

# HAMPSHIRE COLLEGE



## EMPLOYEE POLICY MANUAL

January 2024

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## SECTION I. INTRODUCTION

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This handbook provides key information regarding Hampshire College's policies and workplace standards. It is intended to be an internal reference tool and is presented for informational purposes only. The contents of the manual apply to employees of the College — that is, faculty, staff, and third parties, such as consultants, vendors, contractors, and volunteers.

The policies stated herein are subject to change at any time at the sole discretion of the College. Detailed information on these policies is available on the Human Resources website and will reflect ongoing changes. In case of any discrepancies, the online version will supersede any hard-copy version. Although comprehensive, this manual is meant to be a summary guide and cannot address every question that might develop during your employment.

This version of the *Employee Policy Manual* supersedes all prior versions issued by the College. Your supervisor and the Human Resources staff welcome the opportunity to answer your questions.

### **1. Equal Employment Opportunity**

Hampshire College is committed to a policy of equal opportunity in all its employment practices and complies with all applicable federal and state laws and regulations. The College has zero tolerance for discrimination and does not discriminate in employment or practices on the basis of race, color, age, sex, sexual orientation, gender identity, genetic information, religion, national origin, ancestry, disability, military status, pregnancy/ pregnancy related conditions, or any other protected category. This policy extends to recruiting, hiring, college-sponsored training, compensation, benefits, work assignments, working conditions, promotions, transfers, termination, reemployment, education, tuition assistance, social and recreational programs, and all other terms, conditions, and privileges of employment. All decisions concerning these matters are made on a nondiscriminatory basis so as to further the principle of equal employment opportunity. All college personnel are expected to comply with this policy. The College is strongly committed to building an inclusive environment and will not tolerate any actions of any individual or group that violate this policy. Any individuals who believe they are the victim of employment discrimination should contact the Office of Human Resources immediately.

Employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their supervisor, the Senior Vice President of Justice, Equity, and Antiracism, or Human Resources. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, including discharge.

### **2. Statement of Employment at Will**

The term "employment-at-will" refers to the freedom of both employer and employee to end the employment relationship. It is in contrast to a situation in which there exists a written contract that defines a specific length of employment. Employees at Hampshire College are at-will employees. This means that this manual does not provide employees with a specified term of employment with the College, and either the College or an employee may terminate employment at any time, with or without cause or notice, for any reason or for no reason at all.

Hampshire College's Employee Manual does not create an employment contract between an individual and the College. No representative, manager, or supervisor at the College, other than the Vice President for Finance and Administration and the President, is authorized to enter into an employment contract (written or oral) contrary to the foregoing employment at-will relationship with any individual.

## SECTION II. CODE OF ETHICAL CONDUCT

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### **1. Purpose and Scope**

Hampshire College's primary mission is to foster a lifelong passion for learning, inquiry, and ethical citizenship that inspires students to contribute to knowledge, justice, and positive change in the world and, by doing so, to transform higher education. This requires members of the community to have a commitment to excellence and to the long-term sustainability of the institution. The success and reputation of the College in fulfilling its core mission depends on the ethical behavior, honesty, professionalism, integrity, and sound judgment of every member of the community.

The Code of Ethical Conduct identifies principles, policies, and laws that govern the activities of the College and the expectations of proper professional, ethical conduct that reflects Hampshire's values. All employees are expected to understand and comply with these policies and procedures. The College has separately established and published policies and procedures related to its academic offerings and managing its business operations.

### **2. General Principles**

All employees should conduct themselves ethically, honestly, and with integrity in all dealings. They should be fair and principled in their interactions and act in good faith in these matters with others both within and outside the Hampshire community. They should act with due recognition of their position of trust with respect to the College and its students, colleagues, alums, parents, research sponsors, and donors.

Given the variety and complexity of ethical questions that may arise in the course of carrying out the College's business, this code can serve only as a general guide. Confronted with ethically ambiguous situations, employees should keep in mind the College's commitment to the highest ethical standards and seek advice from their supervisor, department head, or division head to ensure that this commitment is honored at all times.

#### **a. Respect for the Rights and Dignity of Others**

Hampshire College is committed to equal treatment, opportunity, and respect in its relations with employees, students, and others who interact with its community.

Discomfort or differences of opinion among community members is not unusual in an academic space; neither necessarily entails lack of respect for the rights or dignity of others. Listening and respecting differences whether they involve an individual's background, political thought, and/or philosophical opinion is an expectation and obligation that applies to every member of the community. This code encourages individuals to engage in respectful discourse when in conflict. Employees should consult with supervisors, deans, the Ombuds person and/or Human Resources for strategies on how to engage constructively in order to resolve a conflict. When differences are operationalized in a way that creates a hostile environment or discriminatory behavior, employees should follow our grievance procedure (III.10).

#### **b. Compliance with Laws, Regulations, and College Policy**

All members of the community must conduct College business in compliance with all federal, state, and local laws and regulations related to their position and areas of responsibility.

Employees and other individuals representing Hampshire College must comply with all of its policies related to their position and areas of responsibility. Employees and other individuals representing the College who enter into contracts or accept grants on its behalf must comply with contract or grant terms related to their position and areas of responsibility.

Employees should recognize that noncompliance may have adverse financial and other consequences for the College. Although it is an individual's responsibility to be knowledgeable about and remain up-to-date on relevant legal obligations, managers and supervisors are responsible for ensuring compliance in their areas.

### c. Protection and Proper Use of College Assets

All members of the community should protect the College's assets and ensure their proper and efficient use. Theft, carelessness, and waste have a direct impact on the College's operations. Any suspected incident of fraud or theft should be reported immediately to a supervisor or department head for investigation. College facilities and equipment should not be used for non---college business, though incidental personal use may be permitted.

Among the obligations of the community to protect the College's assets are those regarding proprietary information. *Proprietary information* means intellectual property such as patents, trademarks, and copyrights, as well as business plans, databases, records, employment information, and any unpublished financial data and reports. Unauthorized use or distribution of this information violates college policy and may also be illegal and result in criminal and/or civil liability. [Related policy: Acceptable Use Policy]

### d. Accuracy and Privacy 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 records, such as financial reports, academic activity, transcripts, and student information, are of vital importance to the business operations of the College. Therefore, all employees and individuals representing the College must record accurately and maintain with care and honesty supporting documentation as required by established policies and procedures. In the course of their daily work, employees may be privy to confidential information. This information may relate to, for example, students, parents, alums, donors, employees, and candidates for positions at the College. All community members must safeguard confidential information. This entails the following:

- Ensuring that confidential documents, in either paper or electronic form, are not left unattended
- Exercising good judgment and care to avoid inadvertent disclosures of confidential information when working with or discussing that information in open spaces or in front of others
- Ensuring that documents and websites that require authentication are not left open or unattended
- Safeguarding passwords and authentication measures used to access college records and systems
- Ensuring that confidential paper documents are properly secured and disposed of
- Refraining from engaging in discussion of confidential information in forums where the information may be overheard
- Refraining from giving confidential documents or information to unauthorized individuals
- Immediately reporting any loss or misplacement of confidential information, such as loss of technology that may contain confidential information, to a supervisor or department head, regardless of the cause
- Protecting the privacy of past and present students, faculty, and staff by maintaining the confidentiality of student, alum, and employee records

### e. Conflict of Interest

An employee should avoid any conflict of interest that might compromise the integrity and objectivity of the individual or of the College. Examples of situations involving potential conflicts of interest:

- Working for the College as an outside vendor
- Using information that the College considers privileged or confidential for the benefit of a person or entity inside or outside Hampshire community
- Using for personal gain discounts afforded to the College
- Soliciting oneself or for a third party anything of value from any person or entity in return for any business or service provided by the College

Financial conflicts of interest (for example, an employee's partial or sole ownership or management of an entity that regularly does business with the College) should be disclosed, reviewed, and appropriately managed or eliminated.

Employees may not solicit anything of value in return for influencing or exercising discretion in a particular way on a college matter. Employees should not accept any material gift, gratuity, or other payment, in cash or any other manner, from a vendor currently doing business with the College or seeking to do so. "Material" means a gift should not exceed a nominal value of \$25. Employees may not solicit or receive discounts or rebates on goods and services offered to them in their private capacity by vendors to the College that exceed those generally available to other customers. If questions arise about the value or appropriateness of a proposed gift or gratuity, seek the counsel of the Vice President for Finance and Administration.

### f. Nepotism

The purpose of this policy is to avoid conflicting employment relationships. It applies to individuals who may be related by birth, marriage, or adoption. The relationships may be parents, grandparents, children, aunts/uncles, cousins, nieces/nephews, in-laws, fiancées/fiancés, and spouses.

An individual who has a relationship with another as described above may not be involved in the hiring (such as serving on the search committee), supervision, evaluation, reappointment, or promotion of the other or in decisions about compensation and benefits or other employment matters.

Related employees may work in different departments at the College. They may also work in the same office, department, or house, as long as one is not in the same supervisory chain of command as the other. One exception to the last requirement is for a faculty member whose relative is serving as a dean. In this case, the Faculty Handbook will determine appropriate procedures.

Hampshire College is pleased to offer summer-employment opportunities for dependents of employees. Therefore, with the exception of those of budget managers, dependents may work in the same department as a parent and may, in fact, be assigned to work for their parent (a parent should not, however, be involved in the actual hiring decision). Budget managers may not hire their dependents to work in their office or department, although their dependents may work elsewhere at the College.

Should a romantic relationship develop, a conflict in the employment relationship is deemed to exist. In cases where a consensual sexual or romantic relationship exists between employees who hold unequal positions of authority, it is important that the person in the position of greater authority does not exercise any supervisory or evaluative function over the other person in the relationship. Accordingly, if this dynamic exists, the employees in the relationship shall notify Human Resources to evaluate the situation and ensure that alternate supervisory or evaluative arrangements are put in place. The College will protect employee privacy but reserves the right to share information with individuals who may have a need to know about the relationship in order to make alternative supervisory arrangements in compliance with this policy.

### **3. Obligation to Report Suspected Violations**

Employees are encouraged to report suspected violations of these standards of conduct to their supervisor or to the Vice President for Academic Affairs and Dean of the Faculty, the Vice President for Finance and Administration, or the Vice President for Student Affairs and Dean of Students. Individuals who supervise others should ensure that their direct reports have received adequate instruction with respect to their obligations under these standards.

Adjudication procedures and sanctions for violations of the code should be found in the prevailing policies. In the absence of a specific process detailed in the policy, the College reserves the right to discipline individuals found in violation of the code following a progressive sequence of notice, as applicable.

### **4. No Retaliation**

Retaliation against employees for filing a report of suspected violation is strictly prohibited by law and College policy. No member of the College may take any adverse action, retribution, or other reprisal for the good-faith reporting of a suspected violation of this code, even if the allegation ultimately proves to be without merit. The College will take disciplinary action and/or sanction any individual engaging in retaliatory behavior. (See the anti-retaliation provision and the Whistleblower policy.) In addition, the College will pursue disciplinary action against any individual who is shown to have filed a false report with the intention to injure another.

### **5. Questions and Resources**

Please refer questions about the articulation of the code of conduct to your supervisor, division head, the President, or the Associate Vice President of Human Resources.

## SECTION III. WORKPLACE POLICIES AND EXPECTATIONS

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### **1. Civility and Mutual Respect in the Workplace**

Every employee of Hampshire College has the right to work in a civil and respectful environment. In order to promote and sustain a workplace in which all employees are treated with respect and dignity, regardless of their status or position, each is expected to abide by these values and standards of interpersonal behavior, communication, and professionalism. Civility is a conscious demonstration of mutual respect for people and for their knowledge and expertise. Civility requires cooperation, tolerance, acceptance, empathy, inclusiveness, kindness, courtesy, consideration, and patience. It is expressed not only in the words we choose, but also in our tone, demeanor, and actions. All members of the Hampshire College community are responsible for and expected to exemplify and promote civility.

#### **a. Statement of Expected Behavior**

Members of the Hampshire College community are expected to treat one another with civility and respect, recognizing that disagreement and informed debate in an academic community are valued.

#### **b. Unacceptable Behavior**

Demeaning, intimidating, threatening, rude, bullying, and violent behaviors that affect the ability to learn, work, or live in the College environment depart from the standard for civility and respect. These behaviors have no place anywhere on campus. Violence and bullying are defined specifically below.

#### **c. Violence**

Violence is behavior that causes harm to a person or damage to property or causes fear for an individual's safety or the safety of others. Such behavior is unacceptable in the Hampshire community. The safety and security of our employees, students, guests, vendors, and suppliers is of utmost importance. The College has zero tolerance for threats of violence, threatening or intimidating behavior, and acts of violence.

Examples of violence:

- Participation in, provoking, or otherwise contributing to any threat or violent act at the workplace
- Abuse, assault, battery, oral or written threats, intimidation, harassment
- Possession of a firearm or any other type of weapon on Hampshire property

Employees who become aware of intimidating behavior or acts or threats of violence must immediately report them to their supervisor and to Campus Safety.

#### **d. Bullying**

Bullying is the unreasonable and inappropriate treatment of a person by another or others. This is behavior that could be expected to intimidate, offend, degrade, humiliate, undermine, exclude, or threaten the target. Such behavior is unacceptable anywhere in the Hampshire College community. Bullying may be perpetrated by any individual or group in the workplace — a colleague, a supervisor, a more senior manager, or a person who reports to the individual subject to the harassment. A bully is equally likely to be of any gender. The actions may be overt or covert and may be conducted in person or through electronic communications. Some examples of bullying are listed below. Whereas any one of these actions individually may not constitute bullying, when taken in the context of a whole situation, they may qualify as such.

- Making insulting or humiliating comments about the performance of an employee, in public or in private, or in any inappropriate manner or venue (via email or on social media, for example)
- Deliberate exclusion, isolation, or alienation of an employee from normal work interaction, such as intentionally excluding that person from meetings
- Discounting the accomplishments of an employee or stealing credit for that person's success or accomplishments
- Undermining an employee, such as encouraging others to "gang up" on that person
- Deliberately withholding information that an employee needs to fulfill job responsibilities



- Intentionally blocking access to benefits, training, or entitlements within the College
- Unreasonably refusing an employee's request to take personal leave
- Excessive and unfounded monitoring
- Setting unachievable and unrealistic work expectations
- Shouting at an employee, either publicly or in private

#### **e. Reporting and Responding to Violations**

When an employee's conduct varies from the expectations of the College, it is the responsibility of the manager or dean who supervises the employee engaging in the inappropriate conduct to address it. Employees who believe they have been treated in a manner that is inconsistent with this policy should contact their supervisor. It is then the responsibility of the supervisor or dean to work with the individuals involved to address the situation, so that all members of the community can work together in a professional way. An employee who is found responsible for inappropriate conduct is subject to disciplinary action, including termination of employment. Disagreement is common in professional relationships, particularly in an academic environment that encourages discussion and debate. In many situations, disagreement is voiced in a respectful manner, and in such cases no action by a supervisor is necessary. In other situations, disagreement that begins as a respectful exchange of ideas can escalate into behavior that is disrespectful.

#### **f. Respectful Behavior**

Examples of respectful behavior:

- Valuing the contributions of all members of the community, regardless of status or role in the organization
- Treating employees with civility and courtesy
- Working honestly and effectively with colleagues and others
- Responding promptly, courteously, and appropriately to requests for assistance or information
- Using conflict-management skills, together with courteous verbal communication, to manage disagreements among colleagues and others
- Encouraging and supporting all employees in developing their individual conflict-management skills
- Taking an open and cooperative approach in dealings with colleagues and others, recognizing and embracing individual differences
- Recognizing that differing social and cultural standards may mean that behavior that is acceptable to some is perceived as unacceptable or unreasonable to others
- Abiding by applicable rules, regulations, policies, and bylaws and addressing any dissatisfaction with, or violation of, policies and procedures through appropriate channels
- In a leadership position, modeling civility for others and clearly defining expectations for how employees treat one another
- As a leader, being responsive to complaints when they are brought

#### **g. Disrespectful Behavior**

Examples of disrespectful behavior:

- Using threatening or abusive language, profanity, or language that is intended to be, or is perceived by others to be, demeaning, berating, rude, or offensive
- Bullying
- Making threats of violence, retribution, litigation, or financial harm
- Shouting or engaging in other speech, conduct, or mannerisms that are reasonably perceived by others to represent intimidation or harassment
- Using racial or ethnic slurs
- Demonstrating racial, gender, sexual-orientation, or cultural bias
- Making or telling jokes that are intended to be, or are reasonably perceived by others to be, crude or offensive
- Teasing, name calling, ridiculing, or making someone the brunt of pranks or practical jokes
- Using sarcasm or cynicism as a personal attack
- Spreading rumors or gossip
- Making actual or threatened inappropriate physical contact
- Throwing instruments, tools, office equipment, or other items as an expression of anger, criticism, or threat or in an otherwise disrespectful or abusive manner
- Making comments or engaging in behavior that is untruthful or directed as a personal attack on the professional conduct of others
- Engaging in any pattern of disruptive behavior or interaction that could interfere with the operation of the workplace or have an adverse impact on the quality of services or education

Other college policies govern some of these issues, such as discrimination and harassment. Please consult those policies for guidance. Supervisors are encouraged to initiate discussions on civility and respect in their departments and among their colleagues to exchange ideas about how to implement and supplement these principles.

## **2. Harassment, Other Forms of Discrimination, and Retaliation**

Hampshire College is committed to maintaining a safe learning, living, and working environment that is free of all forms of discrimination, including harassment. Discrimination in the workplace or in other settings in which individuals find themselves in connection with their employment is unlawful and will not be tolerated. Hampshire College will comply with state and federal laws, such as M.G.L.c. 151B; Title IX, Title VI, and Title VII of the Civil Rights Act; the Americans with Disabilities Act; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination in Employment Act; and similar laws that prohibit discrimination. Any form of retaliation against anyone because the individual complained of or formally reported discrimination or participated in an investigation of such a complaint, regardless of whether the complaint relates to the complaining person or someone else, will not be tolerated and violates both this policy and applicable laws.

### **a. Harassment**

Harassment is unwelcome conduct directed toward a person based on one or more protected characteristics or statuses of that person, when either of the following conditions are met.

(1) Submission to or rejection of such conduct is either an explicit or an implicit term or condition of an individual's employment, academic standing, evaluation of academic work, or advancement in an academic program or is used as the basis for College decisions affecting the individual (often referred to as "quid pro quo" or "this for that" harassment — this type of harassment typically will be governed by the Sexual Misconduct, Relationship Violence, and Stalking policy).

(2) The conduct is so severe or pervasive that it interferes with an individual's employment, academic performance, or participation in college programs or activities and creates a working, learning, program, or activity environment that a reasonable person would find intimidating, hostile, or offensive.

Examples of such conduct:

- Offensive or degrading remarks, verbal abuse, or other hostile behavior such as insulting, teasing, mocking, degrading, or ridiculing another person or group
- Racial slurs, derogatory remarks about a person's accent, or displaying racially offensive symbols
- Unwelcome or inappropriate physical contact, comments, questions, advances, jokes, epithets, or demands
- Physical assault or stalking
- Displays or electronic transmission of derogatory, demeaning, or hostile materials
- Unwillingness to train, evaluate, assist, or work with an employee

### **b. Other Forms of Discrimination**

Other forms of discrimination are adverse treatment of an employee based on one or more protected characteristics or statuses of that person with respect to the terms or conditions of employment, such as hiring, firing, promoting, disciplining, scheduling, training, and compensation. Such treatment can occur via direct evidence of discriminatory animus or circumstantial information such as that an employee is being treated differently from peers who are not in the person's protected class. Protected characteristics and statuses are age, color, disability, gender identity or expression, marital or familial status, national or ethnic origin, citizenship, race, religion, sex, sexual orientation, pregnancy, veteran or military situation, and genetic information.

### **c. Retaliation**

Retaliation is any adverse action taken against an individual for making a good-faith report of discrimination or harassment or participating in any investigation or proceeding under this policy. Retaliation constitutes threatening, intimidating, harassing, or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. Retaliation does not apply to good-faith actions lawfully pursued in response to a report of discrimination or harassment.

Please refer to the Grievance Policy in this manual for guidance on how to report allegations of discrimination or harassment. Please note, however, that it does not address sexual assault, sexual exploitation, relationship violence, stalking, or sexual or gender-based harassment. Those categories of prohibited conduct are governed by the College's Sexual Misconduct, Relationship Violence, and Stalking Policy, which also establishes separate procedures that outline how the College assesses, investigates, and resolves reports of such prohibited conduct against student respondents (appendix A) and employee respondents (appendix B).

### **d. State and Federal Remedies**

In addition to the above, if you believe you have been subjected to illegal discrimination or harassment, you may file a formal complaint with the government agencies set forth below. Availing yourself of the College's grievance process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC: 300 days; MCAD: 300 days).

**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)***Springfield office*

436 Dwight Street, Rm. 220  
 Springfield, MA 01103  
 413.739.2145

*Boston office*

One Ashburton Place, Rm. 601 Boston, MA 02108  
 617.994.6000

**3. Expectations of Work Performance**

The College holds a commitment to continuous personal and professional learning and development and to a culture in which all employees cooperate and collaborate in using best practices to achieve high work--related outcomes. We are responsible stewards of material and human assets to achieve excellence and innovation in the education of our students and the creation and exchange of knowledge across all disciplines.

A situation may arise in which an employee's job performance does not meet the required standards for the position that have been established by the department and the College. Because unsatisfactory job performance can have serious consequences for the employee, including termination of employment, it is important that the supervisor address this situation promptly, clearly, and equitably.

The following procedure will be used by all supervisors and/or department heads when dealing with unsatisfactory job performance. It represents a progressive sequence of notice designed to ensure that an individual is kept informed of situations that may result in termination of employment.

**a. Verbal Warning:** The supervisor will inform the employee of the nature of the unsatisfactory performance and will indicate the improvement necessary. The supervisor will work with Human Resources to create a written account of the verbal warning in the form of a memorandum to the employee. A copy of this correspondence must be forwarded to the Office of Human Resources. This note will be placed in the employee's personnel file.

**b. First Written Warning:** If the unsatisfactory performance continues, the supervisor will again discuss the problem with the employee. In addition, the supervisor will work with Human Resources to draft a written notice expressing the nature of the unsatisfactory performance, the improvement expected, and the time period in which this improvement is expected to be satisfactory. The employee will receive the warning and is expected to sign and date a copy, confirming that it has been discussed and received, even if they do not agree with its content. After the employee has signed the written warning, copies will be sent to the Office of Human Resources for filing in the employee's personnel file. On receipt of a written warning describing the unsatisfactory job performance, the employee must understand that continued employment at the College is contingent on meeting the expectations set out in the written notice.

**c. Discharge or Final Written Warning:** If the expected improvement is not achieved within the time period specified or if the problem recurs within one year of the first written notice, the supervisor may, after consultation with the Office of Human Resources, discharge the employee. The supervisor, working with Human Resources, will provide the employee a written statement outlining the reason(s) for discharge and indicating the effective date. If the supervisor believes that further improvement in the employee's performance is still possible, the supervisor may issue a final written warning rather than terminating employment. The final written warning should be issued in the same manner as the first. If the final written warning is issued and does not produce the required improvement in performance in the time period specified, employment will be terminated as outlined above.

In the case of serious misconduct (for example, assault, indecent conduct, or gross insubordination), the supervisor may, following consultation with the Associate Vice President of Human Resources, move directly to more severe disciplinary action to include final warning or termination. Such actions can only be taken following consultation with the Associate Vice President of Human Resources and the applicable division head.

**d. Immediate Suspension:** In the case of serious misconduct (for example, assault, indecent conduct, or gross insubordination), the supervisor may, following consultation with the Associate Vice President of Human Resources and the Vice President for Finance and Administration if possible, immediately suspend an employee pending completion of an investigation and final determination of employment status.

#### **4. Consensual Relationships**

##### **a. Prohibited Sexual or Romantic Relationships between Students and College or Third Parties Employees**

Hampshire College is committed to maintaining a safe, healthy, and supportive campus community that holds the education of students as the highest priority. Amorous, dating, romantic, or sexual relationships between college employees or third-party employees and students, even if consensual, can negatively interfere with the pursuit of learning and the academic environment and the integrity of the institution. Students have a right to an academic, professional, and socially engaging community and such relationships undermine the likelihood of such a community by introducing the possibility or perception of favoritism, abuse of power, and conflict of interest, all of which compromise the ability of employees and third-party employees to carry out their responsibilities to students and risks undermining the College's educational mission.

For these reasons, it is strictly prohibited for any college employee or third-party employee to engage in a romantic or sexual relationship, or in any romantic or sexual conduct, with any student currently enrolled at Hampshire College or taking a class at Hampshire College, including during leave and when the College is not in session.

There may be an instance that there is a pre-existing relationship between an employee and an individual (or student and an individual who becomes an employee), including marriage, and that individual becomes associated with the College as a student (or employee). In such instances, the employee is asked to disclose the consensual relationship to the Human Resources Office. It is the responsibility of the Associate Vice President of Human Resources, in consultation with the employee's supervisor, to take steps to mitigate potential conflicts and protect the educational experience of the student, and other students at the College who may be affected by the consensual relationship.

If an employee violates this policy, the employee will be subject to disciplinary action up to and including termination of employment.

##### **b. Relationships between Employees**

In cases where a consensual sexual or romantic relationship exists between employees who hold unequal positions of authority, it is important that the person in the position of greater authority does not exercise any supervisory or evaluative function over the other person in the relationship. Accordingly, if this dynamic exists, the employees in the relationship shall notify Human Resources to evaluate the situation and ensure that alternate supervisory or evaluative arrangements are put in place. The College will protect employee privacy but reserves the right to share information with individuals who may have a need to know about the relationship in order to make alternative supervisory arrangements in compliance with this policy.

#### **5. Smoking**

The College recognizes that tobacco products are harmful to the health of those who use them and that exposure to secondhand smoke poses a health risk to nonsmokers. Hampshire College has joined thousands of colleges and universities across the nation committed to building a caring and collaborative community grounded in holistic wellness as we continue on the path to becoming fully smoke-free.

Beginning August 16, 2020, Hampshire College became smoke-free with the exception of Designated Smoking Areas (DSAs) located outside our residences and the Red Barn. Smoking includes e-cigarettes, vaping, and any other smoke or vapor-producing products. This means that smoking will be permitted in Designated Smoking Areas (DSAs) only.

Smoke-free is the restriction of any combustible product that is producing smoke, including but not limited to, cigarettes (including hand-rolled), cigars, cigarillos or mini-cigars, pipes including improvised pipes, bong, hookahs, e-cigarettes, vaporizers and other similar devices or products. Smoking means carrying a lighted or inhaling a lighted product or the burning of any material to be inhaled including, but not limited to, cigarettes (including hand-rolled), cigars, cigarillos or mini-cigars, pipes including improvised pipes, bong, hookahs, and other similar devices or products.

This policy applies indoors, outdoors, to all property that is owned, operated, leased, occupied, or controlled by the College, including college-owned vehicles.

All college employees, students, visitors, guests, vendors, and contractors are required to comply with this policy, which shall remain in effect at all times, including in personal vehicles. Failure to comply with this policy may be cause for disciplinary action in accordance with Employee Policy Manual or the Student Handbook's Norms for Community Living and Policies. Refusal to comply with the policy by visitors, guests, vendors, and contractors may be grounds for removal from campus.

Exceptions include, but are not limited to:

**Academic:** The use of smoke producing products in laboratory and classroom instruction or experiments as part of academic work, in compliance with established safety standards.

**Cultural and religious practices:** Specific activities used in connection with the practice of cultural activities including practices by American Indians that are in accordance with the American Indian Religious Freedom Act, 42 U.S.C. sections 1996 and 1996a allow for the use of combustible products. All ceremonial use exceptions must be approved in advance by the office of student rights and responsibilities.

**Campus sanctioned fire pits:** See the fire safety policy on open fires or contact CSW at 413-559-5424.

### **6. Drug free School and Workplace**

Hampshire College is committed to providing a drug-free environment for all members of its community. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, along with the unauthorized possession or use of alcoholic beverages on campus or as part of any college activity off the premises, is prohibited. The College is subject to federal laws, such as the Drug-Free Schools and Communities Act and the Drug-Free Workplace Act, that require recipients of federal funds to prohibit the use, possession, and cultivation of marijuana at educational institutions, regardless of state regulations.

### **7. Firearms**

Pursuant to Massachusetts General Laws Chapter 269, Section 10 (j), no firearms are permitted on the Hampshire College campus. This prohibition applies to the possession of any firearm, regardless of whether a lawful permit is issued for ownership, possession, or use.

### **8. Internal Controls**

Internal controls (segregation of duties, asset-protection measures, and appropriate lines of authority and reporting) are critical for ensuring efficient operations, strong fiscal management, accurate financial reporting, asset protection, and compliance with laws and regulations. Employees are expected to maintain and support the College's internal-control structures. For purchasing guidelines, please see the purchasing manual on the Purchasing website.

### **9. Confidential Reporting ("Whistleblower") Policy**

Hampshire College is committed to maintaining and promoting ethical and lawful behavior. All members of its community are expected to be aware of, and to abide by, any and all applicable legal requirements, institutional policies, and ethical norms ("standards") relating to their activities, functions, and responsibilities at the College, especially regarding the fraudulent use or misuse of its resources. It is also expected that college employees (and students, grantees, contractors, and vendors) will report actual or suspected violations of those standards to a supervisor, manager, or other appropriate college official when they observe or learn about them. A commonly used term for a person making such a report is "whistleblower."

#### **a. Violation of Standards**

Conduct that constitutes a violation of standards is a deliberate act or failure to act with the intention of obtaining an unauthorized benefit, such as the following:

- Forgery or alteration of documents
- Unauthorized alteration or manipulation of computer files
- Fraudulent financial reporting
- Pursuit of a benefit or advantage in violation of the College's conflict-of-interest policy
- Misappropriation or misuse of college resources, such as funds, supplies, and other property
- Authorization or receipt of compensation for goods not received or services not performed
- Authorization or receipt of compensation for hours not worked

#### **b. How to Report**

Actual or suspected instances of standards violations can be reported to a supervisor or manager. If an employee is not comfortable speaking to a supervisor or a manager, is uncertain about to whom to report a violation, or does not believe the concern has been

properly addressed, the individual may contact the Vice President of Academic Affairs and Dean of Faculty (faculty issues) or the Vice President for Finance and Administration. A report can also be made to the Associate Vice President of Human Resources, who assists employees with problems in multiple areas and has no supervisory responsibility. Reports received by the Associate Vice President of Human Resources will be forwarded to the Dean of Faculty or the Vice President for Finance and Administration.

Reports can be made in person, by telephone, or in writing. Reports may also be submitted anonymously. However, only reports with sufficient information to support an investigation can be acted on. The College may contact reporters who self-identify to get additional information and ask follow-up questions.

A report should contain the name and title of the employee against whom an allegation is being made and a specific description of the misconduct, including dates, times, and any other relevant information needed to substantiate the allegation. In addition, reporters should note how they came to know this information, such as from firsthand observation or from a third party.

#### **c. Confidentiality**

Whistleblower reports will be handled with sensitivity and discretion and will be treated confidentially to the extent allowed by the circumstances and the law. Generally, this means that whistleblower reports will be disseminated only to those who have a need to know so that the College can conduct an effective investigation, take appropriate action, and consult law-enforcement personnel, if necessary.

#### **d. Investigation**

The initial report will be maintained by the Vice President for Academic Affairs and Dean of Faculty or the Vice President for Finance and Administration until the outcome of the investigation. Depending on the circumstances of the allegation, it will typically be forwarded to the Vice President for Finance and Administration (non-faculty) or the Vice President for Academic Affairs and Dean of Faculty (faculty), who will investigate or appoint an investigator or an investigative team. Allegations involving either the Vice President will be reported to the President. The investigator or investigative team may consult with and/or request the assistance of counsel to ensure a fair and thorough inquiry. The investigator or investigative team will report findings, evidence, and suggested next steps to the Vice President or the President who appointed the investigator or the team. The Vice President or the President may ask the investigator or investigative team to conduct additional research before reaching a conclusion.

In the course of the investigation, the accused individual will receive a statement of the allegations and a fair opportunity to respond. Throughout the process, the accused individual may consult with Human Resources for assistance. Under certain circumstances, it may be necessary to reveal the identity of the whistleblower to the accused individual. When the final resolution of the investigation has been reached, the senior official overseeing it may inform the President of the outcome, depending on the severity of the offense.

After completing the investigation, the Vice President or the President will forward the file and written report to the Associate Vice President of Human Resources. The file will remain under the stewardship of the Office of Human Resources for at least the period required by law or college policy. Discipline or other actions resulting from the investigation will be determined by the Vice President for Academic Affairs and Dean of Faculty, the Vice President for Finance and Administration or the President in consultation with the Associate Vice President of Human Resources. Counsel, Campus Safety, and other law-enforcement personnel may be consulted. Discipline will be applied according to college policies and the law. All college employees are expected to cooperate fully with any investigation.

#### **e. False or Baseless Allegations**

False or baseless allegations are those the reporter knows to be false or are made by the reporter without any reasonable basis or with reckless disregard for their truth or falsity. Individuals making such allegations are subject to discipline by the College, including termination of employment.

#### **f. Confidential Reporter Protection**

Individuals who report (other than a false or baseless allegation) a suspected violation of standards by another member of the College community or by an employee or agent of a vendor doing business with the College, in the reasonable belief that such violation occurred or may have occurred, may not be retaliated against by the College, by any of its employees or officials, or by the individual who is the subject of the report. Examples of prohibited retaliation are threats of physical harm, job loss through dismissal, punitive work assignments, reduction in compensation, verbal or physical abuse, harassment, threats, and discrimination. This protection from retaliation will not prohibit managers or supervisors from taking legitimate action, including disciplinary action, consistent with their duties and responsibilities, based on appropriate performance--related factors or other legitimate business reasons unrelated to the whistleblower report.

Reporters who believe they have been retaliated against may report such a violation to the senior official who oversaw the investigation

or the Associate Vice President of Human Resources. Complaints of retaliation will be investigated promptly, and if the allegations are substantiated, appropriate corrective measures will be taken. The investigation of the complaint will be led by the senior official who directed the original investigation or a designee and may include outside legal counsel.

#### **g. Appeal**

If at the end of the investigation the accused individual disagrees with the decision, an appeal may be made by submitting a written statement outlining concerns and the requested resolution. The appeal should be submitted directly to the President, who will review it or designate someone else to review it. The decision of the President or the designee will be final.

#### **h. Contacts**

Questions about interpreting this policy should be sent to the Associate Vice President of Human Resources. Contact Information:

##### *Associate Vice President of Human Resources*

Blair Hall - Hampshire College Amherst, MA 01002

413.559.5605

##### *Vice President for Finance and Administration*

Blair Hall - Hampshire College Amherst, MA 01002

413.559.5528

##### *Vice President for Academic Affairs and Dean of Faculty*

Cole Science Center - Hampshire College Amherst, MA 01002

413.559.5378

##### *Vice President for Student Affairs and Dean of Students/ Title IX Coordinator*

Merrill Student Life Center DOS - Hampshire College Amherst, MA 01002

413.559.5412

##### *President of the College*

Cole Science Center - Hampshire College Amherst, MA 01002

413.559.5521

### **10. Grievance Procedure**

In any organization, occasionally there will be conflicts and misunderstandings that require clarification or resolution. Hampshire College believes that the best way to resolve problems is to address them fully and fairly. To that end, employees are encouraged to immediately discuss with their supervisor, department head, or chair any problem or perceived unfair treatment. However, if such informal methods do not resolve the problem, the grievance procedure below is available. The College is committed to working with employees to resolve disputes or grievances. Human Resources will assist you in this process and answer any questions you have.

#### **a. Applicability of this Policy**

The issues that may be addressed through this grievance procedure are the interpretation and application of the provisions of the *Employee Policy Manual*, disciplinary actions, terminations, matters related to environmental and work--safety conditions at the College, and discrimination or harassment — with the exception of sex--based harassment. More specifically, this procedure does not address sexual assault, sexual exploitation, relationship violence, stalking, or sexual or gender--based harassment. Those categories of prohibited conduct are governed by the College's Sexual Misconduct, Relationship Violence, and Stalking Policy, which establishes separate procedures that outline how the College assesses, investigates, and resolves reports of such prohibited conduct against student respondents (appendix A) and employee respondents (appendix B).

Grievances related to academic freedom and faculty reappointment and promotions are not subject to this grievance procedure. They are governed by the Faculty Handbook.

Regular performance reviews are not subject to the grievance procedure. If there is a question as to whether a particular matter is subject to this procedure, the determination will be made by the Associate Vice President of Human Resources.

#### **b. Procedures**

Often problems arise from a lack of understanding or miscommunication. In those cases, most difficulties can be resolved by talking to

someone. Employees are therefore encouraged to discuss employment-related problems candidly with their supervisor. If you are not comfortable speaking with your direct supervisor, you should contact Human Resources. Managerial doors are always open. Employees are encouraged to work with management to explore all possibilities for resolution before initiating a grievance procedure.

### **c. Submitting a Written Grievance**

If after speaking with a supervisor you believe your complaint or concern was not adequately addressed, you may begin the grievance procedure by submitting a written statement to your supervisor and Human Resources. The submission of such a statement should be undertaken in a reasonable time frame, generally no more than 30 days following the circumstance giving rise to your grievance.

If your grievance contains allegations of discrimination or harassment, it should be presented to the Senior Vice President of Justice, Equity, and Antiracism who may participate in the investigation. If your grievance contains allegations of sexual assault, sexual exploitation, relationship violence, stalking, or sexual or gender-based harassment, it will be jointly addressed by Human Resources and the Title IX Coordinator, pursuant to the Sexual Misconduct, Relationship Violence, and Stalking Policy.

Any grievance submitted after 30 days should contain an explanation for the delay in filing, and will be reviewed to determine whether it is timely. The grievance statement should include your name and department, what the problem is, when the problem arose, which supervisor you discussed the problem with, when you discussed the problem with that supervisor, an explanation of the supervisor's response, why you do not believe the response was appropriate, and a suggested resolution.

If on review of this written grievance your supervisor believes there is a way to resolve the problem, that supervisor will get in touch with you and attempt to resolve the matter. Otherwise, Human Resources will review the grievance statement and try to provide a written response within a reasonable amount of time. If necessary, Human Resources will conduct an investigation into the matter and may discuss the problem with you, the relevant supervisor, and any witnesses.

If a response is not received in a reasonable amount of time or you are not satisfied with the written response, you may ask that the statement be sent to a Vice President, or a designee, for review and response. For purposes of this provision, the Vice Presidents of the College are those of Academic Affairs and the Dean of Faculty, Finance and Administration, and Student Affairs and Dean of Students. The Vice President or a designee will review the grievance and attempt to resolve the situation. The Vice President or the designee may conduct a further investigation and schedule a meeting between you and any relevant supervisors. The decision of the Vice President or the designee is final and not subject to appeal.

### **a. Sanctions**

If through this grievance process an employee is found responsible for a violation of college policy, the College will take such action as is appropriate under the circumstances. Possible sanctions are, whether verbal or written:

- Warning
- Censure
- Education
- Training
- Removal of privileges
- No contact directive
- Suspension
- Termination from Hampshire College employment

Note: This list is not progressive and any sanction or combination thereof may be imposed.

## **11. Additional Information**

This policy does not limit the College's authority to discipline or take remedial action for workplace conduct that is unacceptable, regardless of whether that conduct satisfies the definitions of discrimination and harassment as outlined above. This is an internal process, and although an employee may seek legal advice, the individual's counsel may not actively participate in the process.

The College understands that these matters can be extremely sensitive and will protect privacy, but reserves the right to disseminate information to individuals who have a need to know in order to ensure compliance with this policy. Hampshire College will not tolerate retaliation against any employee who seeks assistance with a problem or makes use of this process.

## **12. Questions about Pay and Salary**

If questions arise about pay and deductions on a specific paycheck, they should be directed to Payroll staff. If a more general question



arises about salary or benefit deductions, it should be referred to the Human Resources Office.

If you believe that your salary, pay rate, or title does not accurately reflect the work performed, first discuss this with your immediate supervisor. If the supervisor agrees that a review is warranted, the supervisor will contact Human Resources and submit an updated job description.

### **13. Questions about Benefits**

If an employee has a question about benefits, that question should first be directed to the Human Resources Office. If the issue is not answered to the employee's satisfaction, it can be directed on to the Vice President for Finance and Administration, who is the plan administrator for the College's employee benefit plans. This Vice President will render a written decision about the individual's benefit issue.

## SECTION IV. EMPLOYMENT

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### **1. Employment Categories**

In order to effectively and efficiently administer policies and procedures, employment categories have been developed to identify the type of positions at the College. Human Resources uses these categories to determine those benefits for which each employee is eligible (these categories are not mutually exclusive: for example, an employee may be an “exempt employee” as well as “grant appointment” and have a “temporary appointment”). If you are unclear about your employment category, contact Human Resources for clarification.

**Faculty:** This category comprises those members of the instructional staff holding the ranks of assistant professor, associate professor, professor, visiting professor, and adjunct professor.

**Exempt employee:** This category applies to those individuals primarily responsible for managing the academic, financial, and business affairs of the College and for providing support services. *Note:* Exempt positions are not eligible for overtime pay.

**Non-exempt employee:** This category refers to those individuals who provide clerical, administrative, technical, or service- maintenance support services. *Note:* Non-exempt positions are eligible for overtime pay for hours actually worked in excess of 40 per week (Sunday through Saturday). For more information, see Overtime Pay.

**Casual employee:** This category comprises individuals hired on a short-term basis and/or work less than half time. *Note:* These employees are not entitled to receive benefits. These non-exempt employees are paid hourly and are hired for a specific period, usually not to exceed six months.

**Grant appointments:** This category refers to employees whose salaries are funded from outside agencies/foundations rather than the operating budget of the College. The continuation of this type of position is contingent on the renewal of the grant.

**Student employee:** This category refers to employees who are actively enrolled in the College and who work for the College no more than 29 hours per week. Students on Field Study, exchange, or on leave are not able to work at the College. Student employee positions are non-benefited positions.

### **2. Probationary Period**

New employees will be on probation for the first 90 days of employment. The purpose of this period is to assess an employee’s performance, progress, attendance, behavior, and general attitude. During the 90 days, staff must orient themselves to procedures, college policies, and the requirements of their position. Their performance will be evaluated twice in writing by their supervisor; once at the midway point of their probationary period and again prior to the completion of three months of employment. If an employee’s work performance does not meet the required standards of the College and/or the department or if the position does not meet the employee’s expectations, employment may be terminated by either party. The probationary period may be extended when it is in the best interests of the department and on recommendation of the supervisor or the department or division head. The formal grievance procedure is not available to employees until satisfactory completion of their probationary period. At all times during and after the probationary period, employees are at--will and, as noted above, may be terminated with or without cause or notice and for any reason or for no reason at all.

### **3. Performance Evaluation**

A performance evaluation is the review and rating of all factors relevant to an employee’s effectiveness on the job. It involves observation, guidance, training, and open communication between that individual and the supervisor. For it to be of significant benefit to both the employee and the department, it should be a continuous process. The performance evaluation should be seen primarily as a developmental tool. Its purpose is to assess an employee’s job--related strengths and weaknesses and to help the individual achieve competence to the fullest. In a correctly executed evaluation, the supervisor and the employee work together to find the means by which the individual’s abilities can be strengthened and directed.

Formal performance evaluations for employees are done annually, with the exception of the mid-probationary review and prior to completion of the probationary period for recently hired employees. (Specific procedures for performance evaluations are in the instructions accompanying the evaluation forms.) The immediate supervisor provides copies of the completed form to the employee and keeps one for the supervisor's own file and forwards the original to the Office of Human Resources to be added to the employee's personnel file.

#### **4. Work Hours**

**a. Hours of work:** The standard at the College is seven hours a day, five days a week, or 35 hours a week (there are rare instances in which employees are scheduled to work 40 hours per week). The standard operating hours during the academic year are 8:30 a.m. to 4:30 p.m., Monday through Friday. In some areas, such as Facilities, the Post Office, the Farm Center, and Campus Safety and Wellbeing, the workweek may consist of eight hours a day, five days a week, or 40 hours a week, and the shift may vary in accordance with departmental needs.

Some positions require weekend or evening work. The operational needs of a department, as determined by the supervisor and the department head, dictate the work schedule. If a department's needs change, such that some positions' hours must be revised and require evening or weekend work, affected employees will be given at least two weeks' notice of this change. From June 1 through August 31 of each year, employees may work a summer schedule by starting the workday earlier than 8:30 a.m., thus enabling completion of the seven hours earlier in the day. Summer hours are granted at the discretion of the department supervisor only when they do not interfere with the normal operation of the department. All offices must continue to remain open between 8:30 a.m. and 4:30 p.m., however, so it is often best for departments to stagger summer hours for their staff.

**b. Lunch Hours:** There is a daily one-hour unpaid lunch period as scheduled by the department supervisor and determined by that office's needs. Lunch periods will be staggered when possible to provide continuous coverage in offices that must be open all day. Lunch hours may not be shortened or accumulated for additional time off.

#### **5. Recording Work Hours**

All staff must accurately record and report their time for each pay period by scheduled deadlines. To ensure accuracy, it is recommended that the individual responsible for maintaining the time and attendance require that staff record their hours regularly, rather than waiting until the end of the payroll period. No employee is entitled to compensation for non-work hours that are not covered by one of the College's benefits or paid-leave plans (for example, vacation leave, sick leave). Falsification of time and attendance records is considered cause for disciplinary action and may result in termination. All supervisors have the responsibility to ensure that the employees and students they oversee record their hours accurately and in a timely manner so they can receive approval by the deadline. Supervisors have the overall responsibility for approving their staff's hours worked via an electronic timecard by the established deadline.

#### **6. Attendance**

For the College and its offices to operate efficiently, staff must be ready to start work at the scheduled time and continue working until the scheduled hours are completed. It is recognized that occasionally lateness may occur due to an emergency or factors beyond an individual's control. In the event that an employee expects to arrive late or cannot report for work that day, that individual should notify the supervisor as soon as possible. Frequent tardiness and unscheduled absences from work may be cause for disciplinary action.

#### **7. Termination of Employment**

The termination of the employment relationship between an employee and the College may be initiated by either party.

##### **a. Voluntary Resignation**

When an employee has decided to resign, the College expects reasonable notice in order to minimize the disruption of operations within the department and to provide sufficient time for the hiring and training of the successor. *Reasonable notice* is defined as a minimum of two weeks, longer for senior-level positions. Resignation must be in writing and should be addressed and submitted to the supervisor or department head with the last day of work clearly stated. A copy of the resignation letter, together with a completed Termination Notice form, should be sent to the Office of Human Resources by the department head as soon as possible.

The last day of work is considered to be the official termination date of employment. Accrued but unused vacation time, including any hours carried over from the prior fiscal year, will be paid to the individual. Sick and personal time is not paid out at the time of termination. Employees who have used more vacation time than they have actually earned will have that dollar amount deducted from their final paycheck. Vacation and personal days may not be used to extend the official termination date.

Employees who voluntarily resign will receive an exit interview survey via email before their last day of employment. Departing employees are strongly encouraged to complete the confidential survey as information from surveys will help the College's administration in improving employment experiences for other college employees.

#### **b. Involuntary Termination**

If the termination is involuntary (that is, initiated by the College), immediate discharge or suspension will occur. Accrued but unused vacation time will be paid to the individual. Sick and personal time are not paid out at the time of termination. Employees who have used more than they have actually earned will have that dollar amount deducted from their final paycheck. Vacation and personal days may not be used to extend the official termination date. Terminating employees should contact the Office of Human Resources regarding benefits to which they may be entitled.

### **8. Reduction in Force**

A reduction in force (RIF) occurs when changing priorities, budgetary constraints, or other business conditions require the College to eliminate positions.

#### **a. Selection for RIF**

A RIF decision requires an evaluation of the need for particular positions and the relative value of work performed by specific employees so that the College can continue to provide the highest level of service possible with a reduced workforce. Determining the retention or separation of an employee includes an evaluation of the relative skills, knowledge and productivity of the employee in comparison to necessary services. Length of service and other factors are also considered but receive less weight in the determination. Hampshire College determines priority for RIF within the following guidelines:

- Temporary employees performing the same work must be terminated before any regular employee, provided that a regular employee can perform the temporary employee's tasks.
- Reduction in force of regular employees is based on the following factors:
  - Which positions are most critical to the department in the delivery of goods or services.
  - Relative skills, knowledge, performance, and productivity of employees.
  - Length of service of employees.

#### **b. Notice**

In the event of an involuntary termination due to a reduction in force/downsizing, change in college direction, or job elimination, the College will provide affected employees at least 60 days written notice of the layoff. Notice will include information about employee rights and responsibilities. Usually, employees will work until the effective termination date.

#### **c. Transfer Eligibility**

Hampshire will attempt to retain displaced staff who have established acceptable performance records and qualifications. Where possible, the College will first try to redeploy staff into vacant positions for which they meet the minimum requirements. Employees who transfer will be paid according to the range of the position they are transferring into.

#### **d. Re-Employment Eligibility**

Employees affected by a workforce reduction will remain eligible for re-employment for a period equivalent to their length of service up to a maximum of one year from their last day of work. Individuals affected by the reduction will be considered for future vacancies based on the same criteria applied in the reduction. There is no guarantee, however, of being recalled to a former position or rehired to any other position with the College.

#### **e. Severance Eligibility**

Eligible employees who are laid off without recall will receive severance pay based upon their years of service and signing a release of claims agreement. The following schedule outlines the severance to be paid at the end of the notice (revocation) period:

<b>Full Years/Months of Service</b>	<b>Weeks of Severance</b>
0 – 24 months	2 weeks
24 – 48 months	4 weeks

More than 48 months	6 weeks
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The rate of severance pay will be calculated based on the employee's most recent base rate of pay and the budgeted full time equivalent (FTE) for the position (prorated for employees working less than 10 months full-time). Severance pay will be reduced by payroll taxes and income tax withholdings and any outstanding loans due the college, including used but not earned vacation time.

If an employee who has been notified of a lay-off chooses to end their employment with the College prior to the end of the Notice period (30 days), they will still be eligible for severance.

Earned unused vacation time will be paid in accordance with Human Resource policy and is considered separate and in addition to severance pay.

Employees will receive payment for all hours worked and all unused vacation earned on their last day of work.

To receive this severance benefit, employees will be required to sign a release of claims agreement on their last day of work. The Agreement and Release contains some language which is required by the Federal Age Discrimination in Employment Act. Under that Act, in order for a release of this type to be valid, you must be given up to 45 days to consider whether you wish to sign the Release. You do not have to take the full 45 days, and you can sign the Agreement and Release at any time before the expiration of the 45-day period. However, if you do sign the Agreement and Release you will still have an additional seven (7) days following the date of your signature to change your mind and revoke the Agreement and Release. Because of this revocation right, the College will not pay the severance benefit until after the agreement is signed and the seven-day revocation period has expired. All severance payments will be made in one lump sum. The following employee classifications are not eligible for severance:

- Term limited positions where the duration of the position is defined at the time of hire (Exception to this is 10, 10.5 and 11 month only employees, who receive a layoff letter and do not receive a reasonable reassurance letter when their term ends, will be eligible for severance.)
- Temporary or casual positions
- Seasonal employees
- Employees who voluntarily terminate who have not been laid off or are terminated for disciplinary action

### **9. Americans with Disabilities Act**

In accordance with the Americans with Disabilities Act (ADA), Hampshire College will make reasonable accommodations for an applicant or employee with a known physical or mental disability to enable that person to perform essential job functions and/or enjoy the benefits and privileges of employment as long as such accommodation does not impose an undue burden on the College. To be protected by the ADA, an employee must have a disability as defined below, and be qualified to perform the essential functions of the position with or without a reasonable accommodation by the College. A *disability* is defined under the ADA as a physical or mental impairment that substantially limits one or more major life activities. A disability also includes having a record of such impairment or being regarded as having such an impairment. Major life activities are functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, and standing. If you believe you may need reasonable accommodation, you should contact the Human Resources Office.

### **10. Health and Safety and Workplace Injuries**

The College is committed to complying with government rules and regulations that protect the environment and promote a healthy and safe workplace. To achieve this, employees must work in a safe manner and adhere to all safety rules and procedures. Any work-related accident, injury, or illness or hazardous condition must immediately be reported to the employee's supervisor and Human Resources. It is the obligation of every employee to immediately report any workplace and/or work-related injury to the supervisor and Human Resources.

### **11. Massachusetts Pregnant Workers Fairness Act (PWFA)**

In accordance with the Massachusetts Pregnant Workers Fairness Act (PWFA), effective April 1, 2018, Hampshire College prohibits discrimination against employees on the basis of pregnancy and will provide reasonable accommodations to expectant and new mothers in the workplace (i.e. more frequent or longer paid or unpaid breaks; time off to recover from childbirth with or without pay; private non-bathroom space for expressing breast milk). As required, the College will provide written notice to employees of their rights under PWFA. Employees should see Human Resources, should they wish to inquire about accommodations under the PWFA. Those covered under PWFA are also considered a protected class under the MA Employment Practices Act (G.L. 151B).

## SECTION V. COMPENSATION AND PAY PRACTICES

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### **1. Massachusetts Pay Equity Act**

In accordance with the Massachusetts Pay Equity Act (effective July 1, 2018) Hampshire College will ensure that men and women be paid the same for doing different but comparable work (note: no longer limited to doing the same job). Hampshire College will not seek information about an applicant's salary history from either the applicant or their former employer. Hampshire College may confirm salary history once an offer of employment, including compensation, has been made to the applicant.

### **2. Staff Salary Grading Schedule**

*To be developed.* The previous staff salary grading schedule created prior to 2016 has been outdated and not in active use when determining compensation for employees in recent years. A new salary schedule will be developed in concert with a qualified consultant and through the use of comparative data from CUPA HR and other professional organizations. All job descriptions are currently being reviewed and will be graded according to a new schedule and considered work complexity, education, experience, impact and accountability, planning horizon, judgment and problem solving, supervisory responsibilities, and required communication skills.

### **3. Payment of Salary**

The College payroll week runs from Sunday through Saturday. Pay for non-exempt and student employees is issued biweekly on Friday for work performed through the previous Saturday. Exempt employees are paid a fixed annual salary. Pay for exempt employees is issued bi-weekly on Friday. An exempt employee who works 12 months receives equal payments based on the number of payrolls determined each year. Exempt employees who work fewer than 12 months receive prorated pay. If Friday, or both Thursday and Friday, is a banking holiday, pay will be issued on the last regular workday of that week.

All employees receive a pay stub for each payroll cycle which can be accessed and viewed on the Hub. It is each employee's responsibility to regularly review their pay stub for accuracy and to report any mistakes or concerns to payroll and HR staff. This may include concerns regarding deductions, time worked, PTO usage, etc. Employees are strongly encouraged to check their pay stub for accuracy after each payroll period.

### **4. Direct Deposit**

All full and part-time faculty, staff, temporary, and casual employees are required to participate in mandatory direct deposit. Student employees are strongly encouraged to participate in direct deposit. The College does not issue paychecks, except for student employees and for the first paycheck received by an employee, due to requirements for direct deposit setup. Forms are available from the Payroll website and in the Human Resources Office.

Employee pay will be electronically deposited directly into one or more checking or savings accounts designated by each employee. Accounts must be established with banks or credit unions that support direct deposit. An employee may set up multiple accounts at the same or different banking institutions for receipt of direct deposits. Participation in direct deposit will be a condition of employment. In certain cases the initial pay for a new employee may be provided by paycheck to allow for sufficient time to process direct deposit information with the participating banking institution. Payroll staff will assist employees with any questions or concerns about direct deposit and also provide assistance with completing the necessary documentation. Employees returning to Hampshire after a break in service are required to complete a new direct deposit form and provide updated federal and state tax forms.

Please Note:

- It can take up to 1 or 2 pay cycles from the time Human Resources receives your form to take effect. Please complete the form clearly and accurately to prevent any delays in processing.
- Please drop off or send forms via campus mail to the Human Resources Office in Blair Hall. Forms sent via email will not be accepted.
- To prevent a delay in receiving your pay, please notify the Human Resources Office immediately of any changes or closures to the banking information on file. Failure to do so may prevent you from accessing your pay for a period of time.

The Office of Human Resources receives many forms on a weekly basis and staff work diligently to process these forms as quickly as

possible. Please note that administrative and change requests (such as direct deposit forms) take time to process and implement. We ask for your patience and understanding as the Human Resources Office processes these forms as quickly as possible.

### **5. Overtime Pay**

The College recognizes that time beyond the regular workday may occasionally be required to meet departmental needs. Overtime compensation is paid to non-exempt (hourly) employees for all hours actually worked based on the following thresholds: All hours worked in excess of 40 hours per week (Sunday through Saturday) will be considered overtime. For example, if an individual working a regular schedule of 35 hours per week works 45 hours in a given week, the five hours of overtime in excess of 40 are paid to the individual at the rate of time and a half. The five hours between 35 and 40 are paid at the individual's normal hourly wage. When calculating overtime, days designated as College Closed and holidays (excluding floating holidays) and vacation time will be counted towards the total. However, sick time, personal time, vacation time taken day off, or any other leave time will not be considered hours worked when calculating overtime.

All hours worked in excess of 8 hours per day will be considered overtime, except for positions which have regular scheduled hours in excess of 8 hours per day. For example, if an individual working a regular schedule of 7 hours per day works 9 hours on a given day, the one hour of overtime in excess of 8 is paid to the individual at the rate of time and a half. The 1 hour between 7 and 8 is paid at the individual's normal hourly wage. When calculating daily overtime, regularly scheduled hours paid on days designated as "College Closed" and holidays (excluding floating holidays) will be counted toward the total. However, sick time, personal time, day of vacation time, or any other leave time will not be considered hours worked when calculating overtime. The daily overtime threshold of 8 hours will not apply to positions which have regular scheduled hours in excess of 8 hours per day (ie. a position working four 10 hour days per week). This policy is not applicable to student employees.

Overtime compensation is paid at a rate of 1½ times the employee's regular rate of pay.

#### **a. "Comp Time" Prohibited**

Regular hours, extra hours, and overtime hours, as submitted on the employee's time sheet, should always accurately reflect the hours worked. All time worked must be identified on the time sheet for the week during which those hours were spent on the job.

The College does not allow "comp time" (hours allowed as "make-up time off" outside of the week when extra hours were worked).

#### **b. Additional Time Request and Approval**

A non-exempt employee must request from a supervisor additional time needed to complete work before putting in those hours and needs approval to do so.

A supervisor may require an employee to work additional hours. However, every effort should be made to accommodate the individual's schedule and obligations outside of work.

Approval for additional hours worked should be sent to the employee in writing and note how much extra time and for what purpose.

Overtime hours must be approved by email or hard copy with the following information: (1) approved day(s) on which overtime will be worked, (2) total hours authorized, and (3) tasks requiring overtime.

#### **c. Ongoing Additional Time**

Employees should not expect or be expected to routinely work overtime. Ongoing work beyond standard hours should be addressed with assistance from the Human Resources Office and the departmental head.

#### **d. Options for Reducing Additional Work Time**

Occasional modifications of the workday hours are permitted with supervisor approval to allow non-exempt employees to modify their start or end time. Any modification must be made within the same workweek (Sunday– Saturday) and additional uncompensated time worked may not be carried over as "comp time" to any other workweek. If a non-exempt employee is to work additional hours, the individual's schedule may be modified within the same workweek to ensure that the person does not work more than the regularly scheduled hours. If a non-exempt employee works additional hours, that individual must be paid for the time worked.

Other strategies department heads and other supervisors can consider to mitigate the amount of extra time employees follow.

- Cross train other staff to assist during particularly busy periods.
- Extend deadlines and/or reschedule the work to a more convenient time.
- Reassign the work to a supervisor or other employees.

- Apply technology to reduce labor.
- Find efficient processes that eliminate certain tasks.
- Change work--hour schedules under the Flexible Work Arrangements policy.

Employees interested in making a long term (at least three months) change to a work schedule should apply under the Flexible Work Arrangements policy using the forms on the Human Resources website.

## **6. Pay Practices**

**a. Shift Differential:** This applies only to regular non-exempt, non-casual employees who render a service within a department that operates on two or more regularly scheduled shifts daily. Typically, shift-differential pay is approved for jobs in departments that require around-the-clock coverage or operations that consistently require late-evening or nighttime coverage. Eligibility for the shift differential is tied to the job and time period worked and is not an entitlement of individual employees. Note: Shift differential applies only to second- and third-shift schedules - that is, shifts starting at 2:00 p.m. or later.

If a non-exempt employee who typically works the evening or night shift is temporarily assigned to the day shift, that individual will not receive any shift differential for the hours worked during the day shift. A non-exempt employee regularly assigned to a rotating shift or a split shift or who regularly rotates shifts will be paid the shift differential only when working the specific job and hours for which a differential has been approved. Non-exempt employees who typically work the first shift, but are asked by a manager to come in during the evening or night to work in a job that is normally eligible for a shift differential will receive the appropriate differential. Non-exempt employees who are asked by a manager to come in during the evening or night to work in a job that is normally eligible for a shift differential will receive the appropriate differential.

The standard rate at which Hampshire College compensates for all shift work is \$1.00 an hour in addition to the non-exempt employee's regular base rate of pay. The shift differential for overtime hours will be calculated at 1½ times the shift differential rate. When an employee is paid two shift rates during one week—for example, the day- shift rate and the night-- shift rate— overtime pay under the FLSA (Fair Labor Standard Act) is generally based on the average rate. Shift differential is not included in the pay of employees who are on vacation, sick leave, or a college- observed holiday and will be paid only for hours that are actually worked. Shift-differential pay is subject to the same payroll deductions and payroll changes as are regular salaries or wages. The eligible non-exempt employee's supervisor is responsible for ensuring that the employee's time sheet correctly reflects the appropriate time worked and notes the hours when the shift differential applies.

**b. On-Call (Standby) Pay & Call-Back Pay:** Non-exempt facilities employees may be required to be available and/or to work outside the regular schedule. The two types of status and pay related to those circumstances are On-Call (Standby) and Call-Back. Exempt employees are paid a salary that reflects the full responsibility of the position, including being on-call or being called back to work, and are not eligible to receive On-Call or Call-Back pay.

**i. On-Call (Standby) Status:** On-Call (Standby) status is a designated weekly shift including five 16 hour weekdays (including any unpaid lunch or break period) and two 24 hour weekend days. Designated Hampshire College holidays, including floating holidays and president/bonus days, will also be 24-hour shifts. Such shifts may vary in beginning and ending times from department to department, and are subject to change by administrative decision as dictated by workload needs and in response to changes in staffing. On-Call shift hours usually coincide with regular shift hours. Any employee may be assigned to an On-Call status, which requires the employee to be accessible, available, and able to report for duty if called.

Department Heads and area supervisors are responsible for determining the need for On-Call availability and for assigning employees to On-Call status. The supervisor of the employee assigned to On-Call status shall maintain a roster of all qualified employees who may be required to be On-Call. An equitable rotation protocol shall be followed in requiring employees to be On-Call.

Unless otherwise advised, the employee is not required while On-Call to remain on the College's premises. However, the employee must remain available by telephone, text or pager while off site and respond to any message within fifteen (15) minutes. If an emergency requires the employee to return to campus, they must do so within 1 hour of responding to the message.

The employee is not required to restrict their activities while On-Call, but the employee must remain free of the influence of alcohol, THC (cannabis), or illegal drugs. In addition, the employee should not take any prescription drug that adversely affects his or her ability to safely and effectively perform his or her job duties. If an employee has a medical condition and has concerns about complying with this requirement, the employee should consult with their supervisor or the Office of Human Resources. An employee becomes unavailable to be On-Call when they experience illness, injury, a personal emergency, are under the influence of alcohol, THC (cannabis), illegal drugs, or prescription drugs that may cause impairment. Employees are responsible for contacting their supervisor when any of these conditions



occur, and the supervisor is then responsible for selecting and notifying an alternate.

Employees who become sick or experience a personal emergency must notify their supervisor in a timely manner; the supervisor will select and notify a replacement.

#### **ii. On-Call (Standby) Pay**

As with all timesheet approvals, supervisors must verify and approve time statuses entered as On-Call. On-call pay must not overlap with hours worked, and employees unavailable for On-Call status due to illness or personal emergency may not bill On-Call hours for a day when sick time, a personal emergency, or holiday/vacation time when they have arranged to be away are billed.

Absences due to bereavement leave, non-emergency personal leave, or jury duty should be discussed with the employee's supervisor and Human Resources to determine coverage requirements and eligibility for On-Call status and pay.

On-Call pay cannot be paid when time worked is recorded. This includes work done under Call-Back status.

#### **iii. Call-Back Status**

When an employee is called back to work at any time not previously scheduled, the employee is in Call-Back status.

#### **iv. Call-Back Pay**

A nonexempt employee who is called back to work from On-Call status or otherwise at a time not previously scheduled shall receive Call-Back pay as follows:

- A minimum of three (3) hours pay at time and one-half the regular hourly pay rate, even when the time actually spent back on the job is less than three (3) hours.
- Pay for actual hours worked at time and one-half the regular hourly pay rate, if hours worked exceeds three (3).

Actual hours worked for Call-Back purposes means only that time spent at the worksite. Time spent en-route to or from the worksite is not included as time worked.

#### **c. Holiday Pay**

When a non-exempt employee works on a Hampshire College-observed holiday, the individual will receive compensation at a rate of double the normal rate of pay for all hours worked that day. Casual employees receive compensation at their normal hourly rate for time worked on a holiday. Exempt employees who work on a holiday receive no additional compensation or equivalent time off. This policy is not applicable to student employees.

*For holidays observed by Hampshire College, see VI.13.*

#### **d. Additional Time/ Day(s) Off/ College Closed**

In addition to scheduled periods when the College is closed (ie. the week between Christmas and New Years), the College may provide additional time and/or day(s) off with pay, in the event of special recognition or unforeseen event (for example, the President may elect to close the College early on a Friday afternoon during the summer). We recognize that there are services that are essential to the operation of the College regardless of whether it is closed. When a non-exempt employee is required to work during the designated additional time and/or day(s) off, that individual will be compensated at a rate of double the normal rate of pay for all hours worked that day or for the defined period of time if less than a day.

Casual employees receive compensation at their normal hourly rate for time worked. Exempt employees receive no additional compensation or equivalent time off. This policy is not applicable to student employees.

#### **e. Required Work during Delayed Openings, Early Closings Due to Weather, or Campus-wide Emergencies during the College's Standard Operating Schedule (Monday to Friday)**

A supervisor designates when an employee is "essential" for the purpose of a delayed opening, an early closing due to weather, or a campus-wide emergency. Essential non-exempt personnel who are required to work during the College's designated closing will be compensated at a rate of double the normal rate of pay for all hours worked during the period of closure. In consultation with College leadership, the Director of Facilities and Grounds will decide the length of time the closing remains in effect. This decision will then determine the compensation practice for shifts affected by the closing and reopening of the College. This policy is not applicable to student employees.

Information on the delayed opening, closing, and/or reopening of the campus will be announced on platforms including Important Announcements, RAVE, website banners, and the Hampshire College hotline (413.559.5508). An updated list of resources for delayed openings, closing, and/or reopening can be found at [www.hampshire.edu/facilities/weather-closings-and-delay-information](http://www.hampshire.edu/facilities/weather-closings-and-delay-information).

## **7. Deductions from Pay**

### **a. Personal Accounts**

Charges for HampStore purchases, computer purchases, and meals purchased from Dining Services are paid through payroll deductions. All personal accounts must be paid at the time of termination from employment at the College.

### **b. Garnishment or Attachment of Salary**

A court ordered legal claim against the salary or wages of a college employee by a creditor for nonpayment of debt or child or spousal support and served by the constituted legal authority is called a *garnishment*. Under the federal law that requires garnishment of salary (Title III of the Consumer Credit Protection Act), the College is obligated to recognize and execute the garnishment by withholding a portion of the employee's salary for payment of the debt.

### **c. Policies for Exempt Employees**

Exempt employees are paid on a salary basis and, in general, must receive their full salary for any week in which they perform work. Their pay may be reduced only under the following circumstances.

- Employees who are absent for at least a full day because of sickness or disability will not be paid for that day unless they have accrued benefits under the College's paid time off policy. Their pay will not be reduced if they are absent for less than a full day because of sickness or disability.
- Employees who are absent from work for at least a full day for personal reasons other than sickness or disability will not be paid for that day. If an employee is absent for less than a full day for personal reasons, pay will not be reduced.
- Employees who are absent from work for attendance as a witness at a trial or temporary military leave will have their pay reduced by the amount of compensation they receive in the form of witness fees or military pay. Their pay will not be reduced by the number of hours or days they are absent from work unless they perform no work in a given week.
- Employees who are absent from work for jury duty for more than three days will have their pay reduced by the amount of compensation they receive in the form of juror fees after their initial three days of jury duty. Their pay will not be reduced by the number of hours or days they are absent from work unless they perform no work in a given week.
- If an employee violates a safety rule of major significance, that individual's pay may be reduced by an amount to be determined by the College as a penalty.
- Employees may be suspended without pay for other types of workplace misconduct, but only in full-day increments. Their pay will be reduced in an amount that is proportionate to the number of days suspended.
- Individuals who work fewer than 35 hours during their first or last week of employment will be paid a proportionate part of their full salary for the time actually worked.

### **d. Non Exempt Employees**

Non-exempt employees will be paid only for actual hours worked unless they receive benefits under Hampshire College's paid time-off policy or other leave policies.

### **e. Improper Deductions from Pay**

Hampshire College will reimburse any exempt employee whose pay is reduced in violation of this policy. If you believe your pay has been improperly reduced, please notify the Payroll Office. All reports of improper deductions will be investigated promptly. The employee making the report will be advised of the findings. An employee will not be subject to retaliation for questioning a reduction in pay.

## SECTION VI. TIME AWAY FROM WORK

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### **1. Family and Medical Leave Act (FMLA) Policy**

The Family and Medical Leave Act (FMLA) provides eligible employees up to 12 weeks (and under certain circumstances up to 26 weeks) of unpaid, job-protected leave during each 12-month period.

#### **a. Eligibility**

Individuals become eligible for FMLA leave after they have been employed by Hampshire College for at least 12 months and have worked at least 1,250 hours during those 12 months.

#### **b. Basic Leave Entitlement**

The FMLA provides up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons.

- Incapacity due to pregnancy, prenatal medical care, or childbirth
- To care for the individual's child after birth or for placement for adoption or foster care
- To care for the individual's spouse, dependent son or daughter, or parent who has a serious health condition
- A serious health condition that keeps the individual from performing the responsibilities of the job

#### **c. Military Family Leave Entitlements**

##### **i. Family Leave for a Qualifying Exigency**

An employee with a spouse, son, daughter, or parent on covered active-duty status in the regular Armed Forces, the Coast Guard, or the Reserves who is deployed to another country may use this 12-week leave entitlement to address certain qualifying situations. These exigencies are by their nature considered emergency-type reasons for leave and, as such, may concern:

- Short notice deployment
- Military events and related activities
- Urgent child care and school activities
- Financial and legal arrangements
- Counseling
- Rest and recuperation
- Post-deployment activities
- Parental care

##### **ii. Family Leave to Care for an Injured Member of the Service**

The FMLA contains a special entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during any single 12-month period. An employee who is the spouse, son, daughter, parent, or next of kin of a covered service member can take this leave if otherwise eligible.

A covered service member is currently in the Armed Forces, the Coast Guard, or the Reserves and has a serious injury or illness incurred in the line of duty or a preexisting illness or injury that was aggravated in the line of duty that renders that individual medically unfit to perform the responsibilities of service and is undergoing medical treatment, recuperation, or therapy or is on outpatient status or the temporary disability retired list. A covered service member is also a veteran of the Armed Forces, the Coast Guard, or the Reserves who is undergoing medical treatment or therapy for or recuperating from a serious injury or illness at any time during the five-year period preceding the date of treatment, therapy, or recuperation.

##### **iii. Calculating the Leave Year**

For leave to care for a covered service member, the leave year is calculated as the single 12-month period that begins on the first day of the employee's leave.

For all other FMLA leave, the leave year is calculated as a "rolling" 12-month period measured back from the date an employee uses any leave under this policy.

#### **iv. Definition of *Serious Health Condition***

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical-care facility or continuing treatment by a healthcare provider for a condition that either prevents the employee from performing the functions of the job or prevents the qualified family member from participating in school or any other daily activities. Subject to certain conditions, the continuing-treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a healthcare provider or one visit and a regimen of continuing treatment; incapacity due to pregnancy; or incapacity the result of a chronic condition. Other conditions may meet the definition of *continuing treatment*.

#### **v. Use of Leave**

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

If any time off covered under this policy is also covered under the College's Sick Leave, PFML, Parental Leave, Domestic Violence Leave, Massachusetts Small Necessities Leave Act (SNLA) leave, or other leave-of-absence policy, FMLA leave will run concurrently with such leave or policy.

*Note:* When an employee's spouse is also employed by Hampshire College, the two individuals are limited to the amount of FMLA leave they may take for the birth and care of a newborn child, for placement of a child for adoption or foster care, or to care for a parent who has a serious health condition to a combined total of up to 12 weeks (or 26 weeks if leave to care for a covered service member with a serious injury or illness is also used). FMLA leave for the birth or placement of a child must conclude within 12 months of birth/placement.

#### **vi. Employee Responsibilities**

Employees must provide the Human Resources Office 30 days' 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 is practicable and generally must comply with the College's normal call-in procedures. 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. Sufficient information is usually that the employee is unable to perform the job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a healthcare provider, or circumstances supporting the need for military family leave. Employees also must inform the College if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide certification and periodic recertification supporting the need for leave. Employees may be required to provide a fitness-for-duty statement before they return after an FMLA leave for their own serious health condition.

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

Employees eligible for FMLA must use accumulated paid leave (vacation, personal, and sick), if there is any, concurrently with their FMLA leave until all paid leave is exhausted. Employees must comply with the College's normal paid-leave policies. In addition, if you are eligible for the PFML or workers' compensation insurance benefits, you may be eligible to receive such benefits during FMLA leave.

#### **viii. Benefits and Protections**

During FMLA leave, the College will maintain your health coverage under any "group health plan" on the same terms as if you continued to work if you have indicated your intent to return to work at the end of your FMLA leave. Employees must pay their contribution toward health insurance coverage during FMLA leave and must make arrangements with Human Resources to do so. If after your FMLA leave expires you do not return to work, the College is entitled to recover the cost of any payments made to your health insurance coverage unless your failure to return to work is for reasons beyond your control. Use of FMLA leave will not result in the loss of any employment benefits that accrued prior to the start of your FMLA leave.

Employees who return to work on or before the expiration of their FMLA leave will be restored to their original position or to an equivalent position with equivalent benefits, pay, status, and other terms and conditions of employment, unless a job elimination or other change in circumstance has occurred during the leave period. Employees who are on FMLA leave are not entitled to any rights other than those to which they would have otherwise been entitled had they continued as an active employee at the College. Certain "key employees" (as defined under the FMLA) may be denied job restoration. Failure to return to work on the expiration of FMLA leave without contacting the Human Resources Office before such expiration may be considered a voluntary resignation.

In addition, employees are not permitted to work for any other employer while on FMLA leave for their own or a covered family member's serious health condition or to care for a child after birth, adoption, or foster-care placement. If an employee accepts

employment other than at the College while on FMLA leave, that individual will be considered to have voluntarily resigned from the College and will not be eligible for reinstatement at the end of the leave.

If it is discovered that an employee has fraudulently obtained an FMLA leave, the individual's position is not protected by the FMLA's provisions regarding benefits involving job restoration or health insurance.

#### **ix. Status Reports**

Employees must contact the College periodically during an FMLA leave to report on their status and intention to return to work. An employee may be required to provide a periodic recertification supporting the need for the leave.

#### **x. "Fitness-for-Duty" Reports**

An employee returning from regular or intermittent FMLA leave taken for the individual's own serious health condition may be asked to provide the College with certification from a healthcare provider indicating that the employee is able to perform the essential functions of the job.

#### **xi. The College's Responsibilities**

The College will inform an employee requesting leave whether there is eligibility under the FMLA. If the individual is eligible, the notice will specify any additional information required as well as the employee's rights and responsibilities. If the individual is not eligible, the College will provide a reason for that. The College will inform an employee if leave will be designated as "FMLA protected" and the amount of leave counted against the individual's leave entitlement. If the College determines that the leave is not FMLA protected, it will notify the employee. The College will not interfere with, restrain, or deny the existence of any right provided under FMLA. The College also will not discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA. If you have any questions about FMLA leave and your FMLA rights or responsibilities or if you do not agree with a decision the College has made regarding your FMLA-leave entitlement, contact Human Resources.

### **2. Massachusetts Small Necessities Leave Act (SNLA) Policy**

An employee who is eligible to receive FMLA leave under the College's FMLA policy is also eligible for a total of 24 hours in a 12-month period, in addition to FMLA leave, for one of the following reasons.

- To participate in school activities directly related to the educational advancement of the employee's son or daughter, such as a parent-teacher conference or interviewing for a new school.
- To accompany the employee's son or daughter to routine medical or dental appointments, such as visits for checkups and vaccinations.
- To accompany an elderly relative to routine medical or dental appointments or appointments for other professional services related to the elder's care, such as interviewing at a nursing or group home.

Employees are required to provide seven days' notice, in writing, of their need for this leave or, if sufficient notice is not possible, as soon as is practicable. For more information on Small Necessities Leave, contact the Human Resources Office.

If any time off covered under this policy is also covered under the College's FMLA, PFML, Parental Leave, Domestic Violence Leave, Sick leave, or other leave-of-absence policy, SNLA leave will run concurrently with such leave or policy.

### **3. Massachusetts Paid Family Medical Leave (PFML) Policy**

Paid Family and Medical Leave is a mandatory statewide insurance program that will provide almost every Massachusetts employee with paid time off to give or receive care.

#### **a. Covered Reasons and Time Off under the Program**

If you qualify, this program will allow you to take up to 12 weeks to:

- Bond with a new child;
- To care for a family member with a serious health condition;
- Or for time needed to prepare for a family member's pre- and post-deployment activities, as well as time for childcare issues related to a family member's military deployment ("qualifying exigency").

Up to 20 weeks is available under the program to attend to an employee's own serious health condition and up to 26 weeks is available to attend to injured family members.

Despite the reasons stated above, the program is capped up to a total of 26 weeks available in a 12-month period (which is measured on a rolling forward basis; commencing on the Sunday immediately preceding the onset of a PFML leave).

**b. Payment of PFML**

The program is funded by premiums paid by both employees and employers. While the total premium (comprised of both employer and employee contributions) was initially set at 0.75% of wages, this percentage is subject to future change by the state as the program is administered by the Massachusetts Department of Family and Medical Leave (DFML).

Based upon the contribution rate in effect, the College calculates and withholds premiums from your paycheck and sends both your share and theirs to the state (through the MassTaxConnect system) on a quarterly basis.

**c. Taking Leave**

Starting in 2021, employees may begin to apply to the DFML for benefits under this program. Therefore, for employees seeking to take time off for covered reasons and intend to file for benefits with the DFML, employees need to provide Hampshire College with thirty (30) days advance notice where the leave is foreseeable. For leaves that are necessitated for reasons beyond the employee's control, notice needs to be provided as soon as practicable.

**d. Paid Benefits**

While an employee is required to provide notice to Hampshire College, the College is not involved in the benefit claims process with the DFML. Employees seeking to apply for benefits need to reach out to contact the DFML. Only the DFML can evaluate your eligibility for benefits and determine how much you will receive. While the current maximum benefit under the program is set at \$1149.90/week for 2024, this amount is subject to changes. Similarly, not all employees may be eligible for benefits as eligibility is based upon earnings. Any questions concerning benefit eligibility or disputes surrounding a determination on this benefit; including options to appeal determinations should likewise be directed to the DFML at (833) 344-7365.

Effective November 1st of 2023, employees of Massachusetts employers who provide Massachusetts Paid Family and Medical Leave (PFML) benefits through the Massachusetts Department of Family and Medical Leave (DFML) will now have the ability to "top off" their PFML benefits with the use of PTO without jeopardizing their PFML benefits.

Hampshire College will not be able to prevent employees from seeking to top off their benefits, and the College further cannot mandate that employees top off their benefits either (again it is solely an option that the employee may choose to take).

Employees on paid sick leave who are eligible for PTO benefits continue to receive full benefits, such as vacation time, personal leave, holiday pay, earned sick leave, and bereavement leave.

Any leave for PFML qualifying reasons will be counted against leave allotment under PFML even if PFML benefits are not sought (an employee chooses not to utilize the paid state benefit).

**e. Employee Responsibilities during a PFML Leave**

Employees who go out on leave covered under the DFML program are required to follow the periodic reporting and call-in procedures as set forth under Hampshire College policy. If an employee is contributing to the College's group health plan, the employee will be responsible for paying their portion of the premiums while on leave. For further questions, please contact Human Resources.

**f. Employee Responsibilities upon Returning from a PFML Leave**

Employees who go out on a PFML leave for their own serious health condition will be required to provide a fitness-for-duty from the health care provider prior to resuming their job responsibilities.

**g. Employee Job Protections**

Employees who return from leave under this law will be restored to their previous or an equivalent position with the same status, pay, benefits and seniority. Hampshire College is prohibited from discriminating or retaliating against an employee for requesting or taking PFML leave.

**h. Interaction with Other Leaves**

If any time-off covered under this policy is also covered under the College's FMLA, Sick Leave, Parental Leave, Domestic Violence Leave, Massachusetts Small Necessities Leave Act (SNLA) leave, or other leave-of-absence policy, PFML leave will run concurrently with such leave or policy.

**4. Sick-Leave Policy****a. Accrual of Sick Leave**

All Hampshire College full-time staff earn one day per month of paid sick leave, totaling 12 workdays per year. Part-time benefited employees earn sick leave on a prorated basis. Casual employees and summer student workers are covered under the Earned Sick Time policy for EST Casuals and Students.

Unused sick leave may be accrued from year to year to a maximum of 130 days. Benefited employees earn sick leave from their first day on the job and may use any earned sick leave as needed, but may not borrow against sick leave not yet accrued. Sick leave is not paid out on termination of employment.

#### **b. Use of Sick Leave**

Sick leave is provided to enable those covered under this policy to:

- Care for the employee's own physical or mental illness, injury, or other medical condition that requires home, preventive, or professional care.
- Care for a child, parent, spouse/domestic partner, or parent of a spouse/domestic partner who is suffering from a physical or mental illness, injury, or other medical condition that requires home, preventive, or professional care.
- Attend routine medical and dental appointments for themselves or for their child, parent, spouse/domestic partner, or parent of a spouse/domestic partner.
- Address the psychological, physical, or legal effects of domestic violence.
- Travel to and from an appointment, a pharmacy, or other location related to the purpose for which the leave was taken.

Use of sick leave for other purposes is not allowed and may result in disciplinary action. Employees may not use sick leave if they are not scheduled to be at work during the period of use. An employee may not accept a specific shift assignment with the intention of calling out sick for all or part of that day.

#### **c. Absence Notification Procedures**

If an employee knows ahead of time the need to be absent, to be late for work, or to leave work early, the individual must give notice to the supervisor. *This advance notice does not apply to an emergency situation.* Notice should be provided by whatever means the department designates for this communication (supervisor email, voicemail, or a direct call to the supervisor, for example). Supervisors must provide this designation to their employee at the time of hire and at reasonable intervals thereafter. If the absence is foreseeable (for example, if you will be absent to attend a previously scheduled appointment), you must provide up to seven days' notice, unless you learn of the need to use sick leave within a shorter period of time. If the absence is not foreseeable due to an accident or a sudden illness, notice must be provided as soon as is practicable. If an employee is going to be absent on multiple days, that individual or a surrogate (spouse/domestic partner, adult family member, or another responsible adult, for example) needs to provide notice of the expected duration of the leave or, if unknown, provide notice of continuing absence on a daily basis, unless the circumstances make such notice unreasonable.

#### **d. Documentation and Use of Sick Leave**

An employee may be asked to document use of sick leave if the situation meets one of four possible criteria.

- Exceeds 24 consecutive scheduled work hours
- Exceeds three consecutive days on which the individual is scheduled to work
- Occurs within two weeks before the final scheduled day of work (except in the case of casual staff)
- Occurs after four unforeseeable and undocumented absences within a three-month period

Required documentation must be submitted within seven days of the absence. Additional time for documentation will be allowed for demonstrated good cause. If an individual fails to comply with this policy's documentation requirements in a timely manner, the College may deny an equal number of hours of sick leave until the required documentation is received. When documentation is required and the individual does not have healthcare coverage through a private insurer, such as the Massachusetts Healthcare Connector, or a related insurer, that employee may provide a written and signed statement citing evidence of the need for the use of the sick leave time, without being required to explain the nature of the illness, in lieu of documentation by a healthcare provider. The Verification Regarding Authorized Use of Earned Sick Time or Sick Leave form is available on the Human Resource Office website or in the Human Resources Office.

#### **e. Attendance Expectations**

Employees are expected to have regular, reliable attendance and timeliness. If an employee commits fraud or abuse by engaging in an activity that is not consistent with allowable purposes for sick leave, that individual may be subject to disciplinary action. If an employee is exhibiting a clear pattern of taking leave on days just before or after a weekend, vacation, or holiday or under similar circumstances (such as avoiding an undesirable work assignment), the individual may face discipline for misuse of sick leave, unless there is verification of

authorized use.

#### **f. Payout and Break in Service**

Sick leave time is not paid out on termination of employment. If an employee is rehired following a break in service of up to four months, that individual has the right to use any remaining earned sick leave accrued before the break in service, up to 40 hours. If the individual is rehired within four to 12 months, the right is maintained to use any unused earned sick leave accrued before the break in service up to 40 hours if there were at least 10 hours in the bank. If the individual is rehired after 12 months, sick leave begins to accrue immediately but the individual will not retain any of the bank earned before separation.

#### **g. Interaction with Other Leaves**

If any time-off covered under this policy is also covered under the College's FMLA, PFML, Parental Leave, Domestic Violence Leave, Massachusetts Small Necessities Leave Act (SNLA) leave, or other leave-of-absence policy, sick leave will run concurrently with such leave or policy. Employees are required to use accrued sick-leave time to receive pay for absences under other leave policies if those absences would otherwise be unpaid.

#### **h. Benefits during Leave**

An employee on paid sick leave continues to receive from the College full benefits, such as vacation time, personal leave, holiday pay, earned sick leave, and bereavement leave. The College will also continue contributions to the individual's health insurance, life insurance, retirement plan, and so on.

### **5. Earned Sick Time (EST) Policy for Casuals and Students**

All Hampshire casual employees and summer student workers ("EST casuals and students") are eligible to accrue and use sick time under this policy. EST casuals and students accrue sick time at the rate of one hour for every 30 hours worked per benefit year, up to a maximum of 40 hours per benefit year. They may use up to 40 hours of accrued sick time per benefit year. Accrual of sick time begins on their first date of actual work, but they may not use such earned sick time until 90 calendar days after their start date. Up to 40 hours of unused sick time may be carried over into the following benefit year. Sick time is not paid out on termination of employment.

#### **a. Use of Sick Leave**

Sick leave is provided to enable those covered under this policy to:

- Care for their own physical or mental illness, injury, or other medical condition that requires home, preventive, or professional care.
- Care for a child, parent, spouse/domestic partner, or parent of a spouse/domestic partner who is suffering from a physical or mental illness, injury, or other medical condition that requires home, preventive, or professional care.
- Attend routine medical and dental appointments for themselves or for their child, parent, spouse/domestic partner, or parent of a spouse/domestic partner.
- Address the psychological, physical, or legal effects of domestic violence.
- Travel to and from an appointment, a pharmacy, or other location related to the purpose for which the leave was taken.

Use of sick leave for other purposes is not allowed and may result in the EST casual or student being disciplined. EST casuals and students may not use sick leave if they are not scheduled to be at work during the period of use. They may not accept a specific shift assignment with the intention of calling in sick for all or part of that day. Sick leave may be used for full- or partial-day absences. The smallest amount of sick leave that an EST casual or a student can take is one hour. Sick leave cannot be used as an excuse to be late for work without an authorized purpose.

#### **b. Absence Notification Procedures**

Unless an emergency situation arises, if an EST casual or a student knows beforehand of the need to be absent, to be late, or to leave work early (for purposes that are permissible under the earned sick time law), that individual must give notice to the supervisor. Notice should be provided by whatever means the department designates for this communication (supervisor email, voicemail, or a direct call to the supervisor, for example). Supervisors must provide this designation to EST casuals and students when they are hired and at reasonable intervals during their employment.

If the absence is foreseeable (for example, if the individual will be at a previously scheduled appointment), the EST casual or student must provide up to seven days' notice, unless the individual learns of the need to use sick leave within a shorter period. If the absence is not foreseeable due to an accident or sudden illness, notice must be provided as soon as is practicable. If the EST casual or student is going to be absent on multiple days, that individual or a surrogate (spouse/domestic partner, adult family member, or another responsible adult) must provide notice of the expected duration of the leave or, if unknown, provide notice of continuing absence on a daily basis, unless the circumstances make such notice unreasonable.



### **c. Documentation and Use of Sick Leave**

An EST casual or student may be asked to document use of sick leave if the situation meets one of four criteria.

- Exceeds 24 consecutive scheduled work hours
- Exceeds three consecutive days on which the individual is scheduled to work
- Occurs within two weeks before the final scheduled day of work (except in the case of casual staff)
- Occurs after four unforeseeable and undocumented absences within a three--month period

Required documentation must be submitted within seven days of the absence. Additional time will be allowed for demonstrating a good cause. If the EST casual or student fails to comply with this policy's documentation requirements in a timely manner, the College may deny an equal number of hours of sick leave until the required documentation is received.

When documentation is required and the EST casual or student does not have healthcare coverage through a private insurer, the Massachusetts Healthcare Connector, or a related insurer, the individual may provide a written and signed statement citing evidence of the need for the use of the sick--leave time, without being required to explain the nature of the illness, in lieu of documentation by a healthcare provider. The Verification Regarding Authorized Use of Earned Sick Time or Sick Leave form is on the Human Resources website and in the Human Resources Office.

### **d. Attendance Expectations**

All EST casuals and students are expected to have regular, reliable attendance and timeliness. If an EST casual or student commits fraud or abuse by engaging in an activity that is not consistent with allowable purposes for sick leave, that individual may be subject to disciplinary action. If an EST casual or student exhibits a clear pattern of taking leave on days just before or after a weekend, vacation, or holiday or a similar circumstance (such as avoiding an undesirable work assignment), the individual may face disciplinary action for misuse of sick leave, unless verification of authorized use is provided.

### **e. Payout and Break in Service**

Sick leave is not paid out on termination of employment. If an EST casual or student is rehired following a break in service of up to four months, the individual will maintain the right to use any remaining earned sick leave accrued before the break in service, up to 40 hours. If the individual is rehired within four and 12 months, that employee will maintain the right to use any remaining earned sick leave accrued before the break in service up to 40 hours if there were at least 10 hours in the bank. If an individual is rehired after 12 months, the earning of sick leave begins immediately, but the employee will not retain any of the bank earned before separation.

### **f. Interaction with Other Leaves**

If any time off covered under this policy is also covered under another policy (for example, the Domestic Violence Leave or PFML), EST sick leave time will run concurrently with such leave or policy. EST casuals and students are required to use accrued sick leave time to receive pay for absences under another leave policy if those absences would otherwise be unpaid.

### **g. Effect of Sick Leave on Other Benefits**

An employee on paid sick leave continues to receive from the College full benefits, such as vacation time, personal leave, holiday pay, earned sick leave, and bereavement leave. The College will also continue contributions to the individual's health insurance, life insurance, retirement plan, and so on.

### **h. Medical Approval to Return to Work**

On returning from any extended sick leave, an employee must present to their supervisor a Medical Approval to Return to Work form from the treating physician. The current medical condition and any work restrictions should be discussed at this time. Should the supervisor have concerns about an individual's ability to perform the essential duties of that employee's position, the Office of Human Resources will be consulted. The College reserves the right to have the employee evaluated by a physician of its choice.

### **i. Unpaid Sick Leave and Extended Absences**

If an employee exhausts all paid sick leave, that individual may be entitled to additional leave under PFML and/or FMLA (see separate policies). After the 12 weeks provided in FMLA or maximum allotments under PFML, assuming no paid sick leave is available under this policy, the employee may request an unpaid medical leave under the terms of the personal leave policy.

In general, total leave related to an illness, whether covered by sick days, PFML, FMLA, or personal leave, may not exceed six months. This is the waiting period for benefits under the Long-Term Disability Insurance policy. Even if the employee has exhausted all paid leave and FMLA time, the College will make every attempt to keep the employee's position open until six months after the onset of the illness, unless operational needs dictate otherwise.

## **6. Parental Leave**

Once an employee has completed the initial 90-day probationary period, they become eligible for Parental Leave. Under the Massachusetts Parental Leave Act (MPLA), an employee is entitled to up to eight weeks of unpaid leave related to the birth, adoption, or placement for adoption of a child or for placement by court order. Benefit-eligible employees will be granted an eight-week paid leave by the College. Under normal circumstances, employees will be reinstated to their same or similar position at the end of their parental leave. When both parents work for the College, they are entitled to a combined total of eight weeks of parental leave for the birth, adoption, or placement for adoption of the same child or for placement by court order. If an employee works up to the date of delivery, adoption, or placement, eight weeks of paid leave will begin on that date. If the employee stops working before the delivery for any reason other than a medical one, this time will be requested as, and charged to, available vacation or personal time. Employees who stop working for a medical reason can use sick time, and if sick time is exhausted, they can use vacation or personal time. At the point of delivery, adoption, or placement, the eight weeks of paid parental leave, as described above, begins. Employees may take parental leave intermittently if agreeable with both the employee and supervisor.

### **a. Notice Requirement**

An employee who anticipates taking a leave under this policy must inform the supervisor and the Human Resources Office at least two weeks in advance, or as soon as is practicable if the delay is outside the individual's control, of the anticipated date of departure and the intention to return to work after the leave.

### **b. Additional Leave**

Parental leave will run concurrently with Family and Medical Leave Act (FMLA) and Paid Family Medical Leave (PFML) leave for the same covered absence. If eligible for FMLA or PFML leave, an employee can use any accrued vacation, personal, or sick time to continue the paid leave. As a PFML leave, the employee may also choose to utilize the PFML state benefit instead of accrued vacation, personal, and sick time.

Members of the faculty should consult with the Dean of Faculty Office regarding parental leave.

## **7. Domestic Violence and Abusive Behavior Leave**

The College is committed to the health and safety of its employees and their families. If an employee or a member of their family is a victim of domestic violence or abusive behavior, the employee may be eligible for time off from work as outlined in this policy.

### **a. Qualifying Reason for Leave**

The College provides up to 15 days of leave in a rolling 12-month period to an employee if either that individual or a member of their family (as defined below) is a victim of abusive behavior (as defined below) *and* the employee is using the leave from work for one or more 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
- To attend child-custody proceedings
- To address other issues directly related to abusive behavior against the employee or the member of the family

### **b. Definitions**

*A family member* is defined as:

- Spouse
- A person the employee is in a substantive dating or engagement relationship in which the two live together
- A person with whom the employee has a child in common regardless of whether the two have ever married or lived together
- A parent, stepparent, child, stepchild, sibling, grandparent, or grandchild
- An individual in a guardianship relationship

*Abusive behavior* is defined as:

- Domestic violence (see below)
- Stalking in violation of Massachusetts General Laws Chapter 265, Section 43

- Sexual assault in violation of Massachusetts General Laws Chapter 265, §§ 13B, 13B½, 13B¾, 13F, 13H, 22, 22A, 22B, 22C, 23, 23A, 23B, 24, 24B, 26D, 50, or 51 or Chapter 272, Sections 3 or 35A
- Kidnapping in violation of Massachusetts General Laws Chapter 265, Section 26

*Domestic violence* is defined as abuse against an employee or a member of the employee's family by:

- A current or former spouse of the employee or of a member of the employee's family
- A person with whom the employee or a member of the employee's family has a child in common
- A person who is cohabitating with or has cohabitated with the employee or a member of the employee's family
- A person who is related by blood or marriage to the employee
- A person with whom the employee or a member of the employee's family has or had a dating or engagement relationship

#### **c. Utilization of Paid Time Off**

Employees must first exhaust all paid time off, such as vacation, personal, and sick time. Once paid time off is exhausted, or if no paid time is available to the employee, domestic violence and abusive behavior leave will be unpaid.

#### **d. Use of Other Leaves**

If any time off covered under this policy is also covered under the College's FMLA, PFML, Parental Leave, Sick Leave, Massachusetts Small Necessities Leave Act (SNLA) leave, or other leave-of-absence policy, Domestic-Violence and Abusive Behavior leave will run concurrently with such leave or policy.

#### **e. Notice**

When there is no threat of imminent danger to the health or safety of the employee or a member of their family, the employee must provide reasonable notice of the need for this leave.

If there is a threat of imminent danger to the health or safety of the employee or a member of the employee's family, the employee must notify the Human Resources Office within three workdays that the leave is being taken or was taken for a qualifying reason. Such notification may be communicated by the employee; a member of the employee's family; or the employee's counselor, social worker, healthcare worker, clergy, shelter worker, legal advocate, or other professional who has assisted in addressing the effects of the abusive behavior.

#### **f. Documentation of Qualifying Reason**

Any employee taking time under this policy must produce supporting documentation within 30 days of the last day of an absence if such absence was due to domestic violence or other reasons covered by the law. The Statement in Support of Need for Domestic Violence Leave form is available on the Human Resources website.

Documentation of evidence that the employee or the member of the employee's family has been a victim of abusive behavior and that the employee has taken leave for a qualifying reason may be required. Among the forms of documentation are the following:

- A protective order, an order of equitable relief, or other documentation issued by the court as a result of abusive behavior against the employee or a family member
- A document under the letterhead of the court, provider, or public agency the employee attended for the purposes of acquiring assistance as it relates to the abusive behavior
- A police report or statement of a victim or witness provided to police, including a police incident report, documenting the abusive behavior complained of
- Legal documentation attesting to the perpetrator's guilt
- Medical documentation of treatment for the abusive behavior
- A sworn statement, signed under the penalties of perjury, provided by a counselor, social worker, healthcare worker, member of the clergy, shelter worker, legal advocate, or another professional who has assisted in addressing the effects of the abusive behavior
- A sworn statement, signed under the penalties of perjury, from the employee attesting that the employee has been the victim of abusive behavior or that a member of the employee's family is a victim of abusive behavior

#### **g. Confidentiality**

The College will take steps to maintain the confidentiality of an employee's use of this type of leave and will keep confidential all information related to such leave. The College is permitted to make the following disclosures of an employee's use of this leave:

- Per the employee's written request or consent
- As ordered by the court

- As required in the course of a law---enforcement investigation
- A necessary to protect the safety of the employee or others at the workplace
- As otherwise required by applicable law

#### **f. No Discrimination and No Retaliation**

Employees should take special note that discrimination or retaliation against individuals for taking leave in accordance with this policy is unlawful and will not be tolerated. If you believe you have been the victim of discrimination or retaliation, you have the obligation to report it to one of the individuals listed in the College's Sexual Misconduct and/or Harassment, Other Forms of Discrimination policies. Employees can raise concerns and make reports without fear of reprisal.

#### **h. Job Restoration**

Employees who return to work on or before the expiration of their leave (and who have otherwise adhered to the notice and documentation requirements for such leave) will be reinstated to their original position or an equivalent position, with no loss in any employment benefits that accrued before the date the leave commenced.

*Note:* Perpetrators of abusive behavior are not entitled to leave under this policy.

### **8. Personal Leave**

Extraordinary circumstances may arise in an employee's life that are so compelling as to require that individual's full attention for several weeks or months. In recognition of such situations, the College has a policy for authorizing, on request of the individual and with the approval of the supervisor and Human Resources, a personal leave of absence, without pay, which enables the individual to be temporarily relieved of duties at the College while attending to those matters. The employee is expected first to use all other available paid time (personal days and vacation, for example) to cover the period of the necessary absence.

If any time off covered under this policy is also covered under the College's FMLA, PFML, Parental Leave, Sick Leave, Domestic Violence Leave, Massachusetts Small Necessities Leave Act (SNLA) leave, or other leave---of---absence policy, Personal leave will run concurrently with such leave or policy.

#### **a. Eligibility**

Employees are eligible to apply for a brief unpaid personal leave to cover short periods of necessary absence if they are ineligible for coverage or have exhausted their coverage under one of the College's other leave plans, such as Sick Leave.

An extended personal leave, however, will normally be granted only to an employee who has been employed at the College for a minimum of 12 consecutive months. Employees who are working less than half time, casual employees, and those who have been employed for fewer than 12 months may apply for an extended personal leave, but only in unusual circumstances would such long term leave be granted.

#### **b. Staff Benefits during Leave**

**Holidays:** A benefited employee is entitled to holiday pay for any recognized college holiday that occurs during an authorized personal leave of five days or fewer. No holiday pay will be earned during an authorized personal leave that exceeds five workdays, nor will an employee be allowed to save holidays that occur during that period.

**Personal Days:** During an authorized personal leave, no personal days are earned.

**Vacation Days:** During an authorized personal leave, no vacation credit is earned.

**Funeral Leave:** Should a family death occur during an authorized personal leave, no funeral---leave benefits are available.

**Jury Duty:** No jury---duty benefits will be granted to an employee on unpaid personal leave.

#### **c. Medical, Life, and Long-Term Disability Insurance Plans**

The College will not continue its usual contributions to an employee's benefits during an unpaid personal leave. However, the individual may retain membership in the College's group medical, life, and long--term disability insurance plans for the duration of the authorized unpaid leave. The employee will assume the full cost of premium payments for any medical plans when the decision is to continue them.

#### **d. Authorization and Procedures**

To apply for unpaid personal leave, employees should submit to their supervisor a written request outlining in detail the special circumstances necessitating the leave and estimating the probable duration of the absence. On receipt of the written request, the supervisor and/or department head, taking into account the operational needs of the unit, will decide whether an individual can be released for the time requested.

If the department head in consultation with Human Resources believes the circumstances of the employee's situation are serious or compelling enough to warrant the granting of an unpaid personal leave immediately, the department head will arrange with the employee the length, terms, and conditions of the leave. The budget manager will then forward the request, with a cover memorandum supporting it, to the Human Resources Office.

The Human Resources Office will confirm in writing to the individual (with a copy to the department head) the terms of the leave and the date of the expected return to work. The employee on leave will be responsible for keeping the department head and the Human Resources Office informed of any changes in the situation that might necessitate revisions in the terms, arrangements, or duration of the unpaid personal leave. If the budget manager decides that the circumstances of the situation are not serious or compelling enough to warrant the granting of a personal leave, or if the employee cannot be excused for the time requested, the manager must explain in writing to the employee the reasons for refusing to support the request. After discussing the matter with the employee, the department head is still obligated to forward the request to the Human Resources Office with a cover letter explaining the refusal to recommend the leave.

To determine if any other options are available, the Human Resources Office will review both the request and the department head's reasons for refusal. If Human Resources accepts the budget manager's recommendation that no unpaid personal leave is to be granted, the employee has the option of remaining in the position or resigning for personal reasons.

### **9. Military Service Leave**

Employees who perform service in the uniformed services (as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)) are entitled to a military leave of absence from their job, subject to the limitations and restrictions set forth in federal and state laws, when called to duty. Hampshire College is committed to protecting the job rights of employees absent on leave in the uniformed services. In accordance with federal and state law, it is the College's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform as a member of any of the uniformed services of the United States. Specifically, no person will be denied employment, reemployment, promotion, or other benefit of employment on the basis of such membership. In addition, no individual will be subjected to retaliation or adverse employment action because the person has exercised rights under this policy. If you believe there has been discrimination in violation of this policy or if you have any questions about this policy, immediately contact the Human Resources Office.

#### **a. Employee Procedures**

- An employee must provide to the supervisor and the Human Resources Office notice (either verbal or written) that the individual will be engaging in military service. Employees should present such notice as soon as they have knowledge of upcoming military commitments.
- An employee on military leave may, *at the individual's option*, use any or all accrued paid vacation time during the absence for service.
- When the employee intends to return to work, they must make notification of reinstatement to the supervisor and Human Resources within the application period set forth below.

#### **b. Benefits**

If an employee is absent from work due to military service, benefits will continue as follows.

- Employees can elect to continue their existing health plan for themselves and for their dependents for up to 24 months.
- Employees do not accrue paid time off (vacation, personal leave, or sick leave) to the extent that Hampshire College offers such benefits while individuals are on military---leave---of---absence status.

#### **c. Reinstatement Procedures**

On an employee's prompt application for reinstatement (as defined below), that individual will resume work. The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), however, entitles members of the uniformed services a total of five years of cumulative service without forfeiting their right to reinstatement with full seniority and benefits. An employee who has engaged in military service must, in order to be entitled to the reinstatement rights set forth above, submit an application for reinstatement according to the following schedule.

**If Service is Less than 31 Days:** the employee must report for reinstatement at the beginning of the first full regularly scheduled working period on the first calendar day following completion of service.

**If Service is for at Least 31 Days but Less than 180 Days:** the employee must submit an application for reinstatement no later than 14 days following the completion of service.

**If Service is at Least 181 Days:** the employee must submit an application for reinstatement no later than 90 days following the completion of service.

An employee reinstated following military leave will receive all benefits determined by the seniority the individual held at the beginning of that leave, plus any seniority and benefits that would have accrued, with reasonable certainty, had the individual remained continuously employed.

On the employee's reinstatement, that individual must provide to the supervisor and Human Resources military discharge documentation that establishes the length and character of the military service.

#### **d. Exceptions to Reemployment**

In addition to an individual's failure to apply for reemployment in a timely manner, an employee is not entitled to reinstatement as described above if any of the following conditions exist.

- Hampshire College's circumstances have changed so as to make reemployment impossible or unreasonable
- The individual's employment before the military service was for a non-recurrent period and there was no reasonable expectation that the employment would have continued indefinitely or for a significant period
- The employee did not receive an honorable discharge from military service

#### **e. Eligibility**

Military-service leave will be granted to any employee who holds a continuing appointment and works a regular schedule of at least half time. An employee working at least half time but less than full time is eligible for the benefits under military-service leave on a prorated basis. Employees working a regular schedule of less than half time and casual employees are not eligible for paid military leave. Employees with these types of appointments who are called to military service will be granted unpaid personal leave for the period of required active duty up to a maximum of 15 calendar days.

If any time off covered under this policy is also covered under the College's FMLA, PFML, Parental Leave, Domestic Violence Leave, Massachusetts Small Necessities Leave Act (SNLA) leave, or other leave-of-absence policy, Military Service leave will run concurrently with such leave or policy.

#### **f. National Guard and Military Reserve Summer Training**

Employees who as members of the National Guard or another military-reserve unit are called to active duty for summer training will be paid the difference, if any, between their military training duty pay and their regular compensation at the College for a period not to exceed 15 calendar days per year. On returning to work from training duty, an employee must provide the Human Resources Office with a statement from the military unit's commanding or finance officer indicating the amount of military pay received so that any adjustment in earnings can be arranged. All pay and allowances, with the exception of subsistence and travel allowances, will be included in determining military training duty pay. Time off for training or active duty will not be charged against the employee's vacation time.

In the event that an eligible employee who is a member of a National Guard or another military-reserve unit is called to active duty by reason of any national, state, or local emergency, the College will pay the difference, if any, between the individual's regular compensation and the military pay for the period of required active duty up to maximum of 15 calendar days. If the active-duty period is for more than 15 calendar days, an employee may be granted a leave of absence without pay under the provisions of the College's personal-leave plan. Reemployment at Hampshire College will be in accordance with provisions of the Military Selective Service Act of 1967, as amended, and all other applicable federal and state statutes.

#### **g. Staff Benefits during Leave**

An employee on military-service leave of 15 calendar days earns benefits according to the following.

**Holiday Pay:** If an official college holiday falls within the period that an employee is serving on active duty, that individual may arrange to take a day off in place of that holiday.

**Vacation:** An employee will continue to earn vacation time at the individual's normal rate. If an employee is called to military service during all or a portion of a previously scheduled vacation, such vacation will be rescheduled with the approval of the budget manager.

**Personal Days/Sick Days:** Employees will continue to earn personal and sick days at their normal rate.

**Funeral Leave:** If a family death occurs during a period of military service, the employee will be entitled to benefits under the College's funeral-leave policy if the individual is excused from active duty by the military.

**Other Benefits:** All of an employee's other benefits (medical insurance, life insurance, retirement plan, for example) continue during the 15-day military-service leave described above.

### **10. Funeral (Bereavement) Leave**

Funeral leave is available to any benefits-eligible employee who works a regular schedule of at least half time (*Note:* Casual staff are not eligible.) Employees working at least half time, but less than full time, will be granted funeral leave on a prorated basis. In the event of a death in an eligible employee's immediate family or household, that individual will be allowed up to three days' leave at full salary within a reasonable period following the date of death. The term "immediate family" comprises parents, children, a spouse, mother-in-law, father-in-law, brothers, sisters, grandparents, and members of the immediate household (that is, relatives living with the employee). In the event of the death of any other close relative, one day of paid funeral leave will be granted so that the employee may attend the funeral. If an employee requires additional time off for family reasons or to settle an estate, personal days or vacation days may be used to extend the period of absence. An employee requiring additional time off during the last quarter of the fiscal year may have exhausted all available personal and/or vacation days. Under extenuating, compelling circumstances, the employee may request to borrow time from the next fiscal year award. This would be determined on an individual basis through the Human Resource Office. If additional time is needed beyond the paid time available, the department head will consider a request for personal leave without pay.

### **11. Jury Duty**

Hampshire College recognizes the civic responsibility of employees to serve on a jury. All employees will receive regular pay for the first three days of jury duty. In the event of an early dismissal from jury duty, employees are expected to report to work if it is possible to work at least four of their scheduled hours. Employees are expected to notify their supervisor immediately on receipt of notice to serve on a jury. Copies of documentation received from the court regarding jury duty must be provided to the Human Resources Office. As the College will continue to pay an employee's regular salary for the entire period that the individual is serving on jury duty or testifying as a witness, the employee must endorse over to the Human Resources Office the weekly checks received from the court. This does not include checks paid by the court for travel expenses. Of course, employees who serve on jury duty outside their regularly scheduled hours and who still work their regular scheduled hours can retain any jury duty pay received from the court.

#### **a. Benefit Coverage during Leave**

Employees serving on jury duty continue to earn personal days, vacation days, and sick leave at their normal rate. In addition, all of an employee's insurance benefits (medical insurance, life insurance, retirement plan, and so on) will continue during this leave.

### **12. Workers' Compensation Insurance**

All employees of Hampshire College are covered by the Massachusetts Workers' Compensation Insurance Law, which provides for partial income replacement and the payment of medical expenses incurred the result of injury or illness arising out of and/or in the course of the performance of their duties. Coverage is automatic on employment, and the College assumes the total insurance cost of this coverage.

*Note:* Any expenses resulting from a work-related injury should not be submitted to medical insurance carriers.

Any accident and/or injury while on duty or any job-related accident, no matter how minor, must be reported to the supervisor as soon as possible and not more than 24 hours after the accident or injury. The immediate reporting to the supervisor is essential to protect your rights to appropriate benefits, to protect the College, and to ensure the proper handling of claims.

### **13. Holidays**

Paid holidays will be granted to any benefit-eligible employee who works a full-time schedule. Benefit-eligible employees working less than full time will receive prorated holiday pay. Casual employees are not eligible for holiday pay.

Eligible staff will be entitled to the following 12 paid holidays in each fiscal year.

- Martin Luther King, Jr. Day
- Spring Day
- Memorial Day
- Juneteenth

- Independence Day
- Labor Day
- Indigenous Peoples day or Veterans Day, or another day selected by employee before the end of the calendar year (subject to prior approval of the supervisor)\*
- Thanksgiving: 2.5 days
- December Break: 7.5 days at the end of the calendar year to include both Christmas day and New Years Day (dates to be determined each year by HR and the President)
- Additional days may be authorized by the President of the College

*\*May be used to celebrate a federal, state, or religious holiday that is not on the official College holiday schedule or another day of an individual's choosing within the calendar year, subject to the approval of the supervisor.*

Any holiday occurring on a Saturday is celebrated on the preceding Friday; any holiday occurring on a Sunday is celebrated on the following Monday. Human Resources will notify campus of specific holiday dates well before their occurrence. During the month of March, employees are entitled to one Spring Day (one paid day off), but need to get approval from their supervisor in order to ensure the necessary coverage in their departments. It is recommended that employees within a department stagger this day off which cannot be carried forward for use at a later date.

Holidays may not be accumulated or carried forward from one fiscal year to the next. No salary payment will be made for unused holidays, either at the end of the fiscal year or on termination of employment. Employees who are on leave without pay on the workday immediately preceding or immediately following the holiday are not entitled to holiday pay. For all holidays, whether or not they occur while the College is in session, the department head is responsible for deciding whether the office must remain open. If the office must remain open, the department head will determine the specific staff coverage necessary as well as an equitable model for deciding which individuals will work. Employees who must work on the holiday will be compensated in accordance with holiday salary payment policies (see Pay Practices).

Employees on paid sick leave continue to receive full benefits, to include holiday pay. Holidays that occur during vacations are compensated as holiday pay.

#### **14. Paid Personal Days**

Personal days enable employees to meet family obligations or emergencies, handle personal business, or celebrate a holiday not recognized by the College. Requests for use of personal days must be approved in advance by the supervisor unless an emergency situation arises. The intent of this policy is to accommodate these "same-day" emergency requests whenever possible. Three paid personal days will be granted to full-time, benefits-eligible non-exempt employees each fiscal year; one paid personal day will be granted to full-time, benefits-eligible exempt employees. Part-time, benefits-eligible employees will receive prorated paid personal days (*Note: Casual employees and those working less than half time are not eligible.*)

On July 1, following the completion of 15 years of service, both exempt and non-exempt employees receive an additional paid personal day each year.

Personal days are credited at the beginning of the fiscal year (July 1) and must be used by fiscal year's end (June 30). These days may not be carried over to the next fiscal year. No salary payment will be made for personal days unused at either the end of the fiscal year or on termination of employment.

Employees who begin employment during the fiscal year will receive a prorated share of paid personal days.

#### **15. Vacation Pay**

##### **a. Eligibility and Benefit Level**

Full-time, benefits-eligible employees who work 12 months per year earn paid vacation at the following rates annually:

	<b>Exempt Employee</b>	<b>Non-exempt Employee</b>
Up to 3 years of service:	20 working days	10 working days
3 to 8 years of service:	20 working days	15 working days
8 years or more years of service:	20 working days	20 working days

Part-time, benefits-eligible employees and benefits-eligible employees who work fewer than 12 months a year earn a prorated share of



the days shown above. Casual employees and those working less than half time are not eligible for vacation pay. Newly hired employees will be credited with a prorated vacation award that corresponds to the point in the fiscal year when they begin work. Non-exempt employees who become eligible during the fiscal year for a greater vacation amount by virtue of attaining three or eight years of service will receive a prorated share of the additional vacation amount during that fiscal year and will be credited with the full amount associated with the higher level of years of service at the beginning of the next fiscal year. Employees who are rehired within one year of their termination will retain their years of service and accrual rates that they had at the time of their termination.

**b. Terms and Conditions**

The days shown in the chart above are credited and available for use on July 1, however, they are viewed as earned on a “per-pay-period basis” throughout the fiscal year. If an employee terminates employment during the fiscal year, a reconciliation of the individual’s vacation account is made. If the employee has used more vacation days than earned at that point in the fiscal year, the difference will be deducted from the final pay. If the individual has used fewer days than earned, the difference will be added to the final pay.

An equivalent of up to 5 vacation days may be carried over into the next fiscal year. All vacation is paid at the individual’s regular rate of pay.

**c. Use of Vacation Days**

The use of vacation days must be approved in advance by supervisors, taking into consideration the operating needs of offices and departments.

**d. Vacation and Other Leaves**

Vacation continues to be earned during other paid leave periods (holidays and maternity leave, for example). Vacation ceases to be earned during unpaid leaves lasting longer than five working days.

Holidays that occur during vacations are compensated as holiday pay; they are not charged to vacation time. Similarly, if an employee becomes eligible for jury duty or funeral leave while on vacation, those days are not charged to vacation leave.

If an employee becomes seriously ill, as certified by a physician, during a vacation, then the days associated with the illness may be charged to sick leave, to the extent that paid sick days are available, rather than vacation time.

If the College closes due to inclement weather or other emergency while an individual is on vacation, the corresponding time will still be charged to vacation time.

## **1. Educational Opportunities**

### **a. Educational Opportunities at Hampshire College for Employees, Spouses, and Dependents**

As evidence of its commitment to academic achievement and personal and professional development, it is the policy of the College to assist employees and their spouses wishing to further their education, to increase their competence in their present positions, or to prepare for advancement in the future by allowing them to enroll in one Hampshire College course tuition--free per semester.

#### *Eligibility*

Under this plan, employees with benefits-eligibility, their spouses and dependents, can enroll in Hampshire College courses after the employee has completed one full year of consecutive service. Enrollment will be on a "space available" basis with instructor approval. An employee must complete one full year of consecutive service at the College prior to participation in this plan (first day of classes) if enrollment in a course requires release time. This one-year waiting period will be waived if a course taken occurs outside the employee's scheduled work hours and involves no disruption in the work of his or her office or department.

#### *Fees and Costs*

Eligible employees, their spouses or domestic partners, and their dependents may enroll in one course per semester tuition-free. For individuals who qualify under this plan, there will be no charge for the usual application and registration fees. These individuals will pay all other fees (e.g. laboratory fees, music performance fees, etc.) and for their books and other course materials. In all cases, the approval of the instructor is required and enrollment is contingent upon space availability and enrollment limits. Hampshire students are given priority. Employees must also have their supervisor's approval to enroll in a course during working hours.

#### *Course Attendance During Work Hours*

Full-time employees are not required to make up the time spent in the classroom; part-time employees, however, are required to make up the time. Approval must be obtained in advance from the budget manager to ensure adequate coverage is maintained. Time off or rearrangement of schedule to attend a course during work hours will be granted at the discretion of the department head based on the workload and schedule in the office or department and will not exceed four hours per week. Interruption or rearrangement of work hours will be granted for only one course per semester.

### **b. Degree Program for College Employees**

Employees who have been employed full-time (.75 - 1.00 FTE) at the College for two years, and who qualify academically, may enroll in Hampshire's Bachelor of Arts degree program tuition free. The employee must:

- Qualify academically and be officially admitted by the Admissions Office.
- Pay a fee to be determined by the Admissions Office for the initial evaluation of their application and previous work experience.
- Proceed through the educational process as regular students do.

The fee for completed examinations (i.e. Division I, II, and III exams) is waived for employees under this policy. With the exception of the one course per semester permitted under the Education Opportunities for Employees and Spouses policy, it is understood that all additional study required be on the individual's own time.

### **c. Tuition Remission for Dependents**

Dependents of Hampshire College employees who are enrolled in a Hampshire College degree program are eligible for tuition remission as follows: After one year of continuous service from the date of their benefits eligibility, all benefits-eligible employees may apply for the tuition remission benefit for one or two dependents (no more than two dependents at a time). As of January 1, 2011, eligibility for tuition remission for dependents changed. Dependents of employees with full time equivalent (FTE) of .75 to 1.0 will be eligible for the full tuition benefit for their dependents. Benefits-eligible employees with a .5 to .74 FTE will be eligible for a pro-rated benefit based on their FTE.

The tuition remission benefit provides full tuition remission, excluding all fees and room and board. The tuition remission benefit will not exceed the tuition charged for the enrollment status for the semester and may vary depending on the enrollment status (example: full enrollment vs. field study). Dependents must make a reasonable effort to secure federal and state grants to help offset the tuition remission. The total of all scholarship funds received by each dependent may not exceed tuition for the year.

This benefit is limited to four academic years (need not be consecutive), or until the dependent earns a bachelor's degree, whichever

occurs first.

Tuition remission is available to the dependents of a deceased benefited employee who dies while employed by Hampshire College for up to five years after the death of the employee.

The tuition remission application is available on the Human Resources website or in the Human Resources Office. An application must be completed each semester and submitted to the Human Resources Office for processing. It is recommended that the form be completed before the beginning of each semester.

An employee who separates from employment for any reason while their dependent is enrolled at the College will be expected to reimburse the College for the full tuition of any semester that was not at least 50% complete at the time of his or her separation.

*Revised November 2010*

#### **d. Tuition Grants for Dependents**

Tuition assistance for post-secondary undergraduate education in a degree or certificate program is available to the dependents of full-time benefited (.75–1.00 FTE) College employees. This benefit is available after one year of full-time employment at the College. Dependents of employees who are participating in The Tuition Exchange Program (TEP) are not eligible for a tuition grant. Tuition assistance in the amount of \$2,000 per dependent each academic year is subject to the following conditions:

- Limited to four academic years (eight semesters), until the dependent earns a bachelor's degree, or reaches the age of 25, whichever occurs first.
- Limited to payments of \$4,000 for each Hampshire family in any academic year.
- The institution must be any post-secondary institution (including junior/community, trade, technical, or secretarial college) that is an accredited institution, recognized candidate for accreditation, correspondent of an appropriate accrediting agency, or otherwise approved by Hampshire College.
- Tuition assistance is available to the dependent of a deceased employee who dies while employed by Hampshire College for up to five years after the death of the employee.

The employee wishing to apply for a tuition grant may obtain an application from the Human Resources Office. The employee will be required to complete a separate application for each dependent. Along with the completed application, the employee will be required to supply a copy of the current bill, proof of the dependent's age (i.e., driver's license, birth certificate, etc.), and official verification of dependency (copy of the most recent tax return).

At the end of each semester, the employee must submit documentation indicating that the dependent completed the semester. A check will be sent to the employee from accounts payable after the application is received/approved in the Human Resources Office. If the dependent withdraws from school and is eligible for a refund, the employee should inform the Human Resources Office in order for the College to determine what portion, if any, of the refund should be returned to the College.

*Revised January 2009*

#### **e. Tuition Exchange Program (TEP)**

Hampshire College is a member of the Tuition Exchange Program (TEP), a private consortium of colleges and universities nationwide that offers tuition exchange scholarships to dependents of employees of member institutions. Hampshire College offers the dependents of eligible employees an opportunity to apply for tuition exchange scholarships for full-time study at other participating institutions. A current listing of participating institutions can be found at <http://www.tuitionexchange.org/>.

Tuition Exchange Program (TEP) Guidelines for Hampshire College Employees will provide helpful information in addition to this website.

The Tuition Exchange Program is not available for graduate or professional study, non-degree study, or work toward a second undergraduate degree. Scholarships will be awarded for full time undergraduate study, which is defined as a minimum of 12 hours per semester or 24 hours per academic year.

#### **i. Applicable Definitions**

**Eligible Dependent:** The dependent of a full-time, benefit-eligible (1.0 FTE) employee who has completed 1 year of continuous full-time employment by the TEP application priority deadline is eligible to apply for the TEP. Should an employee complete 1 year of continuous

full-time employment after the priority deadline but before May 31, that person may submit the application after the employment anniversary date for submission to the TEP waiting list for that year.

**Dependent:** A dependent is any natural, adopted, or stepchild of an employee, an employee's spouse, or an employee's same-sex and opposite-sex domestic partner. The dependent must be unmarried and under age 24 and must be claimed as an employee's dependent for tax purposes in the most recent calendar year: the employee must expect to claim that dependent in the current calendar year. TEP benefit is available to the eligible dependent of a deceased employee who dies while employed by Hampshire College for one year after the death of the employee.

**Student:** The eligible dependent who currently attends a TEP institution, or has applied to and has been accepted for full-time, undergraduate study at a college or university that participates in the TEP, is considered a student.

#### ii. Deadline

As some schools have early deadline dates, the Tuition Exchange Program applications should be submitted to Human Resources as early as possible, with a typical deadline established each year in December. Future years may have an earlier priority deadline. Those applications received by the priority deadline will be considered in order of years of continuous service and will be submitted as "exports" in available slots, in that order. Late applications will be placed on a waiting list in order of years of service, and may be considered for open slots should those submitted as of the priority deadline not take the scholarship. An eligible dependent must be re-certified by the employee each year by Hampshire College. Please complete the Employee Tuition Exchange Program Export Application and submit to Human Resources for processing.

#### iii. Application Selection

Eligibility for the Tuition Exchange Program does not guarantee that an application will be selected for submission or that the school of choice will award a scholarship. All eligible Hampshire employees interested in the TEP should be reminded that this is an opportunity and not a benefit, as many factors may limit participation by the College in the program in any given year.

Combination with other Hampshire Benefits: This benefit may not be combined with the Hampshire Tuition Grant or Remission programs.

#### iv. Application Procedure for the TEP Scholarship

The employee should research the participating institutions on the TEP web page at <http://www.tuitionexchange.org/>.

The employee needs to complete an Employee Tuition Exchange Program Export Application, available online and in the human resources office.

The employee should contact the tuition exchange liaison officers at the colleges and universities the dependent may be considering for admission to ask the following questions:

How many scholarships will be awarded?

What are the criteria used to award scholarships?

What is the dollar value of the scholarship?

Is preference given to Early Decision admission?

When is the award notification sent out?

What are the requirements for renewal?

The student should apply to the TEP institution.

The Hampshire College employee should submit the completed Employee Tuition Exchange Program Export Application to the Human Resources Office for processing. Those submitted by the priority deadline date will be given first consideration for submission to the TEP. After that submission, all applications will move to a waiting list in order of year of continuous full-time employment at Hampshire.

Notification of scholarship varies from institution. Many colleges and universities notify applicants shortly after admission, while others wait until April 1. Your dependent will be notified of admission and/or a tuition exchange scholarship directly from the awarding institution. Please note that acceptance to an institution does not automatically qualify the student for a TEP award.

**v. Guidelines for Selecting TEP Applicants**

The number of available TEP scholarships is based on an evaluation of "imports" and "exports" according to the TEP guidelines. If the number of eligible applicants exceeds the number of TEP scholarships available, applications will be selected on the following priority:

First priority will be given to applicants based on employment seniority, defined as length of continuous full-time, benefits-eligible service (1.0 FTE) at Hampshire College.

Among applicants whose parents/guardians have the same length of seniority, a determination will be based on a lottery, which will be administered by the Human Resources Office. Decisions by Hampshire College Human Resources are final and not subject to the grievance policy.

**vi. Guidelines for Change in Employment Status after Award of TEP Scholarship**

If an eligible Hampshire College employee was awarded a TEP scholarship, but then subsequently had a change of status (ie. terminated from the College, reduced FTE, or is on an extended personal leave) then Hampshire College will report that status change to the receiving institution. It would be up to that institution to determine whether to continue, withdraw, or pro-rate the scholarship.