaton. Part-time benefit eligible employees receive 50% of the cost of tuition of attending Wheaton. Employees are eligible for this benefit after the end of the second semester following date of hire.

Tuition Remission – Spouse, Domestic Partner and/or Dependent Children

Provides tuition benefits for eligible spouse, domestic partner and/or dependent children of full-and part-time benefit eligible staff to attend Wheaton. Full-time benefit-eligible employees receive 80% of the cost of tuition for their eligible spouse, domestic partner and/or dependent children to attend Wheaton. Part-time benefit eligible employees receive 40% of the cost of tuition for their eligible spouse, domestic partner and/or dependent children to attend Wheaton. Dependents and spouse or domestic partner are eligible after the employee has served the equivalent of six continuous full-time benefit-eligible years. Eligible staff who retire from Wheaton with 30 years or more of service will be eligible for the tuition remission programs for their eligible dependent children.

Tuition Grant

Provides tuition grants to eligible dependent children of full-time benefit-eligible staff to attend colleges and universities, including technical colleges, other than Wheaton. The benefit is 100% of the school's tuition and academic fees, to a maximum of \$2,500 per academic semester, and shall not exceed \$5,000 per Wheaton's fiscal year per student. Eligibility begins once the employee has served the equivalent of six continuous full-time, benefit-eligible years. Eligible staff members who retire from Wheaton with 30 years or more of service will be eligible for the tuition grant programs for their eligible dependent children.

Tuition Reimbursement for Job-Related Courses

Tuition benefits are available for full-time benefit-eligible employees who wish to take job-related courses at accredited institutions other than Wheaton. The program reimburses eligible employees for 75% of the cost of tuition up to a maximum amount of \$2,000 per fiscal year. The costs of books, supplies, registration, and other fees are not reimbursable. Please note that seminars, workshops, and conferences are not covered by this program. Employees must receive a grade of C- or better or receive a certificate of completion to qualify for reimbursement. Employees are eligible to begin a course through this program after the end of the second semester following the hire date or change to an eligible status.

Please contact the Human Resources Department for information on what courses are eligible for reimbursement and how to apply.

SACHEM Program

Full-time benefit-eligible employees may enroll in classes at participating SACHEM (Southern Association for Cooperation in Higher Education in Massachusetts) institutions. Employees are eligible to begin a course after the end of the second semester following the hire date or change to eligible status. Enrollment in these classes may be limited. Contact Wheaton's Registrar for information about class availability. SACHEM participating institutions are below:

- Bridgewater State College
- Bristol Community College
- Cape Cod Community College
- Dean College
- Massachusetts Maritime Academy
- Massasoit Community College
- Stonehill College
- University of Massachusetts Dartmouth
- Wheaton College

For more information on program features, contact the Registrar's Office.

Please contact Human Resources for more information about how to apply for these Tuition programs.

Dependent Care Reimbursement Plan, Medical Spending Accounts and Health Savings Accounts

These plans allow you to pay eligible expenses for the care of eligible dependent children and elders and medical expenses on a pre-tax basis.

The Health Savings Account (HSA) is available only to those who select a qualified health plan and meet other eligibility requirements. Wheaton's Health Savings Account (HSA) PPO is a qualified plan. With an HSA you can withdraw money tax-free at the federal level to use for qualified expenses, or grow the account to use for qualified expenses at a later time, subject to applicable laws and regulations. Please note – if you enroll in the HAS, you may not also enroll in a regular flexible spending account.

All benefit-eligible employees may participate in this benefit. For new employees, coverage becomes effective on the first day of the month concurrent with or following employment. An annual enrollment is announced each year.

Employee Assistance Program

The Employee Assistance Program (EAP) is available to every employee and family members living in his or her household. The program provides a variety of services, including confidential help for those experiencing problems related to life changes and personal stress. It also offers a resource and referral service for child and elder care needs, as well as referrals for legal and financial assistance.

Please call the Human Resources Department for further information, or call the EAP directly at (800) 451-1834.

Legally Required Deductions

Social Security, Massachusetts state tax, and federal withholding tax are legally required deductions which are automatically deducted from each employee's paycheck. For Social Security, both the college and you (as the employee) contribute a percentage of your gross wages as required by law. Your contribution is made through payroll deductions. You will receive a statement (W-2 form) of earnings and taxes withheld no later than January 31 for the previous year. Statements for employees who are no longer working at the college will be mailed to the last known address. If your employment with Wheaton ends, it is important to keep the Human Resources Department informed of your current address.

Workers' Compensation

Wheaton provides Workers' Compensation for job-related injuries or accidents. If you are injured on the job, report your injury immediately to the Human Resources Department, no matter how minor the injury. The Human Resources Department will file the appropriate forms with the insurance company and the Department of Industrial Accidents. Failure to promptly report your injury may result in a denial or delay in your Workers' Compensation benefits. If you will be out of work for more than ten consecutive work days, you must also complete leave of absence forms. (See section in Handbook on leaves.)

If the injury or illness is serious, call 911 immediately. If the injury or illness is not serious or life-threatening, call Public Safety and an officer will be dispatched to evaluate the injury or illness and provide appropriate help.

The college has an established relationship with Sturdy Occupational Health Services in Attleboro. Sturdy is a convenient and recommended medical care provider, specializing in the treatment and rehabilitation of work-related injuries. Employees are encouraged to go to Sturdy for evaluation and treatment for injuries which are not serious or life-threatening. For prompt medical treatment, call (508) 236-7505.

Medical expenses for injuries occurring on the job are paid by the Workers' Compensation Insurance Company. Employees may elect to use vacation, accumulated sick or personal time for salary continuation until you begin to receive Workers' Compensation payments. Once you return to work, contact a member of the Human Resources staff to review the status of your sick leave, your Workers' Compensation benefits, and reimbursement to the college (if any) for excess monies received.

Neither the college nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the college.

Questions regarding workers' compensation insurance should be referred to the Human Resources Department.

Travel Insurance

If you are injured while traveling on authorized college business, medical expenses and lost wages will be covered by the college's Workers' Compensation Plan under the same terms as other work-related injuries.

If you are traveling on authorized college business, you are covered by Accidental Death and Dismemberment insurance.

The college does not have insurance to cover fire, theft, or collision damage to your personal vehicle if damage occurs while you are using your personal vehicle to conduct college business.

Paid Time Off and Leaves of Absence

National Holidays

The college observes six scheduled national holidays each calendar year. They are:

New Year's Day	Labor Day
Memorial Day	Thanksgiving Day
Independence Day	Christmas Day

Benefit-eligible employees normally scheduled to work on a national holiday will be paid for scheduled hours.

Benefit-eligible employees who do not normally work on the day of the national holiday may arrange with the supervisor to take another day off within the same pay period.

Please note that the college may celebrate a day other than the actual holiday date (for example, the college may celebrate a national holiday that falls on a Saturday on the preceding Friday, or a holiday that falls on a Sunday on the following Monday). In these instances, if a biweekly-paid employee works both the day the college observes the holiday and the actual holiday itself, the employee will be paid the holiday rate for the actual national holidays and not the day the college observes the holiday.

College Holidays

In general, the college grants six college holidays each calendar year which include the day after Thanksgiving and the days between Christmas and New Year's. A list of the holidays is made available each year on the Human Resource website.

Benefit-eligible employees normally scheduled to work on a college holiday will be paid for scheduled hours.

Benefit-eligible employees who do not normally work on the day of the college holiday may arrange with the supervisor to take another day off within the same pay period.

Vacation

Vacation leave should be scheduled in advance and approved by your supervisor. Vacation accrues each pay period based on your employment status, with the exception of academic year positions. Vacation accruals are based on the employee's length of service. Employees reach the next band of accrual rate in the pay period following their anniversary date. Vacation time is paid at an employee's base rate and shift differential, if appropriate.

The maximum carryover permitted for vacation is the equivalent of one year's accumulation.

Full-time, twelve-month, benefit-eligible employees are eligible for vacation based on years of service according to the following schedule:

	Annual Equivalent	Accrued Amount per Pay Period	
		(35-hour position) Accrual Rate	(40-hour position) Accrual Rate
MONTHLY PAID EMPLOYEES			
Less than 5 years	16 days	9.33 hours	10.67 hours
5 years +	21 days	12.25 hours	14.00 hours
BIWEEKLY PAID EMPLOYEES			
Less than 3 years	11 days	2.96 hours	3.38 hours
3 to 10 years	16 days	4.31 hours	4.92 hours
10 years +	21 days	5.65 hours	6.46 hours

Part-time benefit-eligible employees receive a prorated amount of vacation based upon their work schedules.

Academic-year benefit-eligible employees are eligible for six days of vacation if they work full-time (prorated for part-time academic year employees based on the number of hours worked per week). Those academic year benefit-eligible staff who were active and benefit-eligible on January 1, 1996 are eligible for 11 days of vacation (pro-rated for part-time academic year employees based on number of hours worked per week). These additional days of vacation after ten years of service are only for staff members who were benefit-eligible on January 1, 1996, and have been continuously employed at Wheaton since that date.

The established vacation year is the fiscal year, July 1 through June 30 each year. The maximum carryover permitted for vacation will be the equivalent of one year’s accumulation. All unused vacation days in excess of the carryover limit will be forfeited. Upon termination of employment, employees will be paid for vacation benefits accrued but not used through the last day of work.

Personal Days

The college offers personal days to employees. You may use personal days for occurrences such as religious holidays, personal business appointments that cannot reasonably be scheduled outside the workday, community service participation, holidays that the college does not observe, and similar reasons that require time away for work. Be sure to check with your supervisor about his or her requirements for advance notice when using personal days.

Eligibility for personal days is as follows:

- *If you are a full-time benefit-eligible employee, you will receive the hours equivalent to four personal days per fiscal year.*
- *If you are a part-time benefit-eligible employee or an academic-year benefit-eligible employee, the amount of time referenced above is prorated based on your schedule.*

For an employee's first year of employment, personal time is pro-rated based on his or her start date, and is granted based on full months of service.

Personal days are granted at the beginning of each fiscal year (July 1), and must be used by the end of the fiscal year (June 30). They are not carried over to the following year.

Sick Leave

The college's sick leave plan is designed to protect you from loss of earnings during limited periods when personal illness or injury prevents you from working. You may use sick leave for: (1) your own physical or mental illness, injury, or medical condition; (2) to care for your child, spouse, parent, or parent of a spouse who is suffering from a physical or mental illness or injury; (3) to attend a medical appointment for yourself or for your child, spouse, parent, or parent of a spouse; (4) to address the psychological, physical, or legal effects of domestic violence; or (5) to travel to and from an appointment, pharmacy, or other location related to the purpose for which the time was taken. For the purposes of this policy, a "child" is a biological, adopted, or foster child, a stepchild, a legal ward, or a child for whom an employee is standing in loco parentis as defined by law. Also, for the purposes of this policy, domestic violence is defined as abuse committed against an employee or the employee's child by: (1) a current or former spouse of the employee; (2) a person with whom the employee shares a child in common; (3) a person who is cohabitating with or has cohabitated with the employee; (4) a person who is related to the employee by blood or marriage; or (5) a person with whom the employee has or had a dating or engagement relationship.

You are encouraged to schedule medical appointments for times that are least disruptive to the workday.

You accrue paid sick leave as follows:

- *If you are a full-time benefit-eligible employee*, you accrue sick time at the rate of approximately one day per month, for a total of 12 paid days of sick leave per year.
- *If you are a full-time academic year benefit-eligible employee*, you accrue approximately one paid sick day for every month of the year in which you work.
- *If you are a part-time benefit-eligible employee*, you accrue paid sick time based on the number of hours worked in each pay period.
- *If you are not otherwise benefit-eligible*, you are eligible to accrue paid sick time at the rate of 1 hour for every 30 hours worked up to a maximum of 40 hours per year.

Sick leave may be accumulated up to a maximum of 520 hours (approximately three calendar months). For an absence due to illness extending beyond three months, see the section in this handbook on Short-Term and Long-Term Disability Insurance.

Earned sick leave taken under this policy may run concurrently with leave taken under other applicable policies as well as under local, state or federal law, including leave taken pursuant to the Family and Medical Leave Act (FMLA), the Massachusetts Parental Leave Act, the Massachusetts Domestic Violence Leave Act, the Small Necessities Leave Act, and other leave

laws that may allow employees to make concurrent use of leave. Wheaton prohibits retaliation against any employee for exercising his or rights under any of these laws.

Please check with your supervisor to learn department requirements related to notification of absences. You must notify your supervisor at least seven days in advance if the use of the earned sick time is foreseeable or pre-scheduled, except where you learn of the need to use earned sick time within a shorter period. If the leave is taken in response to an emergency or is unforeseeable, you must notify your supervisor as soon as practicable under the circumstances.

The college may require that you provide verification from your physician concerning your use of sick leave and ability to return to work when an earned sick time period exceeds 3 consecutive days on which an employee was scheduled to work, occurs within 2 weeks prior to an employee's final scheduled day of work before termination of employment (except in the case of temporary employees), or occurs after 4 unforeseeable and undocumented absences within a 3-month period.

Notwithstanding the fact that the college provides compensation for a certain number of days of illness each year, employees may not abuse sick time or take it for reasons not consistent with its intended use. Non-exhaustion of accrued sick leave benefits will not necessarily signify an acceptable attendance record.

Employees are not paid for unused sick days upon termination of employment.

Bereavement

The college provides a maximum of three days of paid bereavement leave for you to attend services or tend to family business when a death occurs in your immediate family. For the purpose of this policy, members of your immediate family include spouse or domestic partner, child, sibling, parents, parents-in-law and grandparents. This leave may also be used in the event of the death of other family members with whom you have had a special relationship. Requests to use bereavement leave for family members other than those listed should be requested in writing for approval by your department head, in consultation with Human Resources. If additional time off is needed beyond three days or for situations outside this policy, you may use other paid time (e.g. vacation, personal), or the time off may be unpaid.

Leaves of Absence

Situations may arise which require your absence from work for a period of time. If you anticipate being absent from work (not including approved vacation) for 10 consecutive or intermittent workdays or more, you must apply for and be granted a leave of absence.

There are many types of leaves, including leaves for the employee's illness or for medical reasons; to care for newborns, recently adopted children, ill family members, or military family leave and caregiver provisions; for personal reasons; military duty; or jury duty. The types of leaves available and applicable details are described in the following sections.

Leaves of absence may be paid or unpaid depending on the type of leave. During an unpaid leave, an employee may use his or her unused vacation or personal time, and sick time, when

appropriate. Sick time may be used only for the purposes described in the college's sick leave policy.

Notification

Employees seeking to take a leave, including, but not limited to, sick leave, FMLA leave, small necessities leave, or leave under the Massachusetts Parental Leave Act, should refer to the applicable policy for information concerning required notification procedures for the requested leave. For all types of leaves, you must notify your supervisor as soon as possible and complete a Request for Leave of Absence form. This form must be signed by your supervisor and Division Officer and submitted to Human Resources for approval. For an unforeseeable or emergency absence, you must notify your supervisor and complete a Request for Leave of Absence form as soon as practicable after the need for the leave arises. If the requested leave is for absence covered by the Family and Medical (FMLA) leave, as defined in the next section, you must also submit a completed Physician Certification form. The Physician Certification form must be returned to Human Resources within 15 calendar days for your leave to be officially approved as FMLA. A Physician Certification form is not required for the military family FMLA leave. Human Resources will inform you if your leave is approved.

Extensions

If you have been granted a leave and need to request an extension of that leave, you must submit another Request for Leave of Absence form for consideration and, if necessary, provide supporting medical documentation. The college will inform the employee if the request is granted. The employee should not assume that a request for an extension is granted automatically. The college may request that an employee report periodically on his/her status and intention to return to work during a leave. If a leave extension is approved, job restoration is not guaranteed except if required by applicable law.

Approval

Leave requests, other than qualifying FMLA leave or other leaves required by law, are not automatically approved. Criteria considered may include departmental needs, your length of service with the college, overall work record, and the specific nature of your request.

Prior to the start of your approved leave, except in an emergency or when the need for the leave is unforeseeable, you must schedule an appointment to meet with a member of Human Resources to review unused vacation and sick time (if applicable) and to determine if you may receive continuation of pay during the leave of absence. The Human Resources staff member will discuss continuation of other benefits and methods of payment during your leave of absence.

Returning to Work

An employee returning from medical leave may be required to provide satisfactory medical certification of his or her ability to return to work in accordance with applicable law.

An employee on leave who has decided not to return to work is requested to inform the college of his or her decision as soon as possible. The college may then end the leave and terminate

employment. If an employee fails to return to work at the end of an approved leave and fails to secure an approved leave extension, the employee's employment with the college will terminate.

Benefits Continuation

During an employee's approved paid and unpaid leaves of absence, the college continues to pay its portion of the cost associated with medical, dental, life and disability insurance. While an employee is on paid leave, the college will continue to make payroll deductions to collect the employee's share of the premium. Also, during those portions of leaves that are paid, the college continues its contribution to retirement. (The college does not continue its contribution to retirement during any unpaid portions of leaves.) An employee on unpaid leave will be responsible to pay for his or her portion of the medical, dental, life and disability insurance costs which would normally have been deducted from the employee's paycheck. If the college maintains coverage notwithstanding non-payment by the employee, it may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

An employee does not accrue vacation or sick leave while on an unpaid leave of absence or while on paid maternity/parental, short-term or long-term disability leaves. Vacation and sick leave accrue during leave when vacation and/or sick leave is used towards the leave.

While on an unpaid leave, an employee does not receive pay for national or college holidays.

The employee's failure to pay his or her share of the premiums will result in loss of coverage.

FMLA Leave (Family and Medical Leave Act)

The Family and Medical Leave Act (FMLA) is a federal law. In summary (and as described below), the FMLA entitles eligible employees to take an aggregate maximum of 12 weeks of unpaid job-protected leave in a 12-month rolling period for specified reasons, and 26 weeks in any rolling 12-month period for certain leave taken for military caregiving leave. (All references in this policy to “weeks” refer to work weeks.)

The FMLA entitles employees to job-protected unpaid leave and the college’s leave policies are in accordance with, and subject to, the provisions of the FMLA and its regulations. It should be noted, however, that Wheaton provides leave benefits more generous than those required under the FMLA, and in certain circumstances offers paid FMLA leave, as well as the opportunity to use accrued vacation and personal time and in some cases sick leave, to provide salary continuation for part or all of the leave. Those enhanced benefits are discussed in the Section on Wheaton Enhanced Leaves for Birth or Adoption.

Eligibility and Types of Leave Covered

To be eligible for FMLA leave, an employee must be employed by the college for at least 12 months and have worked for a minimum of 1,250 hours during the 12 months before FMLA leave begins.

An eligible employee is permitted to take up to 12 weeks of unpaid leave in a single 12-month period for the following reasons (qualifying events):

FMLA Parental Leave: For reason of birth of a child of the employee, placement of a child with the employee by adoption or foster care arrangement;

FMLA Employee Medical Leave: Because of an employee’s own serious health condition that renders the employee unable to perform the functions of his/her position;

FMLA Family Caretaker Leave: To care for an immediate family member (parent, child, or spouse) who has a serious medical condition;

FMLA Armed Forces Qualifying Exigency Leave: Because of any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a member of the Armed Forces, including a member of the National Guard or Reserves, on covered active duty (or has been notified of an impending call or order to covered active duty); or

FMLA Military Leave: To care for a spouse, parent, son, daughter or next of kin who is a covered servicemember of the Armed Forces, including a member of the National Guard or Reserves, and who is undergoing medical treatment, recuperation, therapy, is in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

With regard to FMLA Parental Leave and FMLA Employee Medical Leave, (qualifying event Numbers 2 and 3 above), a “serious health condition” means an illness, injury, impairment or physical or mental condition that involves in-patient care or continuing treatment by a healthcare provider, as outlined by the FMLA.

The **Qualifying Armed Forces Exigency Leave** (qualifying event Number 4 above) applies only to servicemembers on covered active duty. “Covered active duty” means, for regular members of the Armed Forces, duty during deployment with the Armed Forces to a foreign country, and for members of the Reserves and National Guard, duty during the deployment with the Armed Forces to a foreign country under a call or order to active duty. Employees must give notice as soon as practicable when the need for leave is foreseeable and must provide a copy of the military orders upon the first request for leave due to a qualifying exigency. Qualifying exigencies include: (1) short-notice deployment, (2) military events and related activities, (3) childcare and school activities, (4) financial and legal arrangements, (5) counseling, (6) rest and recuperation, (7) post-deployment activities, and (8) other events arising out of the covered servicemember’s active duty or call to active duty status, provided that the employee and the college agree that the leave qualifies as an exigency and further agree as to the leave’s timing and duration.

With regard to **Military Family Leave** (qualifying event Number 5 above), “covered servicemember” includes members of the Armed Forces, National Guard or Reserves, as well as veterans undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces, National Guard or Reserves at any time during the preceding five years. “Outpatient status” means the status of a servicemember assigned to (1) a military medical treatment facility as an outpatient, or (2) a unit established to provide command and control of service members receiving medical care as outpatients. “Serious injury or illness” means an injury or illness incurred in the line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the service member’s office, grade, rank, or rating, and in the case of veterans, also means a qualifying injury or illness that was incurred by the servicemember in the line of duty on active duty in the Armed Forces (or that existed before but was aggravated by that service) and that manifested itself before or after the servicemember became a veteran.

Amount of Leave

During a single 12-month period, an eligible employee can take up to an aggregate total of 12 weeks for the FMLA qualifying events numbers 1, 2, 3 and 4 above (that is, FMLA Parental Leave; FMLA Employee Medical Leave; FMLA Family Caregiver Leave; FMLA Armed Forces Qualifying Exigency Leave).

During a single 12-month period, an eligible employee can take up to an aggregate total of 26 weeks for the FMLA qualifying event number 5 above (that is, FMLA Military Family Leave). FMLA Leave already taken during the 12-month period for other FMLA circumstances will be deducted from the total of 26 weeks available.

The college will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy.

If both spouses are employed by the college, combined, they are limited to a total of 12 weeks of leave during any 12 month period for FMLA Parental Leave or FMLA Family Caregiver Leave taken to care for the employee’s parent with a serious health condition, shall not exceed 12 weeks. This limitation does not apply when leave is taken to care for a seriously ill spouse or

child, or for the employee's own serious health condition, and spouses employed by the same employer may each take 12 weeks of leave for these purposes. If both spouses are employed by the college and each wishes to take leave to care for a covered injured or ill servicemember, they may only take a combined total of 26 weeks of leave.

Timing of Leave; Consecutive Weeks; Intermittent Leave; Reduced Work Schedule

FMLA leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill servicemember) over a 12-month period in the case of FMLA Military Family Leave). In all cases, FMLA leave may be taken in consecutive weeks.

FMLA Family Caregiver Leave, FMLA Employee Medical Leave, FMLA Armed Forces Qualifying Exigency Leave or FMLA Military Family Leave may be taken intermittently or on a reduced hours basis if such leave is medically necessary. If the need for intermittent or reduced hours leave is foreseeable based on planned medical treatment, the employee generally must schedule the treatment in a manner that does not unduly disrupt the college's operations. The college may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the serious health condition of the employee or employee's family member is foreseeable and for planned medical treatment, and otherwise appropriate under the FMLA.

FMLA Parental Leave may not be taken intermittently and must be commenced within twelve months of the qualifying birth, adoption, or foster care placement.

Employee Status and Benefits During Leave

The college will continue the employee's group health benefits during the FMLA leave period at the same level and under the same conditions as if the employee had continued to work, and the employee must continue to pay his or her share of the premiums (including the employee's share of any premium increases).

Employee Status After Leave

In order to return to work after an FMLA Leave due to the employee's own serious health condition, the employee must submit a certification from the health care provider that the employee is able to resume work, i.e., fit for duty.

Upon returning from a leave that has not exceeded the amount of time available to the employee under FMLA, the employee will be reinstated to his/her former position or to an equivalent position with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed by the college during the FMLA Leave period. Therefore, if changes in the college's business occur during an employee's FMLA Leave and the employee would have been terminated, laid off or reassigned had he or she been on active status, the employee is not guaranteed reinstatement.

If an employee chooses not to return to Wheaton College after leave, the employee is required to inform Wheaton College as soon as possible. At that point, the college may end the leave and employment will terminate.

Notice and Certifications

Requests for FMLA Leave must be submitted to Human Resources. Employees must provide 30 days' advance notice of the need to take FMLA Leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable. Employees must provide sufficient information for the college to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. The college will inform the employee whether leave will be designated as FMLA-protected and, if known, the amount of leave that will be granted. The college will also notify the employee if it determines that the leave is not FMLA-protected.

Employees requesting FMLA leave for the purpose of a serious health concern may be required to submit a health care provider certification establishing the existence of a serious health condition, the need for the leave and its probable duration. The college also requires certification of a Qualifying Armed Forces Exigency FMLA Leave. When required, such certification must be submitted as soon as practicable, but not later than 15 calendar days after the request (or provide a reasonable explanation for the delay). If the college concludes that an employee's medical certification is insufficient, it will notify the employee in writing of the additional information that is necessary to complete the certification. The employee then has seven calendar days to provide the requested information. Employees on FMLA Leave may be required to submit periodic medical recertifications. The college reserves the right to require a second and/or third medical opinion by a health care provider, as set forth in the FMLA.

The certification forms are available in the Human Resources Office and on the Human Resources website.

Key Employees

Certain key employees may not be eligible to be returned to the same or similar positions upon returning from FMLA Leave, if such denial is necessary to prevent substantial and grievous economic injury to Wheaton College. A key employee is a salaried employee who is among the highest paid ten percent (10%) of the employees employed by the college.

FMLA Leaves Run Concurrently with Other Leaves

Under most circumstances, if multiple laws apply to an employee's leaves, the multiple leaves will run concurrently. (For example, if an employee is eligible for FMLA and Massachusetts Maternity Leave Act leave for the birth of a baby, those two leaves will run concurrently, and if an employee is eligible for a FMLA leave and workers compensation leave for a work related injury, those two leaves will run concurrently.)

Pay During FMLA Leaves

The law does not require FMLA leaves to be paid. Wheaton College's leave benefits extend beyond that required by the FMLA and allow eligible employees to be paid for leaves in certain circumstances. See the applicable sections of this handbook for further information on when an employee may be eligible for paid leave.

An employee must apply available sick leave to any unpaid FMLA leave if the reason for the FMLA leave is covered by the college's established sick leave policy unless the employee is otherwise being paid during the leave. For example, an employee who is taking FMLA Leave because of the employee's own serious health condition must apply all available sick leave to the leave, unless the employee is otherwise being paid during the leave of absence (for example, because the employee is receiving workers' compensation benefits).

Accrued vacation and personal time must also be applied; however, an employee may reserve one week of vacation for the employee's subsequent use.

An employee who is taking MPLA Leave (and not FMLA Leave) is not required to apply available vacation, personal or sick leave to the leave, but may do so.

An employee's receipt of pay from any source (for example, use of available vacation, sick and personal time or other paid benefit, or insurance) does not extend the length of any FMLA leave; it only allows an employee to receive pay during periods of FMLA Leave which would otherwise be without pay.

Paid Short-Term Disability Leave

Benefit-eligible employees who have worked for the college for at least one year of continuous service are eligible to apply for paid short-term disability leave, as described here.

Short-term disability provides partial pay continuation for eligible employees who are unable to work due to personal non-work related illness or injury. There is a 30 calendar day waiting period, during which sick leave, personal and vacation time must be used, if available. However, one week of vacation may be reserved for the employee's subsequent use.

In order for your application for short-term disability to be considered, you must have exhausted all of your accumulated sick, all but one week of vacation, and all personal leave, and have provided appropriate medical certification of your disability.

Short-term disability ceases 2 months after the 30 calendar day waiting period ends. If a disability continues beyond three months please refer to Long-Term Disability Insurance in the Benefits Section.

Short-term disability benefits are based on years of service, as shown below:

1 to 10 years of service	50%
10 to 20 years of service	65%
20 plus years of service	80%

The maximum amount of short-term disability that may be paid is two months in any 52 week period. While on Short-Term Disability Leave, you will not accrue or be entitled to paid sick leave, personal leave or vacation. Short-term disability will be paid only for periods in which you would otherwise have worked. FMLA leave will run concurrently with Short-Term Disability Leave to the extent you are eligible under that Act.

An employee may not receive pay under the Short Term Disability and any Wheaton Paid Maternity/Primary Caregiver or Parental Leave.

For more information, please contact the Human Resources Department.

Wheaton Paid Maternity/Primary Caregiver and Parental Leaves

The law does not require that leaves taken for the birth or adoption of an employee's child be paid. Wheaton, however, provides paid parental leave to eligible employees, as described below.

- (i) For the purpose of paid leaves for birth or adoption described in this Wheaton Paid Parental Leave Policy, please note that: (a) paid leave will not be available for periods in which the employee would otherwise not have worked; (b) the primary caregiver is defined as the person who has primary responsibility for the care of the new born or newly adopted child during the first twelve weeks immediately following the birth or adoption; (c) FMLA leave and Massachusetts Parental Leave Act (MPLA) and any other leaves required by law will run concurrently with the paid leaves to the extent the employee is eligible for leave under those laws; and (d) an employee may receive pay under either (and not both) the **Paid Primary Caregiver Leave** (up to six weeks) or the **Paid Parental Leave** (up to two weeks); and (e) if two employees of the college are the parents of the same child, only one employee is eligible to receive paid leave under this Wheaton Paid Parental Leave Policy.

Employees who wish to apply accrued vacation time, personal time, or sick time, or who wish to apply for paid disability leave, in connection with parental leave for the birth or adoption of a child which would otherwise be unpaid, may do so in accordance with applicable College's policies.

(ii) Paid Primary Caregiver Leave (Up to Six Weeks)

A benefit-eligible employee who, after working for the college for at least one year with continuous service, gives birth to or is the primary caregiver of a newborn, a newly adopted child under the age of eighteen, or a newly adopted child under the age of twenty-three if that child is mentally or physically disabled, is eligible for up to six consecutive weeks of paid leave with regular base pay and benefits during the twelve week period after the birth or placement of the child for adoption or foster care. The employee may apply available accrued vacation, personal time, and in some cases sick leave (if applicable), for the period beyond six weeks.

(iii) Paid Parental Leave (Up to Two Weeks)

A benefit-eligible employee who, after working for the college for at least one year with continuous service, becomes the parent of a newborn, a newly adopted child under the age of eighteen, or a newly adopted child under the age of twenty-three if the child is mentally or physically disabled (and who has not taken leave under the Paid Primary Caregiver Leave for that child), is eligible for a paid parental leave of up to two consecutive weeks of paid leave with regular base pay and benefits during the twelve week period after the birth or placement of the child for adoption or foster care. The employee may apply available accrued vacation, personal time, and in some cases sick leave (if applicable), for the period beyond two weeks.

Massachusetts Parental Leave Act (MPLA)

Every full-time eligible employee working in Massachusetts is entitled to eight weeks unpaid parental leave under the Massachusetts Parental Leave Act (MPLA) if (a) the employee has been employed by the college for at least three consecutive months as a full-time employee; (b) the employee's absence is for the purpose of giving birth, adopting a child under the age of 18, or adopting a child under the age of 23, if the child is mentally or physically disabled, or for the placement of a child with an employee pursuant to a court order; and (c) the employee provides the college at least two weeks written notice of the anticipated date of departure and a statement confirming intention to return to work, or provides notice as soon as practicable if there is a delay in providing notice for reasons that are beyond the employee's control. If the employee is eligible for both MPLA leave and FMLA leave, the two leaves will run concurrently. If two employees of the college give birth to or adopt the same child, the two employees are entitled to a combined eight weeks leave.

An employee may use paid sick, personal, or vacation time concurrently with MPLA leaves, but is not required to do so. The employee will continue to receive any health benefits through the college if the employee received such benefits before taking MPLA leave, provided that the employee pays for the employee's share of the premium for such coverage that the employee would have paid if not on leave. Vacation and sick time will not accrue and holidays will not be paid during any unpaid period of the leave.

Other Leaves (not FMLA or MPLA)

Small Necessities Leave

Employees working in Massachusetts will be eligible to request up to 24 hours of unpaid Small Necessities Leave during a 12-month period if the employee: (1) is employed at a worksite where 50 or more employees of an employer work within 75 miles of that worksite; (2) has worked for the college for at least 12 months; and (3) has worked for the college for at least 1,250 hours during the 12 months before the Leave is scheduled to begin. The 12 month period in which the 24 hours of Small Necessities Leave is measured a rolling period, measured backward from the date an employee last used any Small Necessities Leave.

An eligible employee may take a Small Necessities Leave for any one of the following three reasons:

- to participate in school activities directly related to the educational advancement of the employee's child, such as parent-teacher conferences or interviewing for a new school.
- to accompany the employee's child to routine medical or dental appointments, such as check-ups or vaccinations.
- to accompany an elderly relative of the employee to appointments for routine medical or dental care or for professional services related to the elder's care, such as interviewing at nursing or group homes. (An "elderly relative" is a person of at least 60 years of age who is related by blood or marriage to the eligible employee, including a parent of the eligible employee.)

If the need for Small Necessities Leave is foreseeable, an eligible employee must provide written notice to his or her supervisor not less than seven days before the date the Small Necessities Leave is to begin. If the need for Small Necessities Leave is not foreseeable, an employee must provide as much notice as is practicable. An employee may take a Small Necessities Leave intermittently or on a reduced work schedule. The college may ask an employee to provide satisfactory information concerning the use of the leave. Small Necessities Leave is generally unpaid. If, however, an employee requesting a Small Necessities Leave qualifies for paid leave under the college's vacation, personal, or sick leave, the employee will be required to use this paid leave during the Small Necessities Leave.

Personal Leave of Absence

In rare situations that are mutually beneficial to the employee and the college, the employee can request an unpaid leave of absence of up to four weeks, with restoration to his/her position upon return. All requests must be approved by the Division Officer in consultation with Human Resources, and must be in writing. An extension beyond four weeks may be submitted for consideration. Extensions, if granted, may be with or without an assurance of position restoration, at the discretion of the college. Please note that this type of personal leave of absence is rare, and whether or not it can be granted depends upon a number of factors, including the nature of the

employee's job duties and responsibilities, the employee's length of service and job performance record, the reason for the request, the needs of the department and the college.

Military Training

An eligible employee who is a member of the Armed Forces may take leave to perform military training, without loss of salary or benefits, for a maximum of seventeen working days per calendar year. Employees must give notice of the date of departure and date of return for military training, and of the satisfactory completion of such training immediately thereafter.

Upon return from your tour of duty, if you present your government pay invoice to the Payroll Department, payroll will then prepare a check for the difference between your governmental pay and your regular base salary during your leave (not to exceed seventeen days in a calendar year). If your military obligation exceeds seventeen working days, the remainder of your leave will be without pay, unless personal or vacation time is used.

Military Leave under USERRA

In accordance with federal law, including the Uniformed Services Employment and Reemployment Rights Act (USERRA), and applicable state law, a leave of absence will be granted to employees to attend scheduled drills or training or if called to active duty with the U.S. Uniformed Services. "Uniformed Services" means the Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or national emergency.

Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable. The leave will be unpaid. However, employees may use any available vacation, personal [Client Note: Do you want to add sick days here too?] for the absence. Faculty are expected to fulfill military reserve duty during vacation time, unless necessity prevents such notice or it is otherwise impossible or unreasonable.

Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which the employee otherwise is eligible. Benefit accruals, such as vacation, sick leave, or holiday benefits will be suspended during the leave and will resume upon the employee's return to active employment.

With certain exceptions, employees returning from military service must either report to work or apply for reinstatement as follows:

Service of 1 to 30 days or Absence for a Fitness for Duty Exam: The employee must report to work by the beginning of the first regularly scheduled work period that begins on the next calendar day following completion of service, after allowance for safe travel home from the military duty location and an 8-hour rest period. If, due to no fault of the employee, timely reporting back to work would be impossible or unreasonable, the employee must report back to work as soon as possible.

Service of 31 to 180 days: An application for reemployment must be submitted no later than 14 days after completion of the employee's military service. If submission of a timely application is impossible or unreasonable through no fault of the employee, the application must be submitted as soon as possible.

Service of 181 or more days: An application for reemployment must be submitted no later than 90 days after completion of the employee's military service.

If they are still qualified, employees returning from military leave will be reemployed in the same or similar job that they would have attained had they not been absent for military service, with the same seniority, status and pay, as well as other rights and benefits determined by seniority. The college will make reasonable efforts to enable employees to refresh or upgrade their skills to help them qualify for reemployment. If a returning employee is not qualified for the position to which they otherwise would have been entitled, the college will work with that employee to identify and place that employee into an available alternative position.

Reemployment may not occur if the college's circumstances have so changed as to make such reemployment impossible or unreasonable, would impose an undue hardship on the college, or an employee's prior employment with the college was for a brief, non-recurrent period (e.g., a temporary employee) and there was no reasonable expectation that such employment would continue indefinitely or for a significant period. In addition, reemployment cannot be guaranteed if an employee's total, cumulative military leave exceeds 5 years.

Contact the Human Resources Department for more information or questions about military leave.

Jury Duty

The college recognizes your civic responsibility to serve as a juror when summoned, and you will be excused for this purpose without loss of salary or benefits. The college will continue to pay a staff member's full wages for the entire period served so the staff member must endorse to the Payroll Department the weekly checks received from the court. If the amount paid by the court exceeds the employee's regular, earned wages (as in the case of some part time employees), the employee may retain the greater amount.

Employees are to notify their supervisors, in advance, of the date and time they have been summoned to service. Employees must provide a copy of the jury duty summons to their supervisor in advance so that the supervisor can make arrangements to accommodate the employee's absence. The employee is expected to report for work if released from court prior to 1:00 P.M. Upon return to work, employees are required to provide a certificate of attendance.

Massachusetts Domestic Violence Leave

In accordance with Massachusetts law regarding employment leave for victims and family members of abusive behavior, all employees may take up to 15 days of unpaid leave from work in any 12-month period if:

- The employee is a victim of domestic violence, stalking, sexual assault, or kidnapping as defined by applicable law (“Abusive Behavior”); or
- A family member of the employee is a victim of Abusive Behavior, provided that the employee is not the perpetrator of the Abusive Behavior against such employee’s Family Member.

For the purposes of this Domestic Violence Leave Policy (the “Policy”), an employee’s family members include: (i) a spouse; (ii) persons in a substantive dating or engagement relationship and who reside together; (iii) a person having a child in common with the employee; (iv) a parent, step-parent, child, step-child, sibling, grandparent or grandchild of the employee; or (v) a person in a guardianship relationship with the employee.)

Domestic Violence Leave may be taken intermittently or on a reduced leave schedule, and may be used for any of the following reasons:

- To seek or obtain medical attention, counseling, victim services or legal assistance;
- To secure housing;
- To obtain a protective order from a court;
- To appear in court or before a grand jury;
- To meet with a district attorney or other law enforcement official; or
- To attend child custody proceedings or address other issues directly related to the Abusive Behavior against the employee or family member of the employee.

An employee who wishes to take Domestic Violence Leave must provide appropriate advance notice of the Leave in writing to his/her supervisor, and the supervisor will notify the Human Resources Department, typically at least seven days in advance of the requested leave, if the need for leave is foreseeable. Otherwise, an employee is expected to provide as much notice as possible to his or her supervisor. If there is a threat of imminent danger to the health or safety of an employee or the employee’s family member, the employee is not required to provide the supervisor with advanced notice of leave, but the employee still must notify the supervisor within three business days that the leave was taken or is being taken in connection with this policy. This notification of Domestic Violence Leave to the supervisor may also be made by a family member of the employee, or by the employee’s counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate, or other professional who has assisted the employee in addressing the effects of the abusive behavior on the employee or the employee’s family member.

An employee must exhaust all of his or her paid time off available, with the exception of one week of accrued, unused vacation time, before requesting or taking Domestic Violence Leave.

Employees may be required to provide Human Resources with certification of the need for Domestic Violence Leave in accordance with applicable law. Human Resources will notify the employee if such certification is required.

All information related to an employee's Domestic Violence Leave will be kept confidential in compliance with applicable law, except to the extent that disclosure is: (a) required or consented to in writing by the employee; (b) ordered to be released by a court of competent jurisdiction; (c) otherwise required by applicable federal or state law; (d) required in the course of an investigation authorized by law enforcement, including, but not limited to, an investigation by the attorney general; or (e) necessary to protect the safety of the employee or others in the workplace.

Other Services and Benefits

Madeleine Clark Wallace Library

You have library privileges and may use the services offered in the library. Call the library for details.

Athletic Facilities/Fitness Center

You and your immediate family members living in your household may use college athletic facilities and the fitness center during posted recreational hours. Current facilities include a fitness center, indoor and outdoor tennis courts, pool, gym, and indoor jogging track. Family members can get passes to use the facilities. Children under the age of 16 must be accompanied by an adult. Hours differ during the academic and non-academic year. Call Haas Athletic Center and Pappas Fitness Center for more information.

Bookstore

You may take advantage of the services offered by the Wheaton College Old Town Hall Bookstore. You will receive a 20% discount on most purchases by showing your college ID. The bookstore carries a variety of hard- and soft-bound educational texts and trade books, college souvenirs, stationery, clothing, and sundries. For information, contact the Bookstore Manager.

ATM

An automatic teller machine is located in the Balfour-Hood Center.

Dining

Dining facilities are open to all students, faculty and staff during normal operating hours and under certain conditions during special events. Employees and their guests are welcome to utilize these services at their expense. The dining venues accept cash, credit cards and Lyons bucks. For menu, operating hours and service details please refer to the Wheaton College dining services web page.

E.W. Amen Nursery School

If you are a full- or part-time benefit-eligible employee you may receive a partial waiver of tuition for children accepted for enrollment at the Wheaton Nursery School. Acceptance for enrollment is based on available space and is not guaranteed. Full-time benefit-eligible employees receive a 50% reduction in tuition up to a maximum of \$2500 per dependent per academic year and part-time benefit-eligible employees receive a 25% reduction up to a maximum of \$1250 per dependent per academic year.

Children who are eligible include employees' sons and daughters through birth, adoption, or legal guardianship. Stepchildren who reside at least 50% of the time in the employee's household, or who are claimed as deductions for income tax purposes, are also eligible. The

relationship must have existed for one year prior to the date nursery school begins in order to receive the partial waiver of tuition. Contact the Nursery School for further information.

Annual Giving to Wheaton

Yearly gifts to the college support a wide range of programs from student scholarships and faculty research funds to library acquisitions and concerts, lectures and performances. Gifts from staff and faculty are among those that contribute to the overall strength and future growth of the college. Gifts may be made through payroll deduction by contacting the Wheaton Fund Office.

Auto/Home Owners Insurance

Wheaton offers a comprehensive insurance program which enables employees to purchase auto and homeowners insurance at low group rates through the convenience of payroll deduction. Contact the Human Resources Department for information.

On-Campus Housing

Wheaton owns several single- and multiple-occupancy residences, which are available on a limited basis to members of the faculty and staff. Housing availability and assignments are determined annually. Both full-time and part-time employees are eligible to apply. For more information, please contact Business Services.

Computer Purchases

The college offers benefit-eligible employees the opportunity to purchase a computer through payroll deductions. This benefit is available to new benefit-eligible employees once they have successfully completed three months of employment. To learn about available equipment, visit the Library and Information Services website: <http://wheatoncollege.edu/technology/buy/personal-computer-sales-program/>

Leaving Wheaton

Termination of Employment

If you leave the college's employ, advance notice of at least two weeks for biweekly paid employees and a month for monthly paid employees is requested as a courtesy to the college. Resignations should be submitted in writing to your supervisor with a copy sent to the Director of Human Resources. Paid time off (vacation, sick, personal, national holidays, college holidays, etc.) may not be used to extend your termination date. Your termination date will be your last actual day worked. Please contact the Human Resources Department to schedule an exit interview and benefits review.

You must return all college property (identification card, keys, books, credit cards, etc.) to the proper department prior to leaving the campus. This property may not be transferred to another employee. The college will withhold the amount of outstanding obligations of the employee from his or her paycheck, as permitted by applicable law.

Please notify Human Resources of any changes in your address to ensure that you receive your final W-2 form.

Benefits upon Termination

Vacation Time

If you have provided sufficient notice of your termination, you will receive pay for any accrued but unused vacation time in your last paycheck. If proper notice was not given, any accrued, unused vacation will be paid out in a subsequent paycheck. When an academic year employee's employment ends, his or her vacation accrual for the current fiscal year will be prorated and paid out accordingly. Employees who separate from the college involuntarily will receive pay for any accrued but not used vacation on their last day of work. Vacation accrual ends on the last day of the final full pay period worked.

Health and Dental Insurance

If you are currently enrolled in health or dental insurance, your coverage will end on the last day of the month in which you separate from service. You will have the option to continue your coverage as provided under the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA). COBRA contains provisions which require the college to offer access to continued health insurance coverage to certain former employees and their dependents, entirely at their own expense.

Life and Disability Insurance

Coverage under life and disability insurance ends on the last day of your employment, your actual last day worked. You will be given the opportunity to convert your life insurance to a non-group direct pay plan.

TIAA

If you are participating in TIAA retirement, information regarding your options will be provided to you.

Tuition Benefits

If you terminate employment and you and/or a family member are currently participating in a tuition program either at Wheaton or another qualifying institution, the tuition benefits will cease and you will be responsible for paying that semester's tuition. An exception is those who retire from Wheaton with 30 years or more of service will be eligible for the remission and grant programs for their eligible dependent children.

College Loans and Computer Purchases

If you have entered into an agreement with the college for repayment of a loan or purchase of a computer, all balances are due on your last day of employment and will be deducted from your final paycheck, unless other arrangements are approved in advance.