Bates

Employee Handbook

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GENERAL POLICIES

This handbook applies to all faculty, staff, and volunteers of Bates College. Certain sections of the handbook apply to staff members only and are duly noted by use of the term staff instead of employee. The Faculty Handbook of Bates College governs matters specific to faculty only. If there are unintended conflicts between the contents of this document and faculty legislation, the Dean of the Faculty will resolve conflicts in consultation with the Assistant Vice President of Human Resources.

While informative, the Employee Handbook does not constitute a contract between Bates College and any or all of its employees. The college must reserve the right to modify, revoke, suspend, or terminate any or all of the plans, policies, and procedures described in this handbook, in whole or in part, at any time, as long as legal procedures which may apply to any given section are observed. If there are oversights or errors in the drafting or publishing of this document, such mistakes do not constitute new practice or policy, and normal college practice or policy will prevail.

Nothing in this handbook is intended, and should not be interpreted or applied, to interfere with the rights of employees to engage in concerted activity that is protected under the National Labor Relations Act.

100 STATEMENT OF COMMUNITY PRINCIPLES

Membership in the Bates community requires that individuals hold themselves and others responsible for honorable conduct at all times. Together we create the educational and social setting that makes Bates College unique, with an atmosphere characterized by trust and mutual concern. Our actions must support our ability to work, study, live and learn together productively and safely. We are dedicated as a community to intellectual honesty and to the protection of academic freedom. We believe these values are fundamental to scholarship, teaching, and learning. We expect each other to maintain the highest integrity in all of our academic and social undertakings.

101 DIVERSITY STATEMENT

Bates values the diversity of persons, perspectives, and convictions. Critical thinking, rigorous analysis, and open discussion of a full range of ideas lie at the heart of the college’s mission as an institution of higher learning. The college seeks to encourage inquiry and reasoned dialogue in a climate of mutual respect.

102 LANGUAGE POLICY

Bates College recognizes and values access, within its community, to diverse cultures and traditions through practice, use and encouragement of multiple languages. In keeping with this commitment, no college office or unit shall adopt a policy (or create an implicit expectation) which requires of employees the use of only the English language in the workplace.

While the college encourages employees to be sensitive to the need to communicate freely and effectively with each other, particularly in emergency situations or hazardous circumstances, the college has determined (in compliance with Title VII of the 1964 Civil Rights Act and EEOC Guidelines 29 CFR, part 1606.7) that this goal does not warrant English-only regulations in any of its operations.
103 DISABILITY ACCOMMODATION

Bates College does not discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment. The college will conduct its affairs in compliance with the Americans with Disabilities Act (“ADA”) and the Maine Human Rights Act (“MHRA”).

The college will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job. An employee who requires a reasonable accommodation should notify Human Resources or the Office of Equity and Diversity of the need for the accommodation. All requests will be evaluated on an individual basis, and supervisors are expected to engage the employee in a discussion about possible reasonable accommodations. An accommodation request may be denied if it would impose an undue hardship on the college.

All employees are required to comply with safety standards. Employees who pose a direct threat to their health or safety or the health and safety of other individuals in the workplace, which cannot be eliminated by reasonable accommodation, will not be permitted to continue to work so long as the direct threat exists. The existence of a direct threat is a medical judgment, which should be made by a qualified medical provider.

The offices of Human Resources and Equity and Diversity are responsible for implementing this policy, including resolution of reasonable accommodation, safety, and undue hardship issues.

The terms used in this policy are defined as follows:

- “Direct threats” means a significant risk to the health or safety of the employee or others that cannot be eliminated by reasonable accommodation.
- A “qualified individual” means an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or has applied for.
- “Reasonable accommodation” means making existing facilities readily accessible to and useable by individuals with disabilities, job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modification of examinations, adjustment or modification of training materials, adjustment or modification of policies, and similar activities. Note that lowering employee performance or production standards or removing essential job functions are not reasonable accommodations.
- “Undue hardship” means an action requiring significant difficulty or expense by the college. The factors to be considered in determining an undue hardship include: (1) the nature and cost of the accommodation; (2) the overall financial resources of the facility at which the reasonable accommodation is to be made; (3) the number of persons employed at that facility; (4) the effect on expenses and resources or other impact upon that facility; (5) the overall financial resources of the college; (6) the overall number of employees and facilities; (7) the operations of the particular facility as well as the entire college; and (8) the relationship of the particular facility to the college.
- “Essential job functions” refers to those activities of a job that are the core to performing said job for which the job exists that cannot be modified.

104 RELIGIOUS ACCOMMODATION

Bates respects the religious beliefs and practices of all employees and will make, upon request, a reasonable accommodation, provided that it does not create an undue hardship for the college. An employee whose religious beliefs or practices conflicts with the job, work schedule, or with the college’s policy or practice on dress and
appearance, or with other aspects of employment, should make a request for an accommodation to his/her supervisor. The request should describe the issue and the employee’s suggested accommodation. The supervisor will evaluate the request and will consider whether an accommodation is available which is reasonable and which would not create an undue hardship on the college. Examples of accommodations may be a change in job, adjustment to a schedule, using paid leave or leave without pay, or allowing an exception to the dress and appearance code which does not impact safety.

In cases where the supervisor decides that the request for accommodation should be denied, the supervisor should first consult with the Assistant Vice President of Human Resources.

105 NON-DISCLOSURE AND CONFIDENTIALITY

The protection of confidential information is vital to the interests and the success of Bates College and its employees. Employees who improperly use or disclose confidential information will be subject to disciplinary action, up to and including termination of employment, even if they do not actually benefit from the disclosed information.

Confidential Information includes, but is not limited to: any personally-identifiable employee, student, and parent records, financial records (including social security and credit card numbers), and health records; all confidential educational records under FERPA; contracts; research data; alumni and donor records; personnel records other than an individual’s own personnel records; college financial data; computer passwords, college proprietary information/data; and any other information for which access, use, or disclosure is not authorized by: 1) federal, state, or local law; or 2) college policy or operations.

106 EMPLOYMENT AT WILL

Employment with Bates College is at the mutual consent of Bates College and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice. Employment at will is a statement of the voluntary nature of the relationship between Bates College and its employees.

All employees who do not have a signed employment contract for a specific term of employment are "at-will" employees. Generally, only faculty personnel at Bates College have contracts of employment with the college. Neither an initial employment offer, nor any statement or representation in this handbook or in any other college communication should be construed as an implied contract of permanent employment. Nothing in this handbook should be read or interpreted as to alter an employee’s at-will status.

This employment-at-will statement does not require the college to exercise this right. In addition, it does not absolve supervisors of their obligations, where appropriate, to orient, train, develop, evaluate, and counsel employees.

107 CONFLICTS OF INTEREST

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of Bates College’s business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. If employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to the Vice President of Finance and Administration and Treasurer as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.
To avoid a potential conflict of interest where an employee may have access to confidential employee information, employees may not be nominated or seated on the Alumni Council or Board of Trustees while employed by the college. Former employees may be nominated if they are in good standing at the time of their departure from the college’s employment and a period of three years has elapsed since their departure.

108 OUTSIDE EMPLOYMENT

A staff member may hold a job with another organization or work as an independent contractor as long as he or she notifies his or her supervisor of the outside employment, and satisfactorily performs his or her job responsibilities with Bates College. Staff members will be subject to Bates College's scheduling demands, regardless of any existing outside work requirements.

Faculty members are discouraged from holding other faculty positions outside of Bates College. It is the responsibility of a faculty member to inform the Dean of Faculty of their employment with another college.

If Bates College determines that an employee's outside work interferes with performance or the ability to meet the requirements of Bates College as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with Bates College. Outside employment will present a conflict of interest if it has an adverse impact on Bates College.

Staff are prohibited from working in any paid capacity for another employer or in a self-employment capacity while on an authorized leave (excluding vacation and personal time) from Bates College. Exceptions to this policy may be granted by the Assistant Vice President of Human Resources. Violation of this policy may result in disciplinary action up to and including termination.

109 WORK SCHEDULES

Core hours for the college's administrative services are Monday through Friday, 8:00 a.m. through 4:30 p.m. at minimum. The individual needs of some departments dictate that schedules may vary from these hours. Some departments require 24-hour coverage; others need coverage beyond an 8-hour day’s core hours.

The regular workweek for all full-time, regular, nonexempt staff members at Bates College is forty hours. Departments may configure individual staff schedules to accommodate departmental needs and the needs of the college. Examples may be combinations such as four ten-hour days, four nine-hour days with one four-hour day, and similar variations as long as the configurations meet the college’s needs for coverage, supervision and work to be accomplished. Alternative work schedules must be pre-approved by the supervisor.

Daily and weekly work schedules may be changed from time-to-time at the discretion of the college and/or the individual department to meet the varying needs of the college. Changes will be announced as far in advance as practicable. Departmental supervisors are advised to work with the Human Resources Department when a long-term alternative schedule is being considered, to make sure all concerns are covered.

110 ATTENDANCE AND PUNCTUALITY

To maintain a safe and productive work environment, Bates College expects staff members to be reliable and punctual in reporting for scheduled work. If an employee is unable to report to work for any reason, it is his or her responsibility to notify the supervisor as soon as possible prior to the start of the workday. If the employee is unable to reach the supervisor, s/he should follow the department’s procedure for notification.

Failure to notify the college of an absence before the start of the workday means the absence is unauthorized and can lead to disciplinary action. A staff member who is absent for three days or more without notifying their supervisor shall be considered to have voluntarily terminated their employment.
Absenteeism and tardiness place a burden on other staff members and on Bates College. Patterns of use of sick time or tardiness that may indicate potential abuse may be reviewed by the supervisor and may lead to disciplinary action. When considering discipline for absenteeism or tardiness, the supervisor should not count any days that are protected by an approved leave (e.g., FMLA or military leave).

111 RECORDINGS AT WORK

The making of audio or video recordings of conversations or meetings without the prior knowledge and consent of all parties is prohibited. This policy applies to the use of tape recorders, cell phones, smart phones, computers and other devices capable of making audio or video recordings.

Violation of this policy will result in disciplinary action, up to and including termination.

112 EMPLOYEE CONDUCT AND WORK RULES (Professional Standards of Conduct)

Employees are expected to adhere to the highest standards of personal, professional and business ethics, and to always use good judgment about the way they conduct themselves when doing their work and representing Bates College. The college’s success is undermined by unethical conduct. Our standards require careful observance of the spirit and letter of all applicable policies, procedures, laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

Bates College will comply with all applicable policies, procedures, laws and regulations, and expects its directors, officers, and employees to conduct themselves in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct. Compliance with this policy of personal, professional and business ethics and conduct is the responsibility of every Bates College employee.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

* Theft or inappropriate removal or possession of property
* Falsification of timekeeping records, employment application or other employment and work records
* Working under the influence of alcohol or illegal drugs
* Possession, distribution, sale, transfer, use of, or impairment by, alcohol or illegal drugs in the workplace, while on duty, or while operating college-owned vehicles or equipment
* Fighting, threatening violence, or causing harm to others in the workplace
* Behavior that prevents others from doing their work
* Negligence or improper conduct leading to damage of college, student, or employee-owned property
* Insubordination or other disrespectful conduct
* Violation of safety or health rules
* Smoking in prohibited areas
* Sexual or other unlawful harassment or discrimination
* Possession of weapons or explosives on the Bates College campus which includes all buildings, spaces and motor vehicles on college property. In accordance with Maine State law, an employee with a valid concealed firearms permit may keep a firearm in the employee’s vehicle as long as the vehicle is locked and the firearm is not visible.
* Possession of dangerous or unauthorized materials in the workplace
* Excessive absenteeism or any absence without notice
* Unauthorized absence from work station during the workday
* Unauthorized or improper use of telephones, e-mail system, or other college-owned equipment
* Unauthorized disclosure of confidential information
* Use of Bates College supplies, equipment, property, or services to carry out private business ventures
* Violation of personnel policies
* Unsatisfactory performance or conduct
* Violation of local, state, or federal laws
* Any willful behavior that results in the destruction of college property or brings injury to another employee
* Conduct which reflects unfavorably on Bates College

113 WHISTLEBLOWERS PROTECTION POLICY

Bates College requires all 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 in fulfilling our responsibilities and comply with all applicable laws and regulations.

113.1 Reporting Responsibility
It is the responsibility of all employees to comply with the law and to report violations or suspected violations of the law in accordance with this Whistleblower Policy.

As a recipient of Federal grants, Bates College has an obligation to disclose to Federal awarding agencies all violations of Federal criminal law involving fraud, bribery, or gratuity violations that could potentially affect one or more Federal grants. The institutional officials responsible for making mandatory disclosures to Federal agencies will be the Dean of the Faculty, in any cases involving Faculty of the College, or the Vice President of Finance and Administration, in any cases involving other employees of the College.

113.2 No Retaliation
This Whistleblower Policy is intended to encourage and enable employees to raise serious concerns within the college prior to seeking resolution outside the college. Any employee who, in good faith, reports a violation of the law is protected from harassment, retaliation and adverse employment consequence. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment.

Employees are protected from retaliatory actions because they have reported to college management:
  o A violation of the law
  o A gross waste of public funds
  o Something that risks someone’s health or safety
  o Something that will endanger their life or someone else’s life

You are protected if you are involved in an investigation or hearing held by the government.

113.3 Reporting Violations
Employees are encouraged to share their questions, concerns, suggestions or complaints with someone who can address them properly. In most cases, an employee’s supervisor is in the best position to address an area of concern. In cases of suspected research misconduct, defined as the fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results, the appropriate person is the Research Integrity Officer in the Office of the Dean of Faculty, as defined in the Faculty Handbook.

If you are not comfortable speaking with your supervisor or you are not satisfied with your supervisor’s response, you are encouraged to speak with someone in the Human Resources Department or anyone in management whom you are comfortable in approaching. Supervisors and managers are required to report suspected violations to the Assistant Vice President of Human Resources, who has the responsibility to oversee the investigation all reported violations.
We ask that you allow reasonable time for the problem to be investigated and corrected; if you have reason to believe that management will not correct the problem, you are encouraged to report the problem to the proper oversight agency.

In addition, as it relates to federal grants, according to the National Defense Authorization Act, P.L. 112-239 (PDF), employees are protected from reprisal for disclosure of information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant.

Specifically, Section 828(a) of the NDAA, Pilot Program for Enhancement of Contractor Employee Whistleblower Protections, provides that, “An employee of a contractor, subcontractor, or grantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing the aforementioned types of information to:
(a) A Member of Congress or a representative of a committee of Congress.
(b) An Inspector General.
(c) The Government Accountability Office.
(d) A Federal employee responsible for contract or grant oversight or management at the relevant agency.
(e) An authorized official of the Department of Justice or other law enforcement agency.
(f) A court or grand jury.
(g) A management official or other employee of the contractor, subcontractor, or grantee who has the responsibility to investigate, discover, or address misconduct.”

A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint to the Inspector General of the executive agency involved. Procedures for submitting fraud, waste, abuse, and whistleblower complaints are generally accessible on agency Office of Inspector General (OIG) Hotline or Whistleblower Internet sites, such as these:

- National Institutes of Health: http://oma.od.nih.gov/public/DPI/Pages/default.aspx
- National Science Foundation: http://www.nsf.gov/oig/
- Environmental Protection Agency: http://www.epa.gov/oig/hotline.html
- National Aeronautics and Space Administration: http://oig.nasa.gov/contact.html

113.4 Acting in Good Faith
Anyone filing a complaint of wrongful conduct must be acting in good faith and have reasonable grounds for believing the information disclosed indicates wrongful conduct. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

113.5 Confidentiality
Reports of wrongful conduct or suspected wrongful conduct will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.
All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.

114 PERSONAL AND PROFESSIONAL APPEARANCE

Employees are expected to use their best judgment and dress appropriately to conduct their job and to ensure we maintain the image expected of Bates College. For certain positions, uniforms are required. Each supervisor or department head is responsible for establishing reasonable standards of dress appropriate to the work performed in that area.

115 CHILDREN AT WORK

There are safety, health, and environmental concerns for children in the workplace. Some areas are inappropriate for non-employees of any age, but particularly for children. In the more industrial areas (laboratories, machine shops, kitchens, etc.) on campus, there are many imminent dangers for children and a great potential for accidents and incidents in which children either harm themselves or create hazards for others since the work environment is foreign to them. The presence of children may be prohibited in certain areas by the appropriate supervisor.

Children should be under adult supervision at all times when present on campus. Parents should plan accordingly for the care of their children on days when children may be sick, on snow days, during school holidays, or other occasions.

Supervisors and department heads may place restrictions on the presence of children in their workspaces consistent with the work being performed and the demands of that work area.

116 PETS ON CAMPUS

There are safety, health, and environmental concerns for pets on campus and in the workplace. Pet owners should realize that not all members of the campus community are comfortable with the presence of pets, and indeed some will have negative reactions to pets. Pet owners who bring pets to campus will be held liable for damage to property or physical injury to others if caused by the pet. Pet owners must be sensitive and courteous to other members of the campus community; pet owners should take steps to avoid putting employees who may not be comfortable with the presence of pets in a situation where he or she may come into contact with a pet.

The college requires that pet owners comply with the city of Lewiston’s leash law when on campus. The pet owner must remove waste produced by pets on campus; the maintenance and custodial staff of the college will not be asked to clean up after pets. In outside areas of the college pet owners are expected to bring receptacles with them to care for and clean after their pets.

Supervisors and department heads may place restrictions on the presence of pets in their workspaces consistent with the work being performed and the demands of that work area.

117 SOLICITATION POLICY

Bates wishes to protect its employees from unwelcome solicitation. Our intent is to carry out our primary educational objectives in an environment that is free from undue distraction and interference. The following definitions are given to provide clarity to this policy:

- “Solicitation” includes asking, encouraging or recommending that an employee contribute money to, submit signatures for or become members of a particular organization, cause or group.
“Distribution” includes the passing out and sharing of materials, literature, leaflets, and documents.

“Working Time” is any time that an employee is performing job duties. It does not include mealtime, break time or time before or after work.

“Working Areas” are all areas where employees perform duties for Bates. Areas where employees gather during non-work time such as cafeterias, break and smoking areas are not considered work areas.

Solicitation or distribution of employees on college property by non-employees is expressly prohibited at all times. The guidelines in this policy apply to the limited circumstances in which an employee may encounter solicitation or distribution by a co-worker.

Solicitation or distribution is prohibited at all times in working areas and anywhere while either employee involved is on working time.

**Solicitation & Distribution Chart**

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<tr>
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<th>Working Time</th>
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<td>Working Area</td>
<td>Non-Working Area</td>
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<tr>
<td>Solicitation</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Distribution</td>
<td>No</td>
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</tr>
</tbody>
</table>

*Mixed Use Areas are locations where work is performed and where employees may also take breaks.

Vendors invited to campus for student activities must be approved in advance by a Vice President.

All employees have the right and responsibility to say no to unwelcome solicitation and distribution. Supervisors have the additional responsibility of administering this policy and of assuring that concerns about solicitation and distribution are addressed. Human Resources staff are available to support these efforts.

**118 GIFTS, FLOWERS, OR OTHER PURCHASES WITH COLLEGE FUNDS**

The college does not allow the use of college funds to purchase flowers or gifts for employees. Individuals wishing to purchase flowers or gifts should use their own personal funds or collect funds from coworkers to purchase items for other coworkers.

The only exception to this policy is, on the rare occasion when a department head or director wishes to purchase flowers or small gifts for a faculty or staff member, the department head may use departmental funds, provided that the purchase is limited in amount, and the department head receives advance approval of the appropriate Vice President or Dean.

**119 SMOKING POLICY FOR BATES COLLEGE EMPLOYEES**

Bates College is committed to the health and well-being of our staff, faculty, students, guests, and community. Research has shown that smoking and breathing second-hand smoke present health risks and are even debilitating to some individuals. Through the smoking policy presented below, Bates College strives to maintain the well-being of the campus community while considering the needs of individuals who smoke.

- Smoking, the burning of any type of pipe, cigar, cigarette, e-cigarette or similar product, and chewing tobacco is prohibited in all campus buildings, including residence halls, as well as in all vehicles owned,
leased or rented by the college. **Smoking is prohibited within 50 feet, approximately 20 paces, of all campus buildings, including residence halls.**

- Organizers and attendees at public events using Bates facilities, such as conferences, meetings, public lectures, athletic events, social and cultural events will be required to abide by the college’s Smoking Policy. Organizers of such events are responsible for communicating and enforcing this policy.

- Distribution and advertisements of tobacco products on campus are prohibited.

In an effort to support those who wish to quit smoking, the college will present a variety of tobacco cessation and other health-related programs, as deemed appropriate and supported by available budgets. Such initiatives may include: informational programs to support a smoke-free lifestyle; employee access to available services through the college’s wellness program and health insurance program; health information and cessation assistance for students through the Bates College Health Center.

Compliance with this policy is a community effort. It is important to remember that we are friends, co-workers, acquaintances, hosts, and guests, and we need to treat each other with respect. Staff, faculty and students may approach an individual who is not adhering to the policy and inform them of the specifics of the policy as well as provide assistance and information as appropriate. Many individuals may wish to quit smoking but it can be a difficult task for a current smoker to become a non-smoker. Respect and support are particularly useful in assisting individuals through this process.

### 120 DRUG AND ALCOHOL POLICY (& Drug-Free Workplace Act of 1988 Notice)

Bates College is committed to providing a safe work environment and to fostering the well-being and health of its faculty and staff, as well as compliance with the Drug Free Workplace Act. That commitment is jeopardized when any member of the Bates community uses illegal drugs or alcohol on the job, comes to work with these substances present in his/her body or possesses, distributes or sells drugs in the workplace. Bates has established the following guidelines with regard to alcohol and other drugs to ensure that we can meet our obligations to faculty and staff, students, our community and the public.

The goal of these guidelines is to balance our respect for individuals with the need to maintain a safe, productive and Drug-Free environment. The intent of this policy is to offer a helping hand to those who need it, while sending a clear message that illegal drug use and alcohol abuse are incompatible with working at Bates.

1. **It is a violation of our policy for any employee to possess, sell, trade, offer for sale or furnish illegal drugs or otherwise, engage in the use of illegal drugs or alcohol on the job.**

2. **It is a violation of our policy for anyone to report to work under the influence of illegal drugs or alcohol.**

3. **It is a violation of our policy for anyone to use prescription drugs illegally. It is not a violation of our policy for an employee to use legally prescribed medications*, but the employee should notify Human Resources if the prescribed medication may affect the employee’s ability to perform his/her job. Human Resources will not disclose the nature of an employee’s medication but may inform the employee’s supervisor of any required restrictions of duty.**

4. **Violations of this policy are subject to disciplinary action ranging from a letter of reprimand to suspension from work without pay, up to and including dismissal. If the supervisor has a reasonable belief that any employee may be abusing illegal substances, the supervisor should encourage such an employee to seek help. One of the resources that are available is our Employee Assistance Program (EAP). Because all employees are expected to be concerned about working in a safe environment, they should encourage their fellow employees who may have an alcohol or other drug problem to seek help.**
5. In accordance with the Drug-Free Workplace Act, employees are required to report to the college any criminal drug statute conviction based on acts in the workplace **within five days** of conviction. The college, within ten days of such report must in turn report the conviction to any Federal Agency funding any program in which the employee participates. Finally, the college must within thirty days of such report take appropriate personnel action, up to and including termination, or require the employee to participate satisfactorily in an approved substance abuse or rehabilitation program.

Employee violations of these policies will be reported to the Vice President of Academic Affairs and Dean of the Faculty, in the case of members of the Faculty, or to the Vice President for Finance and Administration and Treasurer for all other employees, for review and action.

It is Bates College's desire to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

*In accordance with State of Maine law, the college recognizes prescribed medical marijuana as a legally prescribed medication.*

**121 AFFIRMATIVE ACTION POLICY**

The Office of Equity and Diversity (OED) exists primarily to implement the college's plans for increasing the racial/ethnic and gender diversity on campus. The office also assists in the development of personnel policy in an effort to assure equality of opportunity. The office may from time-to-time become involved in campus issues that affect the atmosphere for women and racial/ethnic minorities. The office also serves to facilitate communication between Bates and the various off-campus organizations that promote such diversity. In carrying out the responsibilities stated above, the Associate Vice President for Equity and Diversity will have access, when needed, to information or documents designated as confidential by the President and/or Trustees of the college or by law. This information or these documents include the college's administrative and financial records, the college's employee salary and fringe benefit information, employee personnel files, files of the Committees on Personnel and on Personnel for Physical Education, and student files or transcripts in the offices of the Dean of Admission, the Dean of Students, the Registrar, Student Financial Services, and the Career Development Office.

The OED's access to confidential material will be in accordance with the following procedures:

1. The request for information will be made in writing to the college officer responsible for the maintenance and security of the confidential material. The request will be for specific material and for a specific purpose directly related to the implementation and oversight of affirmative action policies of the college as stated in this policy. If access involves a request to review evaluations of specific individuals, written permission must be secured from those individuals by the OED and must accompany the request. If access involves a review of areas of concern or categories of personnel, the purpose and date of the review by the OED will be noted in the files.

2. Access to confidential material is under the supervision of the relevant college officer. It is the joint responsibility of the OED and the officer to assure the continuing confidentiality of the material. Material will be reviewed in the office where it normally is kept, with no duplication of files or other confidential information permitted.

**121.1 The Affirmative Action Advisory Committee**

The Affirmative Action Advisory Committee (AAAC) exists to provide advice to the OEDR. Specifically, the AAAC identifies obstacles and barriers to equity of opportunity and rewards at Bates and makes recommendations to the OED on methods to remove these barriers and obstacles. Additionally, the AAAC seeks to educate the campus in
regards to the principles of affirmative action and equal opportunity. The AAAC also evaluates and makes regular reports on the implementation of affirmative action policy. The Affirmative Action Advisory Committee is not empowered by the college or its officers to deal with specific complaints or grievances from individuals or from groups of individuals. Members of the AAAC are appointed by the President for three-year terms. Each area of the college covered by the Affirmative Action Policy will have opportunity to nominate representatives to the AAAC. Areas of the college covered by the Affirmative Action Policy include: the Library, Admission, Dining Services, Administrative Support Staff, the Administration, Faculty, and Facility Services. While students are not usually covered by the Affirmative Action Policy, students may nominate two representatives for the AAAC. Additionally, two at-large representatives will be nominated by current members of the AAAC. From this list of nominations, the current AAAC will make recommendations to the President, who has final responsibility for the appointment of members to the AAAC. The AAAC will in making its recommendations to the President consider the racial/ethnic and gender diversity of the campus.

121.2 Community Input
Any member of the Bates Community may bring an affirmative action concern to the attention of the AAAC by submitting a written statement to the OED. Any member of the AAAC may bring an area of affirmative action concern to the attention of the full Committee.

121.3 Policies
Wherever reference is herein made to policies, practices, manuals, rules, regulations, or the like, the reference will be deemed to denote such elements as may at the relevant time be in effect, and no such references will be deemed to preclude changes, replacements, etc., in such elements in effect as of the date of this document.

122 NON-DISCRIMINATION POLICY
The non-discrimination policy applies to all Bates College faculty, staff, students, college contractors, and visitors. Bates College is committed to providing equal opportunity and an educational and work environment free from any discrimination on the basis of race, color, religion, national or ethnic origin, religion, sex, sexual orientation, gender identity or gender expression, marital or parental status, age, disability, genetic information or veteran status. Bates College shall adhere to all applicable state and federal equal opportunity laws and regulations. Note: “sexual orientation, gender identity, and/or gender expression” shall have the same meaning as the term “sexual orientation” as defined in the Maine Human Rights Act, as amended.

The college is dedicated to ensuring access, fairness and equity for all persons in its educational programs, related activities and employment, including those groups who have faced historical barriers to full and fair integration and participation. Bates College maintains a continuing commitment to identify and eliminate discriminatory practices in every phase of college operations.

Retaliation against an individual who has raised claims of illegal discrimination or has cooperated with an investigation of such claims is prohibited.

123 SEXUAL HARASSMENT POLICY
The Sexual Harassment policy applies to all Bates College faculty, staff, students, college contractors, and visitors. It is the policy of Bates College to provide an academic and work environment free from sexual harassment. Sexual harassment is contrary to the standards and mission of the college. Sexual harassment is illegal and will not be tolerated. Each member of the college community has a responsibility to maintain an academic and work environment free from sexual harassment. The college will take corrective action necessary to prevent, stop, address, or discipline harassing behavior.
The Title IX Officer is responsible for administering and monitoring Bates College’s sexual harassment policies and procedures. Inquiries about or complaints alleging violation of the college’s policies should be directed to the Title IX Officer.

123.1 Definitions
Sexual harassment is defined by law as unwelcome advances of a sexual nature, requests for sexual favors, and other verbal, physical, or other form of expressive communication of a sexual nature, as well as conduct of a non-sexual nature based upon an employee’s gender that is intimidating, hostile or offensive, when submission to or rejection of such conduct is used as a basis for employment or academic decisions, or such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or creating an intimidating, hostile, or sexually offensive work or academic environment. Examples of behavior that may be considered sexual harassment include, but are not limited to, the following:

1. Sexual Assault
2. Explicitly or implicitly requiring submission to sexual advances as a condition or term of education or employment, i.e., grades, employment, promotion, letters of recommendations or other privileges
3. Repetitive sexual comments, questions, jokes, gestures or other forms of sexual explicit expression
4. Unwelcome sexual advances
5. Suggestive or lewd remarks
6. Unwanted hugs, touches, or kisses
7. Requests for sexual favors
8. Retaliation for complaining about sexual harassment

123.2 Management Responsibility
All managerial and supervisory employees are responsible for creating a working environment free of harassment and discrimination. Should a supervisor or manager become aware of harassing conduct, it is the responsibility of the manager or supervisor to report it to the Title IX Officer and, in consultation with the Human Resources Department, to take prompt steps to address the situation.

123.3 Employee Responsibility
Any student, faculty member, or staff employee, who believes he or she is the victim of sexual harassment, should report the incident promptly in the manner most comfortable to him or her. All administrators, faculty members, and supervisors are aware of their responsibility to assist students, other faculty, and staff employees in reporting alleged incidents of sexual harassment to the Title IX Officer. Any employee who becomes aware of sexual harassment or other potentially discriminatory behavior must contact the Title IX Officer.

123.4 Retaliation Prohibited
Retaliation against an individual who has raised claims of harassment or discrimination or has cooperated with an investigation of such claims is prohibited.

123.5 Investigation of Complaint
Employees are required to fully cooperate in all investigations of harassment. If warranted by the investigation, disciplinary action may be taken against the employee found to have engaged in harassment.

Complaints of unlawful harassment may also be filed with the Maine Human Rights Commission, 51 State House Station, and Augusta, Maine 04333-0051.
124 NON-DISCRIMINATION GRIEVANCE PROCEDURE

Procedures for Charges of Discrimination
The exercise of seeking advice and information is entirely voluntary and is not a prerequisite to making a formal complaint either within the college or with the Maine Human Rights Commission. Grievant who choose to file a complaint directly with the Maine Human Rights Commission must do so within 300 days of the alleged incident(s) of discrimination. Grievant who seek informal resolution of cases of discrimination may do so in either of the following ways:

a) Voluntary Informal Consultation
There are many channels within the Bates Community available for the informal resolution of incidents of discrimination. The college recommends contact with any campus support personnel who are knowledgeable about the possible avenues of resolution of discrimination claims. When in doubt, the Title IX Officer is a reliable, confidential and supportive source of information. Others who may assist in directing inquiries in the process include Human Resources, the Health Center staff, the chaplains, immediate supervisors, resident coordinators and junior advisors, members of the faculty, the Office of the Dean of Students and the Office of the Dean of Faculty. Consultations may be brought in full confidentiality; no written record is to be maintained when an informal consultation is made.

If individual action or discussion through informal resolution does not resolve the problem, grievant may, either in the company of a trusted person or alone, talk privately with the Director of Equity and Diversity Resources regarding other steps.

b) Complaints
The Title IX Officer is the designated person to receive all complaints. If students are involved, the Title IX Officer may initially elect to discuss a complaint with the Dean of Students; a faculty member may initially discuss a complaint with the Dean of Faculty; or a staff member may initially discuss a complaint with the Assistant Vice President of Human Resources. In each case, however, the subsequent step, if not the initial step, should be with the Title IX Officer.

There are two forms of complaints:

1) Informal Complaints
The Title IX Officer may provide suggestions for resolution, help in mediating differences in views, or other channels for resolution involving skills or suggestions of others.

2) Formal Complaints
The grievant may institute formal grievance proceedings whether or not the Title IX Officer can effect a resolution. Grievants can elect to pursue any or all options, including: making a written complaint within the college’s procedures, initiating a complaint to an agency outside of the college (e.g., to the Maine Human Rights Commission), if appropriate, pursuing criminal charges within the criminal justice system, or pursuing civil action within the court system. The Title IX Officer will explain the elements of each process. Within the college, a written complaint is needed to initiate formal grievance procedures.

c) College Formal Grievance Procedures

Section I

(a) Formal grievance procedures shall be available to faculty members, employees, and students of Bates College, except where students are named as accused parties. In such cases, the matter shall be heard by the Committee on Student Conduct. The procedures herein shall not apply to grievances in regard to appointment, reappointment, tenure, or promotion of faculty members as these matters are governed by Article VI of the
Personnel Rules and Procedures contained in the *Faculty Handbook of Bates College*. The procedures herein shall be further limited to cases of improper discrimination, sexual harassment, or sexual assault. Improper discrimination shall be defined as acts in violation of applicable non-discrimination laws or the non-discrimination policy which appears in the official publications of Bates College.

(b) The sole purpose of a hearing under formal grievance procedures is to determine if improper discrimination, sexual harassment, or sexual assault has occurred. A hearing board shall have no authority to invoke sanctions for improper behavior. The report of the hearing board shall be given to the President of the college for any further action.

Section II

(a) Nothing stated herein shall be construed to prevent several complainants, in the appropriate case, from joining in a single complaint. The word “complainant,” as used herein, shall refer to any person who files a complaint or to any group of persons who together file a single complaint. The word “respondent,” as used herein, shall refer to any party or parties accused in the same complaint and who will be heard in the same hearing.

(b) The complainant shall file a formal complaint in writing with the Title IX Officer or the Assistant Vice President of Human Resources. Upon receipt of the complaint, the Title IX Officer or the Assistant Vice President of Human Resources shall immediately inform the respondent in writing and provide the respondent with a copy of the complaint.

(c) In cases of multiple complainants or multiple respondents, where any individual complainant or respondent claims that his or her complaint or defense would otherwise be compromised, that party may submit a request in writing to the Title IX Officer and the Assistant Vice President of Human Resources for a separate hearing. The Title IX Officer and the Assistant Vice President of Human Resources shall make a decision on such a request prior to submitting a request to the President for a hearing board and shall notify all parties in writing of that decision. In appropriate cases, the Title IX Officer and the Assistant Vice President of Human Resources may require multiple complainants to join in a single complaint.

(d) The Title IX Officer and the Assistant Vice President of Human Resources together shall determine whether the complaint on its face states facts which, if true, allege a claim of improper discrimination, as defined in applicable non-discrimination laws or the college’s non-discrimination policy, or of sexual harassment or sexual assault. If so, the matter may proceed to a hearing; if not, the complaint shall be returned to the complainant, and no further action shall be taken unless an amended complaint is filed in accordance with Section II (b).

(e) The Title IX Officer and the Assistant Vice President of Human Resources shall make their decision whether to refer the complaint to the President with a request to form a hearing board within 7 days of receipt of the complaint, unless circumstances require a longer time, in which event, they shall inform the President and all parties in writing. Once a decision is made to refer the complaint to a hearing board, all parties shall be informed in writing of the action taken.

Section III

(a) The Title IX Officer and the Assistant Vice President of Human Resources, having concluded that the complaint states a claim under standards contained in Section II (d), shall provide the President of the college with a copy of the complaint and request that the President form a hearing board. At this point, no further amendments to the complaint shall be permitted.

(b) The complainant and the respondent may each designate two members of the hearing board. The President shall choose two additional members, and a majority of the six members thus chosen shall choose a seventh member to act as chair of the board. Board members shall be selected from the then current faculty or staff of Bates College. The word “staff,” as used herein, shall not include student employees. If either the
complainant or respondent neglects or refuses to designate members of the hearing board, the President shall choose them. Once the hearing board is established, the President shall give a copy of the complaint to the hearing board and shall inform all parties in writing of the composition of the board.

(c) A hearing board shall be formed within 7 days from the date on which the Title IX Officer and the Assistant Vice President of Human Resources inform the President of the need for a hearing. If, in exceptional circumstances, more time is necessary to form the hearing board, the President shall inform all parties in writing.

Section IV

(a) The complainant shall, within 7 days of being notified of the formation of a hearing board, file with that board all documents and other tangible evidence available to the complainant which will be used in the hearing in support of the complaint and a list of all witnesses whom the complainant wishes to testify at the hearing in support of the complaint. Upon receipt, the chair of the hearing board shall make these materials available to the respondent.

(b) Within 21 days of receipt of such materials, the respondent shall file with the hearing board a written response to the charges made in the complaint, together with all documents and other tangible evidence available to the respondent which will be used in the hearing in support of any defense against the complaint and a list of all witnesses whom the respondent wishes to testify at the hearing in support of any defense against the complaint. Upon receipt, the chair of the hearing board shall make these materials available to the complainant.

(c) The chair of the hearing board shall notify in writing all witnesses of the need for their testimony at the hearing. It is the responsibility of any member of the Bates College community who has information relevant to an issue before the hearing board to testify at the hearing or to produce documents or other tangible evidence at the request of the chair of the hearing board.

(d) Failure, without adequate justification, to produce documents or other tangible evidence or to testify at the hearing by anyone requested to do so by the chair of the hearing board shall be reported to the President for any action he or she deems appropriate. In the event that either the complainant or the respondent shall fail, without adequate justification, to produce documents or other tangible evidence or to testify at the hearing when requested to do so by the chair of the hearing board, the hearing board may report to the President that it is unable to make a decision in the matter, and the President may take whatever action he or she deems appropriate.

(e) After the hearing board has received evidence and witness lists from the parties, it will determine whether any additional documents, other tangible evidence, or testimony may reasonably be necessary to a determination of the facts at issue and may require any such documents or other tangible evidence from the complainant or respondent and may require documents or other tangible evidence or testimony from any third party, within or without Bates College. A determination that further evidence is necessary may be based on a request by the complainant or respondent. Should any additional documents or other tangible evidence be produced, they shall be made available to all parties. All parties shall be informed in writing of any witnesses identified by the hearing board who will testify at the hearing in addition to those already listed in the witness lists of the parties. The chair of the hearing board shall determine the date by which all evidence and all witness lists required by the hearing board shall be presented to the hearing board.

(f) Once all documents, other tangible evidence, and all witness lists have been made available to all parties, no additions to any witness list, and no additional documents or other tangible evidence shall be considered except by a decision by the chair confirmed by a majority vote of the hearing board.

(g) A hearing on the complaint shall commence no sooner than 7 nor later than 10 days after all documents, other tangible evidence, and all witness lists have been made available to all parties. The chair of the hearing board
shall have the authority to alter these time limits if necessary and shall notify all parties in writing of a decision to do so.

Section V

(a) The chair of the hearing board, subject only to being overruled by a majority of the board, shall rule on all questions of evidence and procedure and may make such other rules and decisions, not provided for in these procedures, as are necessary to conduct the hearing fairly and expeditiously. This includes decisions on requests from complainants and respondents for separate hearings which arise after the hearing board is formed. Only evidence that a reasonable person would rely on to make judgments in serious matters shall be admitted and be considered by the hearing board in making its findings and conclusions.

(b) The complainant and respondent may have the assistance of an attorney during the hearing; however, the role of the attorney shall be limited to observing the hearing and offering advice to the party represented. The hearing board may have the assistance of college counsel.

c) The members of the hearing board shall maintain the confidentiality of all aspects of the complaint, response, hearing, evidence, and its deliberations. The hearing shall be private. Only members of the hearing board, parties, attorneys, and witnesses while testifying may be present. The hearing board may exclude all but its members in order to deliberate on its findings and conclusions.

(d) The board shall allow a reasonable time for opening and closing statements by the complainant and respondent. Each party at the hearing shall have opportunity to pose questions to all witnesses. This shall be done either directly or through the chair, at the discretion of the chair.

e) The hearing shall be electronically recorded, except that the private and confidential deliberations of the hearing board shall not be recorded. The President shall have custody of the recording and may, in his or her discretion, have a transcript made of the recording after the completion of the hearing.

Section VI

(a) The hearing board shall make specific findings of fact. The burden of proof shall be on the complainant, and the board shall make findings and conclusions in regard to the allegations in the complaint only when a majority of the board is convinced that those findings and conclusions are supported by a preponderance of the evidence.

(b) After reaching its findings and conclusions, the board shall report them in writing, within a reasonable time, to the President of the college, the complainant, and the respondent. The President shall make a brief announcement of the nature of the complaint and the findings of the hearing board to the Bates College community without mention of the names of parties or other participants. The President shall, within his or her discretion, determine what, if any, further action he or she will take in response to the report of the hearing board. The President shall commence any such action within 7 days of delivery of the report unless he or she deems some other period appropriate, in which case, the President shall inform all parties in writing.

c) In accordance with Article V, Section 2 of the By-Laws of Bates College, the complainant and respondent may, in appropriate cases, seek indemnification from the college for reasonable attorneys’ fees incurred for purposes of the hearing.

Section VII

The existence of these grievance procedures in no way precludes the college from taking immediate action to maintain the safety of the college community or individual members thereof.
125 CONFLICT RESOLUTION

Informal, proactive, and flexible approaches are consistent with the Bates culture and are the hallmark of conflict resolution. Bates College encourages resolution at the lowest level possible and seeks to resolve issues in a timely fashion.

Before initiating a formal grievance process, employees must first consult their supervisor to address their concerns. If the supervisor is unable to assist the employee, the employee should follow the normal administrative line of authority and bring his or her issue to the attention of their director or department head. If the issue is not resolved at this level, the employee should present the issue to the appropriate vice president or dean.

At any time during this process an employee may seek support and guidance from the Assistant Vice President of Human Resources for assistance in resolving the matter at hand.

126 OMBUDS PROGRAM

Ombudspersons are employees who help fellow employees with problems related to their employment at Bates College. Discussions with Ombudspersons are confidential, except in cases where there is imminent harm to the employee or to others, or to the welfare of the college, or in situations where the law requires the matter to be reported. An employee may ask the Ombudsperson to share information in order to help resolve a problem. The Ombudsperson keeps no formal written records.

The functions of Ombudspersons are:

- to listen; to provide assistance on any problem or issue; to identify options for the employee
- to provide answers to questions or to assist in finding someone who can
- to carry complaints forward, if an employee is unable to do so, and to advocate resolution
- to provide prompt, impartial, and confidential assistance to attempt to help people help themselves
- to serve as the avenue of first resort when employees do not know where to take their problems or complaints or do not know how to approach the appropriate person or committee
- to recommend changes in policy and procedure when trends develop regarding issues on campus

For more information on contacting an Ombudsperson, please see the Human Resources website.

127 STAFF GRIEVANCE PROGRAM

Any staff member who is dissatisfied with any employer action is encouraged to discuss the situation informally with their immediate supervisor. If the matter cannot be resolved with the supervisor, the staff member may try to resolve the matter through the chain of command. The staff member may also seek additional assistance from the Human Resources department, the Ombuds staff members, the Office of Equity and Diversity or the Title IX Officer. Open discussion, negotiation and resolution of conflict are encouraged. In the case of an employment discrimination issue, the Non-Discrimination Grievance Procedure will be followed.

In the event that an employee has been suspended or terminated for disciplinary reasons, the staff member may file a grievance by following the guidelines listed below. All employees are insured freedom from interference, discrimination or retaliation as a result of a grievance action. All grievances will be handled in a confidential manner to the degree the college can insure confidentiality during the process of reviewing and resolving the issue.

127.1 Step One: Within 10 business days of the suspension or termination the grievance, the staff member will submit the grievance in writing to the Assistant Vice President of Human Resources. The written grievance must be clear and the expected outcome stated. The employment action being grieved must be
specifically described. Within 10 working days of receipt of the written grievance, the Assistant Vice President of Human Resources will convene a meeting with staff member and the employee’s Department Director. Within 5 working days after the meeting a written response by the Department Director must be given to the employee.

127.2 Step Two: If the employee is dissatisfied with the decision of the Department Director, the employee may appeal the decision in writing within 10 working days to the Assistant Vice President of Human Resources. Within 10 working days of receipt of the appeal, the Assistant Vice President of Human Resources will convene a meeting with the staff member and the employee’s Vice President or Dean. Within 5 working days after the meeting a written response by the Vice President/Dean must be given to the employee and the Department Director. The decision of the Vice President/Dean is final.

127.3 Alternative: In the event the complaint is against a Vice President or Dean, the process will automatically move to the President. The decision of the President remains final.

127.4 Time Limits: All time limits will be adhered to except by mutual consent of both parties. Failure to file a grievance within the 10 business days nullifies the complaint.

128 COMPUTER USE POLICY

Computing resources and electronic information are provided to members of the Bates College faculty, staff and student body and to authorized guests in order to accomplish the work of the college. Users of Bates College information systems are expected to conduct themselves in a manner consistent with the college’s Statement of Community Principles, this computer use policy, all other college policies, and state and federal law. While it cannot address every possible situation that may arise, this policy delineates restrictions, expectations and obligations that apply in particular to the electronic resources of the college. If violations of law or college policy are discovered or suspected, college personnel may report the activity to appropriate college officials or external authorities or take other action including, but not limited to, suspension of user accounts or initiation of disciplinary or legal action.

1. Computing resources are shared by all Bates users. You must not alter the normal functioning of the computing system or engage in activities that impair the operation or security of the college’s network or computer systems. The college may take any action required to protect the integrity of its systems, to prevent or stop illegal use of its systems, or to prevent or stop users from impeding the use of the systems by others. When necessary, the college may block access from any computer, system, network, or other access point.

2. You must not intentionally distribute viruses, worms, Trojan horses, corrupted files, hoaxes, or other items of a destructive or deceptive nature on any computer system controlled by the college. Additionally, facilitation or distribution of bulk commercial email (spam) is prohibited.

3. All files and computer output belong to someone. If you have not been given direct permission to access or copy a file, you are not permitted to do so. The fact that certain activities are technically feasible does not mean that they are acceptable. You must abide by all applicable laws and restrictions, whether or not they are built into the operating system or network and whether or not they can be circumvented by technical means. You must not intentionally access any areas of the information technology resources of the college to which you do not have authorization and you may not exceed any access for which you are authorized.

4. All information in the college’s administrative systems, regardless of format or location, is property of the college and is available only to authorized users. College data may also be protected by privacy laws such as FERPA. If you have access to such information you are required to exercise proper stewardship of it and to protect it from unauthorized disclosure.

5. If you take a computer hardware or software abroad, you are responsible for complying with any applicable export controls or other federal regulations. If you plan to travel with a college-owned computer, the college may be able to provide you with a temporary laptop or mobile device or prepare
your assigned laptop or mobile device so that US export restrictions are respected. It is possible that the computer or software you regularly use may be prohibited.

6. You should put password protection on any mobile device you use for college business, and should not download and store college data on mobile devices or computers that are not property of the college.

7. You are provided with credentials and passwords in order to provide positive identification as you access computers and other system resources. You are responsible for all computing activities that occur using your credentials. All passwords and PINs are the property of the college and are non-transferrable. You must not share your password or PIN with anyone, and no one has the right to ask you for them. If you believe your password or PIN has been compromised in any way, you must change it immediately.

8. The college takes great care to protect the confidentiality of information stored on its computer systems, but the college cannot guarantee confidentiality. Information that is owned by the college or stored on equipment controlled by the college is subject to discovery and disclosure according to state and federal law and college policy. The college reserves the right to access, monitor, remove, and disclose your communications or other data stored on college computer systems. If you add security protection to computer resources owned or controlled by the college, such as hardware, folders or files, or to college data in any format or location, you must give the college access to those resources upon request.

9. In the event of an official investigation or an actual or threatened lawsuit against Bates or a person at Bates, the college may be obligated to retain records. The college may require you to retain certain records, and will employ technical means at its disposal to preserve relevant documents and records, including email.

10. The college does not monitor contents of files as a matter of course, but does monitor network and other computer usage. The college may become aware of violations of the law or college policy. If violations are discovered or suspected, college personnel may report the activity to appropriate college officials or external authorities or take other action, including, but not limited to: warning the user, removing the material, terminating access to the material, terminating network access to the computer, and/or initiating disciplinary action.

11. Bates College computing systems are available to the Bates community to further the educational goals of the college. Bates College does not permit you to use its computing resources to support commercial enterprises you may have, your work on behalf of political candidates or as an elected official, not-for-profit activities unrelated to the educational goals of the college, or any activity that could compromise the tax-exempt status of the college. Reasonable use of college-owned or operated computing resources for personal non-commercial purposes is permitted if it does not entail a direct cost to the college, impede network operations, or violate college policies. If you are in doubt about a particular case you should contact the Vice President for Information and Library Services.

129 INTELLECTUAL PROPERTY POLICY

I. Policy Overview and Definitions

This policy addresses the ownership of Intellectual Property for works developed or created by members of the college community, including faculty, staff, and students, and the circumstances and processes under which agreements and determinations of ownership are reached. The policy applies to Intellectual Property (IP) developed or created by members of the college community or with college resources.

Scholarly work created by faculty or students is IP and is normally owned by the creator(s). Scholarly work is defined broadly to include pedagogical, literary, scientific and other creative work developed by faculty members and/or students (or staff members acting outside the scope of their employment). This includes (1) work related to scholarship, such as books, journal articles, inventions, advances, discoveries, software, creative works, artistic works in any medium (including, but not limited to, musical composition, choreography, visual art, scriptwriting), videos and photographs, and (2) work related to teaching, such as textbooks, lecture notes and other course notes (whether in summary or verbatim form, whether privately held by the faculty member or distributed to the class,
whether paper or electronic), problem sets, syllabi, training materials, and Web sites for classes. This means that the vast majority of scholarly work generated by faculty and/or students is IP that is owned exclusively by the creator(s). Exceptions may arise in circumstances involving identity interest, functional interest, or exceptional use of college resources, as described below. IP created by college staff within the scope or course of their employment, on the other hand, is owned by the college.

The college has an ownership interest in IP if it involves (i) an identity interest, (ii) a functional interest, or (iii) exceptional use of college resources.

(i) The college has an “identity interest” in works that are integral to, and reflect more directly on, the identity of the college than on the identity of the individual(s) who create them. For example, it has an identity interest in items disseminated by and for the college, such as various college catalogs, institutional web pages, alumni bulletins, admissions brochures, and fundraising materials. An identity interest also occurs when there is a prominent use of the college’s name, or of any image, trademark or logo of the college’s identity in creating IP must discuss ownership of the product as early as possible in the product’s development with the Dean of Faculty. Determination of ownership must be reached prior to its distribution.

(ii) The college has a “functional interest” in works that are used to enhance the effective functioning and coordination of ongoing operations of the college, or in which the college has a contractual or legal obligation. For example, it has a functional interest in administrative and personnel procedures, including software, and internal handbooks and reports. The college has a functional interest in IP created with Federal or other outside funds which carry an obligation that the college retain certain IP rights or assign them to another party outside the college. Certain collaborative agreements also require the college to negotiate IP rights with other entities, creating a functional interest. If the college has a functional interest, the IP is owned by the college.

(iii) “Exceptional use of college resources” for faculty or student work means that the college has provided funding, facilities, or staff support of a degree or nature not typically made available. Ordinary use of desktop computers or the college library, routine support from the college’s Information and Library Services (ILS) staff, or use of college office space does not constitute exceptional use of college resources. In addition, the college’s provision of standard labs and studios, funding of sabbatical leaves, and funding provided to support scholarly work (e.g., start up funds and annual faculty development grants) are typically not considered to be exceptional use of college resources. In the instance that a faculty member expects to be provided, or the college expects to provide, exceptional and atypical support, a contractual agreement or formal determination should be reached in advance of such funding and allocation of resources, fixing the extent, if any, of college ownership of IP that may result from the work (See Section III of this Policy).

II. Policy for Faculty, Staff, and Students

A. Faculty

Scholarly works created by members of the faculty and all the intellectual property rights associated with them remain with the creator(s) unless the college has an identity or functional interest or the work is created by, with, or through exceptional use of college resources.

If there is an identity or functional interest the college owns the rights to the IP. For instance, the college has a functional interest in faculty administrative work, such as committee reports and departmental or institutional records. When faculty members contribute to college publications such as the college catalog or Bates Magazine, the work is owned by the college because of the identity and functional interest in the work.

While the IP ownership of work related to teaching rests with the faculty member, the college has a functional interest in its ongoing instructional operations. By teaching at the college, faculty members grant a non-exclusive
perpetual license to the college to use and modify curricular and instructional materials they develop at the college.

The college may have an ownership interest in common with the creator(s) in faculty work that involves *exceptional use of college resources*, including substantial use of other college employees. The ownership, use, and development of such IP will be governed by mutual agreement between the creator(s) and the college, or if an agreement cannot be reached between the creator(s) and the college, by a determination made under the procedures of Section III of this Policy.

B. Staff

The legal principle embodied in copyright law known as “work made for hire” provides that all work created by employees within the scope or course of their employment belongs to the employer. The college has both *functional and identity interests* in IP developed by staff members, and could not function if it had to negotiate the right to use work produced by individual staff members. Following standard and typical employment practice, the college owns all IP developed by staff members within the scope or course of their employment. If an individual is hired as both a member of the staff and the faculty, the determination of IP rights depends upon the relation of the IP to the scope of employment of each job. IP that is created by members of the staff outside the scope or course of their employment is the property of the staff member. Staff members must discuss with their supervisor, in advance, any situations in which they intend to claim ownership of any IP that could be construed as being within the scope or course of their employment. The ownership, use, and development of such IP will be governed by mutual agreement between the creator(s) and the college, or if an agreement cannot be reached between the creator(s) and the college, by a determination made under the procedures of Section III of this Policy.

When IP is created by staff members working directly with members of the faculty or with students, the college has an interest in the IP. For example, when a programmer in ILS develops software in collaboration with or at the request of a faculty member, the college owns the software written by the staff member. In all cases faculty members, staff members and students are expected to acknowledge assistance or co-authorship when appropriate.

C. Students

*Scholarly work* generated by students in their capacity as students are owned by the students who create them. In addition, the Family Educational Rights and Privacy Act gives students certain privacy rights over personally identifiable information the college possesses. Course-related materials, assignments and other similar materials in students’ possession may also include IP of faculty members. Students who consider distributing such materials to others should be aware that they may not have property rights to all the materials in their possession such as course syllabi, copies of lectures or other IP of faculty members.

Students who are employed by the college are subject to IP policies for staff (see Section II.B). The college owns all rights to IP created by student employees within the scope or course of their employment unless the student is employed in a faculty-directed project leading to *scholarly work*, in which case the faculty member owns the student-created IP. Faculty members are expected to acknowledge assistance or co-authorship when appropriate.

D. Grants, Sponsored Works and Specially Funded Works

Many grants and contracts from government agencies or private sponsors contain provisions governing intellectual property and/or other rights to the property which obligate the grantee (the college) in some way. In such cases, the college has a *functional interest* in the IP and owns all property rights associated with the IP. The Office of External Grants will assure that IP restrictions are accounted for in grant application and administrative processes associated with it. Principal investigators are required to comply with any such restrictions, including reporting requirements. The Dean of the Faculty must be consulted in advance of any grant application regarding such restrictions (see Section III.A).
III. Process for Determination of Ownership of Intellectual Property

In the vast majority of cases, application of the foregoing principles will be straightforward and there will be no question about who owns the rights to the IP. In such cases, the party with rights (a faculty member, staff member, student or the college) will decide the uses of the IP and will receive any income associated with it. All questions about whether a project involves exceptional use of college resources, or whether a functional or identity interest of the college may exist should be referred to the Dean of Faculty. The Dean in consultation with the creator(s) and appropriate college deans, vice presidents and supervisors will endeavor to reach an agreement with the creator(s) regarding the ownership, use and development of the IP. Agreements will be deposited with the Treasurer of the college according to the procedures established in Section VI.D. If no agreement is reached, the Dean will make a determination (See Section III.B).

A. Reporting

The uniform application of this Policy requires that the college be made aware of IP created by members of the college community with the use of college resources. Responsibility for reporting the creation of IP rests with the creator(s). The Dean of the Faculty will develop a procedure that will facilitate such reporting.

In cases where the IP is a scholarly work created by a faculty member, or staff member outside the scope of his or her employment, and no identity or functional interest is involved, no reporting is required. Routine professional activities reports would suffice, and are typically submitted after the fact. Scholarly work created by students in their capacity as students need not be reported.

Certain cases must be addressed specifically to the Dean of Faculty. Creator(s) should report, as soon as the situation is reasonably clear and before work is well underway, on the production or planned production of any IP that meets one or more of the following conditions:

1. The IP involves or has the potential for involving a functional or identity interest of the college.
2. Production of the IP involves or may involve exceptional use of college resources.
3. The IP is produced with Federal or other outside funds which impose ownership, reporting or other requirements on the college or the creator(s). In such cases, reporting may be required within specified time limits, which must be observed.
4. The IP is jointly created by faculty and staff.
5. The IP is created in a collaborative relationship with another entity requiring that entity’s IP policies be reconciled with those of the college.
6. A creator intends to seek a patent on or otherwise commercialize the IP, in which case, the process of protection or commercialization may involve substantial cost and effort, and the creator(s) may wish the college to consider providing some or all of that support and share the net rewards, liabilities or risks with the college.
7. The creator is a staff member who intends to claim ownership of IP that could be construed as being within the scope or course of employment at the college.
8. A creator has any question about ownership or other rights in the IP.

In the case of a group IP project, all those in the group shall be named in the report, and if the report contains an initial proposal for the disposition of rights and proceeds, all members of the group shall sign.

B. Determination process

When a report is required under Section III.A., and no agreement with the creator(s) is reached, the Dean of Faculty, in consultation with the creator(s) and appropriate college deans, vice presidents and supervisors, shall make a determination whether the IP involves a functional or identity interest, whether its creation involves exceptional use of college resources, or whether the work is created within the scope or course of employment of a
staff member at the college. The Dean shall make a determination of ownership of the IP and associated intellectual property rights, responsibilities, and use rights of the college and the creator(s), and, if appropriate, how the college will recoup its costs and share in financial gains from the IP. This determination should be made in a timely manner. In all cases, the Dean will be guided by the principles set forth in this Policy and the creator(s) will be given an opportunity to explain the situation or proposal and recommend terms for ownership, responsibilities, use rights, risks and financial arrangements.

C. Written Determination

The Dean’s determination shall be made in writing, signed by the Dean. The determination shall contain provisions outlining the allocation of ownership, interests, use rights, responsibilities, risks, and a mechanism for the sharing of net proceeds, if any, and other rights between the creator(s) and the college. The Dean will cause the written determination, once made, to be delivered promptly to the creator(s). The determination, bearing the date on which it was delivered to the creator(s), shall be filed with and maintained by the Treasurer of the college. The determination shall become final and shall be binding on the creator(s) and the college unless, within thirty (30) days of the date on which the Dean has delivered the determination to the creator(s), the creator(s) file a notice of appeal of the Dean’s determination with the Dean of Faculty.

D. Appeals

On receipt of a notice of appeal, an ad hoc committee of Bates students, faculty or staff members shall be formed by the Treasurer of the college. It shall be comprised of one individual selected by the Dean of Faculty, one individual selected by the creator(s), and one individual agreed to by the creator(s) and the Dean. In the event that the creator(s) and the Dean cannot agree, the third member will be appointed by the Treasurer of the college. The committee shall review the Dean’s determination, the position of the Dean and the creator(s), and the relevant facts and circumstances surrounding the IP, and will make a written recommendation to the President not later than sixty (60) days following the date of receipt of the notice of appeal. The President, after review of the recommendation of the ad hoc committee, shall issue a determination within thirty (30) days of receipt of the ad hoc committee recommendation. The President’s determination will be filed with the Treasurer of the college, and a copy will be delivered to the creator(s). This determination of the President will be final and will be binding upon the college and the creator(s).

E. Time

The President, on application by either the Dean of Faculty or the creator(s) or on the President’s independent initiative, shall have the authority to modify the time requirements of this Section III for good cause.

F. President or Dean of Faculty as Creator

In the event that the President or the Dean of Faculty is a creator or co-creator of IP as to which no agreement has been reached, and which requires a determination under this Section III, the process described in subsections A, B, C, D, and E of this Section III shall not apply as to that IP. The determination shall instead be made by the Chair of the Board of Trustees of the college. The Chair’s determination, when ratified by majority vote of the Board of Trustees, shall be final and shall be binding upon the creator(s) and the college.

IV. Transfer of Rights to the College

The college anticipates that even when IP is clearly the property of individuals, those individuals may wish to transfer rights to the college in exchange for help in developing, disseminating or protecting their creations. Requests by members of the college community for such an exchange will be addressed on a case-by-case basis. As stated in II.A, faculty members grant a non-exclusive perpetual license to the college to use and modify curricular and instructional materials developed at the college.
V. Time Spent on IP Production Not for the College

IP developed by students, faculty and staff members without the use of college resources, or outside the scope or course of employment at the college is not governed by this Policy, unless it involves an identity interest of the college. For instance, a report provided to another organization in a consulting role is IP created through outside employment. Faculty members should be guided in accepting any outside employment by the Faculty Handbook statement regarding Class Responsibilities. Staff members should be guided by Bates policies on conflict of interest and outside employment as outlined in the Employee Handbook.

VI. Application of this policy; Effective Date; Registry of Agreements and Determinations

A. Faculty and College Staff

This Intellectual Property Policy applies to and is binding upon members of the faculty and upon members of the college staff by reason of their employment at Bates College. Unless otherwise provided in writing, the terms, conditions, and provisions of this Intellectual Property Policy shall be deemed to survive termination of employment and shall continue to apply to any IP created, in whole or in part, by a member of the faculty or a member of the college staff while employed by the college. As used in this policy, the term “faculty” shall mean the professors, associate professors, assistant professors, instructors, lecturers, and the visiting professors of the college, and the term “college staff” shall mean the administrative officers and all non-faculty employees of the college.

B. Students

This Intellectual Property Policy applies to and is binding upon students as an element of the contract between the student and Bates College. Unless otherwise provided in writing, the terms, conditions, and provisions of this Intellectual Property Policy shall be deemed to survive the student’s graduation or other termination of the contract between the student and Bates College and shall apply to any IP created, in whole or in part, by a student while enrolled at the college.

C. Effective Date

This Intellectual Property Policy became effective May 2, 2009. This policy shall apply to IP created, in whole or in part, by members of the Faculty, members of the college staff, and students on or after the date of adoption by the Board of Trustees.

D. Registry of Agreements and Determinations

The Treasurer of the college shall maintain a registry of all agreements and final determinations pertaining to Intellectual Property to which this Policy applies. All agreements between creator(s) and the college pertaining to ownership, rights, duties, and obligations of each in IP to which this Policy applies and all final determinations made pursuant to Section III of this Policy shall be deposited in said registry and retained by the Treasurer.

130 SOCIAL MEDIA POLICY

This policy applies to all kinds of electronic communications, including but is not limited to multi-media, social networking websites, blogs and wikis for both professional and personal use. Consistent with other college policies, internet postings may not disclose any information that is confidential or proprietary to Bates College or to any third party that has disclosed information to the college. Internet postings must respect copyright, privacy, fair use, financial disclosure and other applicable laws. Employees may not claim nor imply that they are speaking on behalf of the college on personal social media accounts.
Social media accounts on behalf of the college require approval of a vice president prior to initiation. Bates College reserves the right to request certain subjects be avoided, certain posts be withdrawn, and inappropriate comments be removed on Bates College social media accounts.

Examples of prohibited activity include, but are not limited to:

- Inappropriate posts that may include discriminatory remarks, harassment, or threats of violence
- Posts that could contribute to a hostile work environment on the basis of race, sex, national origin, religion, sexual preference, gender identity or any other status protected by law or by Bates College policy
- Posts that could be viewed as malicious, obscene, threatening, or intimidating
- Offensive posts meant to intentionally harm someone’s reputation

Hiring managers and members of a search committee should not examine or search private social media user profiles when evaluating candidates for employment or promotion. Human Resources staff, upon request, may conduct a social media search and provide business-related information to hiring managers. Bates College will not compel any employee or applicant to disclose any information about their private social media accounts (this does not apply to investigations of workplace-related violations or misconduct).

This policy will not be interpreted in any manner to infringe upon an employee’s legal rights or protections.

### 131 EMPLOYEE PHOTOGRAPHS

All employees are deemed to consent to the use of their images in photos and videos for college purposes, but may, on an event by event basis, withdraw that consent by notifying the photographer at the time photos are being taken.

### 132 TRAVEL POLICY

The fundamental principle governing travel reimbursement expense is that an individual traveling on college business should neither gain nor lose personal funds as a result of official college business travel. The college will reimburse all employee travel and entertainment expenses that are reasonable and actually incurred for transportation, local travel, meals, lodging and other necessary business expenses within the parameters of this travel policy.

Assuming a reasonable level of safety, comfort and convenience for the traveler, every effort should be made to make business travel arrangements which keep college expenses to a minimum. When itineraries are altered to accommodate personal matters, the traveler is expected to pay any additional costs incurred. Family members are not eligible to be reimbursed or to incur expenses on behalf of the college.

### 133 USE OF MOTOR VEHICLES

Bates College uses a loss prevention model which establishes the safety of drivers and passengers as a fundamental priority in the operation of Bates College motor vehicles. For policy purposes, the term “Bates College motor vehicle” includes all motor vehicles owned, leased, or rented by the college. Experience tells us that motor vehicle accidents are preventable. Working to prevent and reduce the number of motor vehicle accidents helps to lower the incidence of personal injuries, lowers the aggregate cost of property damage, and works to reduce insurance costs while serving as an important part of the larger effort to foster a safe educational environment at the college.

The safety and well-being of the college’s students, faculty, and staff are important goals for all elements of the college’s programs. While it is the responsibility of all community members to participate in safe practices, it is particularly important that every student or member of the college’s faculty and staff who accepts the
responsibility to operate a Bates College motor vehicle should consider safety a fundamental part of the obligations which obtain in that capacity.

Employees are expected to abide by all local and state laws including speed limits, distracted driving and use of cell phones. All faculty and staff under the age of 25 will be required to take a safe driving course and to sign an Agreement for Operation of Bates College Motor Vehicles form in order to be certified for driving Bates College motor vehicles.

### 133.1 Rules Governing the Operation of Bates College Motor Vehicles

**A. Compliance with Local and State Traffic Laws**

Operators of Bates College motor vehicles will comply with all applicable motor vehicle regulations, laws, and ordinances at all times.

**B. Alcohol and Drugs**

The use of alcohol and/or drugs by the driver or passengers of Bates College motor vehicles is strictly prohibited, either while in possession or use of the vehicle or within 8 hours prior to such possession or use. Violation of this provision will be grounds for immediate termination of driving privileges under this policy.

**C. Safety Belts**

In compliance with state law, all drivers are required to use safety belts while operating a motor vehicle for the college. Similarly, all passengers, regardless of placement in the vehicle, must wear safety belts while the vehicle is in motion. It is the driver’s responsibility to insure 100% compliance with this aspect of policy.

**D. Qualified Drivers of Bates College Motor Vehicles**

Bates College students must be certified in order to drive Bates College motor vehicles. Faculty and staff under the age of 25 must be qualified in order to drive Bates College motor vehicles. Standards and requirements to be certified as qualified are described in this section II-4, below.

Other faculty and staff are authorized to drive Bates College motor vehicles so long as they possess an approved driver’s license from one of the fifty states of the United States. Exceptions to this blanket authorization for faculty and staff age 25 years and over may be necessary where there is a demonstrated record of unsafe driving practices by the individual.

To become a certified driver of Bates College motor vehicles, Bates College students as well as faculty and staff under the age of 25 must:

1. Possess a valid driver’s license from one of the fifty states of the United States of America.
2. Have no more than (2) minor moving traffic violations within a thirty-six (36) month period.
3. Attend and satisfactorily complete a Safe Driving Class conducted by the college.

Disqualification: Persons who have been convicted of one or more major violations, i.e., driving under the influence of alcohol or drugs, reckless operation, hit and run, driving under suspension, fleeing from a police officer, or who acquire more than two (2) minor moving violations in the preceding thirty-six (36) month period prior to the application for qualification are not eligible to drive Bates College motor vehicles. Persons who are convicted of a major violation after becoming an approved driver must notify the Director of Security or his designee in which event authorization to drive Bates College motor vehicles will be withdrawn.

**E. Authorized Passengers** - Only those individuals affiliated with the college, i.e., faculty, staff, students, or invited guests, are to be transported in Bates College motor vehicles. Personal use is strictly prohibited. It is the driver’s responsibility to enforce this policy.
F. Accidents Involving College Vehicles - If there is an accident involving a Bates College motor vehicle, the first order of safety is to attend to the injured parties and to take care that all parties are safely out of further harm’s way in the area of the accident. Note: injured parties should be moved only by medical personnel except under the most unusual and crisis-like circumstances to prevent added trauma arising to the victim.

Each driver’s packet contains information on accident reporting, as well as an insurance card bearing the name of the college’s insurance broker. No driver should operate a Bates College motor vehicle for the college unless s/he has the accident reporting kit and the insurance card in their possession.

Bates College policy requires that any accident involving Bates College motor vehicles, regardless of severity, location, or fault, should be reported immediately to the law enforcement authority within the jurisdiction where the accident occurred and to Security and Campus Safety at Bates College (207-786-6254).

Claims involving a rental vehicle will need to have a copy of the rental agreement. In the event a claim or potential claim arising from the use of a privately owned vehicle, you will be required to provide all pertinent information to the office of the Vice President for Finance and Administration and Treasurer.

Other points for consideration in the event of an accident:

1. Make no statement to anyone other than to law enforcement personnel or to the Bates College Security and Campus Safety.
2. Make no statement about payment of damage.
3. Admit no liability.
4. Move the vehicle only when so instructed by police unless your best judgment under the circumstances is that moving the vehicle is the best and safest course of action. Drivers of college vehicles are responsible for all citations received as a result of an automobile accident, excessive speed and other moving violations.
5. Contact the Security office and the office of the Vice President for Finance and Administration and Treasurer.

G. Bates College Safe Driving Course - All Bates College students and all faculty and staff under the age of 25 who will drive a Bates College motor vehicles must first successfully complete the Safe Driving Course conducted by the college.

H. Driver Responsibility in Bates College Motor Vehicles - The ultimate responsibility for the safety and well-being of all passengers inevitably belongs to the driver of the Bates College motor vehicle. No policy or procedural statements can eliminate that responsibility. All laws must be obeyed and good safety practices followed on an ongoing basis.

The areas listed below further define the driver’s responsibilities.

1. Equipment - Any equipment discrepancies, failures, or vehicle damage should be reported to the Office of Security and Campus Safety, and for rented/leased vehicles, to the company owning the vehicle. Inspect the vehicle before using so that pre-existing problems are noted at the outset and, if possible, corrected before vehicle use. Vehicles thought to be unsafe should not be taken out on the road under any circumstances.

2. Luggage - All luggage and equipment shall be stored in a secure fashion so that it does not interfere with the safe operation of the vehicle or endanger the safety of the passengers.

3. Uncooperative Passengers - Passengers who do not, by their actions while being transported in a Bates College motor vehicle, support the safe driving goals of this policy should be reported by the driver to the departmental supervisor who approved the use of the Bates College motor vehicle for college business.
4. **Distractions** - The driver’s attention should always be on the safe operation of the vehicle. Distractions such as eating or drinking should be refrained from while the vehicle is in motion. Smoking is prohibited in college vans.

5. **Reflectors** - If the vehicle becomes disabled, triangular reflectors, if located in the vehicle, should be placed to the rear of the disabled vehicle.

I. Unauthorized Use of Bates College Motor Vehicles - Only authorized and certified drivers may drive Bates College Motor Vehicles. Drivers for whom vehicles have been signed out or rented are not authorized to delegate driving privileges to other drivers except in an emergency and, then, only where the delegated driver is a qualified driver for Bates College Motor Vehicles.

J. Approvals Required for Bates College Students to Drive Bates Motor Vehicles - The college distinguishes between the question of the rules for certifying Bates College students for driving Bates College motor vehicles (addressed in part II, above) and the processes and policies which will govern the acceptable circumstances wherein Bates College students may be asked to drive Bates College motor vehicles.

Broadly speaking, Bates College students will be authorized to drive Bates College motor vehicles only when absolutely necessary for the direct support of the college’s academic, co-curricular, and formally organized extracurricular programs and when faculty or staff personnel are not available to serve in the capacity of driver.

Approval for Bates College students to drive Bates College motor vehicles must be granted in writing by one of the members of the Bates College faculty or staff listed below or his/her approved (faculty or staff) designee. Authorization may be granted only on a date-specific basis; that is, no blanket authorizations may be granted covering extended or open-ended periods of time. Authorization forms (see appendix A...) will be prepared in duplicate. One copy should be retained by the authorizing party. The other should be submitted, before assuming command of the vehicle, to the Office of Security and Campus Safety in the case of college-owned vehicles or to the auto rental company in the case of rented/leased vehicles.

Only certain individuals are authorized to approve Bates College students to drive Bates College motor vehicles in circumstances consistent with this policy. The list is available in the Campus Safety and Security Department.

**134 PARKING REGULATIONS**

The college recognizes the use of motor vehicles as a convenience, and it is not obligated to provide parking for all vehicles entering campus. It will make an attempt to provide a reasonable number of parking spaces for properly registered vehicles within the scope of resources and available sites. In order to ensure an orderly flow of motor vehicle traffic and to maximize utilization of the limited parking facilities on campus, all members of the college community must accept the obligation to observe these policies. The regulations are designed to maximize our limited parking space and to avoid detracting from the natural beauty of the campus. Please read these rules and regulations carefully, as they apply to all faculty, staff, students, their guests and visitors. It is understood that the operation of a motor vehicle on campus and utilization of any Bates College Parking facility constitutes an acceptance of these rules and regulations.

**134.1 Registering a Faculty/Staff Motor Vehicle**

All vehicles parked on campus (this includes motorcycles, mopeds, and vehicles belonging to students who live off campus) must be registered with Security. Employees may obtain a permit at the Security and Campus Safety located at 245 College Street. No more than four permits will be issued per person.

The parking permit (decal) must be properly affixed to the rear driver’s side window. If the decal is improperly placed, the owner of the vehicle is in violation of the parking policy. Should there be a question about the placement of a parking decal, call Security and Campus Safety. Any vehicle with an altered parking decal is in
violation of college policy and the owner of the vehicle is subject to being fined and/or towed from campus property.

All faculty and staff of Bates College must register their vehicle(s) as described above if they plan to park on campus at any time. Upon registering, they will be issued a Bates College parking permit. There is no fee for a faculty/staff decal.

Unregistered motor vehicles found on campus will be fined $30.00. The fine for individual parking tickets is $20.00. Fines will automatically be deducted from the employee’s next paycheck following the 7 day appeal period.

134.2 Registering a Visitor’s Motor Vehicle
All visitors desiring to park their motor vehicle on Bates College property must register their vehicle with the Security Office upon their arrival. A temporary parking permit will be issued to the visitor. There is no cost for this temporary permit. Visitors must comply with the college parking regulations. For this reason it is the responsibility of any member of the Bates College community who has invited visitors to the campus to inform them of the parking regulations.

134.3 Parking Signs
Parking signs have been kept to a minimum to preserve the beauty of the campus. Consequently, signs primarily will designate where you are allowed to park, rather than where you may not park. It is the responsibility of each student, faculty, and staff member of Bates College who desires to park on campus to obtain a copy of these regulations and campus parking map. The map clearly designates where faculty, staff, students, and visitors may park, and it will be each person's responsibility to be familiar with the map and the locations on campus where parking is permitted.

134.4 Transfers
Parking decals or privileges cannot be transferred and will be revoked in the event of any application, permit or vehicle representation.

134.5 Lost, Stolen, Damaged Permit
If a vehicle is sold or involved in an accident which will prevent its return to campus, the permit must be removed and returned to Security for a replacement. Lost or stolen permits must be reported to Security immediately.

134.6 Snow Removal and Maintenance
Any person using the campus parking facilities shall cooperate during periods of snow removal or required maintenance by moving his/her vehicle promptly when required. Any vehicle impeding snow removal or required maintenance will be towed without warning at the owner’s expense.

134.7 Fire Lane Enforcement
All driveways are considered fire lanes. Parking is prohibited, posted or not, in driveways, walkways, building exits, grass or any such place that would inhibit the access of Security or emergency vehicles. In such cases, the vehicle will be towed and stored at the owner’s expense. Regulations are in effect and enforced 24 hours per day 365 days per year.

134.8 Notices and Email
Parking announcements will be sent by email. All persons who have a car or plan to have a vehicle on campus are responsible for all information in parking emails. Do not ignore parking tickets or email notices.
EMPLOYMENT

The intent of this section of the Employee Handbook is to clarify the definitions of employment classifications and to provide an outline of the hiring and selection process.

200 EMPLOYMENT CATEGORIES

Bates College has three categories of employees: Faculty, Staff (exempt and non-exempt), and Student Employee. A person is classified as an employee when he or she receives a payroll check from Bates College. An employee’s status and benefit eligibility are determined by his or her employment category and number of hours worked.

These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and Bates College. All employees who do not have a signed employment contract for a specific term of employment are "at-will" employees in accordance with Maine State Law.

200.1 Faculty

200.1a Membership in the Faculty is defined in Article IX, Section 1 of the By-Laws of Bates College. Employees holding tenured, non-tenured, or non-tenure track positions at the rank of Professor, Associate Professor, Assistant Professor, Instructor, Senior Lecturer or Lecturer, including those with visiting appointments, are defined as Faculty for employment purposes. Employees holding such rank are subject to rules and procedures in the Faculty Handbook of Bates College in addition to this handbook.

200.1b The President, the Deans, the Chief Financial Officer, the Registrar, the Librarian and the Principal Assistant Librarian are also designated as members of the Faculty by the By-Laws. For employment purposes, these employees are defined as exempt administrative staff members (see 200.2a) unless they also are appointed to a rank specified in 200.1a.

200.1c The Faculty of the college may allow certain staff members to attend meetings of the Faculty without vote. Such an invitation is a courtesy extended by the Faculty as a body, and does not define an employment category or employment relationship for invitees.

200.2 Staff

200.2a Exempt Staff Members - are non-faculty employees serving in positions exempt from the overtime pay provisions of the Fair Labor Standards Act because their executive, administrative, professional, or managerial responsibilities meet the exemption requirements of the law.

200.2b Nonexempt Staff Members - are non-faculty employees serving in positions covered by the overtime provisions of the Fair Labor Standards Act.

200.3 Student Employee - are persons whose primary status is as registered students at Bates College or who are classified as students in accordance with Federal regulations. All students are classified as temporary employees.
201 EMPLOYMENT STATUS

In addition to the employment categories defined above, each employee will also belong to one of the following employment statuses:

201.1 Regular Employee
Regular employees are those who are not in a temporary status and these are positions which the college anticipates that there will continue to be a need for in the future. The college always has the right to eliminate these positions, and this definition is not intended in any way to diminish the employment-at-will doctrine.

201.1a Full-time employees are those who are regularly scheduled to work 40 hours per week for the entire year. Full-Time employees hold a 1.0 Full-Time Equivalent (FTE) position.

201.1b Three-quarter-time employees are those who are regularly scheduled to work between 26.6 and 39 hours a week for a full year, and at least 1383 hours up to a total of 2079 hours per year schedule. Three-Quarter-time employees hold positions greater than .67 FTE but less than a 1.0 FTE.

201.1c Half-time employees are those who are regularly scheduled to work between 20 and 26.5 hours a week with a minimum of 1040 hours and up to but not exceeding 1382 hours per year. Half-time employees hold positions of .50 to .66 FTE.

201.1d Part-time employees are those who are regularly scheduled to work less than 20 hours per week for the entire year or less than 1040 hours. Part-time employees hold positions of less than .50 FTE.

201.1e Academic Year Staff Members are those employees who are typically scheduled to work 10 months of the year from mid-August to mid-June. A full-time Academic Year Employee is one scheduled to work 40 hours a week during their 10-month employment period. Three-quarter-time Academic Year employees work less than 40 hours a week but exceed 1383 hours during their 10-month employment period. Half-time Academic Year employees work between 1040 and 1382 hours during their 10-month employment period. Part-time Academic Year employees work less than 20 hours per week for the entire year or less than 1040 hours. Part-time Academic Year employees hold positions of less than .50 FTE.

201.2 Special or Contracted Employees
Employees whose terms and conditions of employment are negotiated at the time of hire because of the unique nature of their employment with the college. These unique arrangements are agreed upon in a signed contract. Special or Contracted Employees generally hold hard to fill, unique, or grant funded positions within the college. Benefit eligibility for Special or Contracted Employees are defined in the terms of their contract.

201.3 Temporary and On-call Employees
Non-regular employees employed in positions where the college does not anticipate a continuing need for the position. Temporary and On-call employees receive only legally mandated benefits as described in the Benefits section of this handbook

201.3a Temporary Employees are non-regular employees employed in positions where there is no expectation of continued employment and generally have defined start and end employment dates. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change of status in writing by the Human Resources Department.

201.3b On-Call Employees are employees who are employed on an as needed, day-by-day, or intermittent and/or unpredictable basis to perform specific assignments that do not normally require an ongoing work commitment. On-Call employees receive an hourly wage for all hours worked.
202 INTERNATIONAL EMPLOYEES AND THE IMMIGRATION REFORM & CONTROL ACT OF 1986

In accordance with the Immigration Reform and Control Act of 1986, it is Bates College policy to hire only those individuals who are authorized to work in the United States. Pursuant to this law, all individuals who are offered employment will be required to submit documentary proof of their identity and employment authorization. Employees will be required to complete, and sign under oath, Immigration and Naturalization Form I-9. This form requires candidates for employment to attest that they are authorized to work on the job for which he or she may be hired and that the documents submitted are genuine. In addition to requiring all off campus applicants hired for employment to comply with this law, it will apply to on campus applicants who are offered and accept employment in which there is a status change, i.e. temporary part-time to regular part-time to regular full-time.

If an individual is authorized to work in this country for a limited period of time, before the expiration of that period, he or she will be required to submit proof of employment authorization and sign another Form I-9 in order to remain employed. Bates College will not discriminate based upon national origin and citizenship.

202.1 International Students
According to the federal guideline established by the Immigration and Naturalization Service, an international student cannot work more than 20 hours a week while classes are in session. It is both the student’s and the supervisor’s responsibility to comply with this federal guideline. International students must first come to the Student Employment Office to fill out necessary paperwork before they can begin working. The payroll office will determine if a student is subject to any tax treaties that may exempt them from tax payments.

202.2 International Staff
International staff are required to come to the payroll office to determine their tax status. The payroll office will require a copy of the employee’s visa, their Form I-2019 if on a J-1 visa or Form I-20 if on an F-1 visa, their social security card (if you need to apply for one, the payroll office can assist in this process), their offer letter or contract.

202.3 TN VISAS for Canadian and Mexican Professionals
TN is a temporary, nonimmigrant status available on a yearly basis for Canadian or Mexican citizens only. TN status is employer-specific and must be for professions, which are listed by INS as being eligible for this status. TN dependents are classified as "TD" and are not eligible for employment. The procedures for Canadian citizens and Mexican citizens to obtain TN status are quite different. Canadian citizens are not issued visa stamps and instead are admitted to the United States in TN status when they present appropriate documentation to INS inspectors at the point of entry. Their TN status is then noted on Form I-94. For Mexicans, the employer must send documentation to the DOL and INS for approval in advance. Mexican citizens must then obtain TN visa stamps before being admitted to the United States with the TN notation on Form I-94.

203 VOLUNTEERS
Volunteers are persons who have agreed to perform voluntary service to the college but receive no remuneration. Volunteers are obligated to abide by the rules, regulations, policies and procedures of the college. Volunteers are ineligible for Bates College benefits, but may receive special privileges of access to college facilities, on an as needed basis. Volunteers are required to complete a confidential information form and may be subject to background screening.

204 EMPLOYMENT AGENCY PERSONNEL
Individuals who are leased from temporary employment agencies for specific assignments are employees of the respective agency and not of Bates College. These personnel are not eligible to receive a Bates Identification Card or receive any benefits or status as a member of the Bates Community.
205 INDEPENDENT CONTRACTOR

Persons, or business representatives, who perform specified services for the college and do not occupy an identified regular or temporary position at the college, are not employees of the college. Independent contractors are paid through accounts payable. The appropriate IRS regulations governing independent contractors are quite extensive; Human Resources should be consulted when classifying individuals as an employee or as an independent contractor. Independent contractors may be required to carry appropriate insurance for indemnification of liability to the college.

206 EMPLOYMENT PROCESS

Any individual who seeks to create a position or to fill a vacant position must contact the Human Resource Department for instruction on how to request a position.

All exempt positions are subject to the college’s Affirmative Action policy and procedures. When recruiting and hiring exempt positions, certain Affirmative Action procedures must be incorporated into the hiring process. Please contact the Office of Equity and Diversity for more information.

207 RECRUITING, ADVERTISING, AND POSTING POSITIONS

Job posting is a way to inform employees of openings and to identify qualified and interested applicants who might not otherwise be known to the hiring manager. Internally, position openings may be posted on the web and/or via e-mail to the campus. Externally, open positions may be advertised via a variety of recruitment venues at the discretion of the Director of Employment.

On occasion, certain positions will be open to internal candidates and will be identified as such. *Internal Candidates Only* postings are designed to encourage current staff members to apply for positions on campus. It is the prerogative of the hiring manager to have an open search, an internal search, or a combined internal and external search based upon the time involved in the search process, as well as the needs and demands of the particular department.

Advertising and posting position announcement flyers are only two forms of recruiting qualified candidates. Additional recruiting efforts are encouraged to develop a large and diverse pool of potential applicants. In an effort to obtain a diverse pool of applicants, the Office of Equity and Diversity and the Human Resources Department will work with the hiring manager to design a recruiting campaign for each open position. Employees are encouraged to notify and nominate qualified applicants for open positions at the college.

208 EMPLOYMENT APPLICATIONS

Bates College relies upon the accuracy of information contained in the online employment application and/or résumé as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, potential termination of employment. Employment applications are required of all regular staff positions through the college’s online application system.

Paper resumes and applications will not be accepted. The college will provide resource assistance for using the online system as requested. No unsolicited resumes and applications will be accepted.
209 INTERNAL CANDIDATES

Bates College provides employees an opportunity to indicate their interest in open positions and advance within the organization according to their skills and experience. In general, all regular non-temporary job openings are posted on the employment website. Temporary positions, promotions, reclassifications, and positions created by reorganizations are not necessarily posted as vacancies.

Employees who have a written warning or reprimand on file within the most recent 6-month period of time are not eligible to apply for posted jobs. This does not apply to an employee applying to change shifts for the same position. Employees who are on suspension are not eligible to apply for posted jobs. Staff members in their introductory period of employment with the college are ineligible to apply for internal postings.

Eligible employees should only apply for those posted jobs for which they possess the required skills, competencies, and qualifications as advertised or listed in the position posting. To apply for an open position, employees should follow the instructions in the position posting. The hiring manager will review internal applications in a manner consistent with external applications. There is no guarantee of an interview for internal applicants; however, the hiring manager is advised to contact the internal applicant directly in the event they are not selected for an interview.

The hiring manager must check internal references of the employee who is a candidate for a position with the employee’s current supervisor to verify performance, skills, attendance and other factors related to the employee’s employment.

210 USE OF SEARCH COMMITTEES

The use of search committees is required for all exempt positions. Exceptions to this practice must be approved by the Assistant Vice President of Human Resources for staff positions, or the Dean of Faculty for faculty positions. A Human Resource staff member or the Chief Diversity Officer is available to serve as advisor to search committees. These individuals can advise committees in the areas of: 1) training and assistance on search, screening, and evaluation techniques, 2) information on legal matters related to employment, and 3) diversity efforts. Otherwise they can serve as a resource for the committee in the entire employment process.

The search for a new employee is still intended to be an inclusive process. Hiring managers should consider assembling a search committee for positions interacting with an array of campus constituents. A search committee is an important way to gain input and insight. Search committees should be made up of 3 – 6 members who represent the areas served by the position being searched. The hiring manager should provide the search committee members with the position posting, job description, and engage the committee in the creation of the selection criterion.

210.1 Confidentiality of the Search Process

We want to maximize the opportunities for the community to meet and interact with the candidates, while at the same time maintaining a level of confidentiality. We do not want a candidate’s interest in Bates to compromise their standing at their current place of employment. We ask all employees privy to information about candidates to maintain this information in confidence. We request that you observe the following confidentiality practices:

- Do not share candidate materials to individuals outside the search process.
- Do not reach out to any colleagues beyond Bates to discuss any of the candidates.
- Do not put any of the candidates’ names in any social media. This includes e-mail, tweet, text, Facebook, or any other social media post.
Hiring managers and members of a search committee should not examine or search private social media user profiles when evaluating candidates for employment or promotion. Human Resources staff, upon request, may conduct a social media search and provide business-related information to hiring managers.

211 EMPLOYMENT REFERENCE CHECKS

To ensure that individuals who join Bates College are well qualified and have a strong potential to be productive and successful, it is the policy of Bates College to check the employment references of all applicants. It is the hiring manager’s responsibility to ensure that references are checked. This effort is often delegated to members of search committees, but it is ultimately the responsibility of the hiring manager.

When checking references, it is the practice of the college to require at least one reference from a former supervisor of the prospective employee. Past supervisors can provide certain qualitative information that is critical in reference checking. In situations where candidates desire to not have their current supervisor notified, an offer of employment can be tendered contingent upon a satisfactory reference check from the supervisor.

More extensive checks may be completed for appropriate positions and may include verification of credentials, work experiences, and other methods of background checks depending upon the nature of the position in question.

212 PRE-EMPLOYMENT BACKGROUND SCREENING

The college has determined for each position whether a criminal history background screening is required based on the type of position, business necessity and applicable state laws. The type of information that can be collected includes, but is not limited to, that pertaining to an individual’s past employment, education, character, finances, reputation, etc. This process is conducted to verify the accuracy of the information provided by the applicant.

When a background screening is required, the internal or external applicant for the position must authorize in writing this background investigation. The college will inquire only about convictions and probation status, if any, and not about arrests unless required by applicable laws.

Background screenings will be conducted for positions that meet at least one of the following:

- Master key access to residence and other facilities;
- Direct responsibility for the care, safety and security of students (to include all coaching staff), or safety and security of personal or college property;
- Direct responsibility for the care, safety and security of minors (to include the Bates Dance Festival employees and all other summer programs);
- Direct access to, or responsibility for, cash and cash equivalents;
- Extensive authority for committing the financial resources of the college;
- Access to, or responsibility for Banner finance module;
- Direct access to, or responsibility for, controlled substances or hazardous materials;
- Responsibility for operating commercial vehicles, machinery or toxic systems that could cause accidental death, injury or health problems;
- A requirement for a professional license, certificate, or degree, the absence of which would expose the college to legal liability and/or adverse public reaction;
- Direct access to and/or responsibility for protected, personal, or other sensitive data.

The following factors will be considered for those applicants with a criminal history in determining whether to hire the external applicant or transfer or promote the internal applicant: the nature of the crime and its relationship to the position; the time since the conviction; the number (if more than one) of convictions; and whether hiring, transferring or promoting the applicant would pose an unreasonable risk to the business. The applicant will be
given an opportunity to review the criminal background check results and submit an explanation. If any applicant is found to have falsified any information regarding conviction history, the applicant will not be considered for employment. If an employee seeking a transfer or promotion to a position requiring a criminal history record check is found to have falsified any information regarding conviction history, the employee may be immediately discharged.

Bates will ensure that all background checks are held in compliance with all federal and state statutes and will make inquiries regarding criminal records during the pre-employment stage. Information attained from the reference and background check process will only be used as part of the employment process and kept strictly confidential. Only authorized personnel at Bates College will have access to this information.

### 213 JOB PLACEMENT ASSESSMENTS

After an offer of employment has been made to an applicant entering certain positions requiring physical exertion, a job placement assessment will be performed by a health professional of the college’s choice and at the college’s expense. The offer of employment and assignment to duties is contingent upon satisfactory completion of the assessment by all potential employees.

The job placement assessment is a medical evaluation and will indicate whether the individual is able to perform the essential functions of the position. Job placement assessments are valid, job-specific evaluations of the abilities of the conditionally hired employee to perform the essential functions of the job safely and efficiently, and are compliant with ADA (American’s with Disabilities Act) guidelines. To help ensure that employees are able to perform their duties in a safe and adequate manner, job placement assessments are required for certain positions that involve significant physical demands.

A copy of the assessment results will be placed with the candidate’s medical records should the individual be hired. Any information on an employee’s medical condition or history is kept separate from other employee information and maintained confidentially. Access to this information will be limited to those who have a legitimate need to know.

### 214 INITIAL EMPLOYMENT PROCESSING

Federal law, Immigration Reform and Control Act of 1986, requires all personnel to complete an I-9 Employment Eligibility Verification form and present documentation establishing identity and employment eligibility within 72 hours of commencing employment with Bates College. At that time, the employee will complete a Federal W-4, Maine Form W-4ME, and direct deposit enrollment.

Former employees who are rehired must complete these forms. Employees with questions or seeking more information on immigration law issues are encouraged to contact the Human Resources Department.

### 215 INTRODUCTORY PERIOD OF EMPLOYMENT

All new staff member’s performance is evaluated to determine whether further employment in a specific position or with Bates College is appropriate. The introductory period for staff members is 6 months upon initial hire in regular positions. This period may be extended upon the approval of the Assistant Vice President of Human Resources. If it becomes evident either during or after completion of the 6 month period that continued employment in the position is not appropriate, the college will end the staff member’s employment.

Disciplinary procedures are not required during the introductory period.
216 HIRING TEMPORARY PERSONNEL

216.1 Bates College Temporary Employees
Hiring an individual into a temporary position is subject to the same regulations and laws as hiring regular employees. However, often due to the time demands and the ad hoc nature of temporary assignments, the appointment of temporary persons without a search is permitted. Hiring managers should contact the Director of Employment for assistance in hiring temporary employees.

216.2 Agency Temporary Personnel
On occasion, Bates College will lease employees from an outside employment agency. Such agency temporary personnel are acquired from employment agencies to provide support for various departments for a defined period of time. The Human Resources Department is the liaison between the hiring department and the Employment agency.

217 HIRING EMPLOYEES INTO A SECOND POSITION

Employees of the college may serve in more than one position with the approval of the Human Resources Department. This approval must occur prior to the agreement with the employee to work in the secondary job. The hiring manager of the secondary department must contact the Director of Compensation and Performance Management to ensure the following considerations are addressed: 1) the correct employment status of both positions – full time, part time, per diem; 2) classification of both positions – exempt, non-exempt; 3) classification effect on overtime and benefits; 4) determination of which position is primary employment status.

Employees are required to inform their current supervisor prior to beginning work in a second job at the college so issues regarding work schedules and overtime pay may be explored.

218 EMPLOYMENT OF FAMILY MEMBERS

The college has no prohibition against hiring relatives of existing employees but understands that employment of relatives in the same area of the college may impact departmental functioning. To minimize any potential issues with regard to relatives working together, immediate family members are prohibited from having supervisory responsibilities for another family member including making recommendations or decisions specifically affecting the appointment, retention, tenure, work assignments, promotion, demotion, or salary of the other. Immediate family is defined as spouse, domestic partner, civil union partner, grandparent, sibling, or child.

Hiring supervisors shall seek the most highly qualified and competent candidates for vacant positions, with consideration to qualified individuals regardless of their relationship to other employees at the college. Departments hiring same family members must comply with the college’s affirmative action and personnel policies. The Assistant Vice President of Human Resources will make the determination of whether good faith recruitment efforts have been exhausted before the hiring of a family member is approved.

Financial policies specifically prohibit requests for reimbursement by one relative from being approved by another relative.

219 EMPLOYING BATES COLLEGE RETIREES

Provisions of federal law govern the employment of persons who retire from an organization and then return to the same organization as an employee. Before making a hiring decision involving a Bates College retiree, the Human Resources Department should be consulted.
222 STUDENT EMPLOYMENT

The Student Employment Office (SEO) is a program of the Human Resources Department, which acts as a resource for both students and employers of students at Bates College, and as a centralized office through which issues concerning student employment are channeled. The primary function of this office is to assist Bates students in finding on-campus student employment and to facilitate and regulate the application process. This office posts off-campus positions, including babysitting and tutoring jobs in the surrounding community as well as a variety of work-study opportunities in non-profit agencies.

221 NEW EMPLOYEE ORIENTATION

New employee orientation is offered on a regular basis. Every new employee required to attend New Employee Orientation is notified of their orientation date and location.

222 FACULTY AND STAFF DIRECTORY

The college publishes an online telephone directory that contains information about all regular employees of the college. This information is available online at the Bates College website and is accessible to persons who access the website from a Bates College address or @bates.edu entry point. The information that is included is name, title, department, office telephone number, office and e-mail address.

All information for the directory is drawn from the college’s official database contained in the BANNER information system. Only official information will be listed in the directory, except in the case of personal preference for nicknames or preferred names. New employees are asked to provide appropriate information upon hire by completing the Employee Confidential Information Form.

223 PERSONAL DATA CHANGES

It is the responsibility of each employee to notify Bates College promptly of any changes in personal data. Name changes, personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, and other such status reports should be accurate and current at all times. If any of your personal information has changed, notify the Human Resources Department in writing; a signed request is required for all official data changes.

224 ACCESS TO PERSONNEL FILES

Bates College maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, résumé, records of training, completed Performance Development evaluations, salary increases, disciplinary actions and other employment records.

Personnel files are the property of Bates College and access to the information they contain is restricted. Generally, only supervisors and management personnel in the chain of supervision who have a business reason to review information in a file are allowed to do so and are restricted to information related to the inquiry only. No medical information is available to supervisors.

Employees who wish to review their own file should contact the Assistant Vice President of Human Resources. With reasonable advance notice, employees may review and/or copy their own personnel file in the Human Resources department in the presence of an individual appointed by Bates College to maintain the files.
225 PERFORMANCE DEVELOPMENT

Bates College encourages annual written performance evaluations for regular staff members. It is the college’s goal to have Performance discussions with employees at six month intervals between the annual written performance evaluations. These meetings allow employees and supervisors to establish performance expectations and goals for the future and to review previously communicated performance expectations and development plans.

226 EMPLOYEE DISCIPLINARY ACTION

Bates College strives to ensure the fair treatment of all staff members and to make certain that disciplinary actions are prompt, uniform, and impartial. The goal of any disciplinary action is to correct a problem, prevent recurrence, and support staff members in meeting workplace expectations.

Although employment with Bates College is based on mutual consent and both the staff member and Bates College have the right to terminate employment at will, with or without cause or advance notice, Bates College may use disciplinary action at its discretion.

Disciplinary action may call for any of four steps -- verbal warning, written warning(s), suspension with or without pay, or termination of employment -- depending on the severity of the problem and the number of occurrences. Supervisors will determine the most appropriate level of discipline commensurate with the situation; progressive discipline is not required and steps may be skipped if warranted by the circumstances.

Disciplinary actions may be accompanied by an action plan intended to address the issues at hand. The action plan may detail what the issues are and what steps will be taken to deal with the issues and a follow-up or evaluation plan of these action steps.

While it is impossible to list every type of behavior or problem that may occur, the Employee Conduct and Work Rules includes examples of problems that may result in immediate termination.

227 LEAVING YOUR EMPLOYMENT WITH THE COLLEGE

When an employee leaves Bates College he or she must notify the Human Resources Department of their departure in writing. Employees must return property belonging to the college and complete exit and benefits processing.

Since employment with Bates College is based on mutual consent, both the employee and Bates College have the right to terminate employment at will, with or without cause, at any time. It is expected that non-exempt employees who leave the college will provide the college with at least a two week notice of their departure. Exempt employees are expected to provide the college with four weeks or more notice when possible. During the notice period employees are expected to devote enough time to complete or transition their work.

Staff are prohibited from using sick accruals during the resignation notice period preceding termination of employment. Exceptions may be made if the staff member provides medical documentation of the need to be out of work or if the employee had a previously scheduled request for vacation. An employee’s actual termination day must be the last day worked, and cannot be extended by the use of vacation, sick, or personal leave, or a holiday.

Employees who leave their employment at Bates College without notice will be deemed ineligible for re-hiring for a period of time no less than one year from their last day worked.
Employees are responsible for items in their possession or control that are the property of Bates College, such as the following:

* credit cards
* Bates identification card
* manuals
* passwords and pass codes to safes
* laptops, tablets and audio-visual equipment
* uniforms
* written materials

* equipment
* keys
* cellular phones, pagers, electronic devices
* protective equipment
* tools
* library materials
* vehicles
* parking stickers/permits

All college property must be returned by employees on or before their last day of work. In accordance with appropriate laws, Bates College may withhold from the employee's final paycheck the cost of any items that are not returned when required. Departments will be fined $50 for each lost key and $250 for each lost master key. College property is considered to be “on loan” to the employee. Bates College may take all action deemed appropriate to recover or protect its property.

To facilitate the employee’s exit processing, the employee and his or her supervisor should complete a Bates College Termination Procedure Checklist. This checklist ensures that the employee has completed all of his or her exit processing and that the appropriate departments within the college are notified.

The employee’s last check will be paid on the next regular pay period after the resignation or departure notice. Before an employee receives their last check, he or she must complete appropriate exit processing. The last paycheck (as distinguished from the vacation payout) may be direct deposit, unless otherwise directed by the employee.

Any staff member terminating employment, who has worked at the college for at least 6 months, is entitled to all accumulated and unused vacation pay. This vacation pay will be included in a final check that will normally be paid in the pay period following the staff member’s last day of work, provided that the staff member has completed exit processing. Vacation payouts are taxed at the supplemental rate.

228 EXIT INTERVIEWS

A departing employee may request an exit interview with a member of the Human Resources staff. Such interviews give the employee the opportunity to offer suggestions or complaints about their employment with the college and to share feedback about their overall employment experience. Exit interviews are held in confidence, except when the discussion involved is a matter where confidentiality is limited by law or college policy, such as harm to others; or unless the employee wishes to have the contents of the interview shared with relevant college personnel. Information obtained in Exit Interviews is used to improve the quality of the work experience at Bates College. The information is used in such a way that it cannot be attributed to any individual.

229 REFERENCES FOR FORMER EMPLOYEES

In accordance with the Maine Immunity Reference Act, Bates College will provide factual information about a former employee's job performance or work record to a prospective employer as requested. All requests for references for employees who have worked for or are leaving the college should be referred to the immediate supervisor or anyone in the chain of command. Requests for general information about dates of employment and position held may be provided by the Human Resources department.

In the case of a person whose employment was terminated by the college, the supervisor must first consult with the Assistant Vice President of Human Resources before responding to any reference request.
230 INACTIVE EMPLOYEES

The right to terminate the employment relationship at will at any time is retained by both the staff person and Bates College. The college, subject to applicable laws, will normally terminate the employment of any staff person who is in an inactive period of employment for 6 months or more. Inactive is defined as not physically coming to work for a period of six months, regardless of the staff person’s pay status. Based upon the needs of the college, the college reserves the right to terminate inactive staff earlier at its discretion. This right is consistent with the employment at will relationship. This policy applies to non-work related injuries for staff who are absent from work due to being eligible for Long Term Disability, or on unpaid leaves, or any other extended period of being absent from work.

231 BRIDGING OF SERVICE PERIODS

The length of time a staff member or faculty member has been an active employee in a regular position is a determinant of eligibility for:

- participation in the Educational Assistance Program for Bates College employees
- the accrual rate of vacation time for staff
- retiree eligibility

An employee’s service is the length of time, beginning with the date of hire, that the individual has been continuously employed by the college in a regular position, including periods of authorized leaves of absence. College service ends with termination of employment.

Periods of college service may be joined together (or "bridged") when an individual with one or more years of regular service terminates college employment and then returns to service in a regular position within a period of 364 calendar days. Any unused sick time at the time of termination will be restored to the employee’s accrual bank.

The bridging of service credit under this policy only affects a staff member's years of service for benefits specifically stated in this policy.
BATES BENEFITS

The following section describes the benefits provided by Bates College. The intent of this section is to provide a general description of available benefits, but it does not take the place of official benefit plan documents. If there is a conflict between the handbook and a benefit plan document, the plan document governs. Additional benefit plan documents are available in the Human Resources Department. Please note that whereas the benefit plans may not change often, Bates College reserves the right to change, adjust or end benefit plans at any time.

Your benefit eligibility is determined by your employment classification, hours worked in an employment year and whether your position is considered regular or temporary. Some benefits are only available to employees in a Full Benefit status while contributions to other benefits are prorated for employees in Three-Quarter or Half Benefits status (as defined below).

300  BENEFIT ELIGIBILITY

For the purpose of benefits eligibility, employees must be in a regular full-time, three-quarter-time, or half-time position in an active status or a special or contracted employee who is identified as benefit eligible in an active status. Please note that for coverage under the various insurance plans an employee can be treated as either an employee or a dependent but not both at the same time.

300.1 Benefits Eligibility for 12-month Staff

The following descriptions are for benefits eligibility only and do not represent employment categories, descriptions or status. A Full-Time Equivalent employee (FTE) is defined as an employee who is expected to work 52 weeks x 40 hours per week = 2,080 hours in an employment year.

Full Benefits - over 33 hours per week and 1716 hours in a calendar year for an FTE of .826 - 1.00
Three-Quarter Benefits - 26.6 - 33 hours per week and 1383-1716 hours per calendar year for an FTE of .67 - .825
Half Benefits - 20 - 26.5 hours per week and 1040 – 1382 hours per calendar year for an FTE of .50 - .66
*Not eligible for benefits (Part-Time) - fewer than 20 hours per week and fewer than 1040 hours per calendar year for an FTE of .00 - .49 are not eligible for Bates College benefits.

300.2 Benefits Eligibility for Faculty

Faculty eligibility is based on using 5 course equivalents as = 1.0 FTE.

Full Benefits – consists of teaching more than 4 courses (or course equivalents) or more per academic year in any combination.
Three-Quarter Benefits – teaching 3.5 – 4 courses per academic year for an FTE between .67 - .825
Half Benefits – teaching 2.5 – 3 courses per academic year for an FTE between .50 - .66
Not eligible for benefits – fewer than 2.5 courses per year are not eligible for Bates College benefits for an FTE between .00 - .49.

For faculty personnel the following apply: 1) Benefits are determined by the employment terms denoted in the faculty members contract, and the employment terms are binding in regards to eligibility for benefits: 2) If the length of the contract is one semester only, and the teaching responsibilities are for 2.5 – 3 course equivalents, the faculty member receives full benefits for that semester; 3) If the length of the contract is for one academic year, and the teaching responsibilities are for 2.5 – 3 course equivalents during any part of the academic year, the faculty member is eligible for half benefits for the length of the contract as specified.

Note: The standards set out here, an FTE of .67 - .825 equaling three-quarter benefits, .5 - .66 FTE equaling half benefits and .49 or less equaling no benefits, is the same standard used for all employees at Bates.
300.3 Benefits Eligibility for Academic Year Staff Members
An Academic Year Employee generally works 10 months of the year from mid-August to mid-June. As department needs dictate, the 10 months may be worked over a different period of time. All Academic Year schedules are approved in advance by the department in conjunction with Human Resources.

Full Benefits – 40 hours a week for 44 weeks for an FTE of .846
Three-Quarter Benefits - 36 hours per week for 44 weeks for an FTE of .76
Half Benefits – 30 hours per week for 44 weeks for an FTE of .63
*Not eligible for benefits (Part-Time) – working fewer than 1040 hours per calendar year for an FTE of .00 - .49 are not eligible for Bates College benefits.

Note: The above schedules are generally those worked by Academic Year employees. The benefit status would remain the same if their actual schedule does not fall below the thresholds for 12-month staff.

300.4 Temporary and On Call Employees
Receive only legally mandated benefits, which are social security, Worker’s Compensation, and unemployment benefits. The only exception to this policy is that temporary employees may voluntarily participate in the Bates College 403(b) Supplemental Retirement Plan by contributing their own earnings, but they are not eligible to receive a match from the college.

Time served as a temporary or on call employee is not credited as years of service to determine benefit or leave eligibility or accrual.

300.5 Domestic Partners
Domestic Partners (of the same or different sex as the employee) are eligible for certain benefits at Bates College. In order to receive such benefits, an Affidavit of Partnership must be completed, attesting to living in a committed relationship, that each is, and intends to remain, the other’s sole Domestic Partner, neither of the two are married to someone else, both are 18 years of age, and share joint responsibility for one another’s common welfare and basic needs.

Under federal tax law, domestic partner insurance coverage is not available on a pre-tax basis and COBRA benefits do not apply to domestic partners. Benefits extended to Domestic Partners include dental and life insurance, a Bates College identification card, and access to facilities and services.

300.6 Dependent Children
Unmarried children (of employees that are eligible for a Bates identification card) under the age of 21 are eligible for a Bates College Identification Card for use of the Library and Athletic Facilities. You may cover your children in the Bates Medical, Dental and Life Insurance Plans up to age 26 without regard to whether they are full-time students, married or dependent upon you for support.

* By federal law, employees who work more than 1000 hours are eligible to receive pension benefits. Regular or temporary employees working between 1000-1040 hours in an employment year are eligible to receive pension and matching retirement plan benefits beginning the first of the month following their employment year anniversary in addition to those legally mandated as identified above.

301 BATES FLEXIBLE BENEFITS PLAN
Bates College offers employees a Flexible Benefit Plan. This is a variation of a cafeteria plan that allows benefits to be provided on both a before and after-tax basis, or you may opt out of a benefit. All employees who are in a benefit status of half or more are eligible to participate in this plan. Benefits are prorated for those employees who are in a Three Quarter or Half benefit status.

The benefits that are provided under the college’s Flexible Benefits Plan are as follows: Health Insurance, Dental
Insurance, Life Insurance & Accidental Death and Dismemberment Insurance (AD&D), Long Term Disability Insurance (LTD), Health Care Reimbursement Account (HCRA), Limited Purpose Flexible Spending Account (LFSA), Dependent Care Reimbursement Account (DCRA), and the Dependent Care Subsidy that is provided by the college.

302 ANNUAL ENROLLMENT

Annual Enrollment is the time of year when employees are allowed to make changes to some benefits without the requirement of a Life Status Change. The benefits that may be enrolled in or modified during Annual Enrollment are Health Insurance, Dental Insurance, Life Insurance & Accidental Death and Dismemberment Insurance (AD&D), Health Care Reimbursement Account (HCRA), Limited Purpose Flexible Spending Account (LFSA), Dependent Care Reimbursement Account (DCRA), and the Dependent Care Subsidy.

303 LIFE STATUS CHANGES

Generally, you cannot change your election under the Flexible Benefits Plan during the calendar year. There are a few exceptions. You may voluntarily change your elections during the calendar year if you satisfy the following conditions (prescribed by federal law):

(a) You experience a “Life Status Change event” that affects your eligibility under this Plan and/or a Benefit Option; or
(b) You experience a significant cost or coverage change; and
(c) You complete and submit a written Election Change Form within 31 days of the Life Status Change.

A Life Status Change is any event that affects the number of dependents employees have or the employment status of the employee or his or her spouse or domestic partner if the employment status change affects their eligibility for benefits. Examples of life status changes include, but are not limited to, marriage, separation, divorce, birth, adoption, a dependent child losing their dependent status, a permanent change in work hours for the employee or his or her spouse/domestic partner, the spouse/domestic partner obtains a job elsewhere, a significant increase in the cost of coverage or the termination of your spouse’s/domestic partner’s employment. Note that a requested change in benefits must be consistent with the type of Life Status Change.

For information on whether a change in your circumstances qualifies as a Life Status Change, please contact the Human Resources Department as soon as possible, because changes can only be made within 31 days of the event.

304 HEALTH INSURANCE

Health insurance coverage is a mandatory benefit within the college’s Flexible Benefits program for faculty and staff who are classified as Half Benefits or more. Employees who provide proof of health coverage elsewhere may opt-out of Bates College’s health insurance plan.

Eligible employees may participate in the health insurance plan subject to all terms and conditions of the agreement between Bates College and the insurance carrier. A change in employment classification that would result in loss of eligibility to participate in the health insurance plan may qualify an employee for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA).

Details of the health insurance plan are described in a Summary Plan Description (SPD). Information on the cost of coverage is provided in advance of enrollment to eligible employees. Contact the Human Resources Department for more information about health insurance benefits.
305 DENTAL INSURANCE

Dental insurance coverage is a mandatory benefit within the college’s Flexible Benefits program for Faculty and Staff who are classified as Half Benefits or more. Employees who provide proof of dental coverage elsewhere may opt-out of Bates College’s dental insurance plan.

Eligible employees may participate in the dental insurance plan subject to all terms and conditions of the agreement between Bates College and the insurance carrier. A change in employment classification that would result in loss of eligibility to participate in the dental insurance plan may qualify an employee for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA).

Details of the dental insurance plan are described in a Summary Plan Description (SPD). Information on the cost of coverage is provided in advance of enrollment to eligible employees. Contact the Human Resources Department for more information about dental insurance benefits.

306 LIFE INSURANCE AND ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE

Life insurance and Accidental Death and Dismemberment (AD&D) insurance are available to Faculty and Staff who are classified as Half Benefits or more. This is a voluntary benefit that employees elect at initial benefits enrollment, or annually during Annual Enrollment. The college pays the cost to purchase Basic coverage of one (1) times their salary up to a maximum $400,000. Please note that for employees who are less than full-time; coverage is not prorated and is provided at 100% of the employee’s salary up to the maximum $400,000. The value of Basic Life Insurance in excess of $50,000 is taxable per IRS Table I guidelines and will be included in the calculation of gross taxable earnings. Instead of electing Basic Life or AD&D insurance an employee may opt out of one or both of the insurances.

Accidental Death and Dismemberment (AD&D) Insurance provides protection in cases of serious injury or death resulting from an accident. Additional supplemental and/or dependent AD&D coverage may be purchased. Supplemental insurance is limited to 3 times the employee’s salary up to $850,000 when combined with Basic coverage, and Dependent life insurance is limited to 100% of the employee’s total up to $100,000 for a spouse and $20,000 for children. An employee may increase or decrease their AD&D election during the Annual Enrollment period without providing any health status information.

Life Insurance provides coverage in the event of death. Additional supplemental and/or dependent Life coverage may be purchased. Supplemental insurance is limited to 3 times the employee’s salary up to total coverage of $850,000 when combined with basic coverage, and Dependent life insurance is limited to 100% of the employee’s total up to $100,000 for a spouse and $20,000 for children. During your initial enrollment you may elect Life Insurance Amounts up to the lesser of Basic + 3x your Salary or $500,000 without providing a Personal Health Statement. Amounts in excess of $500,000 will require completion of a Personal Health Statement and will be subject to the insurance carrier’s underwriting guidelines prior to becoming effective. If you initially waive coverage or elect a lower level of coverage and wish to increase in the future, the coverage will only be granted following the insurance carrier’s approval of a completed Personal Health Statement. You would remain in the lower level of coverage until the approval has been granted.

Eligible employees may participate in the life insurance plan subject to all terms and conditions of the agreement between Bates College and the insurance carrier. Details of each insurance plan including benefit amounts are described in the Summary Plan Description provided to eligible employees. Contact the Human Resources Department for more information about life insurance benefits.

307 FLEXIBLE SPENDING ACCOUNTS

Bates College provides Flexible Spending Accounts (FSA) that allow employees to have pre-tax dollars deducted
from their salaries to pay for eligible out-of-pocket expenses. Flexible spending accounts can be used to pay for predictable non-reimbursed health care and dependent care expenses during the plan year for which the account was created. Participation in the Health Care Reimbursement Account, the Limited Purpose Flexible Spending Account and/or the Dependent Care Reimbursement Account is optional. Employees desiring to participate in a FSA must enroll/reenroll each plan year. This benefit is available to faculty and staff who are classified as Half Benefits or more.

**307.1 Health Care Reimbursement Account (HCRA)**

HCRA is a health plan that allows employees to set aside income that has not been taxed to pay for eligible health care expenses. The maximum contribution allowed is determined by the federal government. The amount elected by the employee is deducted from his or her paycheck in equal installments throughout the year; the employee is able to submit expenses as they are incurred.

A Health Care Reimbursement Account may be beneficial for those who plan to spend money during the calendar year on health or medical expenses. Some examples are insurance co-pays, glasses, dental exams, or other health, or medical needs that are not covered by insurance for yourself or your eligible dependents regardless of participation in the Bates medical or dental plans.

It is important to ensure that one does not contribute more than needed into a Health Care Reimbursement Account. The IRS allows up to $500 in unused contributions to the HCRA to be carried over into the new year. You must create an account in the following year for the unused funds to carry over into. The IRS requires that any money remaining in excess of $500 that is not used, is forfeited. (The account helps the employee pay less in taxes and, as a result, the IRS regulations are very restrictive.) It is recommended that employees make conservative elections to this account because of the “use it or lose it rule,” which is a federal law and not a policy of the college. Employees have until March 31st to file claims for the prior year’s contributions (expenses incurred prior to becoming eligible are not eligible for reimbursement). If you terminate within the calendar year you have 90 days from the date of your termination to submit any eligible expenses that occurred while you were actively employed.

Details of the Health Care Reimbursement Account are described in a Summary Plan Description (SPD). Contact the Human Resources Department for more information on this benefit and to obtain enrollment information.

**307.2 Limited Purpose Flexible Spending Account (LFSA)**

The LFSA is used if either you or your spouse participate in a Health Savings Account (HSA) which makes you ineligible to participate in the HCRA. A LFSA is a health plan that allows employees to set aside income that has not been taxed to pay for eligible dental, vision and health care expenses (once a minimum deductible has been reached). The maximum contribution allowed is determined by the federal government. The amount elected by the employee is deducted from his or her paycheck in equal installments throughout the year; the employee is able to submit expenses as they are incurred.

A Limited Purpose Flexible Spending Account may be beneficial for those who plan to spend money during the calendar year on dental or vision expenses and want to use the LFSA for reimbursement of those expenses instead of their Health Savings Account. Some examples are glasses, dental expenses, or other health, or medical needs that are not covered by insurance for yourself or your eligible dependents regardless of participation in the Bates medical or dental plans.

It is important to ensure that one does not contribute more than needed into a LFSA. The IRS allows up to $500 in unused contributions to the LFSA to be carried over into the new year. You must create an account in the following year for the unused funds to carry over into. The IRS requires that any money remaining in excess of $500 that is not used, is forfeited. (The account helps the employee pay less in taxes and, as a result, the IRS regulations are very restrictive.) It is recommended that employees make conservative elections to this account because of the “use it or lose it rule,” which is a federal law and not a policy of the college. Employees have until March 31st to file claims for the prior year’s contributions (expenses incurred prior to becoming eligible are not eligible for
reimbursement). If you terminate within the calendar year you have 90 days from the date of your termination to submit any eligible expenses that occurred while you were actively employed.

Details of the Limited Purpose Flexible Spending Account are described in a Summary Plan Description (SPD). Contact the Human Resources Department for more information on this benefit and to obtain enrollment information.

307.3 Dependent Care Reimbursement Account (DCRA)

DRCA is the second Flexible Spending Account that is available to employees and is used to pay for qualified child/adult care expenses. It is similar to the Health Care Reimbursement Account in that it allows employees to have pre-tax dollars deducted from their salaries to pay for eligible child/adult care expenses. In order to be eligible for reimbursement under this plan, the employee must have a child who is twelve years of age or younger, and that the employee claims as an exemption on his or her federal tax return. Expenses incurred after a dependent child turns 13 are not eligible for reimbursement. However, eligible expenses incurred for a dependent adult/child over age 13 who is physically or mentally incapable of caring for himself or herself are eligible.

For tax filers who file single and married couples filing a joint return, the IRS will allow contributions of up to $5,000 per year. For married couples filing separate returns, the IRS will only allow each to contribute up to $2,500. Please note that the maximum includes the employee’s contributions as well as contributions made on the employee’s behalf through the college’s Dependent Care Subsidy Program. Employees who participate in this plan must be actively working. If an employee goes on any type of leave, participation in this plan will typically cease until the employee returns. The laws that govern this benefit limits reimbursable expenses to those that are paid to a care provider so that the employee can maintain employment. The care may not be overnight care (day camps are covered, but overnight camps are not covered). Tuition expenses for kindergarten (or above) are not covered.

There are some important differences in the Dependent Care Reimbursement Account as compared to the HCRA discussed earlier. Reimbursement for child care services are provided only for services that have already occurred. Employees who pay for childcare or camps in advance cannot be reimbursed until after the services have been rendered. Employees cannot be reimbursed beyond their contributions to the DCRA at that point in the year.

Though the Dependent Care Reimbursement Account is funded with before tax dollars, the money put into this account will reduce the amount the employee is able to receive as a child care tax credit on his or her income tax return. Tax credit amounts are reduced dollar for dollar for amounts that have been contributed to a Dependent Care Reimbursement Account. Unlike the Health Care Reimbursement Account, any money left in an account that is not reimbursed is forfeited, so care must be taken to not over-fund an account. Reimbursed dependent care expenses must occur between January 1st and March 15th of the year following the year enrolled. Employees have until March 31st to file claims for the prior year’s contributions (expenses incurred prior to becoming eligible are not eligible for reimbursement). If you terminate within the calendar year you have until the end of the calendar year to incur and submit any eligible expenses.

Details of the Dependent Care Reimbursement Account are described in a Summary Plan Description (SPD). Contact the Human Resources Department for more information on the Flexible Spending Account program or to obtain enrollment and reimbursement forms and worksheets.

308 SUBMITTING FLEXIBLE SPENDING ACCOUNT CLAIMS

In order to be reimbursed for Health Care or Dependent Care, employees must submit receipts with a claim form to the third party administrator of the college’s Flexible Spending Accounts. When claims are submitted for reimbursement for dependent care, they must include the dates of service, cost, and tax identification number of
the dependent care provider. Reimbursement Claim forms can be found on the Human Resources Web site or at the Human Resources Office. Claims may either be mailed or faxed as described on the claim form.

309 BATES DEPENDENT CARE SUBSIDY

Bates College provides dependent care assistance to faculty and staff who are classified as Half Benefits or more. To participate in the Bates College Dependent Care Subsidy, the employee must contribute a minimum of $100 in a Dependent Care Reimbursement Account. The subsidy is provided to help offset the costs of dependent care to employees in maintaining employment. The amount of the subsidy varies based on the number of eligible dependents and total household income. The Dependent Care Subsidy benefit is prorated for employees who work less than full-time.

An application for a Dependent Care subsidy must be submitted along with a copy of the first page of the employee’s most recent tax return. If tax information is not provided, the subsidy will be based on the highest income bracket on the chart.

The combined amount of subsidy and the employee’s contribution to a DCRA cannot exceed the maximum allowed by law. For tax filers who file single and married couples filing a joint return, the IRS will allow contributions up to $5,000 per year. For married couples filing separate returns, the IRS will only allow contributions up to $2,500.

The subsidy is based on total household income and the number of dependents that are eligible to be covered; children 12 years old or younger that you claim on your tax return.

The following is a chart of the Dependent Care Subsidy Contributions:

<table>
<thead>
<tr>
<th>Total Annual Benefit Based on Last Year’s Tax Return Gross Household Income</th>
<th>0 to 30,000</th>
<th>30,001 to 45,000</th>
<th>45,001 to 60,000</th>
<th>60,001 and Over</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Dependents</td>
<td>1st Dependent</td>
<td>$1,300</td>
<td>$1,040</td>
<td>$780</td>
</tr>
<tr>
<td></td>
<td>2nd Dependent</td>
<td>$2,340</td>
<td>$1,872</td>
<td>$1,404</td>
</tr>
<tr>
<td></td>
<td>3rd Dependent</td>
<td>$3,120</td>
<td>$2,496</td>
<td>$1,872</td>
</tr>
<tr>
<td></td>
<td>4th Dependent</td>
<td>$3,640</td>
<td>$2,912</td>
<td>$2,184</td>
</tr>
<tr>
<td></td>
<td>5th Dependent</td>
<td>$3,900</td>
<td>$3,120</td>
<td>$2,340</td>
</tr>
<tr>
<td></td>
<td>6th Dependent</td>
<td>$3,900</td>
<td>$3,120</td>
<td>$2,340</td>
</tr>
</tbody>
</table>

310 TRAVEL ACCIDENT INSURANCE

All benefit eligible employees are covered by a Group Travel Accident policy when traveling on college business only. Bates College pays the entire cost of this plan. The plan provides for $250,000 coverage for loss of life. The college has written guidelines for those who travel for the college as a part of their work, and who attend professional development meetings and conferences.

311 FACILITIES ACCESS

All regular employees and retirees, their spouses/partners and dependent children (up to age 21) have access to Bates facilities, including the Davis Fitness Center, the ice arena, the athletic facilities in Merrill Gymnasium and Alumni Gym, and circulation privileges in the Library. The Bates Card is required to access these facilities and services. Guidelines for employee and dependent eligibility for the Bates Card are available in Human Resources. Information regarding specific classifications and allowable access are described in the table below.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Academic Year, Regular and Special Contracted Staff</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>On-Call Wait Staff &lt; 6 months of service</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>On-Call Wait Staff &gt; 6 months of service</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>At the request of the Director of Dining Services</td>
</tr>
<tr>
<td>Summer Camps</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>Athletic Camps</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retirees</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>Emeriti</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>Student Employees</td>
<td>Upon request</td>
<td>Y</td>
<td>Y</td>
<td>At the request of the student’s supervisor. May have other access by virtue of student status.</td>
</tr>
<tr>
<td>On-Call (non wait staff)</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>After 6 months at the request of the Director of Dining Services.</td>
</tr>
<tr>
<td>Temporary Agency Help</td>
<td>N</td>
<td>N</td>
<td>Upon request</td>
<td>At the request of the Director as appropriate</td>
</tr>
<tr>
<td>Temporary Bates Employee</td>
<td>Upon request</td>
<td>Upon request</td>
<td>Upon request</td>
<td>At the request of the Director as appropriate for the position</td>
</tr>
<tr>
<td>Independent Contractors</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>Volunteers</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>At request of the Director</td>
</tr>
<tr>
<td>Interns</td>
<td>Upon request</td>
<td>Upon request</td>
<td>Upon request</td>
<td>At the request of the Director when appropriate for the position</td>
</tr>
</tbody>
</table>

Additionally, individuals on a leave of absence are allowed access as described in the table below.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Military</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>Library/Athletics access is retained so that dependents may continue access.</td>
</tr>
<tr>
<td>Short Term Disability</td>
<td>Y/N</td>
<td>Y</td>
<td>Y</td>
<td>Building access may be restricted/denied if absence is prolonged. Employees may be requested to turn in their building keys while on leave.</td>
</tr>
<tr>
<td>Administrative Leave—Voluntary</td>
<td>Y/N</td>
<td>Y</td>
<td>Y</td>
<td>Building access may be restricted/denied if absence is prolonged. Employees may be requested to turn in their building keys while on leave.</td>
</tr>
<tr>
<td>Administrative Leave—Involuntary</td>
<td>N</td>
<td>N</td>
<td>Y/N</td>
<td>Email access may be suspended at the discretion of management.</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>---</td>
<td>---</td>
<td>-----</td>
<td>-------------------------------------------------------------</td>
</tr>
<tr>
<td>Long Term Disability</td>
<td>N</td>
<td>Y</td>
<td>N</td>
<td>Library/Athletics access is retained so that facilities can be used for rehabilitation or physical therapy.</td>
</tr>
<tr>
<td>Sabbatical</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Library/Athletics access is retained so that facilities can be used for rehabilitation or physical therapy.</td>
</tr>
<tr>
<td>Pre-Tenure</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Library/Athletics access is retained so that facilities can be used for rehabilitation or physical therapy.</td>
</tr>
<tr>
<td>Unpaid Leave—Faculty</td>
<td>Y/N</td>
<td>Y</td>
<td>Y</td>
<td>Library/Athletics access is retained so that facilities can be used for rehabilitation or physical therapy.</td>
</tr>
<tr>
<td>Worker’s Compensation</td>
<td>Y/N</td>
<td>Y</td>
<td>Y</td>
<td>Library/Athletics access is retained so that facilities can be used for rehabilitation or physical therapy.</td>
</tr>
<tr>
<td>Family Medical Leave</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Library/Athletics access is retained so that facilities can be used for rehabilitation or physical therapy.</td>
</tr>
</tbody>
</table>

In addition to facilities access, there are events of all types that faculty and staff members, retirees and their families are invited to and encouraged to attend, such as lectures, art exhibitions and other events.

### 312 RENTAL REAL ESTATE

The primary purpose of the college’s acquisition and ownership of residences surrounding the campus is to provide space for future expansion of buildings, green space and other college needs. The secondary purpose is that, while these buildings consist of dwelling units, these units may be rented, both to accrue income to offset the cost of purchase, maintenance and repairs, and to provide housing that is consistent with the needs of the college. Employees are eligible to rent available properties and are required to pay their rent through payroll deduction.

Units shall normally be rented according to the following priority:

1. Consideration for the recruitment and retention needs of the college.
2. Faculty.
3. Bates staff whose responsibilities indicate that proximity to the college would be advantageous.
4. Staff members with temporary appointments (who cannot reasonably be expected to make long-term commitments on housing), or staff members who are relocating from a distance.
5. Any Bates employees.

#### 312.1 Limitation of Tenancy

All tenants are “tenants at will”. Faculty are able to stay in college housing for 5 years or the length of their contract, whichever is shorter. The five years will include any years that the tenant may be on leave, subletting the units(s), or otherwise absent. Staff are able to stay in college housing for 2 years; leases may be extended for staff at the discretion of the college based on rental availability. Senior staff and selected positions may be granted tenancy for the duration of their employment due to the need for their close proximity to campus.

Once a person is no longer an employee of the college, they must vacate the unit within 30 days or by July 31st, whichever comes first.
313 COMPUTER PURCHASE PROGRAM

This program offers Bates employees assistance in purchasing computers through payroll deduction. The college offers short-term loans to regular full-time, three-quarter-time, or half-time staff members who have completed 6 months of continuous employment. This program enables the staff member to purchase computers, tablets, printers and connecting cables for their personal use, not for resale.

313.1 Options

Employees have two options for purchasing computers:

Option 1: Employee purchases a computer and associated hardware and through completion of the Computer Purchase Agreement receives a reimbursement for the purchase price minus at least 10% of the total cost.

Option 2: An employee provides a firm quote from a local vendor and receives an amount from the college equal to the total purchase price minus at least 10% of the total cost. Within a week of purchase, the employee is required to provide the HR representative with a final store receipt. Any discrepancy between the firm quote and final purchase price will result in the immediate reimbursement to the college of the difference. Failure to provide the receipt will result in the immediate full reimbursement of the entire loan within the limits of federal law.

313.2 Terms and Conditions

- Employees must pay at least 10% of the purchase price of the equipment to initiate this agreement. The balance will be repaid to the college through a payroll advance.

- The balance must be paid within a 24-month (2-year) period or less, through a payroll deduction. Payments must be at least $50 per month.

- Only one computer, or computer combination such as computer and printer, will be approved at a time. The balance of an outstanding loan must be completely paid before another purchase loan is approved.

- If the employee terminates employment at Bates before the loan is paid, the remaining balance becomes due. The signed loan agreement authorizes the college to deduct any remaining balance from the employee’s final paychecks. If the final paychecks are not large enough to cover the balance, the employee must make arrangements to cover the balance.

- The employee must attach proof of purchase or a firm quote from a local vendor to the application. In the case of a firm quote, a final bill of sale is required to complete the transaction.

- Failure to complete the Terms and Conditions of this policy may result in disciplinary action up to and including termination.

For more information on the Computer Purchase program or to obtain an application and instruction sheet call Human Resources.

314 TRAINING, DEVELOPMENT, AND EDUCATION OF STAFF

Bates College recognizes that the skills and knowledge of its employees are critical to the success of the college. The college provides opportunities for professional development through training and educational programs.

Individual courses or courses that are part of a degree, licensing, or certification program must be related to the employee’s current job duties or a foreseeable-future position in the organization in order to be eligible for 100%
reimbursement educational assistance. Bates College has the sole discretion to determine whether a course relates to an employee's current job duties. Employees should contact the Human Resources Department for more information or questions about educational assistance.

Staff members are expected to grow and develop their professional skills as a condition of employment, to ensure that their contributions remain aligned with the needs of their department and the college. Supervisors are encouraged to develop accurate job descriptions and professional development goals for each employee and provide the appropriate support and opportunities to ensure employees develop their skills and competencies in line with the college’s mission and goals. While educational assistance is expected to enhance employee’s performance and professional abilities, Bates College cannot guarantee that participation in formal education will entitle the employee to automatic advancement to a different job assignment, or pay increases.

The college will continue to offer employees opportunity for professional development with training programs on and off-campus. The Human Resources Department can assist supervisors with designing and developing training solutions for their specific department and is responsible for campus–wide training programs.

315 EDUCATIONAL ASSISTANCE PROGRAM FOR BATES COLLEGE STAFF

As a private educational institution, supporting the concept that education should be a lifelong process, Bates College encourages the educational pursuits of its employees. The options available under this Educational Assistance Program serve to benefit both the institution and its staff.

Special conditions:
- Staff members in a performance improvement plan are not eligible to participate in the educational assistance program for the duration of the performance improvement plan, unless education, mutually agreed upon by the employee and supervisor, is part of the performance improvement plan.
- The total annual benefit for an individual during a calendar year may not exceed $5,250 (the current amount excludable from income tax per Internal Revenue Service guidelines.)

Three types of educational programs are covered:

315.1 Job Specific Courses
A single undergraduate or graduate level or non-credit course or class, specifically determined to be essential to the employee’s present job and/or taken at the supervisor’s specific request, at another educational institution or training location.

Eligibility: Regular employees, immediately.

Cost: The fee is fully paid by Human Resources prior to the beginning of the class. This policy does not apply to training sessions, special 1-day courses, seminars or conferences, which are the responsibility of the employee’s department.

Application: To Human Resources. The Assistant Vice President of Human Resources hears appeals for eligibility and participation in this program. The final decision regarding job specificity lies with Human Resources.

Time: Whenever possible, courses should be taken outside working hours. Whenever it is necessary to take a required course during working hours, the employee will receive pay for the time he/she is in class.

Special conditions: The employee is required to show proof of completion and, if a grade is issued, a grade of C or better at the end of the course. If an employee cannot provide proof of completion and a grade of C or above, the employee will be required to repay the funds to the college and will not be eligible to receive additional funds through this program for a period of 18 months from the course’s scheduled completion date.
Employee’s must request benefit through this program prior to the start of the class in order to be eligible. Tuition is paid directly to the educational institution.

315.2 Courses at Bates
A course or series of courses taken at Bates College at the employee’s initiative.
Eligibility: Regular employees, after one year of regular employment.

Cost: One course per semester at Bates, for credit as a special student, will be paid for by the college for regular full-time employees. The cost of the benefit is pro-rated for regular part-time employees. The costs include the application fee. There is a limit of six courses which may be accumulated with special student status.

Application: Application forms are available at the Registrar’s Office. Employees apply for special student status by submitting an application form. Qualified employees are admitted on a first come first served basis, as space permits. Written permission of the instructor is necessary for all special students.

Time: Whenever possible, courses should be taken outside working hours. Courses occurring during regular working hours may be taken provided that it is possible to work out with the supervisor a satisfactory arrangement for rescheduling or otherwise making up missed hours, thereby meeting the responsibility or duties of the employee’s position.

315.3 Elective Courses
Undergraduate, graduate, or non-credit classes or courses related to the employee's potential development, taken at another institution at the employee’s initiative.
Eligibility: Regular employees, following three years of continuous employment. Limited to two courses each fiscal year (July 1 - June 30) per employee.
Cost: 50% of the tuition is paid directly to the educational institution prior to the beginning of the course. The cost of the benefit is pro-rated for regular part-time employees. Tuition is charged to the Human Resources budget.

Application: To Human Resources.

Time: The program must be completed on the employee’s own time. Work schedules may be rearranged as long as the needs of the department can be met.

Special conditions: The employee is required to show proof of completion and, if a grade is issued, a grade of C or better at the end of the course. If an employee cannot provide proof of completion and a grade of C or above, the employee will be required to repay the funds to the college and will not be eligible to receive additional funds through this program for a period of 18 months from the course’s scheduled completion date.

Employee’s must request benefit through this program prior to the start of the class in order to be eligible. Tuition is paid directly to the educational institution.

316 ROWE FUND (Educational Assistance for Children of Employees)

The Harry W. Rowe Tuition Grant Fund Program

The following describes the Harry W. Rowe Tuition Grant Fund Program (the Rowe Fund) which is provided by Bates College for its employees on behalf of their children attending college.
316.1 Eligibility and Participation
Assistance from the Rowe Fund toward tuition for dependent children is available to each active or retired full-time Faculty, Administrative Staff, and Support Staff member (or two persons sharing a single full-time employment appointment treated as a single full-time employee) who has met the applicable service requirement at Bates College. An active employee is one who is either employed as defined above or is on authorized leave, not exceeding one year in duration and from which the employee will return to full-time employment. For purposes of this Program, a retired full-time employee is one who separates from full-time employment by the college on or after January 1, 2000, and does not continue in the workforce.

Effective January 1, 2000, Rowe Fund assistance is extended to the dependent child or children of a deceased active or retired full-time member of the Faculty, Administrative Staff, or Support Staff who has met the applicable service requirement and whose date of death occurs on or after January 1, 2000.

316.2 Service Requirement
For a Faculty, Administrative Staff, or Support Staff member employed on or before June 30, 1988, eligibility for participation begins after two years of consecutive service. For a Faculty, Administrative Staff, or Support Staff member starting employment after July 1, 1988, eligibility for participation begins after five years of consecutive service.

316.3 Benefits Available
Bates College will provide tuition assistance at Bates or at any fully-accredited baccalaureate-degree granting institution on behalf of an eligible employee for the purpose of undergraduate educational assistance for dependent children.

For purposes of this program a dependent child is defined as one:

A. Who is a blood descendant of the first degree (i.e., a son or daughter), a stepchild, or the legally adopted child of an active full-time member of the Faculty, Administrative Staff, or Support Staff of the college or such a child of an active full-time member of the Faculty, Administrative Staff, or Support Staff who retires on or after January 1, 2000, and/or who dies on or after January 1, 2000;

AND

B. Who either
   (1)  (a) has not attained the age of 19 at the close of the calendar year; or
   (b) is a student (as defined in Section 151(c)(4) of the Internal Revenue Code) who has not attained the age of 24 at the close of the calendar year;

AND

more than half of whose support for the calendar year was received from the active full-time or retired member of the Faculty, Administrative Staff, or Support Staff of the college or that member’s surviving spouse;

-OR-

(2) has not attained the age of 25 and both of whose parents are deceased.

Effective July 1, 1988 - June 30, 2001:
For a Faculty, Administrative Staff, or Support Staff member employed on or before June 30, 1988, Rowe Fund payments equal 50% of the tuition and mandatory academic fees of the college or university attended, up to a maximum of one-half of the Bates tuition. For a Faculty, Administrative Staff, or Support Staff member starting
employment after July 1, 1988, Rowe Fund payments equal 10% of the Bates College annual charge as stated in the college catalog.

Effective on and after July 1, 2001:
For a Faculty, Administrative Staff, or Support Staff member employed on or before June 30, 1988, Rowe Fund payments equal the greater of either:

(A) 50% of the tuition and mandatory academic fees of the college or university attended, up to a maximum of one-half of the Bates tuition (Bates tuition = single fee as stated in the college catalog less charges for room and board),

OR

(B) 10% of the Bates College single fee as stated in the college catalog.

For a Faculty, Administrative Staff, or Support Staff member starting employment after July 1, 1988, Rowe Fund payments equal 10% of the Bates College single fee as stated in the college catalog.

For each dependent child, the benefits of the Fund are limited to not more than four years of full-time undergraduate study, leading toward the baccalaureate degree, at accredited institutions of higher education. If a student receives other grants, the sum of the Rowe Fund grant and other such support shall not exceed 100% of the college's or university's tuition and mandatory academic fees (see payment of benefits below for definition on a mandatory academic fee). For example, if tuition at an institution for the semester was $5,000 and your child received a grant for $3,500 for that semester then the maximum benefit remaining under the Rowe Fund would be $1,500.

316.4 Payment of Benefits
Payments under the Rowe Fund are made directly to the college or university attended by the eligible child. Bates College pays the grant upon confirmation of enrollment of the student and confirmation of amounts due for tuition and mandatory academic fees. Payments are generally calculated for the academic year; one-half is paid prior to September 1, and the balance is paid prior to January 1. Mandatory academic fees are those that are directly associated with a class such as a lab or specific course fee. General fees charged by the institution such as technology fees, activity fees or any other fees that are not 100 percent related to a specific course are not eligible. Rowe Fund benefits together with other grants and scholarships may not exceed 100% of tuition and eligible fees.

316.5 Administration and Information
The Rowe Fund of Bates College is administered by the college's Human Resource Department. Requests for more information or questions regarding special situations may be addressed to that office.

317 EMPLOYEE ASSISTANCE PROGRAM (EAP) - 1-800-311-4327

All employees of Bates College, regardless of their benefit status, are eligible to use the services of the EAP program. Bates College cares about the health and well-being of its employees and recognizes that a variety of problems can disrupt their personal and work lives. Through the Employee Assistance Program (EAP), Bates College provides confidential access to professional counseling services for help in confronting such personal problems as alcohol and other substance abuse, marital and family difficulties, financial or legal troubles, and emotional distress. The EAP is also available to employees' immediate family members offering problem assessment, short-term counseling, and referral to appropriate community and private services.

The EAP is strictly confidential and is designed to safeguard the employee's privacy and rights. Information given to the EAP counselor may be released only if allowed by the employee in writing. All counselors are guided by a Professional Code of Ethics. Personal information concerning employee participation in the EAP is maintained in
a confidential manner. No information related to an employee’s participation in the program is entered into the personnel file.

There is no cost for employees to consult with an EAP counselor. If further counseling is necessary, the EAP counselor will outline community and private services available and will try to coordinate services with the Bates College health plan. The counselor will let employees know whether any costs associated with private services may be covered by their health insurance plan. Costs that are not covered are the responsibility of the employee.

Minor concerns can become major problems if ignored. No issue is too small or too large, and a professional counselor is available to help when needed. Call 1-800-311-4327 to contact an EAP counselor.

318 BERNIE CARPENTER EMPLOYEE FINANCIAL ASSISTANCE PROGRAM

This endowed fund established in 1997 honors the memory and tradition of helping fellow co-workers practiced by Bernie Carpenter for “giving help, when and how it is needed most, to those most in need.” It is available to all employees and is intended for emergencies such as major illnesses, accidents, or similar catastrophes.

318.1 Requesting Funds
Requests for emergency grants or loans will be made to the Assistant Vice President of Human Resources in writing with a description of the emergency need. The request will be held in confidence and a standing panel of three employees will review the request. The panel’s decision is final, without the possibility of appeal.

All attempts will be made for the panel to meet and make a decision within seven days.

318.2 Repayment of Funds
Repayment is an expectation but is not a condition of receiving funds. Recipients are encouraged to contribute, when and how they can, to the fund after the emergency situation is resolved in order to increase opportunities for other employees in the future. If funds have not been repaid within one year, the amount of funds received will be added as income to the employee’s next W-2.

318.3 Panel
The panel will consist of one faculty member appointed by the Faculty Governance Committee, one staff member appointed by the Bates College Staff Association, and one representative appointed by the Human Resources Department. The names of panel members are confidential.

319 BENEFITS FOR RETIREES

An employee is considered eligible if they have worked a minimum of 5 continuous years, not in an on call or per diem position, and their years of continuous service plus their age is at least 70 years. After an employee has officially retired from the college, he or she may be eligible for certain college benefits. The eligibility for benefits recognizes the retiree’s contributions to the college and encourages the individual to retain membership with the Bates community.

- Recognition at Annual Employee Recognition Lunch
- Gift upon retirement
- Bates College identification card
- Facilities access to library, gym, and recreation facilities
- An email account
- Mailings and invitations to events, lectures, and gatherings
- Access to group health plan, at the retiree’s expense up to age 65 [Requires 15 years of service and 55 years of age]
- Rowe Fund for children of retirees [Requires 15 years of service and 55 years of age]
Bates College maintains two separate plans providing retirement benefits, the Bates College Money Purchase Pension Plan (Bates College Pension Plan) and the Bates College 403(b) Retirement Plan (Bates College Savings Plan). In order to participate in the Bates College Pension Plan, or receive a college matching contribution from the Bates College Savings Plan, the employee must be classified in a benefit status of half-time or more. All employees regardless of their status can contribute to the Bates College Savings Plan. If a non-benefit eligible employee exceeds 1000 hours in an employment year, he or she will become eligible to participate in both the Bates College Pension Plan and receive a college matching contribution on the first of the month following the anniversary of their employment year.

320.1 Bates College Money Purchase Pension Plan
Eligibility starts on the first of the month following one year of employment. The pension plan is a 401(a) money purchase pension plan. Under this plan, employees are guaranteed a defined contribution into the plan and the employee directs the investment of his or her contributions. The college contribution is 9% of your eligible wages (base salary plus overtime and shift differential).

To set up your investment elections and designate your beneficiaries you must enroll online at www.tiaa-cref.org/bates. If you fail to make investment elections your contributions will be defaulted into the Lifecycle Fund that most closely matches your expected retirement date at age 65. Information on how to enroll, the Lifecycle Funds and the Qualified Default Investment Notice are available in Human Resources or found on our web-site at www.bates.edu/hr/benefits or at TIAA-CREF at the above internet address.

Complete details of the pension plan are described in a Summary Plan Description provided to eligible employees. Contact the Human Resources Department for more information.

320.2 Bates College 403(b) Retirement Plan
The college will match 1/2 of your contribution up to the maximum 3% (that is if you contribute 6% the college will contribute 3%).

The Bates College 403(b) Retirement Plan is a 403(b) Tax Deferred Annuity plan, which provides employees with an additional opportunity to save for future financial security for retirement. All employees are eligible to participate in the Bates College 403(b) Retirement Plan; to participate employees must complete the appropriate on-line enrollment at www.tiaa-cref.org/bates and sign and return a salary reduction agreement to Human Resources.

If you fail to enroll online and make investment elections your contributions will be defaulted into the Lifecycle Fund that most closely matches your expected retirement date at age 65. Information on how to enroll, the Lifecycle Funds and the Qualified Default Investment Notice are available in Human Resources or found on our web-site at www.bates.edu/hr/benefits or at TIAA-CREF at the above internet address.

Because contributions to a 403(b) plan are automatically deducted from an employee’s pay before federal and state tax withholdings are calculated, the employee saves tax dollars now by having their current taxable income amount reduced. These contributions are not exempt from Social Security or Medicare Taxes. Employees can elect a percent of their earnings or a flat dollar amount (election of a flat dollar amount must exceed 6% of eligible earnings – see salary reduction agreement for instructions). The amount that an employee may contribute to the Bates College Savings Plan is limited each year by law.

As an incentive to encourage you to save for retirement, the college matches eligible employee’s contributions by 1/2 up to a maximum college matching contribution of 3% of your salary (i.e. if you contribute 6% the college will contribute 3%).
To be eligible for the match, the employee must be enrolled in and contributing to the Bates College 403(b) Retirement Plan. Eligible participation starts on the first of the month following one full calendar month of employment.

Complete details of the Bates College 403(b) Retirement Plan are described in a Summary Plan Description provided to eligible employees. Contact the Human Resources Department for more information about the Bates College 403(b) Retirement Plan.

321 LEGALLY MANDATED BENEFITS

The college is required to provide the following legally required benefit plans on behalf of all employees.

321.1 Worker’s Compensation Insurance
Bates College provides a comprehensive Workers’ Compensation insurance program at no cost to employees. This program covers an injury or illness sustained in the course of employment. Subject to applicable legal requirements, Workers’ Compensation insurance provides benefits after a seven day or 56 hour waiting period or, if the employee is hospitalized, immediately. Employees are able to use sick and vacation during the waiting period. In accordance with state law, Workers’ Compensation provides 80% income replacement for eligible participants up to a State of Maine specified maximum amount.

Employees who sustain work-related injuries or illnesses should inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

321.2 Social Security and Medicare Taxes
In compliance with the Federal Insurance Contribution Act, Bates College withholds 7.65% of the employee’s earnings for social security (6.2% for Social Security and 1.45% for Medicare). On behalf of the employee, the college matches the employee’s contributions and deposits both contributions with the Internal Revenue Service.

321.3 Unemployment Benefits
The college is required to reimburse the state of Maine for all unemployment benefits and all costs of unemployment compensation, which the State pays to terminated employees who qualify for unemployment benefits.

321.4 Benefits Continuation (COBRA)
The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under Bates College's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, death of an employee, a reduction in an employee's hours or a leave of absence, an employee's divorce or legal separation; and if a dependent child becomes ineligible for health care coverage because of age or changes his or her status as an eligible student. Under COBRA, the employee or beneficiary pays the full cost of coverage at Bates College's group rates, plus an administration fee. Bates College provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for continuing coverage under Bates College's health insurance plan. The notice contains important information about the employee's rights and obligations. COBRA benefits do not apply to domestic partners.

321.5 Affordable Care Act (ACA)
Under the Affordable Care Act (ACA) employees may qualify or be able to continue in the Bates Medical Plan outside of the normal eligibility rules. Coverage may be gained if an otherwise ineligible employee works over 1,560 hours during a 12 month measurement period. Employees who participate in the medical plan and then transfer to a non-benefit eligible position may be able to continue their participation in the medical plan for a period of time. If an employee eligible for the medical plan terminates and then is rehired by the college within 26
weeks of their termination, they may temporarily qualify to participate in the medical plan. Contact Human Resources if you have questions regarding medical eligibility under the ACA.
TIME AWAY FROM WORK

This section covers time away from work policies for benefit eligible staff members. Any leave or holiday policies that apply to faculty members are located in the Faculty Handbook of Bates College, except as specifically noted below (i.e. LTD, FMLA).

400 HOLIDAYS FOR STAFF MEMBERS

There are generally a total of 12 holidays per calendar year. The college usually observes the following days as holidays:

- New Year's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving
- Recognition Day (day after Thanksgiving)
- Christmas Eve
- Christmas

In addition to the usually observed holidays, the college will grant four (4) additional paid holidays to regular staff members that are scheduled between Christmas and New Year’s

Coverage for some areas of the college is required on holidays. The college reserves the right to schedule staff members as needed to work on holidays. Directors and department heads will determine and make arrangements to schedule appropriate personnel to work when needed by the college. Certain staff members are required to work as a condition of employment for events such as the beginning of the academic year or Commencement weekend.

Holiday pay for staff members is one day of pay at the employee's normal rate. Holiday pay is prorated for staff members working less than fulltime. If an eligible nonexempt staff member actually works on a recognized holiday, the staff member will receive holiday pay, plus wages at one and one-half times their normal rate of pay for the hours worked on the holiday. Holiday pay and hours actually worked on a holiday are not counted as hours worked for the purpose of calculating overtime hours. In lieu of receiving regular holiday pay, an employee may request to take another day as their actual ‘holiday’ during the same work week, provided that the request is approved by their supervisor in advance.

If a recognized holiday falls during an eligible staff member’s paid absence (such as vacation, sick, or parental leave), holiday pay will be paid in lieu of the vacation, sick, or parental leave hours that would have applied.

401 RELIGIOUS HOLIDAYS

A staff member may arrange for time off without pay in observance of religious holidays, or may use these days from accrued vacation or personal time. Personal leave may be used to celebrate religious holidays. Requests for time off for religious holidays must be requested and approved in advance by an employee’s supervisor.

402 VACATION LEAVE

For new staff members, vacation eligibility begins after six months of employment. Staff who have completed six months of continuous service in an eligible position will be credited with the equivalent accrued vacation time using the schedule below. Service as a temporary staff member is not credited toward benefit or leave eligibility.

Staff members are not allowed to take more time than they have accumulated and register it as vacation in anticipation of earning it later. Staff members should refer to their last paycheck statement for their vacation
leave balance. Unpaid time is not available unless it is a part of an approved leave of absence.

Unused vacation leave will accumulate until the staff member has accrued their maximum limit. If the staff member’s leave reaches the maximum, further accrual of vacation leave will be suspended until the staff member has reduced the balance below the limit. Upon termination of employment, staff members will be paid for unused vacation time that has been earned through the last day of work in the pay period following termination, provided that the staff member has worked for the college for at least six months or 180 calendar days.

The following charts illustrate the maximum amount of vacation accrual per pay period, and the total hours/days staff members are able to accrue. Vacation leave is only accrued when a staff member is actively working or using accrued time.

### Exempt Staff members

<table>
<thead>
<tr>
<th>Exempt</th>
<th>Accrual Per Pay Period</th>
<th>Maximum Accrual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full Benefits Eligible</td>
<td>16 Hours</td>
<td>192 Hours/24 Days</td>
</tr>
<tr>
<td>Three-Quarter Benefits Eligible</td>
<td>12 Hours</td>
<td>144 Hours/18 Days</td>
</tr>
<tr>
<td>Half Benefits Eligible</td>
<td>8 Hours</td>
<td>96 Hours/12 Days</td>
</tr>
</tbody>
</table>

### Exempt Academic Year Staff members

<table>
<thead>
<tr>
<th>Exempt</th>
<th>Accrual Per Pay Period</th>
<th>Maximum Accrual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full Benefits Eligible</td>
<td>13.34 Hours</td>
<td>160 Hours/20 Days</td>
</tr>
<tr>
<td>Three-Quarter Benefits Eligible</td>
<td>12 Hours</td>
<td>144 Hours/18 Days</td>
</tr>
<tr>
<td>Half Benefits Eligible</td>
<td>8 Hours</td>
<td>96 Hours/12 Days</td>
</tr>
</tbody>
</table>

### For Non-exempt Staff Members

<table>
<thead>
<tr>
<th>Non-Exempt</th>
<th>Accrual Per Pay Period*</th>
<th>Maximum Accrual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full-Time Benefits Eligible</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0-3 years service to Bates College</td>
<td>3.34 Hours</td>
<td>192 Hours/24 Days</td>
</tr>
<tr>
<td>4-8 years of service</td>
<td>4.67 Hours</td>
<td>192 Hours/24 Days</td>
</tr>
<tr>
<td>9 - 15 years of service</td>
<td>6 Hours</td>
<td>192 Hours/24 Days</td>
</tr>
<tr>
<td>Beginning of 16th year</td>
<td>8 Hours</td>
<td></td>
</tr>
<tr>
<td>Three-quarter-Time Benefits Eligible</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0-3 years service to Bates College</td>
<td>2.5 Hours</td>
<td>144 Hours/18 Days</td>
</tr>
<tr>
<td>4-8 years of service</td>
<td>3.5 Hours</td>
<td>144 Hours/18 Days</td>
</tr>
<tr>
<td>9 - 15 years of service</td>
<td>4.5 Hours</td>
<td>144 Hours/18 Days</td>
</tr>
<tr>
<td>Beginning of 16th year</td>
<td>6.0 Hours</td>
<td>144 Hours 18 Days</td>
</tr>
<tr>
<td>Half-time Benefits Eligible</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0-3 years service to Bates College</td>
<td>1.67 Hours</td>
<td>96 Hours/12 Days</td>
</tr>
<tr>
<td>4-8 years of service</td>
<td>2.34 Hours</td>
<td>96 Hours/12 Days</td>
</tr>
<tr>
<td>9 - 15 years of service</td>
<td>3 Hours</td>
<td>96 Hours/12 Days</td>
</tr>
<tr>
<td>Beginning of 16th year</td>
<td>4 Hours</td>
<td>96 Hours/12 Days</td>
</tr>
</tbody>
</table>

*Non-exempt staff members earn vacation in 24 of the 26 annual pay periods*
For Non-exempt Academic Year Staff Members

<table>
<thead>
<tr>
<th>Non-Exempt</th>
<th>Accrual Per Pay Period*</th>
<th>Maximum Accrual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full-Time Benefits Eligible</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0-3 years service to Bates College</td>
<td>3.18 Hours</td>
<td>160 Hours/20 Days</td>
</tr>
<tr>
<td>4-8 years of service</td>
<td>4.44 Hours</td>
<td>160 Hours/20 Days</td>
</tr>
<tr>
<td>9 - 15 years of service</td>
<td>5.72 Hours</td>
<td>160 Hours/20 Days</td>
</tr>
<tr>
<td>Beginning of 16th year</td>
<td>7.62 Hours</td>
<td>160 Hours 20 Days</td>
</tr>
<tr>
<td>Three-quarter-Time Benefits Eligible</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0-3 years service to Bates College</td>
<td>2.86 Hours</td>
<td>144 Hours/18 Days</td>
</tr>
<tr>
<td>4-8 years of service</td>
<td>4.0 Hours</td>
<td>144 hours/18 Days</td>
</tr>
<tr>
<td>9 - 15 years of service</td>
<td>5.15 Hours</td>
<td>144 Hours/18 Days</td>
</tr>
<tr>
<td>Beginning of 16th year</td>
<td>6.86 Hours</td>
<td>144 Hours 18 Days</td>
</tr>
<tr>
<td>Half-time Benefits Eligible</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0-3 years service to Bates College</td>
<td>1.91 Hours</td>
<td>96 Hours/12 Days</td>
</tr>
<tr>
<td>4-8 years of service</td>
<td>2.67 Hours</td>
<td>96 Hours/12 Days</td>
</tr>
<tr>
<td>9 - 15 years of service</td>
<td>3.43 Hours</td>
<td>96 Hours/12 Days</td>
</tr>
<tr>
<td>Beginning of 16th year</td>
<td>4.58 Hours</td>
<td>96 Hours/12 Days</td>
</tr>
</tbody>
</table>

* Non-exempt Academic Year staff members earn vacation in 21 pay periods

For exempt staff personnel, leaves accrue each monthly pay period. For nonexempt staff, leaves accrue in the first two pay dates of each month. Leaves are earned on a prorated basis, based upon the number of hours worked during the pay period.

To take vacation, staff members should request advance approval from their supervisors. Vacation schedules are coordinated within individual departments, with position, seniority, and workload used as guidelines in determining vacation schedules within departments. The college reserves the right to change work schedules, regulate vacation schedules, and to request overtime and holiday work when necessary.

Vacation leave is based on hours, so staff members must record their vacation time in hours and not days. Vacation time can be used in minimum increments of one-quarter hour. For staff members who work less than full-time, he or she can only take sick or vacation leave up to the amount of hours normally scheduled per day.

**403 SICK LEAVE**

Sick leave benefits are intended to provide income protection in the event of illness or injury, and may not be used for any other absence. Sick leave is earned by benefits eligible staff members starting with their first day of employment. Once staff members enter an eligible employment classification, they begin to accrue sick leave time according to the schedule listed in the chart below, which indicates an average of 10 sick days per year for full-time benefits eligible staff members. Sick Leave may be used for the following:

1. when the staff member is ill, or disabled.
2. when an office visit to a doctor, dentist, vision care professional, or other medical professional treating a physical condition must be scheduled during normal working hours.
3. when it is necessary that the staff member provide or secure care for an ill member of his or her immediate family. The definition of immediate family for the purposes of this policy is your spouse or partner, children or parent.
4. when a visit to an Employee Assistance Program service provider must be scheduled during working hours.
The college reserves the right to ask any staff member for a written statement from a physician certifying any given illness or disability. Patterns of absence that indicate abuse of the policy can be reason for requiring a second medical opinion at college expense, requiring a medical certification for each absence, and/or taking disciplinary action.

Accumulated sick leave does not constitute a cash reserve payable upon termination of employment. Any leaves granted under Bates College policies may count toward the staff member’s entitlements under the Maine Family Medical Leave Law of 1998 and the federal Family and Medical Leave Act of 1993 entitlements.

Staff are prohibited from using sick accruals during the resignation notice period preceding termination of employment. Exceptions may be made if the staff member provides medical documentation of the need to be out of work.

The following chart illustrates sick leave accrual per pay period, and the total hours/days staff members are able to accrue; actual accrual is accrued based upon the number of hours worked in each pay period (sick leave is earned when a staff member is actively working or using accrued time).

**Sick Accrual**

<table>
<thead>
<tr>
<th>Exempt</th>
<th>Accrual Per Pay Period</th>
<th>Maximum Accrual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full-Time Benefits Eligible</td>
<td>6.67 Hours</td>
<td>400 Hours/50 Days</td>
</tr>
<tr>
<td>Three-Quarter-Time Benefits Eligible</td>
<td>5 Hours</td>
<td>300 Hours/37.5 Days</td>
</tr>
<tr>
<td>Half-Time Benefits Eligible</td>
<td>3.34 Hours</td>
<td>200 Hours/25 Days</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Academic Year Exempt</th>
<th>Accrual Per Pay Period</th>
<th>Maximum Accrual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full-Time Benefits Eligible</td>
<td>5.56 Hours</td>
<td>333.33 Hours/41.67 Days</td>
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<tr>
<td>Three-Quarter-Time Benefits Eligible</td>
<td>5 Hours</td>
<td>300 Hours/37.5 Days</td>
</tr>
<tr>
<td>Half-Time Benefits Eligible</td>
<td>3.34 Hours</td>
<td>200 Hours/25 Days</td>
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<thead>
<tr>
<th>Non-Exempt</th>
<th>Accrual Per Pay Period*</th>
<th>Maximum Accrual</th>
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</thead>
<tbody>
<tr>
<td>Full-Time Benefits Eligible</td>
<td>3.34 Hours</td>
<td>400 Hours/50 Days</td>
</tr>
<tr>
<td>Three-Quarter-Time Benefits Eligible</td>
<td>2.5 Hours</td>
<td>300 Hours/37.5 Days</td>
</tr>
<tr>
<td>Half-Time Benefits Eligible</td>
<td>1.67 Hours</td>
<td>200 Hours/25 Days</td>
</tr>
</tbody>
</table>

* Nonexempt staff members earn sick leave in 24 of the 26 annual pay periods

<table>
<thead>
<tr>
<th>Non-Exempt Academic Year</th>
<th>Accrual Per Pay Period*</th>
<th>Maximum Accrual</th>
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<tr>
<td>Full-Time Benefits Eligible</td>
<td>3.18 Hours</td>
<td>333.33 Hours/41.67 Days</td>
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<tr>
<td>Three-Quarter-Time Benefits Eligible</td>
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<td>Half-Time Benefits Eligible</td>
<td>1.67 Hours</td>
<td>200 Hours/25 Days</td>
</tr>
</tbody>
</table>

* Nonexempt Academic Year staff members earn sick leave in 21 pay periods

Sick leave can be used in minimum increments of one-quarter hour.

Staff members who are unable to report to work due to illness or injury should notify their direct supervisor before the scheduled start of their workday, if possible. The direct supervisor should be contacted on each additional day of absence, if necessary and appropriate. Staff members may be required to submit a health care provider certification for three or more consecutive sick days due to illness or injury. Such verification may be requested for other sick leave absences as well and may be required as a condition to receiving sick leave benefits. Before
returning to work from an extended sick leave absence of more than 5 business days, a staff member may be asked to provide a physician’s verification, indicating that he or she may safely return to work.

If a staff member submits sick leave on their timesheet, but does not have enough sick leave accrued, he or she will automatically have the appropriate amount deducted from his or her vacation leave. In the event that the staff member has no vacation or sick leave the time off will be unpaid. Staff members are not allowed to take extended unpaid time unless it is a part of an approved leave of absence.

Staff requesting leave related to a serious health condition are required to complete a request for Family and Medical Leave and Short Term Disability. Staff who qualify for Short Term Disability may not opt to use accrued sick leave in lieu of the STD benefit.

Unused sick leave benefits will accumulate until the staff member has earned their maximum accrual of sick leave benefits. If the staff member reaches this maximum, further accrual of sick leave benefits will be suspended until the staff member has reduced the balance below the limit. Unused sick leave benefits do not represent a cash reserve and will not be paid to staff members upon termination of employment.

**404 PERSONAL DAYS**

The college grants regular benefits eligible staff members the equivalent of two days of personal leave each calendar year to be used as personal holidays. Personal leave days are granted on January 1 of each year and must be used in the year granted. Personal leave days do not accumulate, roll over from year-to-year, nor constitute a cash reserve payable upon termination of employment.

Personal leave days are similar in nature to vacation days, but give staff members more discretion in taking care of their personal affairs. It is helpful if personal days are scheduled in advance, however, they are not required to be. Personal leave can be used in lieu of, or in conjunction with, vacation or sick leave.

Personal leave must be taken in full day increments. Staff members who work less than full-time will be granted personal leave on a prorated basis. New staff members starting before July 1 each year will be granted two personal leave days for the current calendar year, new staff members starting on or after July 1 will be granted one personal leave day for the calendar year. New staff members are granted personal leave following 30 days of employment with the college.

If one’s employment status changes in any given year, the personal leave will be adjusted up or down to match the employee’s new status (e.g. employee moves from half-time to full-time, any remaining personal hours will be adjusted to cover an 8 hour day).

Certain departments with 24 hour coverage requirements may institute procedures for scheduling the use of personal leave days, so as to avoid adverse impact on other staff members who would be forced to provide coverage if leave were taken unexpectedly by a relief person. Each department head may restrict the use of personal leave when the granting of such leave would have an adverse impact on department operation. An example of times when personal leave may be restricted is Commencement weekend or when circumstances or demands leave a department unable to perform its function.

**405 BEREAVEMENT LEAVE (FUNERAL LEAVE)**

In the case of death in the immediate family, up to three consecutive work days may be taken with pay to attend to arrangements, obligations and services. For the purposes of this policy, Bates College defines “immediate family” as the staff member’s:

- spouse/domestic partner;
- the staff member’s parent, child, sibling, grandparent, grandchildren;
- the staff member's son-in-law or daughter-in-law;
- the staff member's mother-in-law, father-in-law, brother-in-law, sister-in-law.

All of employee's "step" relationships and domestic partner relationships named above will be eligible for bereavement leave. Special consideration will be given to any other person whose association with the staff member was similar to any of the above relationships, upon request and subsequent approval of the Assistant Vice President of Human Resources. Additional time, if taken, would be without pay or taken as vacation leave.

406 COMPETITIVE LEAVE AWARDS FOR ADMINISTRATIVE AND PROFESSIONAL STAFF

The Bates College competitive leave awards for administrative and professional staff provides awards of 30 or 60 calendar-day leaves, with pay, to successful applicants whose proposed projects would result in individual, professional, or institutional benefits. Applications should be submitted to the Assistant Vice President of Human Resources, through the dean or vice president to whom the professional reports. The Assistant Vice President of Human Resources will convene an ad hoc committee, composed of at least two deans or vice presidents, and this committee will make the determination of awards. Preference will be given to first time applicants.

A condition of eligibility to compete for a 30 calendar-day leave award is five years of full-time continuous calendar service (calendar years of continuous full-time service defined as the period from date of hire as salaried staff member [or date of previous leave] to date of beginning of requested leave period); a condition of eligibility to compete for a 60 calendar-day leave award is ten years of continuous service. Awards can be connected to a period of accrued vacation.

Recipients of either a 30 or a 60 calendar-day award will be eligible for support, to enhance their project, of up to $2,500. (For example, support could be requested for travel expenses, conference expenses, workshops, to meet expenses incurred to visit professional operations at other institutions, or research expenses.)

The award period resulting from the receipt of a competitive leave must be covered by other staff within the unit, or by persons who would be “cross-trained” to cover the responsibilities of the awardee during the period she/he is away. The appropriate dean or vice president will have to confirm, at the time of application, how the responsibilities will be covered.

The call for applications is in February of each year. Notification of the awards will typically be made by April 1st. A maximum of four awards each year will be made. The recipient has one year to use the competitive leave. Unused leave time is not banked and may not be used at a later time without the prior permission of the Assistant Vice President of Human Resources.

A report from the awardee should be submitted to the appropriate Vice President, Dean, Assistant Vice President of Human Resources and to the President, within 60 days of completion of an award.

407 FAMILY AND MEDICAL LEAVE

The federal Family and Medical Leave Act (FMLA) entitles eligible employees to take up to 12 weeks of unpaid, job-protected leave in a 12-month period for specified family and medical reasons. The FMLA allows eligible employees to take up to 12 weeks of job-protected leave in the applicable 12-month period for any qualifying situation arising out of the fact that a covered military member is on active duty, or has been notified of an impending call or order to active duty. FMLA allows eligible employees to take up to 26 weeks of job-protected leave in a single 12-month period to care for a wounded service member with a serious injury or illness.

The Maine Family and Medical Leave Act (MFMLA) entitles eligible employees to take up to 10 weeks of unpaid, job-protected leave in a two year period for specified family and medical reasons.
**407.1 Employee Eligibility**

To be eligible for FMLA benefits, an employee must:

- Have worked for Bates College for a total of 12 months; and
- Have worked at least 1,250 hours over the previous 12 months

To be eligible for MFMLA benefits, the employee must have worked for Bates College for 12 consecutive months.

**407.2 FMLA Leave Entitlement**

Bates College will grant an eligible employee up to a total of 12 work weeks of unpaid leave during any rolling 12-month period for one or more of the following reasons:

- for the birth and care of a newborn child of the employee;
- for placement with the employee of a child for adoption or foster care;
- to care for a spouse/partner, child, or parent with a serious health condition;
- to take medical leave when the employee is unable to work because of a serious health condition; or
- for qualifying situations arising out of the fact that the employee’s spouse/partner, child, or parent is on active duty or called to active duty status as a member of the National Guard/Reserves in support of a military operation.

In accordance with Maine state law, eligible employees will be granted up to 8 work weeks of unpaid leave if they or their immediate family member are the victim of assault, sexual assault or stalking.

Bates College will grant an eligible employee who is a spouse/partner, child, parent, or next of kin of a current member of the Armed Forces, including a member of the National Guard/Reserves, with a serious injury or illness up to a total of 26 work weeks of unpaid leave during any rolling 12-month period to care for the service member. Married employee couples/partners will not be restricted to a combined total of 12 weeks leave within any 12-month period for childbirth, adoption, or placement of a foster child, as allowed under law. Thus, married employees/partners are each entitled to their own 12 weeks of FMLA eligibility.

Under some circumstances, employees may take FMLA leave intermittently – taking leave in separate blocks of time for a single qualifying reason – or on a reduced leave schedule – reducing the usual weekly or daily work schedule. When leave is needed for planned medical treatment, employees must make a reasonable effort to schedule treatment so as not to unduly disrupt the college’s operation.

**407.3 Requesting an FMLA Leave**

Forms for requesting a Family and Medical Leave of Absence are available through the Human Resources Department. Eligible employees should make requests for family leave to their supervisors at least 30 days in advance of foreseeable events or on the same day or next day for unforeseeable events. Employees requesting leave related to the serious health condition of a child, spouse/partner or parent may be required to submit a health care provider’s statement verifying the need for a leave to provide care, its beginning and expected ending dates, and the estimated time required.

**407.4 Pay and Benefits While on FMLA Leave**

Employees are required to use any accrued paid leave time (sick and vacation leave) before taking unpaid family or medical leave. Any paid leave (sick and vacation leave) taken in conjunction with family or medical leave will count toward the 12 week maximum leave allowance. Employees are not eligible for holiday pay while in unpaid status (accruals have been exhausted or while on Short Term Disability). When the employee returns from FMLA leave, his or her benefits will resume according to applicable plans.

For employees currently on our flexible benefit plans, Bates College will maintain group insurance coverage and employer contribution levels for an employee on FMLA leave provided they were on the plans before the leave
was taken. If applicable, arrangements will need to be made for employees to pay their share of insurance premiums while on leave.

Any combination of FMLA occurrences will count towards the 8 - 26 week maximum in any rolling 12 month period.

407.5 Job Protection While on FMLA Leave
Upon return from FMLA leave, employees will be restored to their original job, or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment.

407.6 Medical Certification
Employees may be required to provide a certification from a health care provider indicating the need for a leave. Upon return to work from an employee’s serious health condition, Bates College may require employees to submit a certification that they are able to resume work.

407.7 Other Employment While on FMLA
Employees are prohibited from working in any paid capacity for another employer or in a self-employment capacity while on an authorized Family and Medical Leave from Bates College. Violation of this policy may result in disciplinary action up to and including termination.

408 PARENTAL LEAVE

In the case of childbirth or adoption, staff members who have completed one year or more of service prior to the event may arrange a paid Parental Leave. Parental leave is six weeks at 100 percent pay, and must be used within six months following the date of birth. Employees may use parental leave as either one continuous absence or may opt to take the leave intermittently in six one-week increments. If both parents are employees of the college, only one parent may access this paid benefit. If the female staff member experiences a disability as a result of pregnancy or childbirth, the short-term disability leave and benefit may also apply. Staff members are limited to one Parental leave per year.

The staff member will not accrue sick and vacation time during the Parental leave.

Staff members may be eligible for additional leave under the Family and Medical Leave Act. Parental leave benefits run concurrently with any leave entitlement under the Family and Medical Leave Act. Eligibility for this policy is determined by the Human Resources Department.

409 LEAVE FOR VICTIMS OF VIOLENCE

Employees are entitled to leave to attend to needs resulting from acts of violence against themselves or their immediate family in compliance with Maine law.

Employees may take reasonable and necessary leave in order to (1) prepare for and attend court proceedings; (2) receive medical treatment or attend to medical treatment of the employee’s son, daughter, parent or spouse; (3) or to obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking.

The leave must be needed because the employee or the employee’s son, daughter, parent or spouse/partner is a victim of violence, assault, sexual assault, stalking or any act that would support an order for protection under Maine’s protection from domestic abuse law.

Bates may deny the leave if the employee’s absence would create an undue hardship, if the request for leave is not communicated by the employee within a reasonable time in the circumstances, or if the requested leave is impractical, unreasonable or unnecessary based on the facts known to the college.
If leave for a victim of violence is applied for and approved, an employee will not face discipline for any absences protected by this leave.

410 JURY OR WITNESS DUTY

Members of the college community are encouraged to serve, as a matter of good citizenship, when called upon for jury duty or as a court witness. Staff members are expected to have their responsibilities covered according to the individual needs of their departments and to return to work after they have discharged their court obligations for the day. If the jury duty period requested would represent a hardship to the staff members department they should request a deferment from the court. Such a request must be made in writing to the appropriate court explaining the hardship and providing an alternate available time to serve. Staff members will receive full compensation from Bates for up to 30 days served.

When faculty members are called for jury duty during semesters or the Short Term in which they are teaching, their obligation to their students may be adversely affected by prolonged or unpredictable absences. Faculty members called for jury duty during regular teaching periods may have significant problems meeting their academic responsibilities and may request a deferment from the court. Such a request must be made in writing to the appropriate court, and should explain that the faculty member’s teaching obligations cannot be met by a substitute. The faculty member should request a deferment of their service until the summer or the next term in which they are not teaching. Exceptions to this policy must be approved by the President.

411 MILITARY LEAVE

Bates College complies with The Uniformed Services Employment and Reemployment Rights Act (USERRA) and protects service member’s military obligations, reemployment rights when returning from a period of service in the uniformed services, including those called up from the reserves or National Guard, and prohibits employer discrimination based on military service or obligation. The U.S. Department of Labor’s (DOL) Veterans’ Employment and Training Service (VETS) administers USERRA. Contact the Human Resources Department for more information or questions about military leave.

412 UNPAID LEAVES OF ABSENCE

The college may grant unpaid leaves of absence when personal urgent and compelling business occurs. All such leaves are contingent upon the departments either securing satisfactory replacements or making arrangements to cover the staff member’s responsibilities and such leaves require the approval of the appropriate vice president or dean. Any request for a leave of absence of more than 90 days will require the approval of the President. Unpaid leave is approved only in exceptional circumstances, not otherwise provided by college policy or applicable law.

For the first 30 days of an approved unpaid leave an employee may continue their flexible benefits by paying only their portion of the benefit cost. Following 30 days, to continue their flexible benefits they would need to pay both theirs and the college’s contributions towards the benefit plans. All other benefits for the employee are suspended, at the start of the leave period. Arrangements for length of time, continuation of benefits and reallocation of workload will be made through the Human Resources Department to accommodate the specific circumstances.

Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment. When a leave of absence ends, every reasonable effort will be made to return the staff member to the same position, if it is available, or to a similar available position for which the staff member is qualified. Bates College cannot guarantee reinstatement in all cases. If a staff member fails to report to work promptly at the expiration of the approved leave period, he or she will be deemed to have resigned.
When a leave of absence occasion qualifies for coverage under the Family and Medical Leave Act (FMLA), the leave of absence will run concurrently with any leave eligibility under FMLA.

413 SHORT-TERM DISABILITY LEAVE AND BENEFIT

Benefits eligible staff members who have completed six months or more of service are eligible for Short-Term Disability (STD). Short-Term Disability benefits are provided at a rate of 75% of the staff member’s base compensation or regular hourly rate (based upon the staff member’s normal regular work schedule) for up to five (5) months, after 30 consecutive calendar days of certified disability due to the same continuing condition. Under this plan, the staff member must have been medically determined to be unable to work because of an injury or illness by a treating physician.

Staff members are limited to one STD claim in a 12-month period. Staff experiencing a serious health condition that requires them to be away from work for one or more weeks are required to complete a request for Family and Medical Leave and Short Term Disability. Staff who qualify for Short Term Disability may not opt to use accrued sick leave in lieu of the STD benefit following the 30 day elimination period.

Eligibility to receive STD benefits is contingent upon the employee’s participation in the college’s Return-To-Work program. The college will expect all staff members capable of returning to work in their present position, or in an alternative position that meets the limitations and restrictions ordered by the attending health care provider, to return to work at the earliest opportunity. If a staff member is able to work in their present position or in an alternative position approved by the health care provider and chooses not to, short-term disability coverage will be denied or discontinued. Short-Term disability is intended to assist a staff member with short-term income protection when he or she is unable to work due to a non-work-related injury or illness.

For continued STD benefits, the staff member must provide medical certification from the attending physician at appropriate intervals during this leave. If not received, the staff member’s status will convert to a leave without pay status.

Prior to returning to work, the staff member may be required to provide the HR Department with a release from the health care provider indicating his or her ability to return to work and/or any limitations or restrictions on their work. Staff members are required to abide by any such medical restrictions and limitations until the health care provider completely releases him or her to regular employment.

Conditions covered by Workers' Compensation are excluded from STD coverage. Time away from work for any short-term disability leave will run concurrently with any leave entitlement the employee has under the federal Family and Medical Leave Act of 1993 or applicable Maine law. Leave accruals, such as vacation, sick leave, and holiday benefits, will be suspended during the STD period and will resume upon return to active employment. Staff who provide written documentation of intent to retire or terminate their employment prior to being eligible for STD will receive benefits up to the date of their stated departure from the college and not past that date.

While on STD an employee will continue to participate in all of their flexible benefit plan elections and their retirement plan elections. If an employee does not return to work when their STD benefits have been exhausted they will be deemed to have been separated from employment and applicable benefit continuation provisions available to terminated employees for the health, dental and life insurance plans will apply.

Please contact the Human Resources Department for information about applying for Short Term Disability.

414 LONG-TERM DISABILITY (LTD) LEAVE AND BENEFIT

The LTD benefits plan is designed to help eligible employees cope with an illness or injury that results in a long-
Long-term absence from employment. LTD provides continuing income for employees who are disabled and unable to work.

Long-term disability leave applies to faculty and staff who are classified in a benefit status of half-time or more. Participation in the Long-Term Disability benefit program is mandatory under the college’s Flexible Benefits program and the college provides employees with enough benefit credits for the cost of LTD.

Employees suffering from a disability who do not expect to return to work within 6 months of the onset of their disability, may initiate a claim for long-term disability. The determination of an employee’s eligibility to receive LTD benefits is made by the college’s LTD insurance carrier.

The LTD benefit is paid for with after tax dollars out of the employee’s earnings, even though the credits for the benefit are provided by the college. Since the benefit is paid for with after tax dollars, the employee will receive benefits (wage replacement) tax free. The benefit provides 60% wage replacement after a 6-month (180 day) elimination period. LTD benefits are offset with amounts received under Social Security or Workers’ Compensation for the same time period.
The following section describes the essential steps in job classification and compensation. It is the intent of this section to provide a general overview of job classification and pay and salary administration practices.

### 500 FAIR LABOR STANDARDS ACT (FLSA)

Bates College conforms to all terms of the Fair Labor Standards Act (known as the Federal Wage and Hour Law), including the payment of minimum wages and overtime pay. These laws establish the criteria for determining which positions are "non-exempt" (eligible to receive overtime pay), and which are "exempt" (not eligible to receive overtime pay). Human Resources is responsible for ensuring compliance with such laws, including the determination of exempt and non-exempt status.

### 501 JOB DESCRIPTIONS

Job descriptions are developed to reflect the purpose and major responsibilities of jobs and the knowledge, skills and abilities required to perform those jobs successfully and are the key element for classification and compensation of a position. They reflect essential functions and departmental expectations and are considered to be descriptive rather than restrictive. The tasks described are characteristic of the job, and not every task needs to be listed to reflect an accurate job description.

Job descriptions are representative of the work performed by all incumbents in a job. In multi-incumbent jobs, some duties described may not apply to all individuals, or one individual may perform an additional task. If that addition (or omission) does not significantly change the job, the job description still may be appropriate.

Each description should include the following job information: a job summary or general overview, the essential functions of the position, any special, unique, or periodic duties, and working conditions, including physical requirements. Essential functions are the core duties and responsibilities of a position, without which the position would be fundamentally different.

#### 501.1 New Positions or Open Current Positions

The hiring manager must prepare a job description when new positions are created or a current position becomes open. An evaluation of the knowledge, skills and abilities and responsibilities will be conducted by the Human Resources Office prior to recruiting for the position. This evaluation is used to ensure that the position is placed in the appropriate pay band and to classify positions accurately in compliance with state and federal regulations.

#### 501.2 Orienting New Employees

Job descriptions are used in orienting new staff members to their jobs, setting standards for staff member performance, and establishing a basis for making reasonable accommodations for individuals with disabilities.

#### 501.3 Performance Development

Existing job descriptions should be reviewed and revised periodically in order to ensure that they are up-to-date with the position’s current duties and responsibilities. All staff members are expected to help ensure that their job descriptions are current, accurate, and reflect the work being performed. Performance development meetings that occur during the year should include a review and discussion of the current job description.
502 RECLASSIFICATION OF POSITIONS

It is possible that the tasks, duties, and responsibilities of a position may change over time. If this occurs, then a position may be reviewed by the Human Resources Department. Such changes may include title changes, significant changes in duties and responsibilities, and status changes from nonexempt to exempt.

503 COMPENSATION GROUPS

Bates College’s Staff Compensation Program provides a framework for grouping similar jobs based on job content and organizational impact. Bates College has four Compensation Groups – Administrative Support, Service, Professional, and Supervisory/Managerial.

504 PAY BANDS AND SALARY RANGES

The Bates College Job Classification Program was developed to focus on broad roles and responsibilities of employee jobs, not tasks and specific activities. Broad banding combines several pay ranges into a single broad band that includes job descriptions with a wider variety of duties. These bands are typically broad to accommodate the varying jobs within each band.

Each compensation group has unique pay bands and each pay band has a salary range associated with it. These pay bands and salary ranges are established by comparing positions within the group to various market data from the appropriate market.

505 MARKET REVIEW

Human Resources surveys the market periodically to determine hiring ranges for each band. No employee will be paid below the minimum salary for the Pay Band for his/her job. Salaries will be managed within the Band in which it is placed. There may be situations where a staff member is paid at an annual salary that exceeds the maximum of the Band.

In order to assess the college’s competitive positioning within the market, Human Resources conducts periodic reviews of the Compensation Groups’ salary levels. A market adjustment of an individual position may occur on an as needed basis.

506 HIRING RANGES

The hiring range for a vacant position will be set to the minimum of the appropriate pay band. Requests for a rate of pay higher than the minimum of the band must be made to Human Resources with a justification as to why the rate should be above the minimum. The experience and qualifications of the applicant as well as internal equity of similar positions will be taken into consideration in determining a hiring rate of pay above the minimum. An aim of the college’s compensation practices is to ensure the wages of current and new staff members are equitable with consideration to the qualifications and experiences of each.

Requests for a starting salary for an exceptionally qualified candidate that is outside of the established starting range for the position must be requested by the hiring manager with proper justification which will be forwarded to the Vice President of Finance Administration and Treasurer for budget approval via the Assistant Vice President of Human Resources.

507 CHANGES TO POSITIONS

Changes to the employment status, pay, or benefits of any staff member will generally require the recommendation of the Director of the Department and the approval of the appropriate Vice President/Dean.
Such requests for changes must be forwarded to the Vice President for Finance Administration and Treasurer via the Assistant Vice President of Human Resources to receive budget approval. Certain changes may require the approval of the President and are generally the result of an approved re-organization.

If a salary adjustment is requested with a change to an existing position, it will be reviewed within the context of the overall compensation goals of the college and consistent with internal and external equity considerations. Request for an analysis of pay for similar positions within the college, market wages, or other compensation matters should be forwarded to the Human Resources Department.

508 PROMOTIONS, DEMOTIONS, LATERAL TRANSFERS

A promotion occurs when an employee moves to a job with greater responsibilities in a higher level band (either within or outside of their current job family). A promotion may be warranted after a period of continual assessment, development, growth in work performance, and exceptional contributions to the mission and goals of the college. Changes to individual capabilities and activities (e.g., learning a new skill, increasing number of staff supervised) do not constitute career progression.

The salary for employees being promoted will be reviewed in a similar manner to candidates from outside Bates College. The intent is to determine the employee’s capabilities to assume the new job responsibilities and pay the employee a starting salary commensurate with those capabilities. Human Resources will determine the appropriate salary for the employee, in consultation with managers and require the approval of the appropriate Vice President/Dean and the budget approval of the Vice President for Finance Administration and Treasurer.

If an employee moves or is moved to a job in a lower band, or to a job of lesser responsibility in a different classification band, their salary may be reduced commensurate with the change. Consideration will be given to the employee’s length of service, new job responsibilities, new pay range, market analysis and internal equity and whether the decision to move to a lower range was voluntary or the result of a departmental restructuring.

If an employee moves to another position in the same pay band, Human Resources will review the employee’s salary. Generally, no changes in salary will be recommended. If such a change is warranted due to unique circumstances, it will require the approval of the appropriate Vice President/Dean and the budget approval of the Vice President for Finance Administration and Treasurer.
PAYROLL PROCESSING AND PAY ADMINISTRATION

The following section describes the essential components of our payroll processing and pay administration policies. This section is compliant with the Department of Labor’s Wage and Hour regulations regarding time records and payroll processing.

600 TIMESHEETS, TIMEKEEPING AND LEAVE REPORTING

600.1 Non-exempt Employees

It is the responsibility of every nonexempt staff member to accurately record the time he or she works on a timesheet each pay period. Bates College uses electronic timesheets, paper timesheets and a time and attendance system to record time worked. The staff member’s supervisor must review the timesheet for accuracy, verify both the hours worked and any hours eligible for premium pay. The signature of the staff member and the supervisor certifies the accuracy of the information on the paper timesheet. The supervisor’s electronic approval certifies the accuracy of the electronic time sheet. Federal and state laws require Bates College to keep an accurate record of time worked in order to calculate nonexempt staff members’ pay and benefits.

Nonexempt staff members should report to work no more than 7 minutes prior to their scheduled starting time nor stay more than 7 minutes after their scheduled stop time without the prior approval of their supervisor. Likewise, overtime work must be approved before it is performed, except under extenuating circumstances.

Supervisors of staff members who are working part-, half-, or three-quarter-time due to restricted duties while earning Short-term Disability or Workers’ Compensation benefits must ensure that the staff member’s timesheet correctly lists actual hours worked and time approved under the appropriate benefit category. Supervisors are responsible for ensuring that their staff member’s timesheets indicate all paid and unpaid leaves, including Family or Medical leave.

Timesheets must be submitted on time each pay period in order for a staff member to get paid. The Payroll Office cannot assume that a nonexempt staff member has worked.

When there has been a delay in submitting a time sheet or if an error is made in reporting time accurately on the staff member’s timesheet (electronic or paper), a delay may occur in processing the change. It is imperative that the staff member and the staff member’s supervisor verify the accuracy of the staff member’s timesheet prior to submitting it to the Payroll Office.

600.2 Exempt Employees and Leave Reporting

Exempt employees are required to complete a monthly leave report on the Garnet Gateway. Vacation, sick, personal, jury, bereavement, parental and FMLA time taken in the previous month is recorded on the leave report for the current pay period. Time taken is recorded in hours. Leave reports should be submitted by the last day of each month.

601 PAYDAYS

Nonexempt staff members are paid biweekly on every other Thursday. Each paycheck will include earnings for all work performed through the end of the previous payroll period. Pay periods end on the Saturday prior to each payday. There are 26 pay periods during a calendar year for nonexempt employees.

Exempt employees (faculty, administrative and professional staff) are paid on a monthly pay cycle. Exempt paydays occur on the second Thursday of each month. The actual date when the monthly employee receives his or her paycheck will vary, but will always be on the second Thursday of each month. Exempt employees are paid for the entire calendar month on each designated payday.
602 PAY DEDUCTIONS AND PAYCHECK STATEMENTS

Employee’s paycheck statements (stubs) contain important information about the individual’s pay, benefits, leaves, and other employment-related information. The pay statement includes information such as Bates College’s contribution to various benefits and tax deductions. Pay stubs are available for viewing under the Employee Menu on the Garnet Gateway.

602.1 Benefit Deductions
For exempt personnel, benefits, credits and all benefit deductions are taken during each monthly pay period. For nonexempt employees, there are 26 pay periods during a calendar year and benefit credits provided by the college are distributed in each of the 26 pay periods. Benefit deductions except voluntary pension contributions and long term disability are taken from the employee’s pay 24 times per year, or twice a month. Non exempt academic year employees’ deductions are subject to change according to how the pay dates occur in the academic year.

The actual amount deducted will be determined by the benefits that were elected during initial benefits enrollment, or those benefits selected during the annual enrollment period.

602.2 Leave Accrual
For exempt staff personnel, leaves accrue each monthly pay period. For nonexempt staff, leaves accrue in the first two pay dates of each month. Leaves are earned on a prorated basis, based upon the number of hours worked during the pay period.

Staff members who do not have a sick leave balance and take sick leave before it is accrued, will automatically have the appropriate amount of vacation time deducted, if available. New staff members with the college for less than 6 months will not have vacation time available. Staff members who take vacation time before it is accrued will not be paid for the time away.

Time away from campus that is not sick leave or an approved vacation is considered unpaid leave. All unpaid leaves must be approved by the appropriate vice president or dean unless otherwise provided by college policy. Staff members may not exhaust all of their sick leave and create an unlimited bank of time off by choosing to receive no pay instead of using vacation leave. Staff members may not exhaust their vacation time and create an unlimited bank of time off by choosing to receive no pay for unapproved time away from campus.

603 DIRECT DEPOSIT

All Bates employees are required to enroll in direct deposit as a condition of employment. To enroll, employees must complete a Direct Deposit Authorization Agreement form in the Human Resources Department. It is preferable that a voided check be attached to the form (employees who bank with credit unions would provide a voided check and deposit slip.)

The college transmits direct deposit two days before the scheduled pay date. Your banking institutions will make your payment available at some time on the actual pay date. Payroll will not take action on direct deposit failing to appear in your account until after 2:00 p.m. on payday, as it is likely that your bank has the money and has not made it available for withdrawal yet.

604 PAY CORRECTIONS AND RETURNED FUNDS

Bates College takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Human Resources Department. When Bates College is responsible for the error, we will make every effort to correct
mistakes as quickly as possible. If the amount of the error is less than $50, the college reserves the right to correct the error in the following scheduled pay period.

Pay for late timesheet submissions will be processed on the Friday after each payday. Whenever possible, payments will be processed by direct deposit. There is a two business day wait from the day of processing to the time when the payment will be available in the employee’s account.

In the case where an employee closes their bank account without notifying the Payroll Office prior to the payroll processing date, the payment cannot be reissued until there is confirmation from the bank that the money has been returned to the Bates College account which may take several days.

605 DEDUCTIONS FROM PAY

There are a number of deductions that will occur from most employees’ compensation. Among these are applicable federal and state income taxes. In addition to legally mandated deductions, each benefit eligible employee will have deductions from their paycheck according to the benefits selected from the Bates College flexible benefits program. Eligible employees authorize deductions from their paychecks to cover the cost of participating in these programs.

Other wage deductions, such as garnishments or tax levies, may be made to fulfill legal requirements when appropriate. International employees may be exempt from certain taxes and social security withholdings according to appropriate tax treaties and IRS regulations.

605.1 Other Deductions

Bates can deduct or withhold any portion of an employee’s wages for the payment of a loan, debt or advance made to the employee. (i.e computer purchase, payroll advance, Bates College parking ticket, fair market value of unreturned library books).

With written consent from the employee, the following deductions can be made to an employee’s wages:

- Bates Advancement pledges
- Bates Rental Property Rent/Security Deposit/Pet Deposit payments
- Central Maine Wellness Center membership payment
- Community Supported Agriculture share payment
- Commuter van monthly payment
- Liberty Mutual Insurance payment
- United Way, Maine Share and Community Health Charities of Maine pledges

Any amounts owed to the college at the time of separation from the college will be deducted from either the final paycheck, vacation payout or both.

Questions concerning paycheck deductions should be directed to the Human Resources Department.

606 WORK HOURS, MEALS, AND BREAKS

An expectation of an average forty-hour work week is a requirement for all regular full-time exempt and nonexempt staff members. While the daily work schedule will vary from department to department, it is expected that during the course of a work-week staff members will be engaged in 40 hours of work. Workload demands may require exempt employees to work more than 40 hours in any given week, but this does not provide entitlement to additional compensation.

In accordance with federal and state law, if a non-exempt employee works for six or more consecutive hours he or
she must be offered a break of at least one half-hour. Most often this break will be a lunch or dinner break. Employees may not skip breaks in order to accumulate time to depart work early. There are no other breaks required by law and any additional breaks are at the discretion of the supervisor as work permits.

Lunch or meal periods will vary by department and will range from a half-hour to a full hour depending upon the rules of the department. Meal periods are not paid time unless the employee is required to work and remain at his or her work site.

An employee may not forego their break in order to shorten their scheduled work day.

Hours for part-time positions or multi-shift operations may vary based on departmental and service needs.

607 OVERTIME

Overtime compensation is paid to all nonexempt staff members in accordance with federal and state wage and hour guidelines. Personal hours, holiday hours, Bates Closed hours, and all premium hours (SERGE, holiday, pager, Call-In Premium, and Spill Team) will not be counted towards the calculation of overtime hours. Overtime is paid for all other hours worked, including sick and vacation hours, over 40 per week. Bates College calculates overtime on a weekly basis; working 10 hours on one day does not count as overtime unless the total amount worked for that week exceeds 40 hours. The overtime pay rate is one and one half times the staff member's regular rate, which includes special compensation (shift differential, call-in pay, other premium pay, etc.). All overtime work must receive prior approval of the staff member’s supervisor. In certain situations, overtime is expected or is required as a condition of employment. In such cases, it is usually noted at the time of hire, or in advance for major campus events or unusual departmental demands.

608 HOLIDAY PAY

Regular benefited staff members are eligible to earn leave will receive holiday pay. Holiday pay is based on an employee’s normal daily rate of pay.

Nonexempt staff members who work on a scheduled college holiday will be paid time-and-one-half for the hours actually worked on the holiday in addition to regular holiday pay. Holiday hours and Holiday premium hours are not part of the overtime hour calculation. Staff members may elect to receive time-and-one-half pay for the hours actually worked on the holiday and take another day during the same pay week as the paid holiday; this arrangement is subject to approval by the staff member’s supervisor in advance.

609 EMERGENCY CALL-IN PAY AND SPILL TEAM

Certain nonexempt staff positions are eligible to receive call-in pay for coming to campus to respond to a college emergency, including spills. Designated positions are determined in advance by each Department Director and are routinely placed on-call because of their job requirements.

The minimum pay for being called in is four hours at time-and-a-half, regardless of the length of the emergency. If the staff member works for more than the minimum 4 hours, he or she is paid for the actual amount of time worked. The Call-in pay rate ends when the employee’s normal shift begins; however, the employee will be paid for the four hour minimum if the time has not exceeded four hours. Shift differential does not apply to emergency call-in pay.

Spill Team members will receive double time for the time worked cleaning up a spill during their regular working hours. After regular working hours or on weekends, Spill Team members will receive a minimum of 6 hours pay, even if the cleanup only takes 15 minutes. If the cleanup takes more than 3 hours, the compensation pay will be at double time for the entire period. Shift differential does not apply to Spill Team hours.
610 PAGER TIME OR WAITING TO WORK TIME

Certain nonexempt staff positions who are regularly scheduled to be in a waiting to work status are eligible to receive pager pay for being on call 24 hours a day in case a pressing need of the college emerges. Designated positions are determined in advance by each Department Director and are routinely placed on call for designated periods of time.

The pay for pager time is 4 hours of regular pay for each week the staff member is in a waiting to work status. If a staff member comes in to respond to an emergency, he or she will receive Emergency Call-in pay.

610.1 Pager Premium
An employee receives an additional 2 hours of pay at straight time for carrying the pager on a declared college holiday.

611 SHIFT DIFFERENTIAL

Bates College’s policy is to give additional compensation for regular nonexempt positions that routinely require work to be scheduled outside of the normal daytime hours. Department Directors determine the hours of work that define second and third shift and identify to the payroll office which staff are designated as second and third shift employees.

There may be cases when the staff member’s hours are divided between shifts. In such cases, differential is paid based on the shift during which the majority of hours are worked and are applied to all hours worked. Work arrangements that are approved on the basis of convenience to the staff member, shall not be considered an assigned evening, night, or weekend shift for the purpose of this policy. Student and temporary employees are not considered regular employees and are not eligible to receive a shift differential.

611.1 Eligibility
Typically, shift differential pay is approved for positions in departments that require around-the-clock coverage or operations that consistently require late evening, night, or weekend coverage. Eligibility for a shift differential is tied to the position and time period worked, and is not an entitlement of individual staff members.

If a staff member who typically works the evening, night, or weekend shift is temporarily assigned to the day shift, he or she will not receive any shift differential for the hours worked during the day shift. Shift differential pay is not included in the pay of staff members who are on paid leave, such as vacation, sick leave, or holidays, etc., and shall be paid only for hours that are actually worked. Shift differential pay is subject to the same payroll deductions and payroll charges as regular salary or wages, but it is not used in the calculation of benefit credits. The eligible staff member is responsible for ensuring that the timesheet correctly reflects the appropriate time worked where the shift differential applies. The supervisor is responsible to verify that the differential has been correctly recorded on the timesheet.

Special Circumstances: Regular staff members who are asked to come in during the evening, night, or on the weekend by a manager to work in a position that is normally eligible for a shift differential will receive the appropriate differential. Emergencies declared by the Senior Emergency Response Group are not eligible for a shift differential.

612 PRIZES AND AWARDS

In accordance with IRS regulations, prizes and awards from the college are taxable at the prevailing supplemental rate to the employee receiving the benefit. These include, but are not limited to, retail establishment gift certificates or debit cards with cash equivalency, or items over $100 in value purchased by the college for award or raffle. The value of the prize or award will be added to your paycheck.
De minimis fringe gifts, as defined by the IRS, will not be added to an employee’s paycheck. These include, but are not limited to, food and beverages provided at meetings and parties, certificates and merchandise from the college bookstore, occasional tickets to entertainment or sporting events, and gifts in value of less than $100. De minimis gifts are unusual in frequency and may not be converted to cash.

All departments providing prizes and awards are reminded of their obligation to notify the payroll office so the college may comply with IRS regulations.

613 PAY ADVANCES

Under rare circumstances (unexpected personal medical, auto, legal or home repairs) employees may receive an advance against future earnings in the form of an emergency advance. All pay advances are taxable wages. The following guidelines govern advances when they occur:

1. Due to the rare nature of such advances, only one advance (regardless of the kind of advance) is granted in a fiscal year.
2. Employees who have outstanding debts to the college are not eligible to receive a pay advance.
3. The employee must have an emergency situation or a financial need that cannot be met by other sources. Emergency situations do not include regular monthly expenses and are subject to the approval of the Director of Payroll. The employee may be requested to provide proof of the need for funds by presenting documentation showing the request for payment or the payment itself.
4. Requests for advances may not exceed the net amount of the employee’s next paycheck.
5. The employee must authorize in writing that the advance will be paid back through a payroll deduction within a two-month period of time.

614 PAY FOR COLLEGE EMERGENCIES (including Weather Emergencies)

When Bates College declares a weather emergency, only "essential" staff personnel should report for work as scheduled. Your department director will advise you in advance whether you are designated as an essential employee. Employees that are not asked to report to work (except temporary employees) will be paid according to that day’s schedule. Hours recorded as Bates Closed will not be part of the overtime calculation. If an employee has called out of work (because of the weather) on the day of the inclement weather using vacation or personal time - and college offices then close - the hours or days of the weather emergency will be added back to the employee's vacation or personal leave balance. If an employee is using a pre-arranged scheduled vacation day or personal day in advance of the weather emergency, no time will be added back to the employee’s bank for college closure. No time will restored in any case if the employee is using sick time.

Regular nonexempt employees who are required to work during a weather emergency will receive pay at 2 ½ times the straight time rate of pay for all hours worked during the time the college is declared closed.

If Bates does not declare that college offices are closed as a result of a weather emergency, weather conditions nevertheless may cause employees to be concerned about traveling to and from work depending on the distance of travel, the hazards of driving, or other subjective factors. In such cases, the employees will have to make their own judgments about whether to stay home or to leave work early. An employee's decision, based on individual circumstances, will be respected when shared with his or her supervisor. If an employee chooses not to travel or decides to leave work early because of concerns about the weather, he or she may use accumulated vacation time, make up the time on other days within the same work week, if approved by the supervisor; or take leave without pay.
Temporary employees may be required to report for work during weather emergencies if they are declared essential. Temporary employees who work during the weather emergency will receive time-and-one-half pay for hours worked, in accordance with the normal pay policies and practices of the college.

615 PAY AND BENEFITS WHILE ON LEAVE (Unpaid Leave, Workers’ Compensation, Short-Term Disability, etc.)

615.1 Unpaid Leave
Typically, when on an approved unpaid leave, employees will not receive any pay or benefits from Bates College. Employees will not accrue vacation or sick leave or receive any benefits that are reserved for active employees.

During the period of unpaid leave, all benefits are suspended, except that the employee may elect to continue participating in the college’s flexible benefits program by assuming the entire cost of his or her participation. The employee may elect to remain on certain benefits by paying the individual’s and the employer’s share of costs, where appropriate for the benefit elections that the employee has chosen.

Depending upon the circumstances that have necessitated an unpaid leave, and in accordance with federal regulations governing benefit elections, an employee may be able to change his or her benefit elections during this period of time.

615.2 Short-Term Disability (STD)
In accordance with the Bates College STD program, the college pays 75% of a staff member’s base salary after a 30 calendar day elimination period of STD Leave. During a period of STD, employees do not accrue vacation or sick leave, but the employee’s benefits continue at the normal rate. Employees on STD may not use accrued vacation, sick or personal time to supplement the 25% reduction in earnings.

615.3 Parental Leave
During a period of parental leave, employees do not accrue vacation or sick leave, but the employee’s benefits continue at the normal rate. There is no reduction in earnings while on parental leave.

615.4 Workers’ Compensation
In accordance with the state laws that govern this program, employees are provided with 80% of their average after tax weekly compensation after a seven day or 56 hour elimination period. During a period of Workers’ Compensation leave, employees do not accrue vacation or sick leave, nor earn pension benefits. Employees receiving Workers’ Compensation benefits do continue on the college’s health insurance and life insurance plans if enrolled in these plans prior to becoming eligible for Worker’s Compensation benefits. Employees on Worker’s Compensation may not use accrued vacation, sick or personal time to supplement the 20% reduction in earnings.
ENVIRONMENTAL HEALTH AND SAFETY

The safety and health of the Bates community is of major importance. The college accepts the primary responsibility for reducing risk in order that each employee may work in a safe and healthful environment and return home each day without injury, illness, or financial loss. Each employee plays an important part in this safety and health program, and is expected to join in making this a successful, accident free and healthy environment.

In support of this policy, the environmental health and safety office, in collaboration with other Bates departments, has developed policies and procedures for safe practices at the college. Information on safety policies is distributed to those who are directly affected by them, and they are available for review upon request in the environmental health and safety office.

700 SAFETY

To assist in providing a safe and healthful work environment for employees, students, and visitors, Bates College has established a workplace safety program. The Human Resources Department has responsibility for implementing, administering, monitoring, and evaluating the safety program. Its success depends on the alertness, communication and personal commitment of all.

Bates College provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, written communications and through training. Employees can express safety concerns to their supervisor, any member of management, the environmental health and safety office or anonymously through the online Ethicspoint program.

Each employee is expected to comply with safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to their supervisor or to the environmental health and safety office. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, to remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees must immediately notify the Human Resources Department or their supervisor as soon as possible, but not later than 24 hours after the injury.

The EHS office will work with the supervisor and the injured employee to investigate the cause of the injury and work to resolve any identified issues.

Bates College is committed to providing a safe and healthful working environment. In this effort, Bates College makes every effort to comply with relevant federal and state occupational health and safety laws and to develop the best feasible operations, procedures, technologies, and programs conducive to such an environment.

Bates College’s policy is aimed at minimizing the exposure of our employees, students and visitors to our facilities to health or safety risks. To accomplish this objective, all Bates College employees are expected to work diligently to maintain safe and healthful working conditions and to adhere to proper operating practices and procedures designed to prevent injuries and illnesses.

The responsibilities of all employees of Bates College in this regard include:

1. Exercising maximum care and good judgment at all times to prevent accidents and injuries.
2. Reporting to supervisors and seeking first aid for all injuries, regardless of how minor.
3. Reporting unsafe conditions, equipment, or practices to supervisory personnel.
4. Using safety equipment provided by Bates College at all times.
5. Observing conscientiously all safety rules and regulations at all times; and
6. Notifying their supervisors, before the beginning of the workday, of any medication they are taking that may cause drowsiness or other side effects that could lead to injury to them and their coworkers.
7. If unsure about the safe/best way to complete a job task, ask your supervisor.

701 WORKER’S COMPENSATION (WC) AND INCIDENT REPORTING

Workers’ Compensation (WC) is a no-fault, state-mandated insurance program providing health coverage and wage replacement for employees who become injured or ill as a result of their employment. The principal purpose of Workers’ Compensation Law in Maine is to provide specifically defined remedies for employment-related injury and illness.

Bates College requires that in the event of a work-related incident, accident, injury or illness an employee must contact their supervisor and if their supervisor is not available they must contact Human Resources. In the event of an emergency call extension 6111, or activate a security phone and Security and Campus Safety will respond and will notify other agencies as needed. Employees are urged to use their best judgment in determining whether the situation is an emergency.

The initial contact must be followed by a written Accident/Incident Report within 24 hours of an incident. The Accident/Incident report must be completed by the employee and her/his supervisor and must be submitted to HR whether or not medical attention is needed.

In all other cases requiring non-emergency medical attention, the Human Resources Department will call an approved medical provider and set up an appointment for the employee to be seen. After the accident, incident or illness has been reported, the Human Resources Office will communicate with the college’s Workers’ Compensation insurer. The information communicated to the insurer is taken largely from the Accident/Incident Report. An accurate, thorough and timely submission of this report is critical to ensuring both employee and employer rights under Maine State Law and for establishing a date of injury necessary for initiating WC coverage.

If an injury is work related, it is Bates’ responsibility to provide treatment to resolve the injury. Bates takes this responsibility seriously but can not fulfill it if the injury is not promptly reported.

Workers’ Compensation provides for 80% income replacement, up to a State of Maine maximum amount, after a 7-day or 56-hour waiting period for employees injured on the job. Employees receiving Workers’ Compensation benefits will remain enrolled in the college’s Health, Life, and Long Term Disability benefit programs if they are eligible and enrolled at the time of their injury. Employees receiving Workers’ Compensation benefits will not accrue sick or vacation time or earn college-contributed pension benefits while in a non-working Workers’ Compensation status.

702 MEDICAL TREATMENT FOR WORK-RELATED INJURIES

Maine Workers’ Compensation Law entitles employers to select health care providers to care for injured/ill employees within the first ten days of treatment. The human resources department will coordinate this care. Bates assumes responsibility for the cost of the initial medical evaluation.

703 INJURY AND ILLNESS RETURN TO WORK PROGRAM

Bates will work with regular employees who have work or non-work related medical conditions to explore the opportunities for the employee to continue working. The goal is to keep the employee in his/her position provided that he/she is able to perform the essential functions. If the employee is provided with other work, it will be for a limited period, and with the goal of returning the employee to his/her regular position.
An employee may continue working through the following programs:
- Reasonable Accommodation
- Reassignment
- Restricted Work

**703.1 Reasonable Accommodation**
Reasonable accommodation is any action, assistance or modification that enables a qualified employee with an injury or illness to perform the essential functions of the position. If the proposed accommodation imposes an undue hardship on Bates, it is not reasonable. The types of accommodations provided to an employee may include:
- Physical modification
- Restructured job tasks
- Modified or part time schedule
- Leave of absence
- Reassignment of marginal functions

Lowering employee performance or productivity standards or removing essential job functions are not reasonable accommodations. Supervisors are expected to engage the employee in a discussion about potential reasonable accommodations.

**703.2 Reassignment**
Reassignment means placement of an employee in an equivalent, or the most equivalent, open position for which the employee is qualified and can perform the essential functions. A qualified employee is an employee with the skills, experience, training, and other job-specific qualifications necessary to perform satisfactorily in the position. Reassignment is only considered when it has been established that the employee cannot perform the essential functions of his/her current position because of a medical condition.

When an employee has been permanently reassigned to a new position, the employee’s former position does not have to be held open.

**703.3 Restricted Work**
Restricted work is any job which an employee is given in order to keep the employee working when the employee is unable to perform the essential functions of his/her position. Restricted work is not guaranteed, and an employee is limited to a maximum of six months of restricted work. The offer of restricted work will depend on the availability of work and it is offered at Bates’ sole discretion. An employee is on restricted work status if he/she remains in his/her job, but is not performing all of the essential functions of the position. Alternatively, Bates may provide the employee with other work unrelated to his/her position. In all cases the restricted work must be approved by the employee’s supervisor and a human resources representative and must be within restrictions imposed by a health care provider.

The intent of restricted work is to provide temporary, safe and productive work to employees recovering from a medical condition. In all circumstances work restrictions must be strictly followed. Bates may end restricted duty if the injured worker is not working within the health care provider’s specified restrictions.

If the employee cannot resume his/her original job after performing restricted work, the employee’s employment may end. If an employee is being considered for reassignment, he/she will be considered for the vacant jobs open at the time he/she is eligible for reassignment.

Bates will provide employees with reasonable accommodations for as long as they are necessary, provided that the accommodations do not create an undue hardship.
704 ERGONOMICS

Bates College provides an ergonomics program to minimize musculoskeletal disorders (MSDs) in the workplace. The primary elements of this ergonomics program include: (1) worksite evaluations, (2) control of exposures that may cause musculoskeletal disorders, and (3) ergonomics training of employees. Ergonomics training focuses on educating employees on the causes of musculoskeletal injuries, the employee’s personal responsibility to apply good work habits (such as posture and body mechanics) and adequate fitness for work.

The environmental, health & safety office will provide an ergonomic assessment upon request from any employee. Supervisors and managers may request an assessment for new employees within the first month of an employee’s start date and following the delivery and setup of work station equipment, but an assessment or re-assessment may be requested at any time. Employees without an individual work station may request help in evaluating tools and methods.

The evaluator will explain basic ergonomic principles and work with employees to reduce the impact of repetitive motion injuries by assisting with adjustments to equipment, by suggesting alternatives and by making recommendations based on knowledge of ergonomics and the tools and equipment that are available. The evaluator may employ outside resources in evaluations if there is concern about medical conditions or circumstances beyond the evaluator’s training and experience. Outside resources might include insurance company ergonomists or medical practitioners with appropriate expertise.

When a job-related MSD is reported or anticipated at Bates College, a worksite evaluation will be conducted. The evaluation identifies potential exposures that may have caused or be likely to cause MSDs and determines the methods Bates College will use to control or minimize them. Affected employees will be informed of the potential exposures and trained in the control measures. Every reasonable and timely effort will be made to eliminate or minimize exposures. In determining how to correct or minimize exposures, Bates College will consider reasonable, cost-effective engineering or administrative controls.

All employees are encouraged to immediately report to their supervisor, or if unavailable, the Human Resources Department all suspected MSDs, MSD symptoms, or other ergonomic concerns. Employees must report all workplace MSDs as soon as possible after they have been identified and diagnosed by a licensed health care provider. MSDs are best treated promptly. MSDs can get worse if left untreated for long periods of time.

Managers and Department Chairs are responsible for providing work stations for their employees and for planning for replacement as equipment ages or is damaged through normal use. Employees are responsible for reporting work station deficiencies and for submitting Incident Reports if they experience symptoms of soft tissue injuries. Environmental, Health and Safety personnel are responsible for performing basic assessments, recommending corrective actions and maintaining up to date knowledge of available alternatives. EHS will also recommend additional resources for assessment or evaluation as needed.

705 FIT FOR DUTY MEDICAL EVALUATIONS

Bates College reserves the right to require health evaluations of employees at any time to ensure that an employee is able to safely perform the essential functions of the position. If an employee has been out of work on a leave of absence because of a medical condition, the college may request a return-to-work evaluation. If the employee has been out of work on a leave of absence because of a medical condition for three or more months, a fit for duty evaluation may be required. A return-to-work evaluation involves a comprehensive examination and fit for duty testing. Specific functional capabilities, e.g., lifting and other material handling techniques are tested based upon job-specific needs. The results of this examination determine the employee's ability to return to work safely with or without accommodations. These evaluations may be utilized for return to work after absence from work for any injury/illness (workers’ compensation, short or long term disability).
If there is reason to believe that an employee may not be able to perform the essential functions of the job, or may not work safely, the college may request the employee to provide a medical report from the employee’s medical provider regarding the employee’s fitness for duty. In some circumstances, and in accordance with the employee’s legal rights, the employer may request that the employee be evaluated for fitness for duty by a medical provider identified by the college.

706 ENVIRONMENTAL STATEMENT

Bates College is an environmentally conscious and responsible institution with the intent to continue its mission in an environmentally sustainable manner. To fulfill this goal the college will strive to comply with federal, state and local environmental regulations and continuously strive to reduce its impact on the environment. This will be accomplished through regular review and application of emerging technologies for minimizing or eliminating waste of all kinds, reduction or elimination of the use of polluting energy sources and minimizing the use of non-renewable resources.
### EMERGENCY AND SECURITY INFORMATION

<table>
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<tr>
<th>Service</th>
<th>Contact Information</th>
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<tbody>
<tr>
<td>Security and Campus Safety and Bates EMS</td>
<td>786-6111 or 786-6254</td>
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<tr>
<td>Health Center</td>
<td>786-6199</td>
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<td>Lewiston Police</td>
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<td>Calls made from the campus: x-7275</td>
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<tr>
<td>Sexual Assault Crisis Center (SACC)</td>
<td>795-2211</td>
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#### 801 SECURITY PERSONNEL

Bates College has full-time, trained Security Officers who patrol the campus on foot, on bicycles, and in a security vehicle 24 hours a day. Communications Officers (dispatchers) staff the security office located at 245 College Street at all times. They answer phone calls directed to Security, including calls from the security phones located throughout the campus, and are in constant contact with security personnel via radio.

#### 802 SECURITY PHONES

There are over 140 security phones strategically located throughout the campus. These phones are connected directly to Security and Campus Safety, and automatically begin to ring when the receiver is lifted or the red button is pushed. Security phones may be used to contact Security for any reason, such as to call for an escort, to report a suspicious person, or to report an emergency. Communications Officers can contact the appropriate emergency personnel (security, police, fire, or medical personnel) and direct them to your location. Each security phone has a blue light above it which is clearly visible at night. Employees should become familiar with the locations of the security phones and their operation.

#### 803 EMERGENCY RESPONSE PROCEDURES

A variety of response plans have been prepared to minimize hazards to human health and the environment potentially caused by fires, explosions, natural disasters, bomb threats, and any unplanned release of hazardous material to air, soil, surface water, or groundwater at or from the facility. The provisions of these plans will be carried out whenever there is a fire, explosion, or release of hazardous material at or from the facility that could threaten human health or the environment.

The important thing to remember in any emergency situation is to dial **786-6111** on your Bates College telephone. The **x-6111** number connects the caller to the Security and Campus Safety Office where dispatchers are trained to respond to any emergency on campus. Dialing **x-6111** is an effective way of responding since the Security Department will contact the appropriate emergency personnel (security, police, fire, or medical personnel) and direct them to the appropriate location.
804 BOMB THREAT PROCEDURES

When a bomb threat is received:

1. Contact Security immediately by calling 6111.

2. All on-duty Security Officers will be dispatched immediately to the scene.

3. 911 will be notified by the Dispatcher as soon as the Security Officers have been dispatched.

4. The Dispatcher will contact the Director of Security immediately. In his/her absence, the senior officer on duty will be notified. The Director will contact the offices of the President, the Dean of the Faculty and the Dean of Students and/or activate the SERG committee. The Director or his/her designee will inform the Communications Office of the incident.

5. Once on the scene the Security Officer in charge will coordinate with outside emergency agencies to assess/investigate the threat.

6. The appropriate college authority along with the Security Officer in charge will determine the course of action, including:

   a. Evacuation of the building
   b. Search methods to be utilized, if any
   c. Safety measures
   d. Need for other agencies

To evacuate a building:

Emergency personnel will evacuate the building by repeatedly blowing a whistle provided by Security. Personnel will simultaneously check each room beginning with the lowest floor and advise anyone remaining in the building to leave immediately in a calm manner. The fire alarm shall NOT be pulled in an effort to evacuate the building and all electronic devices must be turned off prior to entering the building. This includes but is not limited to two-way radios, pagers, and cell phones.

To search a building:

The search method(s) agreed upon will be executed by personnel chosen by the Security Officer in charge.

Each person who searches a building will be issued a whistle.

If you find a suspicious object or condition:

   a. Do not touch, move, or handle the object or anything attached to it.
   b. Blow your whistle three times in succession to evacuate search team members.

All media inquiries will be handled by the Communications Office.
805 COLLEGE EMERGENCY PROCEDURES & POLICIES (INCLUDING WEATHER EMERGENCIES)

A Senior Emergency Response Group (SERG) is established to determine the existence and nature of an emergency (including weather emergencies) affecting the college, and to initiate appropriate action and communication regarding such emergencies. The Group will continue to serve during the emergency, to coordinate the college’s efforts, and to advise the President on decisions regarding the emergency.

805.1 Members of the Senior Emergency Response Group
President, Vice President for Finance and Administration and Treasurer, Vice President for Academic Affairs, Dean of Students, Associate Vice President for Communications, Assistant Vice President of Human Resources, Director of Facility Services, and the Director of Security.

SERG Operating Procedures
1. Following consultation with the Director of Security, the President or, if the President is unavailable, the Vice President for Academic Affairs, Dean of Students and the Vice President for Finance and Administration and Treasurer (in that order) will determine whether to convene SERG. In their absence, the Director of Security will activate the SERG committee. The Director or his designee will inform the Office of Communications and Media Relations of the incident. In the event of imminent danger to individuals or groups of individuals, public safety procedures will take precedence over immediately activating SERG.

2. Bates Security and Campus Safety will contact the SERG and other necessary personnel.

3. If SERG is convened, they will meet in the Bates Security and Campus Safety Office during the emergency or crisis.

4. Immediate objectives of SERG, once convened:
   - Identify the nature and scope of the emergency.
   - Establish priorities and coordinate crisis response efforts.
   - Activate the emergency telephone system in the event of a power failure. If this system fails, activate the campus phone tree or courier system.
   - Interact with outside agencies including, but not limited to, the American Red Cross, law enforcement, fire department, and the Emergency Management Agency.
   - Determine the times and means to report efforts and progress to the campus community.

Depending on the nature of the emergency, additional members of SERG may be added, including, but not limited to, the head of Bates Emergency Medical Service (EMS), and the Director of Health Services.

805.2 Weather Emergencies
At the announcement of a weather emergency, the President, Vice President for Finance and Administration and Treasurer, and the Director of Security will determine whether or not college services are to be open or closed. The announcement will be made on the college’s web page and on the college emergency notification service, Connect Ed. If college offices are closed, only those personnel already defined in advance by the director of the department as "essential" should report for work; no other personnel should report. "Essential" personnel will be needed only to preserve safety, health, and maintenance functions. If college offices are declared open, all personnel should assume that they report to work.

805.3 Guidelines for Staff
When Bates College declares a weather emergency, only "essential" staff personnel should report for work as scheduled. Your department director will advise you in advance whether you are designated as an essential employee. Employees that are not asked to report to work (except temporary employees) will be paid according
to that day’s schedule. Hours recorded as Bates Closed will not be part of the overtime calculation. If an employee has called out of work on the day of the inclement weather using vacation or personal time - and college offices then close - the hours or days of the weather emergency will be added back to the employee’s vacation or personal leave balance. If an employee is using a pre-arranged scheduled vacation day or personal day in advance of the weather emergency, no time will be added back to the employee’s bank for college closure. No time will restored in any case if the employee is using sick time.

Regular nonexempt employees who are required to work during a weather emergency will receive pay at 2 ½ times the straight time rate of pay for all hours worked during the time the college is declared closed.

If Bates does not declare that college offices are closed as a result of a weather emergency, weather conditions nevertheless may cause employees to be concerned about traveling to and from work depending on the distance of travel, the hazards of driving, or other subjective factors. In such cases, the employees will have to make their own judgments about whether to stay home or to leave work early. An employee’s decision, based on individual circumstances, will be respected when shared with his or her supervisor. If an employee chooses not to travel or decides to leave work early because of concerns about the weather, he or she may use accumulated vacation time, make up the time on other days within the same work week, if approved by the supervisor; or take leave without pay.

Temporary employees may be required to report for work during weather emergencies if they are declared essential. Temporary employees who work during the weather emergency will receive time-and-one-half pay for hours worked, in accordance with the normal pay policies and practices of the college.

805.4 Classes.
Because Bates is a residential college, the college may be in session (during the academic term) when a declared emergency occurs; the operating assumption will be that classes will still be held. On rare occasions, the college, through college emergency notification service, Connect Ed, may have to announce an emergency so severe that classes are canceled. The announcement of the cancellation of classes will be a separate announcement from the declaration of the closing of college offices. [Announcements would be "Bates College offices are closed; classes remain open. Only essential personnel should report to work," or "Bates College offices are closed; classes are canceled. Only essential personnel should report to work."]

Even if classes are not canceled, individual instructors whose travel to the campus would be hazardous, or who (for other reasons) are unable to meet their classes, may decide to cancel their classes and reschedule them later.

805.6 Independent contractors
Independent contractors not providing services, whether or not an emergency has been declared, should not bill for that time.

805.7 Special events and programs (including non-resident Summer programs)
These programs will be canceled if the college closes its services; while an effort to provide appropriate notice will be made canceling a specific event, the assumption shall be that if college offices are closed, then the special event will be canceled.

805.8 Volunteers
Employees not asked to work as a result of the emergency situation, and who wish to volunteer to assist, may volunteer at the central communications center (see below). A member of the Human Resources staff will be available to coordinate deployment of volunteers.

805.9 Announcements
Announcements will be made on the college’s web page and through the emergency notification system, Connect Ed. Please sure that all contact information is current by updating your personal information on the Garnet Gateway.