

# DAEMEN COLLEGE

## **STAFF & ADMINISTRATIVE HANDBOOK**

2021

# TABLE OF CONTENTS

President's Welcome and Foreword

1. CODE OF CONDUCT
2. JOB INFORMATION & WORK POLICIES
  - 2.1 Employee Orientation
  - 2.2 Employee Paperwork
  - 2.3 Photo Release
  - 2.4 Employee Directory
  - 2.5 Employee Files
  - 2.6 Changes to Personal Information
  - 2.7 Employee Self Service
  - 2.8 Daemen Identification Cards
  - 2.9 Parking Policy
  - 2.10 Organization Chart
  - 2.11 Daemen Email Accounts
  - 2.12 Employee Engagement Secure Upload Portal
  - 2.13 Staff Development
  - 2.14 New Hire / Probationary Performance Review
  - 2.15 Annual Performance Review Policy
  - 2.16 Job Descriptions
  - 2.17 Disciplinary Policy and Procedures
  - 2.18 Work Hours
  - 2.19 Attendance and Punctuality
  - 2.20 Meal Breaks
  - 2.21 Breaks
  - 2.22 Make Up Time Policy
  - 2.23 Snow or Other Emergencies
  - 2.24 Employment at Will Policy Statement
  - 2.25 Termination of Employment
3. COMPENSATION POLICIES
  - 3.1 Pay Periods & Check Dates
  - 3.2 Payroll Direct Deposit
  - 3.3 Payroll / Status Changes & Salary Adjustments
  - 3.4 Cost of Living Adjustments (COLA) Policy
  - 3.5 Time Card Policy
  - 3.6 Overtime for Hourly Employees
  - 3.7 Pay Transparency Policy Statement
  - 3.8 Wage Garnishment Policy
  - 3.9 Shift Differential Policy
  - 3.10 Salary Administration Policy
4. BENEFITS POLICIES

- 4.1 Employment Classification for Benefits
- 4.2 Holidays
- 4.3 Vacation
- 4.4 Sick Leave
- 4.5 Medical Leaves of Absence
- 4.6 FMLA Policy - Family and Medical Leave Act
- 4.7 PFL Policy - New York Paid Family Leave
- 4.8 Right of Nursing Mothers to Express Breast Milk
- 4.9 Employee Blood Donation Leave
- 4.10 Jury Duty
- 4.11 Right to Vote
- 4.12 Bereavement
- 4.13 HIPPA Privacy Notice – Employee Benefits & Health Information
- 4.14 Medical, Dental, and Vision Benefits
- 4.15 Life and AD&D Insurance
- 4.16 Retirement Plan – 403(b)
- 4.17 COBRA Policy - Continuation of Health Insurance Coverage
- 4.18 Daemen Tuition Waiver Policy
- 4.19 Tuition Exchange Scholarship Export Policy
- 4.20 CIC Exchange Scholarship Export Policy

## 5. EMPLOYMENT POLICIES

- 5.1 Hiring and Job Postings
- 5.2 Background Check Policy
- 5.3 Employment of Relatives
- 5.4 Outside Employment
- 5.5 Non-Discrimination Equal Opportunity and Affirmative Action Policy
- 5.6 Policy Prohibiting Unlawful Harassment Including Sexual Harassment
- 5.7 Grievance Procedures in Discrimination and Harassment Cases
- 5.8 Dispute Resolution Policy and Procedures
- 5.9 Conflict of Interest Policy
- 5.10 Whistleblower Policy
- 5.11 Accommodation of Employees with Disabilities
- 5.12 Drug Free Workplace
- 5.13 College Vehicles Policy
- 5.14 Campus Safety & Security
- 5.15 FERPA Policy -Family Education Rights and Privacy Act
- 5.16 Social Media Policy and Guidelines
- 5.17 Technology Acceptable Use Policy
- 5.18 Electronic Communications Policy
- 5.19 Tobacco-Free Policy
- 5.20 Cell Phone Policy
- 5.21 Religious Accommodation Policy
- 5.22 Statement on Reproductive Health Decisions
- 5.23 Service Animal Policy
- 5.24 Remote Work Policy

## 5.25 Solicitation

## **WELCOME FROM THE PRESIDENT**

On behalf of the Board of Trustees and the entire Daemen College family, I would like to welcome you as a member of our first-rate staff. The College makes every effort to provide excellent working conditions in a pleasant and supportive atmosphere. We believe that you will find Daemen College a friendly and congenial place to work. You are joining a college that has been named not only one of the best places to work for in Western New York (by *Buffalo Business First*), but one of the top ten colleges to work for in the nation (by the *Chronicle of Higher Education*).

The College, in turn, expects from each member of its staff a high level of performance. The smooth operation of the College and the fulfillment of our mission to provide a high-quality education to our students at an affordable price can only be accomplished by the dedicated, efficient, and harmonious effort of all who are in its service.

I hope that you find your employment at Daemen College to be challenging, productive and enjoyable.

Cordially,



Gary A. Olson  
President

## **FOREWORD**

This Handbook describes what is expected of you and the benefits and privileges available to you as an employee. While this Handbook contains the current policies and benefit programs, it does not constitute a contract between you and the College. The College reserves the right to supplement, modify or terminate this handbook or any of the policies contained in it at any time with or without notice. Employees are hired for an indefinite term and are employed at-will. Either the employee or the College may terminate the employment relationship at any time for any reason or no reason. No other agreements or assurances made or implied by the College in the hiring or recruiting process are valid unless in writing and signed by the President of the College.

## 1. CODE OF CONDUCT

### ***Policy Narrative:***

Our success is dependent on the trust and confidence we earn from our employees and the students we serve. We gain credibility by adhering to our commitments, displaying honesty and integrity and reaching our goals solely through honorable conduct.

All College employees are required to treat supervisors, fellow employees, students and the public in a professional manner. Respect, integrity, courtesy, and a cooperative attitude between employees are essential to efficient operation of the College and overall job satisfaction.

You are an important goodwill ambassador of the college. As a member of the campus community, you will come in contact with students, faculty, other employees, parents, alumni and visitors. The college is judged by what you say and how you act.

Satisfactory performance of the work for which the employee was hired is expected of all employees. Insubordination, dishonesty, on-the-job intoxication or substance abuse or disregard for the rules, regulations, standards, and procedures of the College will not be tolerated.

### ***Respect for the Individual***

We all deserve to work in an environment where we are treated with dignity and respect. Daemen is committed to creating such an environment because it brings out the full potential in each of us, which, in turn, contributes directly to our success. We cannot afford to let anyone's talents go to waste.

Daemen is an equal employment/affirmative action employer and is committed to providing a workplace that is free of discrimination of all types from abusive, offensive or harassing behavior. Any employee who feels harassed or discriminated against should report the incident to his or her supervisor, the AVP of Employee Engagement and/or the Chief Diversity Officer.

### ***Create a Culture of Open and Honest Communication***

At Daemen, everyone should feel comfortable to speak their mind, particularly with respect to ethics concerns. Leadership has a responsibility to create an open and supportive environment where employees feel comfortable raising such questions. We all benefit tremendously when employees exercise their power to prevent mistakes or wrongdoing by asking the right questions at the right times.

Daemen will investigate all reported instances of questionable or unethical behavior. In every instance where improper behavior is found to have occurred, the College will take appropriate action. We will not tolerate retaliation against employees who raise genuine ethics concerns in good faith.

### ***Set Tone at the Top***

Leadership and Faculty have the added responsibility for demonstrating, through their actions, the importance of this Code. In any institution, ethical behavior does not simply happen; it is the

product of clear and direct communication of behavioral expectations, modeled from the top and demonstrated by example. Again, ultimately, our actions are what matters.

To make our Code work, Leadership must be responsible for promptly addressing ethical questions or concerns raised by employees and for taking the appropriate steps to deal with such issues.

### ***Uphold the Law***

Daemen's commitment to integrity begins with complying with laws, rules and regulations that govern our institution. Further, each of us must have an understanding of the college policies, laws, rules and regulations that apply to our specific roles. If we are unsure of whether a contemplated action is permitted by law or Daemen policy, we should seek the advice from the AVP of Employee Engagement. We are responsible for preventing violations of law and for speaking up if we see possible violations.

## **2. JOB INFORMATION**

### ***2.1 Employee Orientation***

Shortly after beginning work, new employees are invited to attend an orientation/benefits meeting conducted by the staff of the Employee Engagement Office. New employees are provided an overview of the College and have an opportunity to review and ask questions about their pay, benefits, college policies and any mandatory college training.

It is the responsibility of the supervisor to ensure their new employee is oriented and integrated into their new work situation. The following issues should be covered as applicable:

- The employee's responsibilities and job duties and how they relate to the work of the department.
- The standards of work, attendance and conduct expected of the employee.
- The administrative procedures of the department or group such as lunch hours, completing time cards, absence reporting, parking, etc.
- General introduction to Daemen College and to the employees with whom the new employee will be working.
- The physical layout of the office, location of restrooms, mail room, tour of the campus.
- Pertinent safety regulations and fire exits.
- The use and operation of any necessary office equipment.

### ***2.2 Employee Paperwork***

All new hires are required to complete certain paperwork at the time of hire in order to comply with various federal, state and local laws and to administer payroll and benefits.

All new employees are required to have a photo on file for their electronic employment record with the Office of Employee Engagement. Employees may upload their own photo to their ADP

profile or send one to Employee Engagement to upload for them. Photos should follow the following guidelines:

- Photo should be recent (head and shoulders);
- Subject of photo should only be you – having multiple people in a profile photo makes it difficult to identify who the profile belongs to;
- Work appropriate photo – wear professional or business casual attire; and
- Photos should not include: hats, pets, sunglasses, automobiles, tank tops, etc.

### 2.3 *Photo Release*

Daemen College assumes absolute and irrevocable right and permission with respect to any photographs taken of employees while at work or attending campus events. Unless written notice is on file in the Office of Employee Engagement, Daemen College is released and discharged from any and all claims and demands arising out of or in connection with the use of photographs, including any and all claims for libel. Employee's Daemen ID photo will be the default photo used in the directory, however, employees have the option to upload a different professional photo that meets the College's guidelines, see section 2.2.

### 2.4 *Employee Directory*

It is each employee's responsibility to update the following personal data within the MyDaemen Employee Directory:

- Office hours
- Office telephone number
- Mailbox
- Office location

Personal data including home address and telephone number may be listed in the electronic directory on the Daemen College website. This information will only be viewable to faculty and staff of the College who are logged into the website. At your discretion, you may opt to hide this personal data.

### 2.5 *Employee Files*

Personnel files for all employees are maintained in the Employee Engagement Office. These files belong to the College, however, you may review the information contained in your own file by contacting the Employee Engagement office during regular business hours.

### 2.6 *Changes to Personal Records*

It is each employee's responsibility to notify the Employee Engagement Office of any changes in the following personal data by updating their information using the **Employee Self-Service** feature in ADP Workforce Now. Such changes include:

- Name
- Address
- Home and mobile phone number
- Personal and work e-mail address
- Marital status

- Dependents
- Change of beneficiary
- Emergency contact(s)
- Tax withholdings

ADP Workforce Now provides employees with access to their pay statements, W-2 forms and benefit summaries.

### 2.7 *Employee Self Service (ESS)*

Employee Self-Service (ESS) is available through our HR/Payroll provider, ADP Workforce Now. Through this system, employees can access their personal records, benefits, payroll and other details. ESS allows employees to change personal information such as address, contact information, beneficiary information, and taxes. ESS provides employees access to their pay statements, W-2 forms and benefit enrollments.

All employees are required to register for this service during their onboarding. Once they are registered, employees can access ADP Workforce Now on the MyDaemen website.

### 2.8 *Daemen Identification Cards*

All employees are required to obtain a Daemen College identification card when hired. Identification cards are available at the Campus Safety Desk in Wick. Your I.D. card is valuable. You can use it, for example, to identify yourself, to borrow books from the Library and to gain admission to certain College facilities and functions. You may also be required to produce it as identification upon request. Loss of the card should be reported to Campus Safety immediately.

### 2.9 *Parking Policy*

Daemen College Faculty and Staff pay a nominal fee for parking each year. These rates are set annually by the Office of Campus Safety and communicated to employees prior to registering August 15th of each year.

A parking permit is required to park on College grounds. Permits expire annually each August and can be purchased through online payment via credit card. Complete the on-line parking permit form and payment here <https://www.permitsales.net/DaemenCollege>.

Special handicapped parking permits will be issued for employees with permanent or temporary disabilities. Purchasing a regular parking pass does not guarantee a parking space will always be available.

The cost of a pass is not prorated, transferable or refundable. Failure to display a permit and obey parking regulations may result in fines including ticketing or tow, which will be the employee's responsibility to pay. Failure to pay fines may result in disciplinary action.

Each employee is allowed to purchase one permit per year. That permit can be transferred from vehicle-to-vehicle, as long as all of the vehicles have been registered to that permit.

### 2.10 *Organizational Chart*

An Organizational Chart is available on the Office of Employee Engagement webpage at <https://www.daemen.edu/about/working-daemen>.

### 2.11 *Daemen Email Accounts*

Daemen College values the efficient flow of communication between all campus constituents and other parties, and it also attempts to protect all faculty and staff from litigation. The following policy is meant to accomplish these goals.

Official campus communications are primarily distributed via email. All Daemen College faculty and staff will be assigned a Daemen College email account when hired. Employees are required to use their Daemen email for all college related correspondence. All faculty and staff are responsible for checking their Daemen College email account regularly to ensure that important communications are not missed. Specific guidelines regarding the regularity of access and response times to emails is determined by individual department heads and supervisors.

Only official Daemen College email accounts should be used when conducting College business. This will protect you and the College in the event of unforeseen legal actions. Daemen College email can be checked on office computers or on computers in the RIC during regularly scheduled work hours.

### 2.12 *Employee Engagement Secure Portal*

Employees are encouraged to use the secure portal on the “Working at Daemen” web page to safely and securely upload documents of a confidential nature, such as forms related to pay, benefits, banking and other HIPPA protected information. The ***secure upload portal*** can be accessed from the MyDaemen website.

### 2.13 *Staff Development*

The College may occasionally provide training and other staff development programs. These programs are offered during regular business hours. Your participation is expected and may be mandatory at the direction of your supervisor and/or the College administration.

### 2.14 *New Hire / Probationary Performance Review*

During your first six months of service with the College, your immediate supervisor will have an opportunity to see how well you like the job and how well you fit into it. You will receive a written evaluation of your job performance after six months of employment. Successful completion of the six-month introductory period does not alter the otherwise at-will nature of the employment relationship.

### 2.15 *Annual Performance Review Policy*

The work of the members of the administrative and support staff is critical to the College’s mission and success. Setting performance goals and providing feedback to ensure attainment of those goals are essential in maximizing our human resources. Managing employee performance is a key responsibility that requires a significant investment of time and attention. Its primary purpose is to facilitate communication between employees and their supervisors in evaluating

how well they are performing their job responsibilities, and in devising ways for employees to become involved in continuously improving their own and their department's performance.

Annually, immediate supervisors will administer a performance review of each of their direct reports. The performance review process should include an employee's self-review of their performance as well. A performance review form should also be completed by the supervisor after completion of an employee's probationary period. The performance review process should in no way be considered as determining the existence or nature of any employment agreement or guaranteed salary adjustment.

Job descriptions should be updated and reviewed annually by the supervisor during the annual performance review process or any time there is a change in the incumbent, change to duties, title, job requirements, reporting structure, etc. The Employee Engagement Office maintains a database of all Job Descriptions. Therefore, any changes or updates to a job description must be coordinated with the Employment Engagement Office.

#### 2.16 *Job Descriptions*

The Employee Engagement Office maintains a database of all Job Descriptions. The job description summarizes the purpose of a job, its primary responsibilities and the minimum qualifications needed to perform the job in terms of educational background, relevant experience, knowledge, skills and abilities.

The job description should also include the following: job title, date created/updated, education, skill, experience, license, training, and physical requirements as well as working conditions, reporting relationships, a brief summary of the primary purpose and a list of the essential duties and functions associated with it. The list should be general in nature and shouldn't necessarily include every activity encompassed by the job.

Any changes or updates to a job description must be provided to the Employee Engagement Office.

#### 2.17 *Disciplinary Policy and Procedures*

##### **Policy:**

Management from time to time may make use of disciplinary warnings to inform employees of a problem that may exist. Disciplinary warnings should be coordinated with the Employee Engagement Department. Such notification is designed to help employees correct a work related problem and improve performance. If a problem continues and the appropriate steps are not taken to correct it, further disciplinary actions will be taken up to and including termination of employment. The College reserves the right of immediate discharge without warning, particularly in the case of major infractions of College rules or policies, a threat to the health or safety of members of the College community or a gross failure to fulfill job responsibilities.

Progressive discipline is designed to provide a structured corrective action process to improve and prevent a recurrence of undesirable employee behavior and performance issues.

Outlined below are the steps of Daemen's progressive discipline policy and procedures. Daemen reserves the right to combine or skip steps depending on the facts of each situation and the nature

of the offense. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling or training; the employee's work record; and the impact the conduct and performance issues have on the College.

Nothing in this policy provides any contractual rights regarding employee discipline or counseling, nor should anything in this policy be read or construed as modifying or altering the employment-at-will relationship between Daemen and its employees.

### **Procedures:**

#### ***Step 1: Verbal warning***

The verbal warning creates an opportunity for the immediate supervisor to bring attention to the existing performance, conduct or attendance issue. The supervisor should discuss with the employee the nature of the problem or the violation of company policies and procedures. The supervisor is expected to clearly describe expectations and steps the employee must take to improve his or her performance or resolve the problem.

The supervisor will prepare written documentation of the verbal counseling. The employee will be asked to sign this document to demonstrate his or her understanding of the issues and the corrective action. The supervisor must also sign the Disciplinary Notice and provide a copy of this notice to the Employee Engagement Department to be placed in the employee's personnel file.

#### ***Step 2: Written warning***

The written warning involves more-formal documentation of the performance, conduct or attendance issues and consequences and should be coordinated with the Employee Engagement Department.

The immediate supervisor and their manager or designee will meet with the employee to review any additional incidents or information about the performance, conduct or attendance issues as well as any prior relevant corrective action plans. The written warning will outline the consequences for the employee of his or her continued failure to meet performance or conduct expectations.

The written warning may also include a statement indicating that the employee may be subject to additional discipline, up to and including termination, if immediate and sustained corrective action is not taken.

Employees will be required to sign the disciplinary notice to demonstrate their understanding of the issues and corrective action.. Their signature is an acknowledgement that the warning was delivered to them. Notices must also be signed by the supervisor and a witness and the supervisor must provide a copy to the employee and to the AVP of Employee Engagement to be placed in the employee's personal file.

#### ***Step 3: Suspension and final written warning***

Some performance, conduct or safety incidents are so problematic and harmful that the most effective action may be the temporary removal of the employee from the workplace. When

immediate action is necessary to ensure the safety of the employee or others, the immediate supervisor may suspend the employee pending the results of an investigation.

Suspensions that are recommended as part of the normal sequence of the progressive discipline policy and procedures are subject to approval from a next-level manager and the AVP of Employee Engagement.

Depending on the seriousness of the infraction, the employee may be suspended without pay in full-day increments consistent with federal, state and local wage and hour employment laws. Non-exempt/hourly employees may not substitute or use an accrued paid vacation or sick day in lieu of the unpaid suspension. In compliance with the Fair Labor Standards Act (FLSA), unpaid suspension of salaried/exempt employees is reserved for serious workplace safety or conduct issues. The AVP of Employee Engagement will provide guidance to ensure that the discipline is administered without jeopardizing the FLSA exemption status.

Employees will be required to sign the disciplinary notice. Their signature is an acknowledgement that the warning was delivered to them. Notices must also be signed by the supervisor and a witness and the supervisor must provide a copy to the employee and to the AVP of Employee Engagement to be placed in the employee's personal file.

Pay may be restored to the employee if an investigation of the incident or infraction absolves the employee of wrongdoing.

#### ***Step 4: Recommendation for termination of employment***

The last and most serious step in the progressive discipline process is a recommendation to terminate employment. Generally, Daemen will try to exercise the progressive nature of this policy by first providing coaching opportunities, warnings, issuing a final written warning or suspending the employee from the workplace before proceeding to a recommendation to terminate employment. However, Daemen reserves the right to combine and skip steps depending on the circumstances of each situation and the nature of the offense. Furthermore, employees may be terminated without prior notice or disciplinary action. Employee terminations must be reviewed by and coordinated with the Employee Engagement Department in advance.

Management's recommendation to terminate employment must be approved by the AVP of Employee Engagement and the Division Director or designee.

#### **Performance and Conduct Issues Not Subject to Progressive Discipline**

Behavior that is illegal is not subject to progressive discipline and may result in immediate termination. Such behavior may be reported to local law enforcement authorities.

Similarly, theft, substance abuse, intoxication, fighting and other acts of violence at work are also not subject to progressive discipline and may be grounds for immediate termination.

#### **Documentation**

The employee will be provided copies of all progressive discipline documentation. The employee will be asked to sign copies of this documentation attesting to his or her receipt and understanding of the corrective action outlined in these documents.

Copies of these documents will be placed in the employee's official personnel file in the Employee Engagement Department.

## 2.18 *Work Hours*

### **Administrative Employees:**

Routine working hours are determined by the duties, responsibilities and workload of the position. Work schedules should be discussed with the immediate supervisor who has the authority to alter work schedules based on the need, duties and responsibilities of the position. Normal working hours for administrative employees are 8:30am – 4:30pm, Monday – Friday, which includes a one hour unpaid lunch.

### **Staff Employees:**

The work day is seven hours plus an unpaid hour for lunch for staff employees in administrative or faculty offices. The workweek is five days per week. Ordinary work hours for Facilities staff is eight hours, with a half-hour unpaid lunch/dinner period. Ordinary work hours for most other staff are 8:30am – 4:30pm, Monday – Friday, which includes a one hour unpaid lunch period. Work schedules should be discussed with the immediate supervisor who has the authority to alter work schedules based on the need, duties and responsibilities of the position.

Supervisors can alter work schedules for staff employees to avoid the accrual of overtime within a workweek. While supervisors reserve the right to make last minute schedule changes, supervisors will strive, as a courtesy, to give sufficient notice to a staff employee when their schedule will be changed.

## 2.19 *Attendance and Punctuality*

Regular attendance and punctuality are a requirement of employment at the College. Employees are expected to be present for work, on time, every day. However, in the event of illness, we encourage employees to stay home and rest so they can get well faster and keep others from getting sick. If you find it necessary to be absent from work, you are expected to contact your supervisor as soon as possible prior to the start of the work day. Failure to call in or habitual tardiness and/or absenteeism are grounds for dismissal.

Please see the ***Paid Sick Time Policy*** for additional information about your sick time benefits.

In the case of an injury, illness, or medical condition that prevents an employee from working for an extended period of time, (i.e. disability, workman's compensation) please refer to the ***Medical Leaves of Absence*** section of the handbook.

## 2.20 *Meal Breaks*

Full time staff and administrative employees are entitled to a one-hour lunch break to be taken between 11:00 am – 2:00 pm. No lunch hour should ordinarily extend beyond 2pm. Meal breaks are unpaid.

No offices are to close down or be left unattended at any time. Since all departments are to remain fully operational at all times, it is suggested that employees stagger their lunch hours to provide the best possible service to students and the general public.

No employees will be permitted to work voluntarily through their lunch hour. The New York State Department of Labor requires employees to take a break for lunch of at least one half hour if they are scheduled to work for more than six hours.

Food service is available in the Wick Center dining hall and snack bar during regular serving hours. There are also employee lounges located throughout the campus. Full-time Facilities personnel are entitled to a one-half hour lunch/dinner period.

#### *2.21 Breaks*

A paid fifteen-minute morning and afternoon break is granted to staff employees whenever possible. The timing of the break is at the discretion of the supervisor.

A break should not be taken just before lunch or before the end of the day. If you are unable to take a break on any given day, no compensatory time off is available.

#### *2.22 Make Up Time Policy*

Hourly employees may make up time they are absent from the job in lieu of using vacation or personal time, or having their pay reduced for the period of absence. Time must be made up within the week that the absence occurred. Time may be made up by working extra time before or after the standard workday hours. Standard workday hours do not include weekends or holidays unless those days are part of the employee's normal work schedule. Working through a lunch period is not permitted for make-up time.

Except in unexpected emergencies, an employee must first obtain approval from their supervisor to use the make-up time option.

#### *2.23 Snow or Other Emergencies*

When it is necessary to close the College because of snow or other emergency, the official announcement that the College is closed will be broadcast over the local television and radio stations.

The College has also developed an Emergency Notification System which will send text or voice mail messages to your cell or home telephone. Please ensure your phone number is up to date in ADP Workforce Now.

When the College is officially closed because of snow, DO NOT attempt to drive on campus, unless you have been designated as ESSENTIAL PERSONNEL by your supervisor. If you find it absolutely necessary to visit, please park your car off campus. This will enable us to clear the

parking lots of snow. ***All Facilities / Cleaning Personnel are considered essential personnel and are required to report to work.***

#### *Full Time and Limited Full Time Employees*

When the College is officially closed, you will receive full pay for time lost. When the College is open, but you are unable to report for work, you may charge your time to personal leave or vacation pay.

#### *Part Time, Temporary and Per Diem Employees*

You are paid for actual hours on the job. If you are sent home early on a work day because of weather or other emergency, you will be paid for the total number of hours originally scheduled to work.

#### *2.24 Employment at Will Policy Statement*

Employment at Daemen College is on an at-will basis unless otherwise stated in a written individual employment agreement signed by an authorized college representative.

This means that either the employee or the College may terminate the employment relationship at any time, for any reason, with or without notice.

Nothing in this employee handbook is intended to or creates an employment agreement, expressed or implied. Nothing contained in this or any other document provided to the employee is intended to be, nor should it be, construed as a contract that employment or any benefit will be continued for any period of time. In addition, no company representative is authorized to modify this policy for any employee or to enter into any agreement, oral or written, that changes the at-will relationship.

Any salary figures provided to an employee in annual or monthly terms are stated for the sake of convenience or to facilitate comparisons and are not intended and do not create an employment contract for any specific period of time.

Nothing in this statement is intended to interfere with, restrain, or prevent concerted activity as protected by the National Labor Relations Act. Such activity includes employee communications regarding wages, hours, or other terms or conditions of employment. Daemen College employees have the right to engage in or refrain from such activities.

#### *2.25 Termination of Employment Policy*

Employees who resign or are terminated must return all College property before or on their last day of employment which may include: keys, library materials, staff identification card, portable technology equipment, credit cards etc. Vacation or other paid time off cannot be used to extend the effective date of termination beyond the employee's last day of work or be substituted for 2 weeks-notice. See the **Staff Vacation Policy** for further information regarding payment of unused, accrued vacation time.

### **Voluntary Resignation**

Employees who voluntarily resign or retire should give as much notice as possible (at least two weeks). Resignation notices should be submitted in writing to a supervisor or department head with a copy sent to the Employee Engagement Department, [HR@daemen.edu](mailto:HR@daemen.edu).

Upon receipt of a letter of resignation, the Office of Employee Engagement will schedule an exit meeting with the employee to review their benefits and the resigning employee will be asked to complete an exit survey.

### **Involuntary Termination**

Employees are “at will” and their employment may be terminated by the College at any time with or without cause. Involuntary termination may include a layoff, termination for cause, or reduction in workforce.

Involuntary termination of an employee during regular business hours will be coordinated with the Campus Safety Department and the IT Department. Terminated employees may be escorted by a Campus Safety Officer following their termination meeting to retrieve any personal belongings.

## **3. COMPENSATION**

### *3.1 Pay Periods & Check Dates*

Employees are paid every other Friday for the preceding two-week period that begins on Sunday and ends on Saturday. Should the payroll check date fall on a holiday, checks will be issued on the previous banking day. Pay calendars are posted on the website. [Payroll Information](#).

### *3.2 Payroll Direct Deposit*

Daemen College encourages depositing your paycheck directly into a checking or savings account. Direct deposit forms are available from the Office of Employee Engagement or the website.

### *3.3 Payroll / Status Changes & Salary Adjustments*

The [Payroll/Status Change Form](#) is required for all employee changes of information including rate of pay, employment status, title change, location change, shift change, supervisor change, etc. Supervisors must submit this form to the Employee Engagement Office to ensure accurate and timely processing of changes. In the case of a promotion or transfer, a copy of the letter should accompany the change form. Supervisors are responsible for obtaining approval from the Business Office and President’s Office to ensure the budget has been verified with respect to changes in salary. ***Pay rate changes are effective at the start of a new pay period.***

### *3.4 Cost of Living Adjustments (COLA) Policy*

Cost of living adjustments, when authorized, will be effective on the start of a new pay period. Employees who have been hired or have received a salary increase that is greater than or equal to the COLA increase in the 90 days preceding the effective date of the adjustment are not eligible to receive COLA.

### *3.5 Time Card Policy*

Hourly employees are required to clock in and clock out using ADP Workforce Now each work day. Supervisors are required to review and approve their direct report's time cards before 11:00 AM on the Monday of each pay week. Falsifying a time card or punching in or out on a time card other than your own could result in dismissal.

### 3.6 *Overtime for Hourly Staff*

Hourly employees are compensated on an hourly basis and are entitled to overtime for all hours worked over 40 in one week. Hourly employees shall not work overtime unless specifically authorized by their supervisors. Salaried employees are not eligible for overtime.

Supervisors may change staff members' scheduled hours during a particular workweek to reduce the cumulative number of hours worked that week to 40 or less. Supervisors may also on occasion require an employee to work more than their scheduled hours. While supervisors reserve the right to make last minute schedule changes, supervisors will strive, as a courtesy, to give sufficient notice to a staff employee when their schedule will be changed.

All hours worked up to and including forty (40) hours during the work week (Sunday to Saturday) shall be paid at the staff member's regular hourly rate. Staff employees will be paid at a rate of time and one-half their regular hourly rate for all hours worked over forty during the workweek. The College considers paid time off for holidays and vacation as hours "worked" for overtime calculation purposes.

According to the Fair Labor Standards Act (FLSA), compensatory time cannot be substituted for payment of time and a half for hourly employees in the private sector unless the compensatory time is given in the same payroll period in which overtime was incurred. Therefore, supervisors can allow a staff employee to take compensatory time within the same payroll week thereby reducing the number of hours worked to 40 or less.

Staff, including essential staff, may be required to report to work and also be required to incur overtime during emergencies, extraordinary weather conditions, for special campus events, or other circumstances deemed necessary by the College. When the College cancels classes, and/or closes administrative offices for extraordinary weather conditions, or other emergencies, work schedules may be changed to differing start and end times, at the discretion of the supervisor and/or the President, to accommodate for snow removal, needed repairs or other necessary services. During these circumstances, supervisors may also require essential staff to stay until relief shift employees are able to report, or may require essential staff to report to work during a shift that begins at a later start time. Refusal to do so may result in suspension without pay or termination.

**Essential staff**, such as those employed in the Facilities Office, Dining Services, Campus Safety and some IT staff may be called into work on a holiday or a day the College is closed even under circumstances where staff are not regularly scheduled or given advance notice. Campus safety supervisors, may be regularly scheduled to work shifts during holidays or when the College and most other offices and departments are closed.

Employees are guaranteed a minimum of 4 hours of work when they are called in.

Federal Holidays:

Hourly employees such as Facilities or Campus Safety Supervisors who are called in or scheduled to work on a Federal Holiday will receive double time for their hours worked. For example, if a grounds worker is called in to work 4 hours on Christmas Day for emergency snow removal, they will be paid 4 hours of holiday pay at their regular rate and 4 hours at double time for their hours worked.

- New Year's Day
- Martin Luther King Day
- President's Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Indigenous People's Day
- Thanksgiving Day
- Christmas Day

Winter Break / Inclement Weather:

Hourly employees who are called in to work during the winter break (typically the time between the Christmas and New Years Holiday) or an inclement weather day, when the College is closed, will be paid time and a half for all hours they are required to work.

*3.7 Pay Transparency Policy Statement*

Daemen College will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant.

However, employees who have access to the compensation information of other employees or applicants as part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with Daemen College's legal duty to furnish information.

*3.8 Wage Garnishment Policy*

A garnishment is a legal deduction of a specified sum from wages to satisfy a creditor. If Daemen College receives legal documents requesting to garnish an employee's wages, NY State requires that the College complies.

*3.9 Shift Differential Policy*

Hourly employees who work 3rd shift, which is generally from 10:30 PM – 7:00 AM are eligible for differential pay (shift differential is extra compensation for employees who work a less desirable shift, i.e. 3<sup>rd</sup> shift) only for the actual shift hours worked.

### 3.10 *Salary Administration Policy*

The overall objective of the salary administration policy is to attract, retain, and motivate qualified employees who can help Daemen College achieve its mission. We achieve these objectives through the following efforts:

- Establishing and maintaining salaries and salary ranges that are competitive in the marketplace;
- Supporting the College's planning and budgeting process;
- Ensuring that salary-related decisions are consistent and are made without regard to race, religion, color, age, disability, gender, sexual orientation, national origin, marital status, or other prohibited factors; and
- Ensuring compliance with all governmental regulations pertaining to employee compensation, i.e. FLSA, Equal Pay Act, and the Title VII Civil Rights Act, etc.

## 4. **BENEFITS & TIME OFF POLICIES**

Please see the [Employee Benefits website](#) for additional information, enrollment forms, and benefit plan descriptions.

### 4.1 *Employment Classification for Benefits*

Regular and Limited Full Time status are eligible for benefits. Please visit the Employee Engagement Benefit Website for the most up-to-date information on Daemen's comprehensive benefits package.

Part time, per diem and temporary employees are not eligible for benefits with the exception of NYS sick time.

Below are the definitions of employment classification as it pertains to Benefits.

- **Regular Full Time**  
An employee hired for 30 to 40 hours per week for twelve months of the year.
- **Limited Full Time**  
An employee hired for 35-40 hours per week for nine or ten months of the year.
- **Part Time**  
An employee hired to work an average of less than 30 hours per week.
- **Per Diem**  
Employees who are on call and/or work on an as needed basis.
- **Temporary**  
Employees who are hired for a temporary assignment usually less than 6 months, such as summer facilities help.

### 4.2 *Holidays*

Daemen's Holiday Policy outlines the days the College acknowledges as holidays and provides relevant guidelines for holiday pay.

Most Full Time and Limited Full-Time staff are excused from work with pay on the following days when these days fall on regularly scheduled workdays:

- New Year's Eve
- New Year's Day
- Martin Luther King Day
- President's Day
- Good Friday/Easter Monday
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Indigenous People's Day
- Thanksgiving Day
- Friday after Thanksgiving
- Christmas Eve
- Christmas Day

There may be times when it becomes more advantageous for both the College and the employee to have the day AFTER Christmas and New Year's off instead of the day before. In addition, the College may occasionally change the Holiday Schedule as circumstances require. When this occurs, you will be informed accordingly.

Essential staff may be required to report to work on holidays. Essential staff should check with supervisors to confirm their holiday work schedule.

Part-time, temporary, and per diem employees are not eligible for holiday pay or pay during the winter break/close.

#### Winter Break / Close

The College typically closes during the week between Christmas and New Year's. This will be announced during the Fall of each year. If the College closes, full-time employees are excused from work with pay, with the exception of some essential staff.

Essential staff may be required to report to work on holidays. Essential staff should check with supervisors to confirm their holiday work schedule. Please see the ***Overtime Policy*** for more information about pay on a Holiday.

#### Third Shift Holiday Schedule

All Monday holidays (including President's Day, Memorial Day, Independence Day, Labor Day, and Indigenous People's Day) will be observed on Sunday.

For employee’s whose work schedule is Sunday through Thursday, the Monday holiday will be recognized on Sunday evening. Employees are expected to report to work as scheduled on Monday evening.

For employee’s whose work schedule is Monday through Friday, the Monday holiday will be recognized on Monday evening.

For the Spring Easter holidays, break begins at the end of the employee’s Wednesday shift. Employees are expected to report to work as scheduled on Monday evening.

For Thanksgiving, the break begins at the end of the employee’s Tuesday shift and will report to work as regularly scheduled on Sunday evening.

In order to be paid for a holiday that occurs in a regularly scheduled work week, staff employees must work the day before and after a holiday or use previously approved paid time off such as vacation time. Employees who call in sick the day before or after a holiday are not eligible for Holiday Pay.

Religious Holidays

Apart from observed college holidays, some employees may observe separate religious holidays. Employees can choose to use their personal or vacation time for religious holidays. They can also request to take time off without pay. Requests for time off without pay to observe religious holidays will be examined and granted on a case-by-case basis. Please see the **Religious Accommodation Policy** for more information.

4.3 *Vacation*

Policy Statement:

Daemen College strives to provide its staff with work/life balance and as such provides a generous vacation benefit to our employees. Each full-time staff member accrues vacation bi-weekly in hourly increments based on their length of service and/or employment type as defined below:

Full Time Salaried Staff Employees accrue 20 vacation days per year according to their work schedule. Vacation time accrues each pay period.

Full-Time Hourly Staff accrue vacation time per pay period according to their biweekly work schedule (see table below).

* Years of Service	70 Hour Pay Period	75 Hour Pay Period	80 Hour Pay Period	Total Days per Year	Total Weeks Per Year
< 5 years	2.70	2.89	3.08	10 days	2 weeks
5 – 9 years	4.04	4.33	4.62	15 days	3 weeks
10 + years	5.39	5.78	6.16	20 days	4 weeks

(\* years of service is based on full-time anniversary date)

Limited Full-Time Hourly Staff are eligible for pro-rated vacation benefits according to their length of employment at the College and the number of hours worked, provided at least 1000 hours have been worked during the period July 1st and June 30th.

Part-Time (work less than 30 hours per week), Per Diem, and Temporary Staff are not eligible for paid vacation.

#### Probation

New staff may use accrued vacation after 3 months of employment.

#### Scheduling

Vacation time may be taken in hourly increments and is requested and approved by the employee's direct supervisor or designated time and attendance supervisor in ADP Workforce Now.

Requests for specific weeks of vacation are determined by seniority or departmental requirements. It is understood that vacations will be scheduled in such a manner that there will be minimal interference in the functioning of the department/College as a whole. During peak periods, all departments must remain fully operational with all personnel scheduled to provide the best service to students and the general public.

If vacation hours are requested off in advance and the College closes for unanticipated reasons on that scheduled day (such as a snow day), the vacation time will NOT be credited back to the employee.

#### Vacation Accrual

Vacation accrues every biweekly pay period. No vacation time may be taken in advance of being earned. Staff may accrue up to 30 days of vacation. Vacation time will not accrue beyond 30 days at any time.

#### Vacation Pay

Vacation time will be based on the standard daily wage and schedule that the employee ordinarily receives. Vacation hours will be considered "hours worked" for the purposes of calculating overtime. When combining actual work hours and vacation hours for the same day, i.e. (taking a ½ day) total hours cannot exceed 8 for the day. Employees will not be permitted to work through vacation and receive pay in lieu of time off.

#### Termination

Accrued vacation is eligible to be paid out upon separation of employment. Vacation time is not allowed to be taken the last two weeks of employment, unless approved by the supervisor for extenuating circumstances.

#### 4.4 *Sick Leave*

All employees are eligible to accrue paid sick leave benefits upon their date of hire in accordance with the NYS Paid Sick Leave Law. Sick time may be used for any of the qualifying reasons listed below:

- An employee's or employee's family member's mental or physical illness, injury, or health condition (whether diagnosed or not);
- The diagnosis, care or treatment of a mental or physical illness, injury or health condition, or need for medical diagnosis of, or preventative care for an employee or employee's family member.
- An absence from work when the employee or employee's family member has been the victim of domestic violence, a family offense, sexual offense, stalking or human trafficking.

Definitions:

- "Family member" is defined to mean an employee's child, spouse, domestic partner, parent, sibling, grandchild or grandparent; and the child or parent of an employee's spouse or domestic partner.
- "Parent" is defined to mean biological, foster, step or adoptive parent, or a legal guardian of an employee, or a person who stood in *loco parentis* when the employee was a minor child.
- "Child" is defined to mean biological, adopted or foster child, a legal ward, or a child or an employee standing in *loco parentis*.

#### Job Protection

Employees who take sick leave pursuant to the reasons allowed under the law must be restored to the position of employment held prior to any sick leave taken, including the same pay and other terms and conditions of employment.

#### No Discrimination, Harassment or Retaliation

Daemen explicitly prohibits discrimination, harassment and/or retaliation against an employee who exercises their right to use paid sick leave for any of the reasons covered by NYS Labor Law 196-b.

Employees will not be discharged, threatened, penalized or in any other manner discriminated or retaliated against for exercising their right afforded under the paid sick leave law, including requesting and using sick leave.

#### Long Term Medical Conditions

In the case of an injury, illness, or medical condition that prevents an employee from working for an extended period of time, i.e. over 7 consecutive days (disability, workman's compensation) please refer to the **Medical Leaves of Absence Policy**.

#### Employee /Faculty Contracts

Sick pay is a record of job-protected leave for reasons that qualify under the NYS Paid Sick Leave Law. It is not intended to provide additional pay over and beyond an employee's contract.

#### Separation of Employment

Sick or personal time is not paid out upon an employee's termination, resignation, retirement, or other separation from employment.

#### Sick Leave Accrual During Leave of Absence

Sick leave does not accrue when on unpaid leave. Sick leave will continue to accrue during the salary continuation period due to disability status.

#### Full-Time Salaried Staff/Faculty Sick Leave Policy *(FT Salaried Sick)*

Full-time salaried employees will receive paid sick leave in the case of an injury, illness, medical condition or any of the reasons covered by NYS Sick Leave listed above. Sick leave will be accrued at a rate of 3.5 hours per pay period to a maximum of 84 hours. Accrual starts on the employee's date of hire and is awarded at the end of each pay period in which the employee works. Unused sick time will be rolled over to the next calendar year to a maximum of 84 hours. A maximum of 84 hours of sick time can be taken each year. Employees may take leave in quarter-hour increments. Whenever possible, sick leave should be scheduled in advance with your supervisor.

#### Full-Time Hourly Staff Sick/Personal Leave Policy *(FT Hourly Sick-Personal)*

Daemen provides full-time hourly employees with paid sick/personal leave. Employees will accrue one hour of leave for every 30 hours worked to a maximum of 56 hours of paid leave each year. Accrual starts on an employee's first day of employment and is awarded at the end of each pay period in which the employee works. Employees may carry over accrued, unused leave to the next calendar year to a maximum of 56 hours. A maximum of 56 hours can be taken each year. Full-time employees may take leave in quarter-hour increments. Sick/personal leave is paid at the employee's regular rate of pay and counts toward overtime. Whenever possible, sick/personal leave should be scheduled in advance with your supervisor. This leave time is not available to extend an employee's vacation.

#### Part-Time Hourly Staff Sick Leave Policy *(PT Hourly Sick)*

Daemen provides part-time hourly employees with paid sick leave in accordance with the NYS Paid Sick Leave Law. Employees accrue one hour of sick leave for every 30 hours worked to a maximum of 56 hours of paid sick leave each year. Accrual starts on an employee's first day of employment and is awarded at the end of each pay period in which the employee works. Part-time employees may take leave in quarter-hour increments. Employees may carry over accrued, unused sick leave to the next calendar year to a maximum of 56 hours. Sick leave is paid at the employee's regular rate of pay and does not count toward overtime.

#### Other Employee Sick Leave Policies *(students, adjuncts, part time coaches – NYS PT Sick)*

Daemen provides other employee categories, such as student employees, adjunct faculty, and part time athletic coaches with paid sick leave in accordance with the NYS Paid Sick Leave Law. These part-time employees accrue 1.35 hours of sick leave every biweekly pay period to a maximum of 35 hours of paid sick leave each year. Accrual starts on an employee's first day of employment and is awarded at the end of each pay period in which they work. Employees may take leave in one-hour increments. Employees may carry over accrued, unused sick leave to the

next calendar year to a maximum of 56 hours. This policy applies to student workers, part time athletic coaches, and adjunct faculty.

Student-workers may not use paid sick leave hours to add time over and above their regular scheduled work week. Paid sick leave cannot be used to increase hours in a work week over the allowable threshold in accordance with their financial aid award.

#### 4.5 *Medical Leaves of Absence*

In the event of an injury, illness, or medical condition that prevents an employee from working for an extended period of time, the employee will be entitled to paid medical leave as follows:

**Workers' Compensation.** If the period of absence is caused by an illness or injury arising out of the employee's employment with the College, a full-time or part-time employee will be eligible for compensation benefits as established by the New York Workers' Compensation Law. Workers' compensation also provides for the payment of medical expenses and payments to the employee's dependents in the event of death.

Statutory workers' compensation benefits are generally less than the employee's regular compensation, however, certain full-time employees may be eligible for salary continuation as described below.

Prior to seeking treatment for non-emergency, on-the-job injury, employees must contact the Employee Engagement Office and complete an *Injury/Accident Report*.

Additional information regarding accident prevention, reporting, forms and other safety-related aspects can be referenced through the **Safety Section** of the Employee Engagement website.

Medical records are maintained for each employee with occupational exposure in accordance with 29 CFR 1910.1020, "Access to Employee Exposure and Medical Records." As such, all exposure incidents must be reported and recorded.

The Employment Engagement Office is responsible for maintenance of the required medical records. These confidential records are kept in the Employment Engagement Office for at least the duration of employment plus thirty years. Student medical records are kept in the CHIP Center in Wick.

Employee medical records are provided upon request of the employee or to anyone having written consent of the employee within fifteen working days. Such requests should be sent to the AVP of Employee Engagement.

**Disability Compensation.** Similarly, any employee who is disabled and absent from work for a continuous period in excess of seven (7) days for a non-work-related illness or injury will be eligible to receive disability benefits as required by New York State Law. Disability benefits will pay up to 50% of your weekly income, up to \$170 per week. Individuals must be employed at least 30 days to be eligible.

**Salary Continuation.** Regular full-time employees who have completed at least six (6) months of continuous employment at the time the illness or injury occurs will be entitled to receive their regular compensation for the period of absence up to 90 days. Salary continuation benefits are limited to a maximum of 90 days in any twelve (12) month period.

**Long-Term Disability.** If the medical leave exceeds three (3) months of continuous absence, regular full-time employees who have completed three (3) months of continuous service are eligible to apply for benefits under the College's Long-Term Disability Plan (LTD). This plan provides an eligible employee with supplemental benefits over the employee's worker's compensation or disability benefits up to two-thirds (2/3) of the employee's regular monthly compensation with a maximum of \$8,000.00 per month. LTD benefits may continue for the length of the disability, or age 67, whichever is first. Contact the Employee Engagement Office for specific details of the LTD plan.

**Applying for Medical Leave.** If you expect to be absent for more than five consecutive workdays as a result of an illness or disability, you must apply for short-term disability or workers' compensation benefits as far in advance of your anticipated leave date as is practicable. In order to qualify for medical leave benefits, you must apply for and be granted a formal medical leave of absence through the Employee Engagement Office and provide the College with a statement from your physician verifying the disability and your expected date of return. ***Medical Leave of Absence Forms*** are available on the Employee Engagement Website. Medical leave of absence applications must be signed and approved by your supervisor and the Employee Engagement Office. You will be notified of your approval in writing by the Employee Engagement Office.

If your absence is due to an emergency, you or a member of your immediate family must inform your supervisor and the Employee Engagement Office as soon as practicable. The employee must complete a medical leave of absence form, as well as an application for short-term disability or workers' compensation benefit as applicable.

In addition, Daemen College reserves the right to require that you be examined by a College-designated physician, any time at its discretion. In order to be eligible for continued benefits under this policy, you will be required to provide updated physician's statements as requested, as frequently as every 30 days, attesting to your continued disability and inability to work.

No benefits are payable under this program if your illness or injury is connected to work you do for another employer.

Before being permitted to return from medical leave, you are required to present Daemen College with a note from your physician indicating that you are capable of returning to work and performing the essential functions of your position, with or without reasonable accommodation. (Note: the College will make a reasonable accommodation to your disability in accordance with applicable laws where required.)

**Benefits While on Medical Leave.**

All College benefits that operate on an accrual basis (e.g., vacation and paid sick/personal days) continue to accrue while on salary continuation and family medical leave under the Family and Medical Leave Act (FMLA).

### **Staff Benefits**

Staff are eligible to continue benefit coverage for the duration of their approved FMLA leave, up to a maximum of 12 weeks. **Please refer to the FMLA policy for additional information.** Reinstatement to an employee's former position cannot be guaranteed to any staff or administrative employee returning from medical leave after three (3) months.

Staff on a medical leave of absence are responsible for the employee portion of their medical premiums for all College group health benefit plans for which they are enrolled. While on salary continuation, the health benefit premiums will continue to be deducted from the employee's paycheck.

For medical leaves that are not covered under the salary continuation program or have extended beyond the 12 week benefit, monthly payment arrangements of the employee portion of health benefit premiums must be made with the Employee Engagement Office. Late payments beyond 21 days will result in termination of coverage. Thereafter COBRA benefits will apply. **Please see the COBRA policy for more information.**

### **Faculty Benefits**

Faculty on a medical leave of absence are responsible for the employee portion of their medical premiums for all College group health benefit plans for which they are enrolled. While on salary continuation, the health benefit premiums will continue to be deducted from the employee's paycheck. Thereafter, arrangements for the employee portion of the monthly premium payment must be made with the Office of Employee Engagement. Non-payment of premiums will result in cancellation of coverage.

Faculty are eligible to continue group benefit coverage beyond the 12 week FMLA period for the duration of their medical leave in accordance with the schedule below; thereafter, continuation of benefit coverage will apply through COBRA:

If medical leave commences:

**Before 1 year of service:** College group health benefits will continue during the first six (6) months of leave;

**After 1 year of service:** College group health benefits continue for a total of twelve (12) months;

**After 5 years of service:** College group health benefits continue for a total of eighteen (18) months;

**After 10 years of service:** College group health benefits continue for twenty-four (24) months. A non-tenured faculty member will be reinstated to the employee's former position if the absence does not exceed twelve (12) months. Tenured faculty members will be able to return to their former position if the absence does not exceed twenty-four (24) months. If the absence exceeds twenty-four (24) months, reinstatement will occur only with the approval of the Board of Trustees.

#### 4.6 *FMLA Policy - Family and Medical Leave Act*

This is a summary of the College's current policy for implementing the Family and Medical Leave Act of 1993 ("FMLA"), as amended. The FMLA provides eligible employees with job-protected leave for qualifying events or circumstances, as described below.

##### **I. Eligibility for Leave.**

An employee is eligible to take available FMLA leave if:

- He or she has been employed by the College for at least 12 months (which need not be consecutive months) and has worked at least 1,250 hours (not including any paid leave time) during the twelve (12) month period immediately preceding the commencement of the leave. (Periods of prior employment where the break in service exceeds seven (7) years will not be used to determine FMLA eligibility. Under certain circumstances, time in the military service will count towards fulfilling the length of employment and hours worked requirement to be eligible for FMLA leave.)

-and-

- The College employs at least fifty (50) employees within seventy-five (75) miles of the employee's worksite as of the date when the employee gives notice of the need for leave.

##### **II. Types of FMLA Leave.**

An eligible employee is entitled to take available FMLA leave for one or more of the following:

- **New Child:** Up to 12 weeks of leave during any 12-month period because of the birth of a son or daughter of the employee and in order to care for the newborn child, or because of the placement of a son or daughter with the employee for adoption or foster care.
- **"Serious Health Condition" of Employee:** Up to 12 weeks of leave during any 12-month period because of a "serious health condition" (as defined below) that makes the employee unable to perform the functions of their position.
- **"Serious Health Condition" of Family Member:** Up to 12 weeks of leave during any 12-month period in order to care for the employee's spouse, or a son, daughter or parent (but not parent "in-law") of the employee, if such family member has a "serious health condition" (as defined below).
- **"Qualifying Exigency" for Family of Active Military Service Member:** Up to 12 weeks of leave during any 12-month period because of any "qualifying exigency" arising from the employee's spouse, son, daughter, or parent, who is a covered military member (member of the Armed Forces, U.S. National Guard, or Reserves), being on covered active duty (or being notified of an impending call or order to covered active duty) involving deployment to a foreign country. Qualifying exigency leave is not available where the call to covered active duty comes from the state rather than the federal government.
- **"Serious Injury or Illness" of Military Service Member ("Military Caregiver Leave"):** Up to 26 weeks of leave during a single 12-month period in order to care for: a current member of the Armed Forces, including a member of the National Guard or Reserves, to

whom the employee is the spouse, son, daughter, parent, or next of kin with a “serious injury or illness,” who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list; or a veteran, to whom the employee is the spouse, son, daughter, parent, or next of kin, who is undergoing medical treatment, recuperation, or therapy for a “serious injury or illness” and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

III. **Definitions.** The following definitions apply to certain terms used in this policy:

- **“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 health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities.
- **Subject to certain conditions, the “continuing treatment”** requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment all within 30 days of the first day of incapacity, or incapacity due to a pregnancy or incapacity due to a chronic condition. Other conditions may also meet the definition of continuing treatment.
- **“Qualifying exigencies”** include: short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and additional activities as agreed upon by the College and the employee.
- **“Serious injury or illness”:**
  - ✓ In the case of a member of the Armed Forces (including a member of the National Guard or Reserves) means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; and
  - ✓ In the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy, means a qualifying injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.
- **“Spouse”** means a husband or wife as defined or recognized by applicable State law for purposes of marriage in the State in which the employee resides.
- **“Parent”** means a biological parent or an individual who stood in loco parentis to an employee when the employee was a child.

- **“Son or daughter”** Except with respect to Military Caregiver Leave, **“son or daughter”** means a biological, adopted, foster child, step child, legal ward, or child of a person standing in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability. With respect to Military Caregiver Leave, **“son or daughter”** means the service-member’s biological, adopted, or foster child, stepchild, legal ward, or a child for whom the service-member stood in loco parentis, and who is of any age.
- **“Next of kin of a covered service-member”** means the nearest blood relative other than the covered service member’s spouse, son, or daughter, as determined by applicable law.

#### **IV. Amount of Leave Available.**

- For FMLA leave other than Military Caregiver Leave: Eligible employees are limited to a total of twelve (12) workweeks of FMLA leave during any 12- month period. ***Each 12-month period is a “rolling” twelve (12) month period, which is measured backwards from the date an employee uses FMLA leave.***
- Leave for a new child (leave category (1) above) cannot be taken later than twelve (12) months after the birth or placement of the child, but may be taken before the actual date of birth under some circumstances. If two employees who are spouses are eligible for FMLA leave as a result of the birth or adoption of the same child, the employees will only be eligible to receive a total of twelve (12) weeks of leave between them based on the birth or adoption. Each individual employee remains eligible for the remaining portion of (12) weeks that they did not actually take for the birth or adoption of the child, which remaining portion may be taken for other forms of FMLA leave, including leave to care for the child if the child has a “serious health condition.”
- For Military Caregiver Leave: Eligible employees are limited to twenty-six (26) workweeks of FMLA leave during a single 12-month period, measured forward from the first day of the Military Caregiver Leave. If an eligible employee does not take a full 26 workweeks of leave within 12 months of the first day of leave, then the employee is not entitled to additional Military Caregiver Leave with respect to the same “serious injury or illness” by the same service-member. No more than 26 workweeks of FMLA leave may be taken within any 12-month period even if an employee would otherwise be eligible for Military Caregiver Leave based on two different qualifying “serious injuries or illnesses.” If an eligible employee does not take all of his or her 26 workweeks of leave entitlement to care for a covered service-member during the single 12-month period, the remaining part of his or her 26 workweeks of leave entitlement to care for the covered service-member is forfeited.
- Leave because of a “serious health condition” of the employee or a family member or the “serious injury or illness” of a covered service-member (leave categories (2), (3), or (5) above) can only be taken during such time as the employee or family member has a “serious health condition,” or the covered service-member has a “serious injury, or illness,” as applicable. Leave because of a “qualifying exigency” for the family of an active duty military service member can only be taken during such time as the “qualifying exigency” exists.
- If two employees are spouses and are eligible for Military Caregiver Leave, the employees are limited to, at most, a combined total of 26 workweeks of leave to care for a covered service-member with a “serious injury or illness” during the single 12-month period applicable with respect to the Military Caregiver Leave.

During any applicable 12-month period in which Military Caregiver Leave is taken, an employee is limited to a combined total of, at most, 26 workweeks of FMLA leave regardless of the type(s) of leave. (Only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for a covered service-member.) During any applicable 12-month period in which Military Caregiver Leave is not taken, an employee is limited to a combined total of, at most, 12 workweeks of FMLA leave for all other types of leave.

**V. FMLA Leave is Unpaid.** The FMLA leave available to employees under this policy is always unpaid leave. [However, if paid leave is also available to an employee pursuant to a different applicable law or College policy, that paid leave must be taken concurrently with the FMLA leave. (See “Leaves to Be Taken Concurrently,” below.)]

**VI. Benefits While on FMLA Leave.**

- **Health Benefits:** The College will maintain an employee’s health benefits during FMLA leave on the same terms and conditions as if the employee had been continuously employed during the entire leave period. If the employee normally pays some or all of the benefit costs, he or she must continue making those payments during the leave in order to maintain coverage. This may be done by payroll deduction to the extent the employee is taking paid leave concurrently with the FMLA leave. In all other cases, the employee must make payment arrangements with the College in advance of the leave, or as soon as possible after the leave begins if the leave is the result of an emergency, and must fully comply with those arrangements throughout the leave or risk termination of the health benefits. In the event that no alternative arrangement is made, the employee’s coverage will be continued during unpaid FMLA leave, and the employee must submit payment to the College on each payday to cover the portion of the employee’s health insurance premium that would have been payable on that day had the employee been working. If the employee fails to submit timely payment, the College may, but is not required to, terminate the employee’s health insurance coverage. If the College elects to continue the employee’s coverage, the employee continues to be liable for his or her health insurance premium on each payday. If FMLA leave expires and the employee does not return to work (normally for at least 30 calendar days), and does not have a valid excuse as defined by law, the College may recover any benefit payments it has made on the employee’s behalf during the leave.
- **Pension or Retirement Vesting:** FMLA leave will be treated as continuous service (i.e., no break in service) solely for purposes of vesting and eligibility requirements to participate in any applicable pension or other retirement program.
- **No Other Benefits:** Employees do not receive or accrue any other employment benefits while on unpaid FMLA leave, and accrue no seniority, unless this is specifically provided by a different College policy or applicable law. However, to the extent that an employee is taking paid leave concurrently with FMLA leave, any benefits or accruals which may be associated with that paid leave will be in effect for the duration of that paid leave.

**VII. Return to Work.** It is a basic assumption of both the FMLA and this policy that an eligible employee will request FMLA leave with the expectation of returning to work at the conclusion of the leave. **An employee is only entitled to FMLA leave if it is his or her intention to return to work, and all employees who request leave are deemed to be making an express representation to the College that it is their intent to return.** The College may periodically

require employees who are on FMLA leave to report on their current status and plans for returning to work.

Upon returning from FMLA leave, an employee will either be restored to his or her prior position, with the same pay and benefits, or, in the College's discretion, to an equivalent position which has equivalent benefits, pay, and other terms and conditions of employment. The FMLA contemplates that there may be legitimate business-related situations where an employee cannot return to employment during or after FMLA leave. Termination of employment may occur, for example, while an employee is on leave if there is a layoff or reduction-in-force or any cause that would otherwise support dismissal, if the employee's job would have been lost if he or she was actively working. Similarly, termination of employment may occur if the employee is unable after the FMLA leave is over to perform one or more of the essential functions of the position, with or without reasonable accommodation, subject to the provisions and requirements of the Americans with Disabilities Act and any other applicable and similarly-intended state disability laws.

**VII. Advance Notice by Employees.** When the need for FMLA leave is foreseeable, employees must give the College at least thirty (30) days advance notice before taking the leave or the leave may be delayed. Shorter notice is allowed only to the extent necessary under the circumstances. If an employee is not able to give thirty (30) days of notice because the need for FMLA leave was not foreseeable, the employee must give notice of the need for leave as soon as practicable once the need for leave is known. Notice should be given to the office of Employee Engagement, and it must include sufficient factual information for the College to determine whether there are qualifying circumstances for leave. The *Request for Leave of Absence Form* must be completed, signed by the employee's supervisor and returned to the Employee Engagement Office or [hr@daemen.edu](mailto:hr@daemen.edu) at least 30 days prior to the start of the leave if the need is foreseeable based on an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or family member or planned medical treatment for a serious injury or illness of a covered service-member. In addition, employees must also complete and submit a **Certification of Health Care Provider** for the **employee** or **family member**. When the need for FMLA leave is foreseeable in advance, the employee must provide sufficient notice to make the College aware that the employee needs FMLA-qualifying leave, and must advise the College of the timing and duration of the leave. When an employee seeks FMLA leave due to a qualifying reason for which the employer has previously provided the employee with FMLA leave, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave. In all cases, the employee has an obligation to respond to the College's questions designed to determine whether an absence is potentially FMLA-qualifying. Within five (5) days of receiving notice of requested FMLA leave from an employee, or as soon as possible under extenuating circumstances, the College will provide information about whether the employee is eligible for leave, and, if so, notice of the employee's rights and responsibilities concerning the requested leave.

If FMLA leave is requested because of the "serious health condition" of the employee or a family member or the "serious injury or illness" of a covered military service member (leave categories (2), (3), or (5)), and the leave is based on planned, foreseeable medical treatment, the

employee must make a reasonable effort to schedule the treatment to avoid unreasonable disruption of College operations, subject to the approval of the health care provider.

**IX. Intermittent or Reduced Work Schedule Leave.** In most cases, employees will take FMLA leave in a single, continuous block of time. Leave for a new child (leave category (1)) may be taken on an intermittent or reduced work schedule basis only if this is agreed to by the College, in its sole discretion. Employees may take intermittent or reduced work schedule leave if the leave is for a “qualifying exigency” due to family member’s active military duty (leave category (4)). Employees are entitled to take intermittent or reduced work schedule leave for the “serious health condition” of the employee or a family member or the “serious injury or illness” of a covered military service member (leave category (2), (3), or (5)), without the College’s consent only if the intermittent or reduced leave schedule is medically necessary. For example, if an employee with cancer needs to receive chemotherapy for three (3) hours every Wednesday afternoon, but is able to work the rest of the week, an intermittent (recurring) schedule of three hours of FMLA leave each week may be appropriate.

If an employee is eligible for FMLA leave on an intermittent or reduced work schedule basis that is foreseeable based on planned medical treatment, or if the employer agrees to permit intermittent or reduced schedule leave for the birth of a child or for placement of a child for adoption or foster care, the employee may be temporarily assigned to a different position which better accommodates the leave schedule and is equivalent to the employee’s normal position under the circumstances.

**X. Medical Certifications.** Employees who request leave because of a “serious health condition” of the employee or a family member (leave category (2) or (3)) will typically be required to submit a supporting certification by the relevant health care provider. Among other things, the certification must establish that the employee or family member does in fact have a “serious health condition” and that this condition requires the employee’s absence from work. If leave is being requested on an intermittent or reduced schedule, the certification must also establish the medical necessity for that schedule. The College may require subsequent re-certification throughout the period of FMLA leave for leave taken because of a “serious health condition” of the employee or a family member.

Certification forms are supplied by the Office of Employee Engagement. It is the employee’s responsibility to obtain a complete and sufficient certification from the healthcare provider and provide it to the College. The employee must make diligent efforts to submit the completed certification as soon as possible. The certification must be submitted no later than fifteen (15) calendar days after receiving the form unless circumstances require otherwise. If the College finds the certification to be deficient it may require that the employee cure the deficiency within seven (7) calendar days after notification by the College of the deficiency. If the certification is still unclear, the Office of Employee Engagement may, with the authorization of the employee, contact the employee’s health care provider to authenticate or clarify the certification. Under certain circumstances employees may be requested to authorize the College to communicate with the employee’s medical provider regarding the employee’s medical information or have the employee provide additional medical information. If an employee chooses not to provide the

College with such authorization and does not otherwise clarify an unclear certification upon request, the employee's request for FMLA leave may be denied.

If the College disagrees with the certification submitted by the employee requesting leave because of a "serious health condition" of the employee or a family member, the College may require a second opinion at the College's expense. If the medical opinions conflict, the College and employee may mutually approve a third health care provider to render an independent opinion at the College's expense, which opinion shall be binding. The College's decision not to seek a second or third opinion will not necessarily prevent it from later challenging the employee's eligibility for FMLA leave.

Employees who request leave because of a "qualifying exigency" due to a family member's active military duty or Military Caregiver Leave (leave categories (4) and (5)) may also be required to submit an appropriate supporting certification. Under some circumstances, the College may be entitled to verify such certifications. In all instances in which certification is requested, it is the employee's responsibility to provide the employer with complete and sufficient certification. Failure to do so may result in the denial of FMLA leave.

The College may require an employee to submit medical recertification of the continuing need for FMLA leave based on a "serious health condition" of the employee or a family member every thirty (30) days except in the following instances:

- If the medical certification indicates that the minimal duration of the condition is more than thirty (30) days, the request for recertification must wait until that minimum duration expires.
- The College may request recertification in less than thirty (30) days if the request for leave exceeds the specified leave time on the previous medical certification form, or if either the duration or the frequency of the absences or the severity of the condition changes significantly, or if the College receives information that casts doubt on the employee's stated reason for the absence or the continuing validity of the certification. If medical certification indicates that the employee will need intermittent or reduced schedule leave for a period in excess of six (6) months (e.g., for a lifetime condition), the College may request recertification every six (6) months in connection with an absence.

As with the initial medical certification, the medical recertification form must be submitted to the College within 15 calendar days of the request. Failure to provide requested medical recertification may mean that the leave will not be counted as FMLA leave and therefore not subject to the protections of the FMLA. In addition, the approval and pay status of the leave may be evaluated and modified.

The College will require certification of the employee's ability to return to work following a leave necessitated by the employee's own serious health condition. Failure to submit such documentation may delay the employee's return to work.

**XI. Leaves to be Taken Concurrently.** To the extent that an employee is entitled to take unpaid FMLA leave pursuant to this policy, and under the same circumstances is also entitled to take one or more kinds of paid leave pursuant to other College policies or practices, FMLA leave and paid leave must be taken concurrently. As a result, employees may receive pay during some or

all of their FMLA leave, depending upon whether and to what extent paid leave is otherwise available to them. If an employee fails to comply with the paid leave policy applicable to the paid leave that the employee is taking concurrently with FMLA leave, the employee may forfeit the right to take paid leave and thus the employee will only be entitled to unpaid FMLA leave. Unpaid FMLA leave and paid leaves are available under the same circumstances as follows:

- If the employee is entitled to take FMLA leave, and the employee is otherwise entitled to take some amount of paid vacation leave, sick/personal leave, disability leave, workers' compensation leave, or other paid leave available under College policy or practice, both the FMLA and paid leaves must be taken concurrently.
- Taking leaves concurrently means that the leaves are used up simultaneously, with each leave continuing in full effect pursuant to the relevant College policy or practice for so long as the employee continues to be away from work and entitled to take that particular leave.

If an employee is entitled to take more than one kind of paid leave under the same circumstances as unpaid FMLA leave, the paid leaves must be used one at a time. The employee must use at least one type of available paid leave, for so long as at least one of them is still available, at all times when he or she is taking FMLA leave. Employees may decide the sequence in which paid leaves will be used unless this is determined by law or the relevant College policies or practices. Employees entitled to more than one form of available paid leave should advise the College of these decisions when requesting leave.

These rules apply regardless of whether the employee requests FMLA leave or available paid leave. In either case, the leaves must be taken concurrently in accordance with these rules. For example, if an employee requests paid disability leave and the disability period lasts eight (8) weeks, the employee must also take eight (8) weeks of unpaid, concurrent FMLA leave because of a "serious health condition" (leave category (3)). If the employee thereafter (within the same 12-month period) requests additional FMLA leave under this policy for care of a newborn child (leave category (1)), the employee's remaining FMLA leave entitlement is now four (4) weeks. While taking the FMLA leave for the birth of the child, the employee must also take any paid vacation or sick/personal leave which may be otherwise available. If some paid vacation or sick/personal leave is still left at the end of the four (4) weeks, the employee may continue taking such leave until it is used up subject to the requirements of the College policy governing such leave.

If an employee takes leave under circumstances that qualify for FMLA leave, the College may designate the leave as FMLA leave regardless of whether the employee requests that the leave be so designated, and the above policy regarding FMLA leave will govern the leave.

- **General Notice.** General notice of employees' rights and responsibilities under the FMLA is posted on the Employee Engagement office bulletin board. Employees and applicants can also view these rights and responsibilities at any time by visiting the United States Department of Labor's website at <http://www.dol.gov/whd/regs/compliance/posters/fmlaen.pdf>.
- **Enforcement.** It is the policy of the College to comply in all aspects with the FMLA and with the U.S. Department of Labor's regulations concerning the FMLA. It is unlawful for

any person to interfere with, restrain or deny employees of any right provided under the FMLA. If any employee has a concern or complaint regarding the FMLA, the employee may contact the AVP of Employee Engagement. In addition, an employee may file a complaint with the U.S. Department of Labor or pursue privately available legal remedies.

**XII. Forms and additional information.** Refer to the *Employee Benefits Website* page for more information about FMLA leaves, medical certification form, and the leave of absence request form.

#### 4.7 *New York Paid Family Leave Policy*

Paid Family Leave (PFL) provides partial wage replacement to help employees that need to be off work for covered reasons, such as to bond with a child, care for a close relative with a serious health condition, or help relieve family pressures when a family member is called to active military service. Paid family leave provides an eligible employee with 67% of the employee's average weekly wage.

#### **Eligibility for PFL**

- Full-time employees in New York State (those scheduled to work 20 or more hours per week) are eligible for PFL after working 26 consecutive weeks.
- Part-time employees in New York State (those scheduled to work fewer than 20 hours per week) are eligible after working 175 days in a 52-consecutive-week period.
- Employees pay for PFL through a state-mandated deduction from wages.

#### **Qualifying Circumstances for PFL**

PFL may be taken:

- For the birth, adoption or placement by foster care of a child;
- To provide care for an employee's spouse, domestic partner, child, grandchild, parent, parent-in-law, stepparent, grandparent, legal guardian, or other person who stood in loco parentis to the employee when the employee was a child, who has a serious health condition; or
- Because of a qualifying exigency arising out of the fact that the employee's spouse, domestic partner, child or parent is on active duty (or has been notified of an impending call or order to active duty) in the armed forces of the United States.
- PFL may not be taken for an employee's own illness. Leave for the birth, adoption or foster placement of a child must be taken within 52 weeks of the qualifying event.

Effective January 1, 2023 the New York Paid Family Leave Benefits Law will be amended to include biological or adopted siblings, half-siblings and step siblings.

#### **Amount of PFL and Use**

Eligible employees are entitled up to 12 weeks of paid leave beginning in 2021 and thereafter. PFL must be taken in full-day increments. The 52-week period is measured retroactively with respect to each day for which PFL benefits are claimed. An employee who is eligible for both PFL and short-term disability benefits may not receive more than 26 weeks of disability and PFL in any 52 consecutive week period.

### **Advance Notice by Employees**

It is the employee's responsibility to request and apply for PFL benefits. When leave is foreseeable, the employee must give at least 30 days advance notice of leave. When leave is not foreseeable, the employee must give notice as soon as practicable.

When an employee provides notice of a need for leave for a covered reason, the employee will be given a Request for Paid Family Leave form which the employee must then complete and submit to the PFL insurance carrier. The insurance carrier is responsible for reviewing and approving or denying PFL applications. Please visit the *Employee Benefits Website* for more information and to access the required application forms.

### **Use of Paid Time Off During PFL**

An employee may choose to use their accrued vacation or sick/personal time to supplement their PFL benefits.

### **If Applicable, FMLA Leave Must Be Taken Concurrently**

All PFL that also qualifies as leave under the Family and Medical Leave Act ("FMLA") runs concurrently with FMLA leave. In such cases, the employee must use accrued paid time off as required under the College's FMLA policy.

### **Benefits While on PFL**

The health insurance of an employee who takes PFL will be continued on the same terms as when the employee was working. Employees who supplement their PFL time with paid time off will accrue vacation, personal or sick time as applicable in the pay period applied. Employees who continue to receive a paycheck from Daemen due to supplementing their PFL benefit, will continue to receive accruals for vacation, personal and sick time as applicable.

### **Return to Work**

Employees who take PFL have the right to be reinstated to their previous position or a similar position upon the conclusion of their PFL.

### **Discrimination and Retaliation**

Employees will not be discriminated or retaliated against for using PFL.

### **Waiver of PFL Benefits**

A full-time employee whose regular work schedule is less than 26 weeks, or a part-time employee whose regular work schedule is less than 175 days in a 52- consecutive –week period, may file a written waiver to be exempted from PFL benefits and the obligation to contribute to the wage deductions. A full-time employee whose regular work schedule is less than 26 weeks, or a part-time employee whose regular work schedule is less than 175 days in a 52- consecutive –week period, may file a written waiver to be exempted from PFL benefits and the obligation to contribute to the wage deductions. However, if the employee's schedule changes to the eligibility threshold, exceeding the eight (8) week allowance period, the waiver is automatically deemed revoked and premium deductions through payroll will initiate.

#### 4.8 *Right of Nursing Mother's to Express Breast Milk Policy*

Daemen provides reasonable unpaid break time or permits an employee to use paid break time or meal time each day to allow an employee to express breast milk for her nursing child for up to three years following the child's birth. The College shall make reasonable efforts to provide a room or other location, in close proximity to the work area, where an employee can express milk in privacy. We strictly prohibit any form of discrimination against an employee who chooses to express breast milk in the workplace and abide by Section 206-c of the New York State Labor Law as described below.

The Right of Nursing Mothers to Express Breast Milk is a law applicable to all public and private employers in New York State, regardless of the size or nature of their business. In administering this statute, the Department applies the following interpretations and guidelines:

##### **I. Notice**

Employers shall provide written notification of the provisions of Labor Law §206-c to employees who are returning to work, following the birth of a child, and their right to take unpaid leave for the purpose of expressing breast milk. Such notice may either be provided individually to affected employees or to all employees generally through publication of such notice in the employee handbook or posting of the notice in a central location.

An employee wishing to avail herself of this benefit is required to give her employer advance notice. Such notice shall preferably be provided to the employer prior to the employee's return to work following the birth of the child in order to allow the employer an opportunity to establish a location and schedule leave time amongst multiple employees if needed.

##### **II. Reasonable Unpaid Break Time**

1. Reasonable unpaid break time is sufficient time to allow the employee to express breast milk. Each break shall generally be no less than twenty minutes. If the room or other location is not in close proximity to the employee's work station (e.g. as in a shared work location with a common lactation room) each break shall generally be no less than thirty minutes. Employees can elect to take shorter unpaid breaks for this purpose.
2. The number of unpaid breaks an employee will need to take for expression purposes varies depending on the amount of time the employee is separated from the nursing infant and the mother's physical location. In most circumstances, employers shall provide unpaid break time at least once every three hours if requested by the employee.
3. Upon election of the employee, unpaid break time may run concurrently with regularly scheduled paid break or meal periods
4. Upon election of the employee, an employer shall allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid break time(s) for the expression of breast milk so long as such additional time requested falls within the employer's normal work hours
5. This benefit is available to the employee during their basic work week and any overtime or additional hours
6. An employee may be required to postpone scheduled unpaid break time for no more than thirty minutes if she cannot be spared from her duties until appropriate coverage arrives.

### **III. Reasonable Efforts and Privacy**

1. All employers are required to make reasonable efforts to provide a private room or other location for the purpose of expression of breast “Reasonable effort” requires that the room or other location must be provided for use of employees expressing breast milk so long as it is neither significantly impracticable, inconvenient, or expensive to the employer to do so. Relevant factors in determining significant impracticability, inconvenience, or expense include but are not limited to:
  - The nature of work performed at the business;
  - The overall size and physical layout of the business; The type of facility where the business is housed;
  - The size and composition of the employer’s workforce;
  - The business’ general hours of operation and the employees’ normal work shifts;
  - The relative cost of providing a room or other space for the dedicated purpose
2. The room or location provided by the employer for this purpose cannot be a restroom or toilet stall
3. An employer may dedicate one room or other location for the expression of breast milk and establish a schedule to accommodate the needs of multiple employees needing access thereto
4. An employer who is unable to provide a dedicated lactation room or other location under these guidelines, may allow the use of a vacant office or other available room on a temporary basis for the expression of breast milk, provided the room is not accessible to the public or other employees while the nursing employee is using the room for expression purposes
5. As a last resort, an employer who is unable to provide a dedicated lactation room or other location under these guidelines may make available a cubicle for use by individuals expressing breast milk, provided the cubicle is fully enclosed with a partition and is not otherwise accessible to the public or other employees while it is in use for expression The cubicle walls shall be at least seven feet tall to insure the nursing employee’s privacy. Each room or other location used for the expression of breast milk under these guidelines shall be well lit at all times through either natural or artificial light. If the room has a window, it shall be covered with a curtain, blind, or other covering to ensure privacy for the mother as she is expressing breast milk. The room shall contain, at a minimum, a chair and small table, desk, counter, or other flat surface. In addition, employers are encouraged to provide an outlet, clean water supply, and access to refrigeration for the purposes of storing the expressed milk. An employer is not responsible for ensuring the safekeeping of expressed milk stored in any refrigerator on its premises. The employee is required to store all expressed milk in closed containers, regardless of the method of storage and to bring such milk home with her each evening.
6. The employer must maintain the cleanliness of the room or location set aside for the use of employees expressing breast milk at work
7. An employer may not deny an employee this benefit due to difficulty in finding a location for purposes of the same.

For the purposes of this provision: “Private” shall mean that the room or other location shall not be open to other individuals frequenting the business, whether as employees, customers, or other members of the public. To insure privacy, the room or location should have a door equipped with a functional lock. If a door with a functional lock is not available (in the case of a fully enclosed

cubicle) as a last resort an employer must utilize a sign advising the room or location is in use and not accessible to other employees or the public.

#### **IV. Close Proximity**

1. Any room or location provided for the expression of breast milk must be in close proximity to the work area of the employee(s) using it for the expression of breast milk
2. Close proximity means the room or location must be in walking distance and the distance to the location should not appreciably lengthen the break time
3. Should an employer have more than one employee at a time needing access to a lactation room or other location, the employer may dedicate a centralized location for use by all such employees, provided however, that the employer shall make every effort to locate such space at a reasonable distance from the employees using it

Employers located in shared work areas such as office buildings, malls, and similar premises may cooperate with one another to establish and maintain a dedicated lactation room, provided however, that such rooms must be located at a reasonable distance from the employees using the room. Each employer utilizing such common dedicated lactation room will retain individual responsibility for ensuring that it meets all the requirements of these guidelines with regard to their employees. Use of a common dedicated lactation room pursuant to this paragraph will not reduce, mitigate, or otherwise affect the employer's obligations under these guidelines.

#### **V. Non-Discrimination**

No employer shall discriminate in any way against an employee who chooses to express breast milk in the workplace. Encouraging or allowing a work environment that is hostile to the right of nursing mothers to take leave for the purpose of expressing breast milk could constitute discrimination within the meaning of this section of the guidelines.

#### *4.9 Blood Donation Leave*

This notice is pursuant to the New York State Labor Law Section 202-j and the Guidelines for Implementation of Employee Blood Donation Leave issued by the New York State Department of Labor.

All employees who work twenty or more hours per week on average are entitled to either:

- One three-hour unpaid leave of absence per calendar year to donate blood at an off-premises location.

-OR-

- Paid leave two times per year to donate blood at a blood drive at your place of employment or at a time and place set by your employer.

You are required to give reasonable notice of the need for leave for this purpose; the amount of notice required may vary depending on the circumstances. If the donation is made at an off-premises location, you may also be required to furnish the Office of Employee Engagement with documentation of the donation.

All questions regarding leave should be directed to the Office of Employee Engagement.

#### 4.10 *Jury Duty*

The College considers jury duty an obligation and responsibility. Any Full Time or Limited Full Time employee who is summoned for jury duty will be paid by the College for the duration of their jury duty service. All other employees will receive jury service pay for the first three days of service as required by law.

Employees must complete and submit an *Employee Time Off Request Form* and provide *proper evidence as to jury service* to the Employee Engagement Office.

Information and forms on time off benefits for Jury Duty and the Time Off Request Form are available on the *Employee Benefits Webpage*.

#### 4.11 *Right to Vote*

New York employers must provide employees with time off to vote in accordance with these state rules. If an employee does not have 4 consecutive hours at the beginning or end of their working shift when the polls open and close, they may take off up to 2 hours, without loss of pay, to allow them time to vote if they are a registered voter. Employees requesting time off to vote, must complete an *Employee Time Off Request Form*, signed by their supervisor and submit to the Office of Employee Engagement for processing. Please visit the *Employee Benefits Webpage* for more information and a link to the *Employee Time Off Request Form*.

**Paid time off rules:** Of the time taken off to vote, up to two hours may be taken without loss of pay. Time off to vote must be taken at the beginning or end of the person's work shift unless otherwise mutually agreed upon between the employee and employer.

**Advance notice requirements:** An employee who needs time off to vote shall notify the employer no more than 10 nor less than two working days before election day that time off is required.

**Amount of time off allowed:** Of the time taken off to vote, up to two hours may be taken without loss of pay.

**When time off not allowed:** If an employee has four consecutive non-working hours when the polls are open, the employee has sufficient time outside of work to vote.

#### 4.12 *Bereavement*

Full-time and Limited Full-Time employees are allowed time off with pay upon a death in the immediate family. In case of the death of father, mother, spouse, child, brother, sister, employee's grandparent, mother-in-law, or father-in-law, up to four days will be granted depending upon the circumstances of the case.

Part-time, per diem, and temporary employees are not eligible for this benefit.

#### 4.13 *HIPPA Privacy Notice – Employee Benefits and Health Information*

At times, Daemen College acquires individually identifiable health information about you and your covered dependents for various employment related purposes related to your coverages under any retirement or welfare benefit plans or programs. To the extent that Daemen presently or hereafter provides Medical, Prescription Drug, Dental, Vision, Health Savings Accounts and Health Care Flexible Spending Account Programs, that information is “Protected Health Information” and Daemen College and the insurance carrier must maintain the privacy of your Protected Health Information under the provisions of HIPAA. In addition, under HIPAA and the Privacy Rule, the insurance carrier and Daemen College must provide you with notice of their legal duties and privacy practices with respect to that Protected Health Information.

#### 4.14 *Medical, Dental and Vision Benefits Package*

The College offers a comprehensive health benefits package for full time and limited full time employees. This includes medical, dental, and vision insurance.

Staff and administrative employees are eligible to enroll in benefits the first of the month following their date of hire. Faculty are eligible to enroll in benefits upon their date of hire.

Refer to the Employee Benefits Website for additional information, enrollment forms and costs.

#### 4.15 *Life and AD&D Insurance*

Daemen provides employer paid life and accidental death and dismemberment insurance for all full time employees working at least 30 hours per week. The amount of this benefit is \$50,000 and the College pays 100% of the premium.

Full time employees also have the option to purchase additional voluntary life insurance upon hire and during open enrollment. Refer to the Employee Benefits Website for additional information, enrollment forms and costs.

#### 4.16 *Retirement Plan – 403(b)*

Daemen College Retirement Plan (“Plan”) has been adopted to provide you with an opportunity to save for retirement on a tax advantaged basis. All benefit eligible employees may participate in the Plan the first of the month following their date of hire. After one year of service, the college contributes an 8% employer match for those employees that contribute at least 5% on a pre-tax or after-tax basis.

New employees who have completed at least one year of full time service at another college or university within the 12 months prior to their date of hire are eligible for the employer match immediately upon enrollment. Documentation will be required.

#### 4.17 *COBRA Policy – Continuation of Health Insurance Coverage*

You and your dependents are eligible to continue group health insurance coverage when it would otherwise end. The continued coverage would be in the same program the employee participated in at the time coverage ended. You do not need to show that you are insurable to choose continuation coverage.

Continuation coverage will be offered to you, your spouse, former spouse (or legally separated spouse) or your dependent child who ceases to be an eligible dependent under the plan – when one of the following “qualifying events” occurs:

- Your employment ends for any reason other than gross misconduct;
- Your work hours are reduced;
- You become entitled to benefits under Medicare (that is, you elect Medicare as primary payer);
- You die;
- Your marriage is dissolved;
- You become legally separated from your spouse;
- Your dependent child ceases to be an eligible dependent defined by the plan either through age, marriage, or loss of student status.

Daemen College requires that the person entitled to the continuation of coverage will pay 102% of the cost of the coverage. The applicant for continuation coverage must pay the full cost of coverage including back premiums to the date of the “qualifying event” to avoid any lapse in coverage.

The period of continuance will begin on the date coverage otherwise would have ended and will continue until the earliest of the following:

- 36 months after the date of occurrence of one of the events described above.
- The date the group policy ends.
- The date the person whose coverage is being continued fails to provide the required payment to continue coverage.
- The date the person whose coverage is being continued, after electing this continuation, becomes covered under any group health plan, or entitled to benefits under Medicare.

There are at least 60 days during which continued coverage may be elected. This 60 day period begins on the date coverage would have ended, or the date the person requesting continuation receives an Election Form detailing the option to continue coverage, whichever is later.

Under COBRA, the employee or a family member has the responsibility to inform the Daemen College Employee Engagement Office when any of the following events occurs if you wish to elect the continuation coverage option:

- Your marriage is dissolved.
- You become legally separated from your spouse.
- A child stops being an eligible dependent under the plan.

Within 14 days after receiving notice of one of these events, the College will send the appropriate Election Form to the person requesting continuation.

If you do not choose continuance coverage, your group health insurance coverage will end. If coverage of your spouse and dependent children would also end, your election to continue

coverage for yourself will include them. Similarly, if your spouse elects to continue coverage, his or her election will include those dependent children whose coverage would also have ended. At the end of the continuation of coverage period, you and any other person whose coverage has been continued, will be allowed by the insurer to enroll in an individual conversion health plan provided under this plan.

Note that you or your family members may have other options available when your coverage under the Daemen College plan would end due to a qualifying event. These options may include coverage purchased on the Health Insurance Marketplace or coverage under the plan of a spouse's employer.

4.18 *Daemen Tuition Waiver Policy*

Daemen College offers a Tuition Waiver Benefit to active, full time and limited full time employees, their spouse, and domestic partners or eligible dependent children as defined below. Tuition benefits are contingent upon acceptance to the College(s) and the student continuing to show academic progress.

Part-time, temporary, per diem and Adjunct Faculty are not eligible for tuition waiver benefits. For more information on this benefit, please contact the Employee Engagement Office.

**Tuition Waiver Program Eligibility and Benefit Chart**

<b>Program</b>	<b>Eligible Person(s)</b>	<b>Waiver Benefit</b>	<b>Tax Implications</b>
<b>Undergraduate</b>	Full or limited full-time active employee, their spouse, domestic partner, or dependent child	100% tuition	N/A
<b>Graduate</b>	Full or limited full-time active employee	100% tuition	Not taxable if job-related. Taxable over \$5,250.00 if courses are NOT job-related
<b>Graduate</b>	Spouse, domestic partner of full or limited-full time active employee	100% tuition	100% of the benefit is taxable to the employee
<b>Graduate</b>	Dependent child of full or limited full-time active employee	50% tuition	100% of the benefit is taxable to the employee

### Undergraduate Tuition Waivers

Full or limited full time employees, their spouse, domestic partner, or eligible dependent children as defined by IRS regulations, are eligible to attend undergraduate courses at Daemen College and receive a Tuition Waiver. The eligibility for a Tuition Waiver begins the semester after the employee's hire date. Eligibility for a Tuition Waiver ends upon the termination of the employee's employment.

The Tuition Waiver will cover the cost of tuition, less any scholarships or grants the student is eligible to receive. If the student is attending full time, they are required to complete the Free Application for Federal Student Aid (FAFSA) as part of the application process and must comply with applicable Financial Aid Department policies and procedures.

The following fees are covered by the Tuition Waiver benefit: College Fee, Student Activity Fee, Extra Credit Hour Charges, and Laboratory Fees.

The following fees are not covered by the Tuition Waiver benefit: Applied Music Fees, Student Health Insurance, Room and Board (including Room and Board damage deposit), and Books.

Because faculty compensation in summer sessions derives directly from tuition revenue, the College reserves the right to request course registration changes or to cancel summer classes in which an insufficient number of paying students are enrolled. A Tuition Waiver cannot be used for independent study in summer sessions.

The employee must complete an ***Application for Tuition Waiver Form*** for the academic year or each semester as applicable. Applications are available on the website and in the Office of Employee Engagement. Failure to complete the Application for Tuition Waiver will result in class registration being cancelled.

### Undergraduate Tuition Waiver Benefit for Eligible Dependent Child:

- The Undergraduate Tuition Waiver covers 100% of tuition for eligible dependent children under the age of 24 years old.
- Eligible dependent children who have been continuously enrolled in an undergraduate degree program and who reach the age of 24 years before completing the degree will receive an extension of the tuition waiver benefit for up to a total of 30 additional credit hours.
- Tuition waivers will be extended to eligible dependent children who are age 15 or older at the time of death of the full-time employee who:
- Has ten or more years of continuous service as a full-time Daemen employee and
- Was employed at Daemen College as a full-time employee at the time of death.

### Definition of Eligible Dependent Child for Undergraduate Tuition Waiver:

- Was eligible to be claimed in a previous period as a dependent under IRS guidelines;
- Under the age of 24; and
- Provides current evidence of financial dependency in the academic year the Tuition Waiver is requested.

### Graduate Tuition Waivers

A 100% tuition waiver benefit is available for graduate level courses at Daemen College for full and limited full time employees.

Tuition waiver benefits for courses that are **job related** are non-taxable to the employee. A course is job related if it is needed to maintain or improve an employee's job skills; or to meet the express requirements of the employer; or the requirements of law or regulations, imposed as a condition to retaining the employee's salary, status or employment. Employees requesting a Tuition Waiver for graduate courses at Daemen College are required to complete a *Job Related Verification Form* in the Office of Employee Engagement immediately after registering so that the tax consequences for the courses may be determined.

Courses are **not job related** if they serve to meet the minimum requirements of a job or are part of a program of study qualifying an individual for a new profession. ***The first \$5,250 per calendar year in graduate educational assistance for non-job related courses is considered non-taxable.***

Spouse/Domestic Partner/Dependent Child Tuition Benefit:

A 100% tuition waiver benefit is available for graduate level courses at Daemen College for full and limited full time employee's spouse or domestic partner and a 50% tuition waiver benefit is available for graduate level courses at Daemen College for dependent children as defined by the IRS regulations.

The total value of the waiver issued to a spouse, domestic partner or dependent child is taxable to the employee. The cost of the tuition waived will be added to the employee's taxable income each semester and the appropriate state, federal and FICA deductions will be taken over six pay periods. For Spring semesters, the deductions will be made April/May/June. For Summer/Fall semesters, the deductions will be made October/November/December.

Employees requesting a Tuition Waiver for their spouse, domestic partner, or eligible dependent children for graduate courses at Daemen College are required to complete a *Tuition Waiver Application Form* prior to registering. This form is available on the website and in the Office of Employee Engagement.

Eligible Dependent Child – Graduate Tuition Waiver is defined as a child that:

- Is under the age of 27 years of age; and
- Was eligible to be claimed in a previous period as a dependent under IRS guidelines.

4.19 *Tuition Exchange Export Policy*

Eligibility:

Daemen College belongs to Tuition Exchange, a national organization that administers tuition remission scholarships for employees of over 700 member colleges and universities. The Daemen College TE program is offered to dependent children, under the age of 24, of full-time faculty, administrators, and staff. Tuition Exchange is not an employee benefit nor is it a guaranteed scholarship opportunity.

The employee must have completed at least 5 uninterrupted years of full-time employment with Daemen College and must maintain this uninterrupted level of service for the full duration of the tuition exchange period. Change in level or terminations of employment will result in continuation of the scholarship only through the end of the semester in which the event occurs, or if the event occurs prior to the start of the academic year, the scholarship will be voided. For additional information on this program, please contact the TE Liaison Officer/Employee Engagement Department.

Tuition Exchange Scholarships are competitive awards and each participating institution sets its own import/export criteria. Students must attend full-time to be eligible for a Tuition Exchange Scholarship. The importing institution sets the policies for awarding Tuition Scholarships.

#### Duration and Coverage:

Generally, eligible students are awarded 8 semesters to cover four-year undergraduate scholarships if they enroll as freshman or fewer semesters as required to complete the baccalaureate degree if they enter the TE program as transfers. Students renewing their TE scholarships must be recertified annually by the Export College TE Liaison Officer, prior to the start of the next academic year. New TE export students must meet admissions criteria and renewing TE export students must maintain required academic and behavioral standards of the host/import college.

Employees must notify the TE Liaison Officer/Employee Engagement Office immediately if their child withdraws from attendance or falls below full-time status. Students awarded Tuition Exchange Scholarships must continue to meet the academic and social standards of their institution and may be disqualified for failure to do so.

#### Scholarship Value:

The host/import college determines the value of the TE scholarships it awards. It usually covers tuition charges but not room and board and other fees. Higher tuition colleges may elect (but are not required) to reduce their award to the Minimum Value Scholarship, established yearly by the TE Board of Directors. Before accepting a TE scholarship, the student should understand clearly what cost they will be responsible for.

Tuition Exchange Scholarships are non-taxable to the employee for undergraduate attendance.

#### Application Process:

Students must apply for the TE scholarship to the college they want to attend by completing the online EZ Application Form found at [www.tuitionexchange.org](http://www.tuitionexchange.org). The deadline to submit applications for the following Fall Semester is October 31<sup>st</sup>.

Students can monitor the status of their scholarship application on the TE website. The Import College will notify the student if they have been accepted and if they will receive a scholarship. Scholarship candidates must follow the admissions procedures of each College they wish to attend. This may include completing the Financial Aid Form if required by the College or desired by the student. Generally, the Import College (attending) will notify the student of their acceptance to the college and their approval for the scholarship at the same time.

### Scholarship Renewal:

Continuing students should monitor the status of their scholarship each academic year on the TE website. They are not required to complete a new application each year. There is an annual recertification process to verify eligibility that is completed by the Export TE Liaison Officer/Employee Engagement Office. In addition, the student's scholarship funding must be approved each year by the Import (attending school) on the TE website each academic year.

### Transfer Students:

TE scholarships are non-transferable. If the student decides to transfer to another TE school, they are required to complete a new TE application. Remember TE scholarships are based on a variety of considerations including academic success at the former school, if the Import school has scholarship dollars available or the college has specific policies such as "first-year, first-time students only." There is no guaranteed eligibility for Tuition Exchange at the new school.

## 4.20 *CIC-TEP Scholarship Export Policy*

### Eligibility:

Daemen College is a member of The Council of Independent Colleges Tuition Exchange Program, CIC-TEP. This network of nearly 440 colleges and universities provides a tuition-free scholarship to full-time employees and their family members. The CIC Scholarship program is generally available to all full-time employees, their spouses, and dependents (according to the IRS definition of dependent) the semester after their date of hire.

Awards vary widely among institutions from year to year. The number of applications received, the openings an institution has budgeted for, the method of selecting applicants, and other factors all influence the chances of being accepted. The importing institution (attending college) sets the policies for awarding Tuition Scholarships.

### Duration and Coverage:

Students are eligible for the CIC-TEP benefit for a total of eight semesters (consecutive or non-consecutive). Students must maintain good academic and social standing and satisfactory academic progress to maintain their scholarship. If the qualifying employee drops below full-time employment, benefits will automatically terminate at the end of the current term.

### Flexible Study Options:

In addition to full-time undergraduate study, students may enroll in part-time, graduate, and online programs. Graduate study is limited to employees and spouses.

### Scholarship Value:

The CIC Scholarship covers the full cost of tuition for students at all participating institutions. Students are responsible for all non-tuition expenses such as room, board, and fees. CIC Scholarships are currently non-taxable to the employee for undergraduate attendance.

### Application Process:

The student must determine if the College they wish to attend participates in the CIC-TEP by searching the participant list on their website.

The CIC scholarship candidate must (1) apply for admission to the college they wish to attend, (2) complete the Financial Aid Form if required by that college or desired by the student, and (3) complete the CIC Tuition Exchange Program Student Application.

*The Export Liaison/Employee Engagement Office confirms eligibility; the Import Liaison (attending college) determines admission and approves the scholarship.*

#### Scholarship Renewal:

Students are required to reapply each year for their scholarship by completing the CIC Tuition Exchange Program Application Form. The Exporting Liaison Officer/Employee Engagement Office verifies continued eligibility of the student/parent through the CIC-TEP Online Portal. Students must maintain good academic standing and follow the social rules and regulations of the importing institution to maintain their scholarship.

*The Export Liaison/Employee Engagement Office confirms eligibility; the Import Liaison (attending college) determines admission and approves the scholarship.*

#### Transfer Students:

Students are required to reapply for the scholarship by completing the CIC Tuition Exchange Program Application Form and follow the application process for admission to the new college.

*The Export Liaison/Employee Engagement Office confirms eligibility; the Import Liaison (attending college) determines admission and approves the scholarship.*

## **5. EMPLOYMENT POLICIES**

### *5.1 Hiring and Job Postings*

Daemen College strives to create an inclusive environment where all applicants are fully considered for each position. The College supports the creation of diverse and inclusive search committees and the active recruitment of diverse and qualified candidates.

New and replacement positions will be posted on the Office of Employee Engagement website after the appropriate job requisition is completed and approved. Appropriate external recruitment sources will vary depending on the vacancy and will be determined by Employee Engagement and the hiring manager. All applicants, both internal and external, must submit their application materials via the website portal for full consideration. All full time, limited full time & part time offers of employment are contingent upon a favorable background check. (Please see the ***Background Check Policy*** for full details.)

For more details on the hiring and job posting procedures, reference the ***Hiring Supervisor Information and Procedures*** on the Employee Engagement website.

### *5.2 Background Check Policy*

All offers of employment regardless of status (full time, part time, temporary, per diem, etc.) are contingent upon successful completion of a background check. This policy has been

implemented to review the candidate's personal and professional conduct, to ascertain that the candidate is well suited to perform the duties for the position to which he or she has applied. Any applicant that refuses to submit to a background check will not be eligible for employment.

Background checks are conducted post-offer by a third party provider and comply with all federal, state and local laws including, but not limited to, the New York and Federal Fair Credit Reporting Acts.

Background checks include:

- **Social Security Verification:** validates the applicant's Social Security number, date of birth and former addresses.
- **Criminal History:** includes review of criminal convictions and probation. Criminal records will be checked with national criminal databanks, court records and applicable state Sex Offender Registries to confirm that the prospective employee does not have an undisclosed criminal history that may preclude employment. The following factors will be considered for applicants with a criminal history:
  - The nature of the crime and its relationship to the position.
  - The time that has passed since the conviction or completion of sentence.
  - The number (if more than one) of convictions.
  - Age of the applicant at the time of the past offense.
  - Evidence of rehabilitation.
  - Whether hiring, transferring or promoting the applicant would pose an unreasonable risk to the college, its employees or its students and vendors.
- **Personal and Professional References:** calls will be placed to individuals listed as references by the applicant. Reference calls are completed by the Hiring Department or Search Committee. Professional references will highlight the skills, knowledge and accomplishments a candidate possesses that will assist the search committee with identifying the best qualified applicant for the job.

The following additional background searches will be required if applicable to the position:

- **Motor Vehicle Records:** provides a report on an individual's driving history in the state requested. This search will be run when driving is an essential requirement of the position. A suspended or revoked license, a DUI or DWI conviction or significant moving violations may disqualify an applicant for employment.
- **Credit History:** confirms candidate's credit history. This search will be run for positions that involve management of College funds and/or handling of cash or credit.
- **Educational Verification:** confirms the applicant's claimed educational institution, including the years attended and the degree/diploma received. All educational credentials beyond high school and any professional licenses will be confirmed as part of the background check if a requirement of the position. If the third party provider is unable to confirm education or credentials, the applicant will be given a reasonable opportunity to furnish any documentation that would satisfy the verification.

## Procedure

The applicant will receive information about the background check and a link to a signed release form post-employment offer. This will be administered by a designated employee in the Employee Engagement Office. The background check results are usually available within five to seven business days.

The AVP OF Employee Engagement will ensure compliance with Article 23-A of the NYS correction law and assess the potential risks and liabilities related to the job's requirements and determine whether the individual should be hired.

Background check information is sensitive and confidential. Results will securely be maintained in a confidential file for a minimum of five years. Disclosure of information in a background check is limited to those who have a business need to know.

If the applicant has provided misleading or erroneous information on the employment application, resume or during a selection interview, the applicant may be eliminated from further consideration of employment.

Daemen College reserves the right to modify this policy at any time without notice.

### 5.3 *Employment of Relatives*

As a general policy, relatives of employees may not be employed at the College when one would be the supervisor of the other. Relatives include: parents and children, spouses, brothers and sisters, uncles and aunts, nieces, nephews, and in-laws.

### 5.4 *Outside Employment*

Employees should not engage in outside employment that affects or conflicts with their employment with the College. Please refer to the ***Conflict of Interest Policy*** which addresses reporting outside employment.

### 5.5 *Non-Discrimination Equal Opportunity and Affirmative Action Policy*

Daemen College is committed to compliance with its obligations under Title IX of the Educational Amendments of 1972, Titles VI and VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Americans With Disabilities Act, the Age Discrimination in Employment Act, Executive Orders, the New York State Human Rights Law, and other applicable anti-discrimination laws. It is the policy of Daemen College to provide all students, applicants, and employees equal access to all programs and facilities without regard to sex, sexual orientation, gender, race, color, creed, religion, veteran or military status, national origin, age, disability, familial status, marital status, domestic violence victim status, status as an ex-offender, arrest record, predisposing genetic characteristics or genetic information, or any other characteristic protected by federal or New York State law.

Furthermore, the College will not discriminate against any individual with respect to the application of College policies, or the criteria for the successful completion of any course or program on the basis of sex, sexual orientation, gender, race, color, creed, religion, veteran or military status, national origin, age, disability, familial status, marital status, domestic violence victim status, status as an ex-offender, arrest record, predisposing genetic characteristics or

genetic information, or any other characteristic protected by federal or New York State law. Every person in the Daemen College community is required to be familiar with and act in accordance with this policy. This includes administrators, faculty, staff, students, contractors, and vendors. All violations of this policy will be addressed and, where appropriate, discipline will be administered. Any person or entity found in willful violation of this nondiscrimination policy shall be subject to termination, expulsion, or contract termination as appropriate.

The College President has assigned day-to-day responsibilities for the implementation and administration of this policy to the Chief Diversity Officer, who serves as the College's Equal Opportunity and Affirmative Action Officer. Any questions concerning this policy and any complaints of discrimination should be communicated to Chief Diversity Officer, Duns Scotus Hall, Room 118, telephone (716) 839-8249 (campus extension 8249).

A complaint of discrimination may also be filed with the Office for Civil Rights (OCR) of the U.S. Department of Education. Complaints are to be filed within 180 calendar days of the alleged act of discrimination and may be made to the New York regional office of OCR:

New York Office Office for Civil Rights  
U.S. Department of Education 32 Old Slip, 26th Floor  
New York, NY 10005-2500  
Telephone: 646-428-3900  
FAX: 646-428-3843; TDD: 877-521-2172  
Email: [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov)

The College recognizes its duty to continue to provide equal employment opportunity to all qualified persons and reaffirms its commitment that there shall be no discrimination against applicants or employees because of membership in any protected classes under federal and/or state law, in matters of employment, upgrading, promotion, transfer, layoff, termination, rates of pay, selection for training, recruitment and recruitment advertising. Any employee found to have acted in violation of our policy shall be subject to appropriate disciplinary action, which may include discharge.

The College is also committed to affirmative action and its Affirmative Action Program (AAP) is designed to include those elements contained in Executive Orders 11246 and 11375 and outlined in the Office of Federal Contract Compliance Revised Order Number 4. Questions or concerns about our EEO Policy and AAP may be directed to the EO/AA Officer, Chief Diversity Officer, Duns Scotus Hall, Room 118, 716-839-8249.

The College's Affirmative Action Program commits the College to identify and analyze all areas of employment in compliance with applicable federal regulations for government contractors and to provide guidance and assurance for full implementation of our EEO Policy. Areas identified for special attention will be assigned to appropriate personnel and specific instructions for affirmative action, including specific goals, will be formulated.

The following will be the rules under which the EEO Policy and AAP are implemented and operated:

- The College will recruit, hire and promote employees without regard to membership in any protected classes under federal and/or state law.
- The College will base decisions on employment so as to further the principle of equal employment opportunity.
- The College will ensure that promotion decisions are in accord with principles of equal employment opportunity by imposing only valid requirements for promotional opportunities.
- The College will ensure that all other personnel actions such as compensation, benefits, transfers, sabbaticals, leaves of absence, layoffs, returns from layoff, College sponsored training, education, tuition assistance, social and recreational programs will be administered without regard to sex, sexual orientation, gender, gender identity, race, color, creed, religion, veteran or military status, national origin, age, disability, marital status, domestic violence victim status, status as an ex-offender, arrest record, predisposing genetic characteristics or genetic information, or any other characteristic protected by federal or New York State law.
- The Chief Diversity Officer is designated as the College's Equal Opportunity and Affirmative Action Officer charged by the President of the College with direct responsibility to monitor all equal employment opportunity activity throughout the College and the responsibility for assuring attainment of the College's stated objective of full compliance with the policy of nondiscrimination in employment.

The College's Equal Opportunity and Affirmative Action Officer will monitor the AAP and will report periodically to the President the effectiveness of the program. Such reports will include recommendations for necessary action to ensure attainment of the College's EEO objectives. The President will take any necessary action upon receiving those reports.

All department heads will have the responsibility of ensuring full compliance with the provisions of the College's EEO Policy and AAP.

The intent of the above policy also applies to the recruitment, employment, and advancement of qualified individuals with disabilities, qualified veterans with disabilities, and qualified veterans of the Vietnam Era recently separated veterans and other protected veterans.

New York State Human Rights Law has recently been amended to include interns, both paid and unpaid, among the classes of people specifically protected from discrimination in employment.

#### *5.6 Policy Prohibiting Unlawful Harassment Including Sexual Harassment*

**A. Purpose.** Daemen College is committed to offering educational and employment opportunity based on ability and performance in a climate free of discrimination. Discrimination is prohibited at this institution not only because it is unlawful, but because it is wrong. Please refer to the College's Policy on Nondiscrimination, Equal Opportunity, and Affirmative Action for a comprehensive statement of the College's commitment in this regard. Among the forms of discrimination prohibited by the College is unlawful harassment, including sexual harassment, by employees as discussed in this policy. In addition, the College will endeavor to protect

students and employees, to the fullest extent possible. This includes instances of reported harassment at the College and in the workplace by students, vendors, or other non-employees. When appropriate, the College will take steps to prevent College employees from harassing non-employees.

**B. Definition of Terms.** For the purpose of this policy terms such as sexual harassment, discrimination, and retaliation are defined pursuant to the applicable state and federal law.

**C. Sexual Harassment.** It is the policy of Daemen College not to discriminate on the basis of sex, including sexual harassment, in its educational programs, activities or employment policies as required by Title IX, Education Amendments of 1972, Equal Employment Opportunity Commission regulations, and other applicable antidiscrimination laws. Sex discrimination in the form of harassment on the basis of sex includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature when:

- a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education status; or
- b) submission to or rejection of such conduct by an individual is used as the basis for educational or employment decisions affecting such individuals; or
- c) such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or offensive working or educational environment.

Daemen College will take all steps necessary to prevent such discrimination and effectively address incidents of unlawful harassment, including the imposition of appropriate sanctions. As examples, the following kinds of conduct, or others with a similar harassing effect, are absolutely prohibited if such conduct falls within the definition stated above:

- Abusing an employee or student through insulting or degrading sexual remarks, jokes, innuendoes, or other sexually oriented conduct (including, among other things, graphic or descriptive comments relating to an individual's body or physical appearance, sexually oriented teasing or pranks, improper suggestions, objects or pictures, or unwanted physical contact); or
- Threats, demands or suggestions that an employee's or student's status depends in any way upon tolerating or accepting sexual advances or sexually oriented conduct; or
- Sexual violence, defined as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's age, use of drugs or alcohol, or intellectual or other disability.

Any harassment of Daemen College employees, students, or applicants, or third parties (such as participants in College sponsored events) in violation of these rules is absolutely prohibited

and will not be tolerated. Interim protective measures may be made while a complaint is investigated. Both complainant and alleged offender shall be treated equitably throughout the investigation. Conduct that occurs off campus, including but not limited to that perpetrated electronically, by social networking or email, is also subject to investigation and an appropriate response under the Policy to the extent that such conduct contributes to a sexually hostile environment on campus. Sexual harassment is illegal under both state and federal law. Inquiries regarding compliance with Title IX, New York State law 129-B, and all other state and federal discrimination laws may be directed to the Chief Diversity Officer and Title IX Coordinator (Duns Scotus Hall Rm 118, 716.839.8249, who is also the College's Equal Opportunity and Affirmative Action Officer.

**D. Other Unlawful Harassment.** Unlawful harassment is defined as verbal or physical conduct which denigrates or shows hostility or aversion to an individual because of his or her sex, sexual orientation, gender, race, color, creed, religion, veteran or military status, national origin, age, disability, familial status, marital status, domestic violence victim status, status as an ex-offender, arrest record, predisposing genetic characteristics or genetic information, or any other characteristic protected by federal or New York State law, or that of his or her relatives, friends, or associates, and which:

- Has the purpose or effect of creating an intimidating, hostile, or offensive working or educational environment; or
- Has the purpose or effect of unreasonably interfering with an individual's performance; or
- Otherwise adversely affects an individual's employment or educational opportunities. As examples, the following kinds of conduct, or others with similar harassing effect, are absolutely prohibited if such conduct falls within the definition stated above:
  - ✓ Abusing an employee or student through epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts (even if claimed to be "jokes" or "pranks") which relate to sex, sexual orientation, gender, race, color, creed, religion, veteran or military status, national origin, age, disability, familial status, marital status, domestic violence victim status, status as an ex-offender, arrest record, predisposing genetic characteristics or genetic information, or any other characteristic protected by federal or New York State law; and
  - ✓ Written or graphic material which denigrates or shows hostility or aversion toward an individual or group because of sex, sexual orientation, gender, race, color, creed, religion, veteran or military status, national origin, age, disability, familial status, marital status, domestic violence victim status, status as an ex-offender, arrest record, predisposing genetic characteristics or genetic information, or any other characteristic protected by federal or New York State law, and is displayed or circulated (including electronically) in the workplace or educational environment. Any harassment of Daemen College employees, students or applicants in violation of these rules is absolutely prohibited and will not be tolerated.

**E. Retaliation.** Retaliation against employees, students, third parties (such as participants in College sponsored events) or applicants for exercising their rights under this policy is also strictly prohibited and will not be tolerated. This includes retaliation against employees, students, third parties (such as participants in College sponsored events) or applicants for inquiring about their rights, or for making an honest complaint of a violation or possible violation, or for truthfully assisting in a complaint investigation. Claims of retaliation should be reported to the Chief Diversity Officer and Title IX Coordinator (Duns Scotus Hall Rm 118, 716.566.7880), who is also the College's Equal Opportunity and Affirmative Action Officer.

**F. No One Has Authority to Violate This Policy.** Under no circumstances does any faculty member, administrator, trustee, other employee, or student of the College or any other person, including vendors and subcontractors, have any authority whatsoever to engage in discriminatory, harassing, or retaliating conduct in violation of this policy. If anyone claims to have such authority, or if an employee, student, third party (such as participants in College sponsored events) or applicant has a question about whether objectionable conduct is authorized by the College, the College's Equal Opportunity and Affirmative Action Officer (DS 118, 716.566.7880), should be contacted.

**G. Academic Freedom.** As an institution of higher education, Daemen College, its employees and students also must be aware of the need for freedom of inquiry and openness of discussion in its educational and research programs, and must strive to create and maintain an atmosphere of intellectual seriousness and mutual understanding in which these essential features of academic life can thrive. No college can or should guarantee that every idea expressed in its classrooms or laboratories will be inoffensive to all; pursued seriously, education and scholarship necessarily entail raising questions about received opinions and conventional interpretations. Daemen College does guarantee, however, that credible accusations of inappropriate remarks or conduct that may violate the College policy prohibiting discrimination and harassment will be investigated promptly, thoroughly, and fairly.

**H. Procedures.** Employees, students, and applicants are encouraged to promptly report any conduct that they believe violates this policy. If the College does not know about the conduct, it cannot act. Complaints or inquiries should be made confidentially to the Chief Diversity Officer, who is the College's Equal Opportunity and Affirmative Action Officer and Title IX Coordinator . In the case of student-on-student conduct, complaints or inquiries should be made confidentially to the Assistant Vice President for Student Affairs and Dean of Students (Wick Center, 716.839.8519) for investigation and adjudication under the Student Conduct (Disciplinary) Procedures outlined in the Student Handbook. The Assistant Vice President for Student Affairs and Dean of Students will report any allegations of Title IX violation to the Title IX Coordinator. Alternatively, an individual may initially discuss the matter with any other employee of the College, or involve any other person to help in bringing the complaint forward, provided the complaint is promptly brought to the attention of the Chief Diversity Officer, to ensure consistency and centralized decision-making in the application of this policy. Complaints may also be made anonymously through U.S. or campus mail to the Title IX Coordinator, Daemen College, 4380 Main Street, DS 118, Amherst, New York, 14226. Discrimination and harassment complaints will be handled pursuant to the Grievance Procedure in Discrimination and Harassment Cases or Student Conduct (Disciplinary) Procedures as applicable. Ordinarily,

the AVP for Student Affairs and Dean of Students will investigate complaints of student-on-student harassment; the Chief Diversity Officer, will investigate any complaints involving employees. Complainants will be encouraged to express their wishes for resolution of the matter. Complainants of sexual violence shall be entitled to necessary interim actions to protect them. When the complainant and alleged violator are both members of the campus community, interim measures will be taken to ensure safety and equitability during the investigation. Both the complainant and the alleged perpetrator shall have equal opportunity to present relevant evidence and to appeal determinations as provided for in the above policies. Both the complainant and the alleged perpetrator will receive in writing the outcome of the investigation. Complaints and inquiries will be kept confidential to the extent practicable and consistent with the need to conduct an adequate investigation. Reasonable steps will be taken to honor a party's request regarding confidentiality and/or pursuit of investigation, but such requests must also be evaluated in the context of the College's responsibility to provide a safe and nondiscriminatory environment for all persons and/or to warn the College community of possible danger. The College will inform the parties if confidentiality cannot be ensured.

Any employee or student who is found to have violated this policy will be subjected to appropriate disciplinary measures up to and including termination or expulsion. Individuals with complaints of discriminatory harassment may also have the right to file a complaint with the Office for Civil Rights (OCR) of the U.S. Department of Education. An employee may also have the right to file a charge with the United States Equal Employment Opportunity Commission ("EEOC"), the Office of Civil Rights ("OCR"), or the New York Division of Human Rights ("SDHR"). A charge should be filed with the EEOC within 300 days of the most recent date that the unlawful conduct occurred, or if filed with the OCR, within 180 days, or if filed with the SDHR, within one (1) year. Reporting to the College is critical, however, if the College does not know about the conduct, it cannot act. No one should allow conduct that may violate this Policy to continue unreported. It is extremely important that this be reported so that the College can act to stop such conduct at the earliest possible time. Daemen College provides training for employees on recognizing and preventing unlawful harassment, including sexual harassment: all employees are expected to participate in such training.

#### *5.7 Grievance Policy and Procedure in Discrimination and Harassment Claims*

##### **Purpose:**

It is the policy of Daemen College, in accordance with federal and state laws including, but not limited to, Title IX of the Education Amendments of 1972, the Civil Rights Act of 1964, the Rehabilitation Act of 1973, the Age Discrimination in Employment Act, the Americans with Disabilities Act and the New York State Human Rights Law, not to discriminate against any person on the basis of membership in any protected classes under federal and/or state law with respect to employment, admission to the College, or in participation in any College program or activity. Also in accordance with these laws, it is the policy of the College to prohibit harassment of any employee or applicant on the basis of the statuses outlined above. All complaints alleging a violation of this policy will be investigated and appropriate remedies will be instituted.

##### **Responsibility:**

Every person in the College community is responsible for compliance with this policy. The Equal Opportunity and Affirmative Action Officer/Chief Diversity Officer (DS118, 716-839-8249) has been given day-to-day responsibility for implementing this policy.

### **Grievances:**

All grievances or complaints alleging a violation of the College's nondiscrimination policy and policy prohibiting unlawful harassment should be submitted to the Chief Diversity Officer, who is the Equal Opportunity and Affirmative Action (EOAA) Officer and/or Title IX Coordinator (DS118, 716-839-8249). **Grievance Forms** are available in the office of the EOAA Office, but any form or format may be used provided it is identified as a grievance. A grievance should contain a statement of the facts identifying the violation and as much supporting documentation as possible. Those filing a grievance should also express their view of a possible resolution to the problem. A grievance should be filed as soon as possible after the alleged discrimination has occurred (usually within 30 days). A delay in filing a grievance may impact the ability of the College to investigate and resolve the grievance.

All persons involved, including complainant(s), respondent(s), and witness(es), will be accorded due process, as outlined below. In general, the Chief Diversity Officer/Title IX Coordinator (or designee) will attempt to resolve the matter as simply and as quickly as possible by informally meeting with the relevant persons in an effort to reach an acceptable agreement, if possible. If the complaint involves an incident of alleged sexual assault, stalking, dating violence, and/or domestic violence, the matter will immediately proceed to the process below; no informal mediation will be undertaken. While the process may vary from case to case depending on the circumstances, an investigation of a report of harassment or other violation of this policy will generally include the following steps:

- Upon receipt of a report of harassment or other violation of this policy, Daemen College will conduct an immediate review of the allegations and take any appropriate interim action required to protect the safety and security of the campus and individuals. An appropriately trained professional will be appointed to serve as an investigator as ordered by the Chief Diversity Officer/Title IX Coordinator (or designee), which could include either of them or their designee.
- Relevant documents and electronic communications will be collected and reviewed, which will include interviews with complainant(s), respondent(s), and witness(es), if applicable. During the investigation, the complainant and respondent shall have the right to present evidence and witnesses.
- Confidential written documentation of the investigation will be created which may also include recordings of interviews and direct transcripts of meetings.
- The information collected from the investigator will be summarized into a formal report and provided to the Chief Diversity Officer/Title IX Coordinator (or designee) for review. Communication will be sent to both the complainant and respondent informing them of the status of the incident.
- The Chief Diversity Officer/Title IX Coordinator (or designee) will review the information collected and determine appropriate response in conjunction with statutes and legal counsel, if determined necessary. If feasible and not presenting a safety risk to the campus and/or individuals, a meeting will be conducted with the respondent to

discuss the matter and share sanctions, if applicable. The complainant(s) will receive word of College response via official written communication, and an in-person meeting, if feasible.

- All records will be kept confidential and maintained in the Office of Employee Engagement and filed for the appropriate amount of time as determined by the College's record retention policy.

### **Appeal:**

If after the decision is rendered, either the complainant(s) or respondent(s) are unsatisfied with the resolution, either party may appeal the matter to the Office of Employee Engagement for review. Such requests may be made at any time, but not later than five (5) days after notification of the decision. The AVP of Employee Engagement (or designee) will chair a panel of three to include appropriate, senior-level administrators who have no direct conflict of interest to review the matter and render a final decision. Within thirty (30) days thereafter, the committee, in conjunction with legal counsel if applicable, will complete their review of the matter, which could include additional discussions with already known or newly identified individuals with respect to the grievance. A final decision will be submitted in writing to both the complainant(s) and respondent(s).

Should the President be the accused party, all appeals will be made to the Executive Committee of the Board of Trustees, which will review and rule upon the committee's decision.

### *5.8 Dispute Resolution Policy and Procedures*

If an employee has a complaint or problem other than one covered under the ***Grievance Policy and Procedure in Discrimination and Harassment Claims***, the matter is handled in accordance with the following procedures.

- The employee shall bring the matter to the attention of his or her immediate supervisor. Both parties are expected to make a good faith attempt to resolve the matter at this level and in accordance with any relevant College policies and procedures. Subsequent levels of review will consider compliance with the spirit of this provision in rendering a decision. Communication may be orally or in writing at this stage, and shall be in writing if either party requests. If an employee feels unable to communicate his or her concerns to the immediate supervisor, he or she should contact the AVP of Employee Engagement in accordance with provision 2 below.
- The AVP of Employee Engagement is available to assist employees with work-related problems or complaints. If in the AVP of Employee Engagement's judgment, the problem may constitute a violation of College policy or procedure, he or she will take appropriate steps to facilitate correction of the possible violation. The AVP of Employee Engagement may also refer the employee to the employee's immediate supervisor, or the supervisor's supervisor, if in the AVP of Employee Engagement's judgment, it is appropriate to do so. The AVP of Employee Engagement may also participate in meetings of the affected parties, at the request of either party or at the AVP of Employee Engagement's own discretion.
- If the complaint or problem remains unresolved at the level of the employee and immediate supervisor, the employee may bring the matter to the attention of the supervisor's supervisor.

At this stage, the employee shall communicate the problem in writing if requested to do so by the supervisor's superior. The supervisor's superior shall review the matter, consulting with relevant parties as appropriate, and render a written decision. The decision is final, subject to review by the AVP of Employee Engagement to ensure that the decision is in compliance with College policies and procedures. Should this review result in modification of the decision, the Employment Engagement Director shall ensure that the modification is approved by an officer of the College.

If discrimination in violation of College policy or the law is alleged or suspected, the EO/AA Officer (Chief Diversity Officer) shall be consulted. In matters involving possible discrimination, the **Grievance Procedure in Discrimination Cases** shall be followed.

In the event of disputes between members of different campus constituencies, procedures are as follows:

- A dispute initiated by a faculty member with an administrative or staff employee shall be processed according to the procedures that govern administrative and staff employees.
- A dispute initiated by an administrative or staff employee with a faculty member shall be processed according to the procedures that govern faculty.
- If it is unclear what procedure is appropriate for disputes involving Faculty, the Vice President for Academic Affairs, in consultation with the Faculty Senate President, shall determine the procedure to be followed.
- Disputes with students initiated by staff or administrative employees should follow procedures outlined in the Student Handbook.
- Disputes with staff or administrative employees initiated by students should follow the Dispute Resolution Procedure outlined in the Student Handbook.

### 5.9 *Conflict of Interest Policy*

#### **Purpose:**

Daemen College's policy is to comply with all laws and regulations affecting its activities. This policy on conflict of interest is intended to satisfy compliance requirements and guide College personnel in avoiding those situations that can result in a conflict of interest.

#### **Policy:**

It is the policy of Daemen College that employees must discharge their duties in the best interests of the College to the extent permitted by law. Therefore, each employee must:

- Refrain from any activity or transaction that could influence or cause an employee not to act in the best interests of the College, including, without limitation, any business transaction or private arrangement for personal profit which arises out of or relates to a position of authority with the College or upon confidential information which is obtained by reason of such position of authority. For purposes of this policy "personal profit" means profit to the employee, any member of his or her immediate family (spouse, parents, children, siblings) and any entity with which he or she may be associated.

- Disclose any financial, ownership, or management interest in any entity engaged either in the delivery of educational services, or in the delivery of goods or services of any kind to the College.
- Refrain from participation in a transaction with the College which could result in personal profit except upon the written approval of the President or his designee.
- Disclose any personal activity or business opportunity which is within the scope of the activities of the College and refrain from pursuing or exploiting such opportunity except upon written approval of the President or his designee.
- Refrain from accepting any gift, favor, service, compensation, or benefit of any kind from any person who can influence the exercise of the employee's professional judgment on behalf of the College. This includes any person with whom the employee may transact business on behalf of the College, or whom the employee knows to be transacting, or seeking to transact, business with the College. Items of minimal value (*e.g.*, \$50 or less) are not included within this policy, and need not be reported, unless they occur more than twice per calendar year.
- Refrain from making or tendering payments, gifts or services to or for the benefit of any government or accrediting agency official, employee or designee who is in a position to influence directly or indirectly, any government or accrediting agency action or decision.
- Refrain from making or soliciting contributions in the name or on behalf of the College or with College funds, services or facilities in any form to, or in aid of, any political party, group, candidate or cause. It is not a violation of this Policy for an employee to contribute to a political party or campaign as a private citizen.
- Refrain from participating in any employment, salary, or other important decision regarding an immediate family member or person with whom the employee is in a close personal relationship. Members of the same family may not be employed in a situation where one member of the family works under the administrative supervision of another except with the approval of the appropriate vice president. Pertinent provisions of the Faculty Handbook will be observed in any cases involving faculty members.
- Comply with all established accounting and audit policies and practices to ensure the protection of College assets.

A conflict or a potential conflict of interest can arise at any time. It is therefore required that a situation encompassed by this Policy be disclosed before occurrence if that is possible, and in any event as quickly as possible after the situation is appreciated.

If any employee is in doubt about a situation, it should be fully disclosed to the appropriate vice president, so that a determination can be made as to what action, if any, needs to be taken. There is no harm in good faith, over-reporting; by contrast, failure to report may be a violation of this Policy.

**Procedure:**

The President of the College, or his designee(s), will administer the Conflict of Interest Policy. The President may, at his discretion, refer selected issues or matters to the Audit Committee of the Board of Trustees.

This Conflict of Interest Policy is to be communicated at least annually to all employees. New employees are to be given a copy of this policy.

- A ***Conflict of Interest Statement Attachment A***, available in the Employee Engagement Office, must be executed by all College officers, Cabinet members, Deans, administrators and full-time faculty members. Cabinet members are to assure that all of their employees who are required to execute the Statements do so. Signed Statements must be submitted to the Vice President for Business Affairs. An employee may be asked to complete and sign a new Statement whenever a situation arises that may potentially involve this policy. Failure to complete or sign a Statement upon request will be deemed an admission of an actual conflict of interest.
- An employee who becomes aware at any time of a conflict of interest involving himself/herself should immediately obtain and complete a ***Conflict of Interest Disclosure Form Attachment B***, available in the Employee Engagement Office, and deliver it to the Cabinet member responsible for his/her area. The Cabinet member must deliver a copy of each Disclosure Form to the Vice President for Business Affairs.
- All Conflict of Interest Statements and Disclosure Forms should be delivered to the Vice President for Business Affairs. If a possible, perceived, or actual conflict is disclosed, the Vice President for Business Affairs will require the appropriate Cabinet member or dean to review the situation and contact the necessary people to develop an understanding of the situation. Thereafter, the Vice President for Academic Affairs will render a decision in those cases pertaining to faculty members and the Vice President for Business Affairs will render a decision in all other cases. All decisions and resolutions must be in the best interests of the College. If research is involved, the resolution must meet the granting institution's requirements. Conflicts involving the Vice President for Business Affairs will be handled by the Board Audit Committee.
- An employee impacted by a resolution may appeal to the President by submitting a written statement explaining the disagreement. After consulting with the Board Audit Committee, if deemed necessary, the President will issue a final decision.
- A copy of all documents relating to the disclosure and the resolution will be retained by the Vice President for Business Affairs.
- In general, all Conflict of Interest Statements and Disclosure Forms are to be retained for four years. All Conflict of Interest documents and related actions for grants must be maintained at least three years beyond the termination of the related grant or resolution of any action with the granting organization, whichever is longer. Research related disclosure materials are to be maintained by the Vice President for Academic Affairs.
- All Conflict of Interest documents will be available for review by the Board Audit Committee and external auditors.
- Conflicts involving senior management are to be resolved by the President in consultation with the Board Audit Committee and College legal counsel.
- Conflicts involving the President are to be resolved by the Board Audit Committee and the Executive Committee of the Board if deemed necessary.

#### **Policy Violations and Retaliation:**

A deliberate or grossly negligent violation of this policy may result in disciplinary action up to and including termination of employment, cessation or prohibition of business with a vendor,

and other appropriate remedies. Any disciplinary action against an employee will be subject to review in accordance with the *Dispute Resolution Procedure* of the applicable handbook.

It is also a violation of College policy to retaliate against an individual who reports a potential or perceived violation of this conflict of interest policy. If an individual believes that retaliation has occurred or is threatened, he or she should report it immediately to the Cabinet member responsible for his/her area or to the President. It is also a violation of this Policy for an employee to file a Disclosure Form or give a statement that is made in bad faith. The identity of the person reporting conduct in accordance with this Policy will be kept confidential to the extent possible with an adequate investigation.

### 5.10 *Whistleblower Policy*

#### **I. General:**

Daemen College requires all trustees, officers, volunteers, and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of the College, we must practice honesty and integrity when fulfilling our responsibilities and comply with all applicable laws and regulations. The College's internal controls and operating procedures are intended to detect, prevent or deter improper activities; however, even the best systems of control cannot provide absolute safeguards against irregularities. Accordingly, the College has adopted this Whistleblower Policy to provide a mechanism to assist and encourage trustees, officers, volunteers, and employees to come forward in good faith with reports or concerns about suspected compliance issues in a timely basis.

#### **II. Reporting Responsibility:**

It is the responsibility of all trustees, officers, and employees to report suspected financial misconduct. This Whistleblower Policy governs only the reporting and investigation of suspected financial misconduct, such as violations of applicable laws, external regulations, College policy of a financial nature, or misuse of College resources. Financial misconduct may include, but is not limited to, ethics violations, fraudulent transactions, conflicts of interest, inappropriate expenditure of funds, questionable internal controls and failure to comply with accounting standards and audit practices, theft or inappropriate use of cash or other College resources, falsification of hours worked for payroll purposes and inappropriate spending of cash through the accounts payable process. The policy is not intended and may not be used for personal or employment grievances, general compensation and benefit complaints, opinions on policy, etc. Such concerns should be pursued in accordance with pertinent policies articulated in employee and student handbooks and as discussed in section X below. While this policy pertains only to trustees, officers, volunteers, and employees of the College, students with concerns in this regard are encouraged to discuss their concerns with the Vice President for Student Affairs and Dean of Students, who will determine the most appropriate course of action.

#### **III. Reporting Suspected Violations:**

Daemen College has an open door policy and encourages trustees, officers, volunteers and employees to share their questions, concerns, suggestions or complaints regarding any concern with someone who can address them properly. In most cases, an employee or volunteer's

supervisor, or the head of the affected department or office is in the best position to address an area of concern.

The College has adopted this Whistleblower Policy for those instances where a person has a serious concern about possible financial or ethical misconduct. The Policy allows allegations to be made outside of the immediate area that the suspected trustee, officer or employee is associated with and allows for confidentiality for the reporting person, if requested. It is recommended that complaints under this Policy be made in person, electronically, or by mail. Employees reporting by campus mail or email should complete a Whistleblower Disclosure Statement (located on the policy portal) and forward it to the Chair of the Audit Committee of the Board of Trustees (Compliance Officer). Alternatively, the report may be made to the College President, Vice President for Business Affairs (VPBA) or Chair of the Board of Trustees, although all complaints will be forwarded to the Audit Committee Chair as Compliance Officer unless the Chair is the subject of the complaint. Contact information for each of these individuals can be found in Section XVI of this Policy.

Every whistleblower should understand that making a report will likely cause an investigation to commence and that he/she may need to visit the office of the Compliance Officer to answer any questions regarding the report.

Complaints may be submitted on an anonymous basis, if the person so desires; however, sufficient information must be provided in order that an investigation can be conducted. Whistleblowers are encouraged to put their names to allegations because appropriate follow-up questions and a complete investigation may not be possible unless the source of the information is identified. Concerns expressed anonymously will be explored appropriately, but consideration will be given to (1) the seriousness of the issue raised; (2) the credibility of the concern; and (3) the likelihood of confirming the allegation from attributable sources. Anonymous whistleblowers must provide sufficient corroborating evidence to justify the commencement of an investigation. An investigation of unspecified wrongdoing or broad allegations will not be undertaken without verifiable evidentiary support. Since investigations are more complete and reliable when based upon timely evidence, reports under this policy should be made as soon as possible after the conduct complained of is discovered.

#### **IV. Compliance Officer and Handling of Reported Violations:**

The Daemen College Whistleblower Compliance Officer is the Chair of the Audit Committee of the Board of Trustees. (Should the Audit Committee Chair be the subject of allegations, the Audit Committee shall appoint another member to perform the Compliance Officer's role regarding said allegations.) The Compliance Officer will direct and oversee an investigation, but may call upon the appropriate College office for information or other assistance depending on the specific circumstances of the issue.

All reports will be promptly investigated. The Compliance Officer has access to all resources of the College and external counsel to ensure a fair and accurate resolution of the alleged violation. The investigation is closed when the Compliance Officer has deemed the investigation is

complete and a resolution is reached. The Compliance Officer is responsible for documenting the investigation and explaining the rationale for the resolution.

That document and all other relevant documents will be attached to the original Whistleblower Disclosure Statement (if one has been filed, or any other documentation that exists for anonymously reported allegations) and reside in the office of the Compliance Officer during the investigation. Documents and evidence relating to a closed investigation will remain in the College's files in the Employee Engagement Office.

Whistleblower Disclosure Statements and the status of investigations will be reported to the Audit Committee of the Board of Trustees. At the discretion of the Compliance Officer, the President may also be advised of the status and/or results of any investigation. The Compliance Officer has direct access to the Board of Trustees and is required to report to the Board at least annually on compliance activity.

#### **V. Accounting and Auditing Matters:**

The Audit Committee of the Board of Trustees shall address all reported concerns or complaints regarding corporate accounting practices, internal controls or auditing. The Compliance Officer shall immediately notify the Audit Committee of any such complaint and work with the Committee until the matter is resolved.

#### **VI. Results of Reports Made Under Whistleblower Policy:**

If the investigation establishes that a violation of law, external regulation or College policy has occurred, the Compliance Officer, in conjunction with the appropriate College administrator (President, VPBA, VPAA, the AVP of Employee Engagement and/or the Director of the applicable office of the investigated employee) will determine appropriate action based upon law and College policy. (If, as a result of the complaint, a faculty member is disciplined, he or she is entitled to a detailed, written explanation of the reasons for the discipline, as noted in Article XI of the Faculty Handbook. If as a result of the complaint a faculty member is suspended or terminated, the faculty member may invoke the review procedures provided for in Article XII of the Faculty Handbook. College staff and students may elect to proceed with the review procedures provided for in the applicable handbook.) Civil or criminal prosecution will be pursued when warranted.

If the result of the investigation is that the allegation is not satisfactorily established, the investigation will be deemed complete. A whistleblower whose complaint is not established or is deemed inappropriate to be addressed under this Whistleblower Policy may pursue his or her claim under another relevant College policy.

#### **VII. Confidentiality:**

Whistleblowing complaints will be handled with sensitivity, discretion and confidentiality to the extent possible, consistent with the need to conduct an adequate investigation. Generally, this means that whistleblower complaints will only be shared with those who have a need to know so that the Compliance Officer can conduct an effective investigation and determine what action to take based on the results of any such investigation. In appropriate cases, the investigation documents will be shared with law enforcement personnel.

Should disciplinary or legal action be taken against a person or persons as a result of a whistleblower complaint, such persons may also have the right to know the identity of the whistleblower. In addition, whistleblowers submitting a report should be aware that their public testimony might be needed to establish a violation.

Although a person's report may possess merit, comments made to others regarding another person could constitute defamation, invasion of privacy or other grounds for civil liability. Whistleblowers, witnesses and investigators should not discuss allegations outside of the reporting and investigation process. This is especially important if the investigation reveals that the suspected person's actions were lawful or within College policy.

Note that if a whistleblower self-discloses his or her identity directly or indirectly through his or her own actions outside of the official investigation process, the College is not obligated to maintain confidentiality.

### **VIII. No Retaliation:**

Employees, trustees, and officers of the College may not retaliate against a whistleblower for reporting an activity which that person, in good faith, believes to be financial or ethical misconduct. An action is considered retaliatory if it has the intent or effect of adversely affecting the terms or conditions of the whistleblower's employment, including but not limited to, threats of physical harm, loss of job, punitive work assignments, or impact on salary or wages. Whistleblowers who believe that they have been retaliated against may file a written complaint with the Compliance Officer or the Vice President for Business Affairs. Any complaint of retaliation will be promptly investigated and, if allegations of retaliation are substantiated, the perpetrator will be subject to discipline up to and including termination of employment/relationship with the College. This protection from retaliation is not intended to prohibit managers or supervisors from taking action, including disciplinary action, in the usual scope of their duties and based on valid performance-related factors. This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within Daemen College prior to seeking resolution outside the College.

### **IX. Acting in Good Faith:**

A report made under this policy can have considerable impact on the personal and professional lives of those charged. Anyone filing a complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation.

Employees, trustees, and officers shall not intentionally misuse the College's Whistleblower Policy and procedures. Intentional misuse includes, but is not limited to, frivolous claims, attempts to treat a personal grievance or personnel dispute as an allegation of wrongdoing, lack of good faith in invoking the policy or any known false, malicious or intentionally misleading statements made at any time under the procedures of the policy. The Compliance Officer will report to the Chair of the Board of Trustees, the President, VPBA or VPAA, and/or the Director of the applicable office (if an employee), the identity of anyone who is believed to have

intentionally misused the Whistleblower Policy. After appropriate review by these individuals, if the allegations are substantiated, the perpetrator will be subject to discipline up to and including termination of employment/relationship with the College. As requested and as appropriate, the Compliance Officer and other College officials shall make all reasonable and practical efforts to protect or restore the reputation of persons alleged to have violated College policy, but against whom no finding of misconduct is made.

#### **X. General Reporting Outside of the Whistleblower Policy:**

All are encouraged to report all other suspected violations of law or College policy directly to his/her supervisor. If the whistleblower feels unable to do so or if there is any reason why this may not be appropriate, he or she should raise the issue with the department chair, dean, director or other College official/office having responsibility for overseeing compliance with the particular policy or procedure in accordance with the guidance below:

#### **XI. Crime Reporting Policy:**

Daemen College strives to maintain a safe campus and relies on all members of the campus community to do their part to keep our campus safe. Any member of the campus community—faculty, student, staff, trustee or volunteer—who observes criminal activity on the Daemen main campus or at any off-campus instructional site is expected to report such conduct promptly to the police and to Campus Safety.

Criminal activity includes but is not necessarily limited to: physical assault, including sexual assault and abuse; burglary, robbery, arson, unauthorized display or use of a dangerous weapon, and the illegal distribution or manufacture of controlled substances.

If you observe a crime, phone 911 immediately and follow the instructions of the police. Contact Campus Safety immediately thereafter. Any crime directly involving a member of the campus community, whether as victim or alleged perpetrator, should also be brought to the prompt attention of the Office of the President.

In addition, there are occasions when minors (persons under 18 years of age) are on the Daemen College campus or involved in College events. Any person who observes the sexual abuse of a minor or has a reasonable suspicion of such abuse, should immediately notify Campus Safety and the local police authorities (call 911). A call may also be made to the NYS Child Abuse Hotline at 1-800-342-3720. Any such conduct involving a Daemen student or employee should also be brought to the attention of the Office of the President.

The prompt reporting of criminal activity is essential to securing a safe campus environment for all persons, including guests and members of the public. No one is exempt from the expectation of law-abiding behavior. There shall be no form of retaliation within the Daemen College community against any person making a good faith report of suspected criminal activity.

#### **XII. Employment Policies:**

In the event of any claim concerning discrimination or harassment (including sexual harassment) or any other violation of employment policies, reports should be made in accordance with

the *Grievance Policy and Procedure in Discrimination and Harassment Claims* or the Dispute Resolution Procedures found in staff, faculty, and student handbooks, as appropriate.

### **XIII. Education & Research:**

An alleged violation that, if proved, would constitute misconduct in research will be processed in accordance with the *Daemen College Research Integrity Policy and Guidelines on Misconduct* (See the Faculty Handbook and/or the Daemen Policy Portal for further information).

### **XIV. Environmental, Health and Safety:**

In the event of any claim concerning personal safety, suspicious activity, fire, environmental protection, hazardous conditions, violations of state or federal health or campus safety, a report can be made to the Campus Safety Office at ext. 8246. Potential biohazard issues should be handled according to the College Biosafety Manual, available [online](#).

### **XV. Data Security:**

In the event knowledge regarding the improper use of electronic resources including: computer hardware; computer network and servers; software; data, voice, cable or other related wired or wireless signals of information; the improper handling or use of College electronic data; or any other violations of the College's Acceptable Use Policy, report should be made to the Vice President for Information Technology/CIO.

### **XVI. Contacts:**

Listed below are the current names and email addresses of the President, VPBA, Chair of the Audit Committee and Chair of the Board of Trustees. These positions will change periodically. Consult the Office of the President for the most current names and addresses.

**Gary A. Olson, Ph.D.**  
[golson@daemen.edu](mailto:golson@daemen.edu)

**President**

**Robert E. Rood, Ph.D.**  
[rrood@daemen.edu](mailto:rrood@daemen.edu)

**VP for Business Affairs & Treasurer**

**Alan Gracie**  
[Alan.gracie@freedmaxick.com](mailto:Alan.gracie@freedmaxick.com)

**Chair – Trustee Audit Committee**

**John Yurtchuk**  
[John.yurtchuk@calspan.com](mailto:John.yurtchuk@calspan.com)

**Chair – Board of Trustees**

### **Questions**

Questions related to the interpretation of this policy should be directed to the Vice President for Business Affairs.

*Policy approved by the Daemen College Board of Trustees on May 8, 2012*

5.11 *Accommodation of Employees with Disabilities*

**Purpose:**

Daemen College complies with Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act (ADA), and applicable state and local laws providing for nondiscrimination against individuals with disabilities. This policy applies to the hiring of employees and all terms and conditions of employment.

Daemen College provides reasonable accommodations for qualified individuals with disabilities so that they may enjoy all the privileges of employment. Daemen College has established an accommodation assessment procedure for the evaluation of requested accommodations in accordance with legal guidelines.

**Definition of Terms:**

For the purpose of this policy, terms such as disability, essential function, reasonable accommodation, qualified individual, shall be defined pursuant to Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and applicable state and local laws providing for nondiscrimination against individuals with disabilities.

**Policy:**

It is Daemen College's policy to:

- Ensure that qualified individuals with disabilities are treated in a nondiscriminatory manner in the hiring process and that qualified individuals with disabilities are treated in a nondiscriminatory manner with respect to all terms and conditions of employment.
- Keep all medically related information confidential in accordance with the requirements of Section 504 and the ADA.
- Provide qualified applicants and employees with disabilities reasonable accommodation.
- Notify individuals with disabilities that the College provides reasonable accommodations to qualified individuals with disabilities by including this policy in employment handbooks.

**Procedure for Requesting an Accommodation:**

If an employee of the College anticipates a need for accommodation, the request for accommodation should be brought to the attention of the relevant supervisor as soon as possible. Where the disability is not obvious, the employee shall provide current evidence of the disability and the limitations that require accommodation. Guidelines for documentation of disabilities are posted on the College's website. The supervisor will forward this request to the Chief Diversity Officer, who is the College's Equal Opportunity and Affirmative Action (EOAA) Officer. The EOAA Officer will discuss with the employee, the supervisor, and/or other relevant individuals, as needed, the functional limitations resulting from the disability and the reasonable accommodations to be made. Accommodation will not be authorized if it would fundamentally alter the nature of the employee's job or create an undue hardship for the College.

An applicant for a job with the College may disclose a disability and the need for reasonable accommodations during the hiring process. This request will be forwarded to the EOAA Officer for evaluation.

If an employee is not satisfied with the determination made by the College with respect to the request for accommodation, the employee may file a grievance pursuant to the *College's Grievance Procedure in Discrimination Cases*. Should any problem arise in securing an approved accommodation, the employee should bring the problem to the immediate attention of the EOAA Officer, who will assist in resolving the matter. In addition, any member of the College Community with questions or concerns about the College's disability policy and procedures should contact the EOAA Officer (Chief Diversity Officer, Duns Scotus Hall, Room 118, Daemen College, 4380 Main St., Amherst, NY 14226; Telephone: 716.839.8249). Requests for accommodations will remain confidential to the extent practicable and medical information will be maintained separately from personnel and academic records.

#### 5.12 *Drug Free Workplace Policy*

**Purpose:** Daemen College is committed to protecting the safety, health and well-being of all its employees and campus community. Daemen strives to maintain a workplace free from the influences of illegal drugs and substance abuse pursuant to the Drug Free Workplace Act (41.U.S.C. 701) and the Drug Free Schools and Communities Act (20 U.S.C. 1145g.).

Therefore, it is the policy of Daemen College that the unlawful manufacture, distribution, possession, sale or use of controlled substances by an employee of the College is strictly prohibited and that anyone found in violation of this policy will be subject to disciplinary action up to and including termination.

As such, the College provides the following directives:

#### **Communication:**

To ensure all employees are aware of their role in supporting our drug-free workplace program:

- All new hires will receive a copy of the Drug Free Workplace Policy and sign an acknowledgement and agreement to comply with the College's Drug Free Workplace Policy. A signed copy will be maintained in the employee's personnel file;
- All employees are required to complete Drug Free Workplace Training upon hire and periodically thereafter;
- Supervisors will receive training to help them recognize and manage employees with alcohol and other drug problems.

#### **Shared Responsibility:**

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Employees must not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs.

#### **Employee Assistance Program (EAP):**

Daemen College recognizes that alcohol and drug abuse and addiction are treatable illnesses. Employees who are struggling with alcohol or drugs are encouraged to seek assistance. The College's *Employee Assistance Program (EAP)* is available free of charge to employees and their families on a confidential basis, 24 hours a day 7 days a week. Employees who have a concern about drug or alcohol abuse are strongly encouraged to contact the EAP for assistance in

finding resources to help with the problem. Please see the benefits section of this handbook for more information about the Employee Assistance Program.

### **Disciplinary Action**

Individuals whose work performance is impaired as a result of use or abuse of drugs or alcohol (either on or off campus); who illegally use or abuse drugs or alcohol on campus or on College business; who violate any provision of the College's employment rules or who have been convicted of violating criminal drug statute while on College property or while participating in a college sponsored program off campus are subject to disciplinary action. This may include termination of employment and referral to law enforcement authorities.

Disciplinary action will be determined and implemented by the cognizant Vice President in consultation with the AVP of Employee Engagement. Any such actions will be in compliance with the Faculty Handbook and other College policies and regulations regarding termination of employees.

### **Notification of Conviction:**

Any employee convicted of a controlled substance related violation in the workplace, including pleas of no contest, must inform the AVP of Employee Engagement within five (5) days of this conviction or plea. Moreover, any employee who is so convicted may be subject to disciplinary action up to and including termination.

Please see the College Vehicles Policy for additional information regarding this policy as it pertains to operating College vehicles.

### *5.13 College Vehicles Policy*

When operating any motor vehicle while working, employees are expected to observe all laws and regulations governing the use of motor vehicles. Following are the policies and procedures of the College for employees operating a college owned or sponsored vehicle:

- The College requires that all employees operating a College owned or sponsored vehicle complete a department of motor vehicle records check (MVR) upon hire and annually thereafter. A suspended or revoked license, a DUI or DWI conviction or significant moving violation will disqualify an employee from operating a college owned or sponsored vehicle. Motor Vehicle Records Checks are processed through the Office of Employee Engagement.
- All accidents that occur while on job related trips must be reported immediately to the Office of Campus Safety and the employee's supervisor. The driver may be subject to substance testing as per section 511 of the Motor Vehicle Traffic Law arranged by the Office of Employee Engagement. Campus Safety will provide copies of all accident reports to the Office of Employee Engagement, and this will become a part of the employee's personnel record.

- Driving any vehicle, while working, under the influence of alcohol, or any controlled substance is illegal and will result in termination of employment.
- Employees must notify Campus Safety and their supervisor if they receive a speeding ticket, moving violation, and /or parking ticket. The supervisor is responsible for notifying Employee Engagement of speeding tickets or moving violations. These infractions are part of an employee’s personnel record. Any tickets are the financial responsibility of the employee.
- If there is any change in your driving status, i.e. suspension of your license, etc. you must notify Employee Engagement and your supervisor immediately. If the employee’s driving privileges are suspended, and driving is a regular job responsibility, employment may be terminated.

Please see the ***Drug Free Workplace Policy*** for additional information.

#### 5.14 *Campus Safety & Security*

Daemen College has an open campus and welcomes many visitors to the campus daily. However, to ensure the safety of our Daemen community, employees are asked to lock their offices/desks when not in use, to safeguard their keys and valuables, report lost keys and/or any suspicious persons or situations to Campus Safety. Campus Safety Officers are available 24 hours a day, 7 days a week, 365 days a year. The Campus Safety Office is located in the Wick Center and officers can be reached by dialing 839-SAFE (7233), or by email at [campussafety@daemen.edu](mailto:campussafety@daemen.edu). Campus Safety issues Daemen ID cards, as well as parking permits to all employees. You can register for your parking permit by going to [www.permitsales.net](http://www.permitsales.net).

To promote a safe work environment, the Campus Safety Office periodically administers fire drills and shelter in place drills for the entire College community. All employees are expected to cooperate fully with such drills and exit the building in case of a fire drill.

#### 5.15 *FERPA Policy - Family Education Rights and Privacy Act*

Employees coming into contact with student records in the course of their work must understand and adhere to the College’s Family Education Rights and Privacy Act policy.

Daemen College complies with the Family Educational Rights and Privacy Act (FERPA). Pursuant to this law, the College shall maintain the confidentiality of student education records and shall not release them to any person or entity without the written consent of the student except as set forth below. Moreover, the College shall provide students access to their education records pursuant to the procedures outlined in this policy.

“Education records” are the records, files, documents, and other materials maintained by the College, which contain information directly related to a student except:

- Records of faculty and administration, which are in their sole possession and are not revealed to any persons other than a representative.
- Records of Campus Safety that were created for law enforcement purposes.

- Employment records maintained solely for such purpose.
- Medical records.

The College may include in a student's education records disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student or other members of the College community. Nothing in this policy shall prevent the College from disclosing such information to teachers or other institutions who have a legitimate educational interest in the behavior of the student. Moreover, the College may disclose to an alleged victim of any crime of violence the results of a disciplinary proceeding conducted by the College against the alleged perpetrator of such crime. In compliance with federal law (Title IX and the Clery Act), the College will disclose the outcome of an investigation of sexual violence to both the accuser and the accused, including information about specific disciplinary sanctions when sanctions directly relate to a student who has been harassed. Additionally, the College reserves the right to notify the parents/family of a student determined to have violated the College's policies and/or New York State laws regarding underage drinking or illegal use of drugs.

College policy is that no person shall have access to, nor will the institution disclose, any information from a student's education records without the written consent of the student except (a) to the student; (b) to appropriate College officials who have legitimate educational interest; (c) to certain state and federal officials; to officials at other schools in which the student seeks to enroll; (d) to persons or organizations in connection with the student's application for financial aid; (e) to organizations conducting studies for educational purposes, but only under conditions that protect confidentiality; (f) to accrediting agencies carrying out their accreditation function; (g) in compliance with a judicial order; and (h) for reasons in an emergency in order to protect the health or safety of a student or other persons.

The Registrar will maintain, with the education records, a list of all persons and entities (other than College personnel with a legitimate educational interest) who have requested or obtained access to a student's records. This list, which is available to the student about whom information has been requested, will show the interest of persons or entities.

Within the Daemen College community, only those officials with a legitimate educational interest are allowed access to student education records. Such persons include personnel in the Offices of the Vice President of Academic Affairs and Dean of the College, Associate Vice President for Academic Affairs, Vice President for Student Affairs and Dean of Students, Division Deans, Academic Support Services, Information Technology, Higher Education Opportunity Program, Registrar, Comptroller, Financial Aid, Admissions, faculty members, and other College officials within the limitation of their need to know. College officials may include students who serve on official College committees or who are employed in College offices. Internship supervisors (e.g., supervising teachers, clinical preceptors), consultants, and other contractors (e.g., attorneys, auditors) may also be considered College officials within the limitation of their need to know.

At its discretion, the College may provide "directory information" to others and the College's confidentiality policy shall not be applicable to such information. "Directory information" includes: student name, address, telephone number, email address, date and place of birth, major

field of study, dates of attendance, enrollment status (includes advance registration data, anticipated graduation year, class status), resident status (commuter or resident), degrees and awards received, recent educational institution attended by student, participation in recognized activities and sports, and weight and height of members of athletic teams.

The College will withhold directory information if a student makes a written request to the Office of the Registrar. Student directory information is included in the College's website and may be contained in other College publications. Students wishing limited disclosure may submit a request in writing to the Office of the Registrar. A form is available on the Registrar's website. Once a student has requested non-disclosure, his or her directory information will not be disclosed until the student provides written instruction to change this status.

Students have the right to inspect and review information contained in their educational records, to challenge the contents of their education records, to have a hearing if the outcome of the challenge is unsatisfactory, and to submit explanatory statements for inclusion in their record if they feel the decision following the hearing is unacceptable. The College Registrar has the responsibility to coordinate the inspection and review procedures for student education records. Students wishing to review their education records must make a written request to the Registrar listing the records or information of interest. The pertinent record or information will be made available within forty-five days of the request. At their expense, students may have copies made of their records with certain exceptions (e.g., a copy of the academic record for which a financial "hold" exists).

The following documents and information will not be disclosed to students: financial information submitted by their parents; confidential letters and recommendations associated with admissions, employment, or job placement; references to which they have waived their rights of inspection and review, provided they are used solely for such purpose; education records containing information about more than one student, in which case the College will permit access only to that part of the record which pertains to the inquiring student.

A student who believes that the education records contain information that is inaccurate, misleading, or inappropriate should discuss the problem with the Registrar in an effort to resolve the matter informally. If not resolved, the student will be afforded a formal hearing pursuant to the Student Dispute Resolution Procedure contained in the Student Handbook. The request for a hearing must be made in writing to the Vice President for Academic Affairs, who, within a reasonable period of time after receiving a request, will inform the student of the date, place, and time of the hearing. A student may present evidence relevant to the issues raised in accordance with the Student Dispute Resolution Procedure. The hearing will be conducted by the Vice President of Academic Affairs and/or any other individual so designated.

The decision of the hearing will be final and will consist of a written report summarizing the evidence and stating the reasons for the decision. If the decision is in favor of the student, the student's record will be amended accordingly. If the student is not satisfied with the decision, the student may prepare a written statement explaining the disputed contents of the record. This statement will be maintained as part of the student's education records and released whenever the pertinent record is disclosed. Inquiries regarding this policy should be directed to the Registrar.

In addition, students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by the College to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW Washington, DC 20202

#### 5.16 *Social Media Policy and Guidelines*

##### **Social Media Defined**

Social media refers to various digital tools that allow people to connect with one another, create and share content, and receive information. It is an ever-evolving landscape for communication and interaction.

Daemen College uses social media platforms to communicate with stakeholders such as students, faculty, staff, alumni, and the media, as well as market the institution, its academic programs, and its public value to our community and beyond. Use of social media allows for real time dissemination of news, information and other content to Daemen's stakeholder groups and allows nearly instant feedback and communication between them and the institution. For these reasons, strategic social media management and best practices must be applied when employing these communication tools.

The following are the official main institutional social media accounts held by Daemen College. Other main accounts on emerging channels are in development.

- Facebook
- LinkedIn
- Twitter
- YouTube
- Instagram

Ancillary social media accounts also exist to represent the diverse Daemen College community and all it has to offer. While these accounts may be run by various individuals, divisions, or departments, they are all still representative of Daemen College and thus require oversight by the Marketing and Communications function of the college to ensure they are operated with the mission, values, and vision of the college in mind. In addition, because these accounts are representative of Daemen College, they also require support from the Marketing and Communications function of the college in the form of tools, resources, and ongoing social media-focused training and education to ensure that they are employed effectively.

##### **Daemen's Mission and Social Media**

The mission of Daemen College is to prepare students for life and leadership in an increasingly diverse and complex world by integrating the intellectual qualities acquired through the liberal arts with the preparation necessary for professional achievement.

The faculty, staff, and students of the Daemen College community value:

- a diversity of ideas, backgrounds and beliefs
- a student centered atmosphere
- holistic/experiential learning
- advanced information literacy
- rigorous critical thinking and creative problem solving
- effective communication skills
- keen moral and ethical discernment
- acute affective awareness
- informed civic engagement
- an understanding of the role of context
- intellectual rigor
- local and global responsibility
- professional preparation

Keeping these ideas in mind at all times, utilizing social media channels allow Daemen College to share content in the forms of news, information, events, stories, photos, videos, and more with all key stakeholders. It is through this information, and through the accessibility to this information, that Daemen College is able to reinforce and fulfill the mission, vision, and values of the college.

### **Our Goals**

Daemen College will aim to use all official social media accounts strategically and effectively to encourage conversation, build relationships with our diverse community of stakeholders, promote events, share stories that are important to the Daemen community, and continue to fulfill the institution's mission and build momentum into the future.

### **Account Monitoring**

All official social media accounts associated with Daemen College will be monitored by the Department of Marketing and Communications within Institutional Advancement to ensure they are operating with the mission, vision, and values of the institution in mind. Content posted via ancillary Daemen College accounts reflects not only a department/organization, but the college as well.

It is the responsibility of department supervisors to ensure content/information being shared is respectful, accurate, and not offensive. The proper disciplinary actions will take place when content violates the practices set forth by this document. The vice president for institutional advancement in conjunction with the vice president for strategic initiatives and other leadership roles as deemed necessary will work collaboratively to address any social media related issues that arise.

### **Operation in Accordance to Handbooks | Code of Conduct**

Individuals posting on behalf of official Daemen College social media accounts, whether faculty, staff, or students, will not violate the code of conduct set forth by the Staff and Administrative Handbook, Full-Time Faculty Handbook, and the Student Handbook. Please note that the code of

conduct also informs the institution's expectations of personal use of social media. Actions in violation of these codes can result in disciplinary action.

Violations of these codes via social media include (but are not limited to) posting offensive language or imagery, harassment, cyberbullying and discrimination. Faculty, staff, and/or students who manage social media accounts relating to or affiliated with Daemen College are responsible for serving as professional representatives of the college. All activities should align with policy statements and regulations as outlined in the current Staff and Administrative Handbook, Full-Time Faculty Handbook, and the Student Handbook.

Failure to follow these guidelines may result in (but are not limited to) the removal of account administrative access, account termination, and/or other legal or institutional repercussions as deemed fit.

Keep in mind other Daemen College policies. For example, please refer to the Technology Acceptable Use Policy for more information in regards to Daemen College Information Technology resources. Access to these resources is a privilege, not a right. This document does not reflect the full detail of all campus policies that may impact social media, including employee policies, academic policies and procedures, and our File Sharing Policy.

**Faculty Obligations:** The following was taken directly from the academic freedom section of the Daemen College Faculty Handbook:

*“Faculty members are citizens, members of a learned profession, and representatives of the college. When faculty members speak or write as citizens, they shall be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, faculty members should remember that the public may judge their profession and the college by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the college.”*

**Staff and Administration Obligations:** The following was taken directly from the conduct section of the Staff and Administrative Handbook:

*“You are an important goodwill ambassador of the college. As a member of the campus community, you will come in contact with students, faculty, other employees, parents, alumni and visitors. The college is judged by what you say and how you act.”*

For more information, relevant to staff and administrative obligations, please review the Technology Acceptable Use Policy of the Staff and Administrative Handbook.

### **Existing Account Information**

Any existing social media account that posts on behalf of Daemen College must share account information and provide administrative rights to the Department of Marketing and

Communications through the marketing and digital media specialist position. This includes the name of the account administrator(s), email address, phone number, and account affiliation. This information will be kept confidential. Ancillary account information will only be used in times of emergency, crisis communication efforts, or if the main account administrator leaves their position.

### **Brand Identity**

The Daemen College brand identity must remain consistent throughout all communications channels, including social media. Do not alter, adjust, or transform official Daemen College logos and branding. Please review the current Daemen College Graphic Guidelines for more information. Specific requests or inquiries for artwork, logos, or other creative assets can be made by contacting the director of publications within Institutional Advancement.

### **Maintain Confidentiality**

Do not share personal information through Daemen College's social media accounts. This includes (but is not limited to) names, addresses, dates of birth, passwords, social security numbers, and health information. Follow all local, state, and federal regulations such as FERPA and HIPPA. Do not violate Daemen College's Confidentiality Agreement. However, it is encouraged to disclose which department is managing a particular social media account. This can be done via the account's description/bio fields. This will help inform external entities where information is coming from.

### **No External Promotion**

Social media accounts associated with Daemen College may not be used for personal or financial gain or to promote personal activities. Account managers may not promote a product, activist causes, or political party through accounts associated with Daemen College.

### **Inactive Social Account Termination**

To help reduce the number of social media accounts that require account management, inactive social media accounts associated with Daemen College will be reviewed periodically and assessed for termination. Inactive accounts can represent the college in a negative way to external stakeholders.

### **New Account Requests**

If a Daemen College department, office/division club, organization, or group feels the need to create a new social media account, a request must be made through the Department of Marketing and Communications. Please contact the marketing and digital media specialist via email to make a formal request. Requests must be made and vetted by the division prior to implementing any new Daemen College social media accounts.

### **Best Practices, Tools, and Training and Education**

The following points are general best practices to follow when managing a social media account on behalf of an institution, business, club, department, or organization. While these are not the only best practices to follow, they help to provide a solid foundation for social media management and content creation.

### **Know Your Platform**

Each social media platform is different, and each has a unique way of sharing information with your designated audience. Keep this in mind when posting or developing content.

You can post the same message across various social media accounts (Facebook, Twitter, Instagram, LinkedIn, etc.) but you should tailor the content based on the platform. Try not to post the exact same copy, video, or image across all platforms. Instead, try making minor adjustments that reflect where you are posting content.

### **Know Your Goal**

What are you looking to accomplish? Whether you are promoting an upcoming event or trying to help showcase something unique on campus, knowing the goal of your social media efforts is critical. This can help measure the effectiveness of your social media strategy and help influence future content.

Use S.M.A.R.T. goals (Specific, Measurable, Attainable, Relevant, and Time-bound) when helping to create content for social media.

### **Know Your Audience**

Keeping your platform and goals of social media in mind, you also need to know your audience. This will allow you to craft a message that resonates best with them.

For example, content intended to generate awareness for Daemen's e-sports team may be different from content intended for Daemen alumni relations efforts.

However, social media content can be seen by a large audience. This can include, but is not limited to, current students, faculty, staff, alumni, prospective students, donors and more. Be aware of this before posting anything on social media and please keep the concepts of accessibility, diversity, and inclusion in mind.

### **Tell the Daemen Story**

Does the content that you are considering posting add to the tapestry of the Daemen story? Good content should connect to our mission, vision and values (generally implicitly) and help build a consistent brand throughout your account, which connects to the college's overall brand. Visitors to the page should have a feeling of continuity as they look at different posts in terms of both look and feel and voice. As you consider content, ask yourself if it contributes to the story you are looking to tell and the feelings you seek to elicit or if it detracts from it. Good content helps build the story.

### **Think Twice**

Content posted on social media does not live in its own vacuum. Instead, it contributes to a plethora of other thoughts and ideas with people all over the world. With that in mind, think twice and double-check your posts before they go out.

Those managing social media accounts on behalf of a Daemen College department, group, club or organization are representatives of Daemen College. Users who interact with these various

social media accounts may assume you are speaking on behalf of a department or the college as a whole. They most likely do not know the inner workings of departments at Daemen College. It is imperative that you take into consideration how someone, or perhaps a group of people, will react to your content. Do not post anything that may offend people. Do not post any content that may be slanderous.

If you question whether or not your content may offend someone, you can reach out to your direct supervisor or the marketing and digital media specialist for additional guidance.

### **Diversity, Inclusion, and Respect**

What you post on social media is a direct reflection of not only Daemen College, but your professional integrity as well. Everything you post can be seen by the public. Even if you have privacy settings enabled, there is still a chance that others can see what you post.

Do not engage in negative online discussions. Do not post information or content that hurts or offends a particular group of people. Do not post derogatory or slanderous comments about Daemen College, current or former students, donors, faculty or staff, or other stakeholders. It is important to be considerate to all people, no matter their background. Content shared on social media will encourage discussion. Even if those viewpoints are different from your own, we must not belittle others or suppress conflicting ideas. For more guidance on social media under the lens of diversity and inclusion, please reach out to the chief diversity officer and the Center for Diversity and Inclusion.

### **Responding to Negative or Sensitive Comments**

If a response is necessary, please connect with your direct report and key Department of Marketing Communications staff regarding an official response. Key points of contact are the director of institutional communications, and the marketing and digital media specialist.

If you find yourself in a position where the communication becomes antagonistic, avoid being defensive. Please be respectful of other people's opinions. Having thoughtful discussions on relevant topics is a great way to build your community and is a vital aspect of having a successful social media site. Loop in your supervisor and marketing communications staff as early as possible to help you manage the situation and avoid the need for crisis communications.

### **Maintain Accuracy**

Make sure the information and content you share is accurate and correct. Providing inaccurate information may lead to confusion and a lack of trust. It can take a long time to build up trust on social media, but it can all go away in an instant. Double-check your posts for proper grammar usage, proper punctuation, misspellings and more. Please refer to the Daemen College Editorial Style Guide for guidance, but also feel free to curate a distinct voice and tone for your social media account.

If incorrect information is shared, work quickly and efficiently to retract the statement and provide a correction.

### **Avoid Copyright Infringement**

Copyright infringement is easy to avoid when posting to social media. If the content you're posting falls under the "fair use" provision, then you must give credit to the creator and you may

post the information. If the content you're posting does not fall under the "fair use" provision, you must legally request permission and give the creator credit. For more information on the unauthorized distribution of copyrighted material, please see the Daemen College File Sharing Policy.

### **Maintain Confidentiality and Privacy**

Do not post proprietary information about Daemen College, including personal information about students, alumni or employees. Protection exists on most records related to students from disclosure under federal law, known as the Family Educational Rights and Privacy Act (FERPA). Disclosing any personally identifiable student education records is a violation of this law. Information collected in connection with research could fall under the protection of a nondisclosure agreement, research protocol or another applicable law or agreement. Any protected information is prohibited from being shared on social media.

### **Maintain Consistency**

Content shared on social media needs to follow the same voice, tone, and posting frequency to ensure the effective use of each platform.

Building an engaged online audience takes time. By posting high-quality content consistently that proves to benefit people, you will be on the right path to an engaged social community. Users who follow and interact with the social media account(s) you manage on behalf of Daemen College will expect a particular level of professionalism and content delivered to them. Accounts that appear to be inactive reflect poorly. Again, what you post is a direct reflection of Daemen College.

### **Updates Happen Frequently**

Technology moves fast. Updates to policies, social media platforms, and how we interact with each other online is constantly in flux. That means that people managing social media accounts on behalf of Daemen College must remain diligent in staying up to date with the latest trends, policies, and best practices.

### **Tools and Resources**

Please go to the Marketing and Communications Support webpage for helpful tools, resources, and educational programming available to help supercharge your social media efforts:  
<https://sites.google.com/daemen.edu/marketing-request-forms/social-media-toolkit?authuser=0>

#### *5.17 Technology Acceptable Use Policy*

Information Technology resources include, but are not limited to, computer hardware and software, databases, files, system accounts, networks, Internet access, and electronic communication.

### **Access to Daemen Information Technology resources is a privilege and not a right.**

It is expected that all faculty, staff, students, guests, and visitors will be ethical and responsible in their use of Daemen technology, and all will comply with this Acceptable Use Policy. All users must comply with federal, state, and local laws as well as Daemen College policies. Inappropriate use of Daemen Information Technology resources can result in disciplinary action, including revoking the privilege to use these resources.

The misuse of Daemen Information Technology resources includes, but is not limited to:

- Use of College computing facilities for commercial activity or personal financial gain.
- Use of College computing facilities for any illegal activity, including violation of U.S. copyright law. Illegal reproduction of software may be subject to civil damages and criminal penalties including fines and imprisonment.
- Posting on or transmitting through any network unlawful, harmful, threatening, abusive, harassing, defamatory, vulgar, obscene, profane, hateful, racially, ethnically, or otherwise objectionable material, including, but not limited to, material which encourages conduct that would constitute a criminal offense, gives rise to civil liability or otherwise violates any applicable municipal, provincial, federal, or international law.
- Wasteful use of finite system resources. Wasteful use includes, but is not limited to, excessive or unnecessary printing, excessive forwarding of electronic email, or using an excessive amount of bandwidth.
- Connecting unauthorized equipment to the campus network including personal network switches, routers, wireless access points, servers, or any other device that may have a negative effect on network performance.
- Vandalism or alteration of computer hardware or software belonging to the College.
- Unauthorized access or alteration of files, databases, or accounts of other users.

The College makes no warranty as to the suitability of the provided facilities or equipment for any particular purpose. The College accepts no responsibility for loss of service or the loss of data resulting from a loss of service. Users are responsible for backing up their own work. The College reserves the right to audit all Daemen accounts at any time to ensure compliance with Daemen policies and procedures. Daemen accounts and electronic files may also be subject to search under court order.

Accounts on College servers are issued to individual users, and are not transferable. The person to whom an account is granted is responsible for all use of that account. Sharing an account or password is not permitted, and users are required to take reasonable steps to ensure the security of their account. Making computing resources available to non-authorized users in any other manner is not permitted. All College faculty, staff, and student employees are required to abide by the College's Confidentiality Agreement.

Suspected violations of this Acceptable Use Policy should be reported to [infosec@daemen.edu](mailto:infosec@daemen.edu).

#### 5.18 *Electronic Communications Policy*

The purpose of this policy is to describe the permitted uses of Daemen College email. This policy is not meant to supersede or replace, but should be read together with, other college policies such as the ***Technology Acceptable Use Policy***.

#### **Generally**

Daemen provides its employees with an official Daemen email account for the purpose of communicating and conducting Daemen related business with each other, students and other

relevant parties in an efficient manner. All Daemen faculty and staff are responsible for checking their Daemen e-mail account regularly to ensure that important communications are not missed.

All electronic communications and/or computer systems and all communications and information transmitted by, received from or stored in these systems, including paper copies thereof, are the property of Daemen College and, unless explicitly excluded herein, are to be used solely for Daemen and/or business related purposes. The following guidelines are intended to promote responsible use of the e-mail system and may occasionally be modified by Daemen.

All Daemen employees are required to use their official Daemen email account for all Daemen-related correspondence and/or when conducting Daemen-related business. Daemen employees may not use their own personal email accounts to conduct Daemen business.

Personal use of Daemen's computers or other Daemen-owned hardware or systems should be strictly limited as outlined in the Technology Acceptable Use policy. This includes all Information Technology resources, including, but not limited to, laptops, Daemen's e-mail system, Daemen's access to the Internet, software, databases, system accounts, and networks.

Daemen employees (e.g. faculty, staff, student employees) should be aware that privacy cannot be guaranteed in the aforementioned electronic communication and computer information systems. As stated in the Technology Acceptable Use policy "The College reserves the right to audit all Daemen accounts at any time to ensure compliance with Daemen policies and procedures. Daemen accounts and electronic files may also be subject to search under court order."

Where it appears that the integrity, security or functionality of the College's computer or network resources are at risk or in instances of abuse of College policies, standards, or local, state or federal laws, Daemen College reserves the right to take whatever actions it deems necessary (including, but not limited to monitoring activity and viewing files) to investigate and resolve the situation.

An employee's signature acknowledging receipt of this policy evidences the employee's receipt and acknowledgement of this policy.

Individuals who are not currently employed by Daemen, or otherwise teaching courses or performing services, during the academic semester will have limited access to Daemen's IT resources. Individuals who are reemployed during an academic semester or otherwise commence performance of duties for Daemen will have access restored by Daemen's IT Department.

Misuse of the e-mail system may result in disciplinary action.

### **Guidelines Regarding Daemen's Electronic Communications System**

- Privacy cannot be guaranteed in the e-mail system and messages generated within it should not be considered confidential or inherently protected from access by others.

- E-mail should be treated as if it were written correspondence and should be considered as subject to disclosure in accordance with legal action or applicable law or regulation.
- Deletion of an e-mail message does not necessarily mean that it cannot be retrieved. It should be assumed that Daemen has the ability to retrieve all deleted e-mail messages.
- Unlawful, harmful, threatening, abusive, harassing, defamatory, vulgar, obscene, profane, hateful, racially, ethnically, or otherwise objectionable material, including, but not limited to, material which encourages conduct that would constitute a criminal offense, gives rise to civil liability or otherwise violates any Daemen College policy or any applicable municipal, provincial, federal, or international law is strictly prohibited from being sent, printed, requested or stored on Daemen's e-mail system.
- E-mail attachments should not be opened unless they are business related, the source of the attachment is known, and the user is expecting the file.
- Your Daemen email should be used for work related purposes only.

### 5.19 *Tobacco-Free Policy*

**Purpose.** As an employer and institution of higher learning, Daemen College is committed to providing a healthy and safe work and educational environment. Out of respect for employees, students, visitors and the surrounding community, Daemen College will maintain a 100% tobacco-free environment to be in full force and effect on September 6, 2016.

**Rationale.** Daemen College acknowledges and supports the overwhelming scientific evidence that the use of tobacco and tobacco-related products, including exposure to secondhand smoke, poses a significant health hazard. In recognition of these risks, and in support of a healthy learning/work environment, the use of tobacco products is prohibited on College property.

**Applicability.** This policy applies to all members of the Daemen College community, including but not limited to, faculty, staff and administrators, students, volunteers, consultants, supplemental staff employed through contract agencies, vendors, guests and visitors.

**Definitions.** For the purposes of this policy, the following definitions shall apply:

*Tobacco products:* all tobacco and tobacco-derived products intended for human consumption, including but not limited to cigarettes, pipes, cigars, cigarillos, kreteks, bidis, water pipes, bongs, hookahs, e-cigarettes, smokeless tobacco and related products.

*College property:* all buildings, facilities and grounds of the Daemen College Main Street campus; satellite facilities owned and/or leased by the College, including Daemen House and the Academic & Wellness Center; and vehicles owned and/or leased by the College.

**Responsibility.** Successful implementation of this policy relies on the courtesy, respect and cooperation of all members of the Daemen College community. Members of the campus community are empowered and encouraged to respectfully inform others about the policy in an ongoing effort to enhance awareness and develop a culture of voluntary compliance. Adherence to the tobacco-free policy is the responsibility of all employees,

students, contractors and visitors and should not be allowed to result in the displacement of tobacco use onto neighboring properties.

**Reinforcement, Support & Education.** The principal purpose of this policy is to positively impact the health of the College's employees and students. To this end, Daemen College is committed to providing opportunities for individuals to address their tobacco usage. Employees are encouraged to contact the Employee Engagement Department for additional support and referral to cessation resources. Similarly, students are encouraged to contact the office of Health and Insurance Services for assistance.

**Compliance.** Recognizing the addictive nature of tobacco use, policy non-compliance will first prompt referral to the appropriate office, as noted above, for support and assistance with cessation. Repeated non-compliance will result in referral to the associated employee or student conduct system and may result in disciplinary action.

#### 5.20 *Cell Phone Policy*

The objective of this policy is to ensure that the employees with executive level duties and those who by virtue of their function have a constant need to be in contact with the College are provided a credit for use of their personal cell phones.

#### **Policy Provisions:**

- In accordance with provisions covered by this Policy, specifically designated eligible staff of the College with work-related cell phone requirements shall purchase their own cell phones; enter into their own outside mobile phone data and service agreements; and receive a fixed reimbursement through payroll to offset a portion of their personal mobile phone data plan and costs, including those attributable to upgrading their personal cell phones no more than once every three (3) years. The cell phone service shall be personally owned by the employee and may therefore be used for both personal and business calls. A staff professional with a cell phone allowance must maintain an active cell phone contract for the life of the allowance.
- Eligible employees will receive cell phone reimbursement through their biweekly payroll and in accordance with IRS tax rules. Such reimbursement shall be considered as nontaxable income to eligible staff. This allowance does not increase the staff professional's base salary and will not be included in the calculation of any College benefits, including annual cost-of-living or other annual salary increases, bonuses, or other compensation.
- Except in rare, case-by-case situations, Daemen College shall not own or issue Daemen-purchased cell phones to College designated staff, nor be the signatory on or administrator of, any mobile phone data plan contract. Any exceptions to this Policy must be authorized by the President of the College for his Office staff, or by the appropriate Member of the President's Cabinet for all other Offices or Departments, and coordinated with the Office of Business Affairs. One such exception that may be considered for Daemen College-owned and issued cell phones and data plan services paid for by the

College is an “office” within the College where a cell phone is assigned to that office, rather than to one or more specific staff within such office.

- The reimbursement allowance to be paid to such designated eligible staff shall be *be reimbursed to qualified, eligible employees in each paycheck at a biweekly rate of \$18.47 per pay period over 26 pays.*
- Designated staff who have been declared eligible for such reimbursement, shall also be granted up to \$100 every three (3) years to offset, in part, the cost of purchasing a new or upgraded cell phone device through their individual cell phone data plan carrier or other private cell phone retailer. Reimbursement should be sought after the employee has the receipt confirming such upgrade.
- Mobile phone equipment, accessory and application costs are the responsibility of the eligible staff, and the staff member is responsible for any loss, theft, or damage to their privately owned cell phones. The cell phones must be able to run current operating systems and software compatible for use with other Daemen College employees.

#### **Eligibility Requirements for Designated Administrative Employees.**

The Members of the President’s Cabinet, including the President, shall have responsibility for designating the “eligible” key staff under their respective jurisdictions to be authorized for reimbursement to partially offset their private cell phone costs in accordance with the Policy. Daemen College defines “eligible” staff for the cell phone reimbursement program described above, as the following:

- **24/7 Access Employees:** Key staff whose day-to-day job responsibilities require routine response to urgent (immediate action required) College business at any time of the day or night. This category of eligible staff includes those employees who support, or are responsible for programs, services, or systems that necessitate frequent and immediate communications throughout the day or after hours. Examples of such eligibility include but are not limited to:
  - a. those key staff involved in student affairs, residence life, and campus safety issues;
  - b. key staff involved in public and media communication occurring during regular business hours, evening hours, and weekend hours; and,
  - c. key staff involved in critical maintenance, information technology or related infrastructure matters on the two Main Street campuses of the College (4380 Main Street) and the Daemen College Wellness and Academic Center (4413 Main Street), offsite housing sites, or the Tri Main Center in Buffalo.
- **Members of the President’s Cabinet;**
- **Mobile Employees:** Key staff whose jobs require routine work on campus but outside of traditional fixed office sites and locations, with a need to communicate in real time with an office or to give and receive direction outside of a traditional office setting. Examples of such key staff include the Director of Facilities; the Director of Campus Safety; the

Chief Information Officer; key staff within the Athletics Department; and key staff within the Office of Enrollment Management;

- **Employees Whose Duties Require Extensive and Frequent Travel:** Key staff with a requirement to travel frequently to conduct the business of the College, across a geographic area away from the home office on campus, and where great amounts of time are spent in transit between sites. Employees meeting this definition of eligibility include but are not limited to key staff within the Office of Enrollment Management, including the Office of Admissions; and key staff within the Office of Institutional Advancement;
- **Other Eligible Employees:** On a case-by-case basis, employees seeking eligibility for cell phone usage reimbursement must be recommended for such eligibility by the appropriate member of the President’s Cabinet to the Office of Business Affairs. The appropriate member of the President’s Cabinet shall consider such requests within the context of at least one of the following criteria:
  - a. role of requesting employee requires such employee to routinely respond to urgent (immediate action required) College business while that employee is away from the office and a member of the President’s Cabinet attests to the business necessity for such eligibility;
  - b. role of requesting employee requires such employee to be routinely available while in remote locations, and the member of the President’s Cabinet attests to the business necessity for such eligibility; or
  - c. other special circumstance whereby the member of the President’s Cabinet attests to the business necessity in determining the eligibility of an employee to receive reimbursement for cell phone usage in accordance with this Policy.

#### **Compliance with the Policy.**

This Policy shall apply to all part-time and full-time staff at Daemen College. Under this Policy, faculty members with no administrative responsibilities are not eligible for reimbursement for their personal cell phone usage, nor are they to be provided with Daemen College-owned or issued cell phones, nor will the College be a signatory to a contract for mobile phone data plan providers for faculty.

#### **Administration and Oversight of the Policy.**

The Office of Business Affairs shall have primary responsibility for the administration and oversight of this Policy. The Vice President for Business Affairs and Treasurer shall periodically report to the Cabinet regarding any and all issues with regard to this Policy and its implementation.

The Employee Engagement Department, in collaboration with the Office of Business Affairs, shall have the responsibility for processing cell phone reimbursements into the payroll system of Daemen College.

The Cabinet shall from time to time review this Policy for any adjustments to the reimbursement proposals contained herein, or the other provisions of the Policy.

### 5.21 *Religious Accommodation Policy*

Daemen College prohibits discrimination on the basis of religion and is committed to providing a work environment that respects the religious beliefs and practices of all employees. As part of that commitment, the College will make, on request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship for the College.

#### **Requesting a Religious Accommodation**

An employee seeking an accommodation based on religious beliefs or practices that conflict with their job, work schedule, a Daemen College policy or practice on dress and appearance, or with other aspects of employment, may do so by submitting the Religious Accommodation Request Form to their immediate supervisor at least 14 days in advance. The employee may be required to provide other documentation or information supporting the request, as noted on the form.

#### **Providing Religious Accommodation**

The immediate supervisor will evaluate the proposed accommodation, considering whether a work conflict exists due to a sincerely held religious belief or practice and whether an accommodation is available that is reasonable and that would not create an undue hardship for the College. Cooperation and flexibility are key to the search for a reasonable accommodation. The College prohibits retaliation against employees requesting a religious accommodation, participating in an approved accommodation, or otherwise engaging in protected conduct under this policy. Any person who violates this anti-retaliation provision may be subject to disciplinary and/or corrective action. Employees who believe that they have been retaliated against or not accommodated appropriately should contact the EEO Officer/Daemen College Center for Diversity and Inclusion and/or the AVP of Employee Engagement.

Depending on the type of conflict and suggested accommodation, the supervisor may confer with their manager and with the AVP of Employee Engagement.

Some examples of possible accommodations include:

- **Flexible Scheduling.** Change in job, use of paid or unpaid leave for religious holidays, breaks during the day for prayer, allowance made for a weekly Sabbath day off.
- **Dress and Grooming.** Wearing particular head coverings or other religious dress (such as a Jewish yarmulke or a Muslim headscarf) and wearing certain hairstyles or facial hair (such as Rastafarian dreadlocks or Sikh uncut hair and beard).
- **College Facilities.** Private space for prayer or other religious observance during the work day or other religious observance during the work day.

### 5.22 *Statement on Reproductive Health Decisions*

New York State law prohibits discrimination and retaliation in employment based on an employee's or an employee's dependent's reproductive health decision making, including but not limited to, the decision to use or access a particular drug, device or medical service (hereinafter "reproductive health decisions").

It is an unlawful employment practice for an employer to access an employee's personal information regarding their or their dependent's reproductive health decisions without the employee's prior informed affirmative written consent, or to require an employee to sign a waiver or other document which purports to deny an employee the right to make their own reproductive health decisions.

Any employee who feels there has been a violation of this policy should report their concern to the Office of Employee Engagement. The College will investigate and take appropriate remedial action. An employee may also file a private legal action and can seek remedies to the extent available under applicable law. Discrimination and retaliation against employees who exercise rights under this policy is prohibited.

### 5.23 *Service Animal Policy*

Daemen College complies with the American with Disabilities Act Amendments Act (ADA Amendments Act) in allowing the use of Service Animals for students, staff and visitors. The College is committed to allowing Service Animals as necessary to provide individuals with disabilities an equal opportunity to access the programs, services, and physical facilities of the College. This policy explains the specific requirements applicable to an individual's use of a Service Animal on campus. Daemen College reserves the right to amend this policy as circumstances require.

#### **Definitions**

**Service Animal:** Under the ADA Amendments Act, a Service Animal is any "dog [or miniature horse, see below] that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability." The ADA Amendments Act excludes from this definition any animal that is not a dog or miniature horse. The work or task performed by the animal must be directly related to the individual's disability. Animals whose primary function is to provide crime deterrence and/or emotional support, comfort, or companionship are not considered to be Service Animals under the ADA Amendments Act.

Daemen generally allows Service Animals in its buildings, classrooms, residence halls, meetings, dining areas, recreational facilities, activities and events when the animal is accompanied by an individual with a disability who indicates the Service Animal is trained to provide, and does provide, a specific service to them that is directly related to their disability. The College may make two inquiries to determine whether an animal qualifies as a Service Animal, which includes:

1. Whether the animal is required because of a disability, and;
2. What work or task the animal has been trained to perform. The College cannot require documentation regarding the animal's certification or training. The College will not make any inquiries about a Service Animal when it is readily apparent that the animal is trained to do work or perform tasks for an individual with a disability.

**Handler:** The "Handler" is the individual with a disability who uses a service animal.

Disability Services Office: The Disability Services Office collaborates with individuals, faculty and staff to ensure that individuals with disabilities have equal access to all Daemen College programs and activities.

#### Guidelines for Having a Service Animal on Campus

Staff and Faculty: Staff and faculty with Service Animals are strongly encouraged to contact the Associate Dean of the College.

Visitors: Visitors may contact the Disability Services Coordinator regarding any questions about bringing a Service Animal on campus. Visitors with service animals must comply with the “Responsibilities of Handlers” set forth below.

#### Responsibilities of Handlers

A Service Animal’s Handler is solely responsible for the custody and care of the Service Animal and must meet the following requirements:

##### General Responsibilities

1. The Handler must abide by current city, county, and state ordinances, laws, and/or regulations pertaining to licensing, vaccination, and other requirements for animals. It is the individual’s responsibility to know and understand these ordinances, laws, and regulations. The College has the right to require documentation of compliance with such ordinances, laws, and/or regulations, which may include a vaccination certificate. The College reserves the right to request documentation showing that the animal has been licensed.
2. The Handler is required to clean up after and properly dispose of the animal’s waste in a safe and sanitary manner and, when provided, must use animal relief areas designated by Daemen College. The Handler must always carry sufficient equipment to clean up the animal’s waste.
3. Daemen will not ask for or require an individual with a disability to pay a fee or surcharge for a Service Animal.
4. An individual with a disability may be charged for any damage caused by his or her Service Animal beyond reasonable wear and tear to the same extent that it charges other individuals for damages beyond reasonable wear and tear.
5. The Handler agrees to abide by all equally applicable College policies that are unrelated to the individual’s disability such as assuring that the animal does not unduly interfere with the routine activities of the College’s campus or residence halls, or cause difficulties for individuals who reside there.
6. Daemen College personnel shall not be required to provide care or food for any Service Animal including, but not limited to, removing the animal during emergency evacuation for events such as a fire alarm. Emergency personnel will determine whether to remove the animal and may not be held responsible for the care, damage to, or loss of the animal.

#### Removal of Service Animal

The College may require the individual to remove the Service Animal from the College if:

1. The animal poses a direct threat to the health or safety of others or causes substantial property damage to the property of others;
2. The animal's presence results in a fundamental alteration of a College program;
3. The Handler does not comply with the Handler's responsibilities set forth above; or
4. The animal or its presence creates an unmanageable disturbance or interference with the college community.

The College will base such determinations upon the consideration of the behavior of the particular animal at issue, and not on speculation or fear about the harm or damages an animal may cause. Any removal of the animal will be done in consultation with the Coordinator of Disability Services. See the College Policy on *Grievance Procedures* in regards to the appeal process.

#### Non-retaliation Provision

Daemen College will not retaliate against any person because that individual has requested or received a reasonable accommodation, including a request for a Service Animal.

#### 5.24 Remote Work Policy

Daemen is committed to policies and procedures which support flexibility in the workplace. We recognize that there are circumstances where allowing an employee to work remotely may assist them to balance their work, health issues and/or family or other responsibilities. Remote work arrangements can be occasional, temporary or long term.

The College also recognizes that it is not always appropriate for an employee to carry out part or all of their duties remotely and there are reasons why approval of a remote work arrangement may be refused or limited.

**Purpose:** The purpose of this policy is to outline the process to enter into a remote work arrangement. The policy and procedures will assist employees and their managers to clearly set in place a remote work arrangement as part of the employee's overall flexible working arrangement.

**Scope:** This policy applied to all employees of Daemen College seeking to enter into a regular arrangement to carry out part of their duties remotely for a specified period of time. Each employee's remote work capability will be assessed on a case-by-case basis to make sure that working remotely is beneficial to our employees and the College.

#### *Conditions Necessary to Establish a Regular Remote Work Situation:*

All of the following must be met:

- There is mutual agreement between supervisor, vice president and employee;
- The manager must have a plan for how to monitor for reasonable productivity;
- All or significant components of the work can be done remotely;
- Operational needs of the department are met;
- Employee must provide their own internet access (no public WiFi for security reasons);
- Employee must save documents as a PDF in a shared folder; if a hard copy of a document is required, it must be printed on campus in a secure location;

- Employees must use VPN when required;
- Employees must use their Daemen email for all email correspondence; and
- Employees must use Dialpad.

Either the supervisor or the employee can initiate a request to work remotely. Both must then agree on the establishment of the remote work arrangement, before it can proceed. Unless a position has been established specifically as remote, neither party is compelled or required to accept a remote work situation, nor will there be any repercussions if either party decides not to participate.

*Appropriateness of a Remote Work Situation:*

Remote work can be used to cover an extended period of time when:

- The employee is recovering from a medical condition but is sufficiently recovered to perform the assignments in a remote situation;
- The employee is caring for a family member (child, spouse/domestic partner, or parent only); or
- The employee and supervisor mutually agree to situations where productivity would be enhanced.

*Request Process:*

An employee may request a remote work arrangement by completing the Remote Work Request Form. This form can be found on the MyDaemen website and requires the following information to be provided:

- A brief description of the work to be accomplished remotely;
- The dates for working remotely and the daily work hours as approved by the supervisor;
- Employee technology requirements;
- Remote work requests must be approved by the following parties:
  - VP/Cabinet Member/Dean
  - IT
  - Employee Engagement
- The Employee Engagement Department will notify the employee of the status of their request, (approved/denied) and a copy of the request form will be maintained in the employee's personnel file.

*Other Remote Work Requirements:*

- The employee must complete assigned work according to established procedures and within reasonable and/or determined timeframes;
- Regular feedback and communication should occur between the employee and manager during the remote work arrangement;
- The employee may be required to provide progress reports on a regular basis outlining work completed and work in progress;
- Hours worked (if hourly) and/or time off requests must be processed through the ADP Workforce Now system;

- While working remotely, employees are still required to be in touch with colleagues and other business partners via video conferencing. For this condition, employees are expected to dress professionally.
- Due to state regulations and tax withholding implications, the employee is required to perform their remote work in the primary residence that is on file in ADP Workforce Now. Working from a state other than the state the employee is set up for withholding payroll tax is only permitted for short durations, i.e. less than 30 days. Please check with the Employee Engagement Department for additional information and list of approved states for remote work.

*Duration of Remote Work:*

All remote work arrangements will be periodically reviewed by the Manager to ensure productivity and operational needs are being met. Periodic reviews may be as frequent as needed, however, each remote work situation must be reviewed by the Manager at least annually. Employees will be provided reasonable notice if there is a need to end the remote work arrangement. Managers must notify their employees in writing of such change and submit a Payroll Status Change Form to the Employee Engagement Department defining the revised work arrangement and date of change along with the notification that was provided to the employee.

*Short Term / Occasional Remote Work:*

For situations that may require temporary remote work, generally defined as more than 3 consecutive days, a Remote Work Request Form will not be required, but all general guidelines and IT security protocol must be adhered to. Examples of a temporary reason to work remotely include:

- Bad weather;
- Emergencies;
- Employee sickness; or
- Other reasons for working remotely depend on employee's and manager's judgement.

*Faculty*

Faculty will be expected to follow the tenets of this policy as administered by the Office of Academic Affairs, Vice President for Academic Affairs.

*5.25 Solicitation*

Employees may be solicited for limited charitable purposes while on College property.

