

DYOUNVILLE

University

Employee Handbook

2025



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WELCOME FROM THE PRESIDENT

Dear Fellow Employee:

On behalf of the entire D'Youville community, I am pleased to welcome you to our family. You are becoming part of a team that is making a difference in Western New York and beyond.

D'Youville is an institution with a rich academic history and a dedication to honoring our mission through every aspect of the student experience. The strength and vitality that D'Youville enjoys today is due the dedication and professionalism that each of us bring to work. As you read through this Employee Handbook, we hope you will identify our values resonate with your own and discover how your commitment to D'Youville is critical for our students' success.

Please know that we are also invested in your success and looking forward to seeing the many ways you will grow and enhance D'Youville's ecosystem of academic learning and discovery. I truly hope you find satisfaction and personal fulfillment with us and understand how vital your work is for our institution.

Cordially,

A handwritten signature in cursive script that reads "Lorrie A. Clemo".

Lorrie A. Clemo, PhD.
President

Heritage and History of D'Youville University

Heritage

D'Youville University is named for Marguerite D'Youville, an 18th century Canadian woman whose love of God inspired her to spend her life responding to societal needs and find creative ways of serving the poor. She was born near Montreal in 1701. Marguerite was a widow with young children, who never neglected the poor. She was an astute and resourceful businesswoman, a compassionate friend and a person whose life was deeply rooted in her trust in God. Other women joined in her efforts to offer asylum for the elderly, blind, orphaned and abandoned. This group became known as the Grey Nuns, Sisters of Charity, and formed one of the first congregations of religious women to be founded in Canada.

During her life, Marguerite assumed the responsibility for administering the General Hospital of Montreal, founded homes for the poor and aged and cared for unwed mothers, orphans, sick and wounded military men, regardless of their allegiance. She earned the title of Mother of Universal Charity, insisting that, "The poor must know that we never refuse to serve." On Dec. 9, 1990, she was declared St. Marguerite D'Youville in St. Peter's Basilica, Rome.

D'Youville seeks to continue the spirit of Marguerite D'Youville, especially by encouraging students to be proficient, innovative, resourceful, compassionate, and well-informed members of society.

History

D'Youville is an independent, urban, coeducational institution. It provides liberal arts and professional programs for graduate and undergraduate students in day, evening, weekend and summer sessions. The Grey Nuns founded D'Youville as the first University for women in Western New York. It became coeducational in 1971.

Under its 1908 charter of incorporation, D'Youville is legally authorized to conduct an institution of higher learning and to grant recognized degrees. A self-perpetuating Board of Trustees has governed the University since a charter amendment in 1970. D'Youville has a sound reputation for educating professionals for community service.

The University introduced majors in sociology and business during the 1930s and established Western New York's first baccalaureate nursing program in 1942. Traditionally a leader in education, D'Youville received state approval for teacher education programs for childhood, middle childhood, adolescent and special education. The tradition of excellence is maintained as D'Youville continues to offer and promote academic leadership and respond to community needs. D'Youville remains firmly committed to the personal growth and well-being of all those within its sphere of influence.

D'Youville now offers undergraduate, master's, post graduate, doctoral programs and advanced certificate programs in health-related professions. In addition, five-year programs leading to both a bachelor's and master's degree are available in education, dietetics, information technology, international business, nursing, physical therapy and occupational therapy. The University also features a special Registered Nurse to BS/MS program and a transitional Doctor of Physical Therapy degree (DPT) program for licensed physical therapists with a master's degree.

D'Youville Mission and Core Values

Mission of D'Youville University

D'Youville is an independent institution of higher education that offers baccalaureate and graduate programs to students of all faiths, cultures, and backgrounds.

D'Youville honors its Catholic heritage and the spirit of St. Marguerite D'Youville by providing academic, social, spiritual, and professional development in programs that emphasize leadership and service. D'Youville teaches students to contribute to the world community by leading compassionate, productive, and responsible lives.

Core Values of D'Youville University

As a community of scholars, D'Youville values the free exchange of ideas and encourages diverse points of view and the rigorous examination of assumptions. Individuals must be prepared through education not only to meet the challenges of today, but also, to address the challenges of the future. Excellent education is a contribution to the betterment of society. It offers students an academic experience which helps them develop their potential and emerge as enriched human beings with a love of learning and a sense of responsibility for themselves and others. Through lifelong learning, educated people continue to search for truth, are committed to use their talents to contribute to the betterment of the local and world communities, and seek excellence in their personal and professional endeavors. D'Youville University holds that there are four foundation stones in an effective learning environment: academic preparation, practical experience, a consistent value structure and a concern for the betterment of the community. The resulting educational process simultaneously shapes D'Youville graduates and the communities they serve. Every person is important: D'Youville never refuses to serve.

About This Handbook

This Employee Handbook contains information about the employment policies and practices of D'Youville. Please read this Handbook thoroughly and retain it for future reference. This Handbook supersedes all previously issued Handbooks and inconsistent verbal or written policy statements. The policies contained in this Handbook are guidelines only and are subject to change at the University's sole discretion. From time to time, you may receive updated information concerning policy changes. If you have any questions about any of these policies or about the University generally, please ask your supervisor or Human Resources.

This Handbook is intended to apply to all D'Youville employees. However, faculty are also covered by a Collective Bargaining Agreement between the University and Union ("CBA"). In the event of a conflict between this Handbook and a CBA, the CBA will control. Faculty members are expected to review, abide by and follow the terms of the applicable CBA in addition to this Handbook where this Handbook does not otherwise conflict with the terms and conditions of employment contained in the CBA. Nothing in this Handbook is intended to unlawfully change the current terms and conditions of employment of bargaining unit employees. Also, nothing in this Handbook is intended to or should be construed as restricting an employee's rights under Section 7 of the National Labor Relations Act, or otherwise interfering with, restraining, or coercing an employee in the exercise of these rights.

At-Will Employment

D'Youville, as an employer in the "at-will" employment State of New York, makes the following statement to fully inform employees that they are employees at-will. This statement is also designed to advise employees of the legal meaning and impact of "at-will" employment.

None of D'Youville's policies, procedures, or practices, including those set forth in this Employee Handbook, are to be viewed as a contract or as creating any promises or contractual rights of any kind (express or implied), including, without limitation, a promise of employment for any specific period of time. Rather, they are guidelines that can be changed by D'Youville at its discretion at any time and without prior notice or agreement. The D'Youville University Employee Handbook supersedes and replaces all previous handbooks and other inconsistent statements of D'Youville policy, rules, and procedures. Only the President of the University has the authority to enter into a contract of employment for any specified period or to make any promises contrary to the foregoing. Any such agreement or promise shall not be enforceable unless set forth in writing and signed by the President of the University.

Therefore, except insofar as a collective bargaining agreement or contract signed by the President of the University specifically states otherwise, the employment of each employee of D'Youville is "at will." This means that the employee's employment may be terminated at the employee's option or D'Youville's option, at any time, for any reason or no reason, with or without cause. As noted above, if the policies, procedures, or practices stated in this Employee Handbook are inconsistent with those stated in a relevant collective bargaining agreement, unionized employees must follow all policies, procedures, or practices as stated in the collective bargaining agreement.

SECTION A: GENERAL INSTITUTIONAL POLICIES

Drug and Alcohol-Free Workplace

Drug and Alcohol Policies

The University is committed to providing employees with a work environment that is free of the problems associated with illegal or improper use, transfer or possession of drugs and alcohol. The University encourages employees to voluntarily seek help with drug and alcohol related addictions.

ALL NEW YORK STATE LAWS ARE ENFORCED DEALING WITH ALCOHOL/DRUGS.

Alcoholic Beverages

Regulations forbid unauthorized possession, consumption or distribution of alcoholic beverages on or in University property or at off-campus University functions. Regulations shall pertain to all faculty, employees, and guests of D'Youville, as well as those personnel contracted for service to the University. Employees are also prohibited from being under the influence of or impaired by alcohol in the workplace, on University property, during work hours, or while engaged in University business off our work premises. Violations shall be grounds for disciplinary action, up to and including termination of employment.

Drug Free Workplace

Because the University recognizes drug abuse in the workplace presents a danger to our employees and the University, it is the policy of the University to create a drug-free workplace in compliance with the Drug-Free Workplace Act of 1988. To promote this goal, employees are required to report to work in appropriate mental and physical condition in order to satisfactorily perform their job.

The University also encourages employees to voluntarily seek help with drug related conditions. An Employee Assistance Program ("EAP") is available to employees at no cost to the employee. Contact information for the University's EAP is as follows: [Employee Assistance Program](#)

Pursuant to the Federal Drug Free Workplace Act of 1988, D'Youville policy prohibits the unlawful use, possession, manufacture, dispensation, sale, or distribution of controlled substances in the workplace. The term "controlled substance" means a controlled substance in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812). The term "controlled substance" refers to all illegal drugs and to legal drugs used without a physician's order. It is the intention of the University to pursue and maintain a drug-free environment.

Nothing in this policy precludes the appropriate use of legally prescribed medications so long as the use is lawful, does not impair an employee's ability to perform his/her job, and does not present a direct threat to the safety of the employee or others. All employees who are prescribed medication that may affect work performance, the safety of the employee or others, or the ability to drive or operate machinery, must immediately report this use to Human Resources. The University reserves the right to modify an employee's work responsibilities if the prescribed medication may cause drowsiness or impairment, or in the opinion of the University, the employee is clearly displaying signs indicating the possibility that an injury or accident may occur as a result of the use of medication.

This policy also prohibits the use of or being impaired by drugs (including marijuana/cannabis) in the workplace, on University property, during work hours, or while engaged in University business off our work premises.

Any employee found to be not in compliance with the above stated policy will be subject to the official hearing and determination process appropriate for that employee's position. Those found to be in violation of this policy are subject to disciplinary action, up to and including termination.

Any employee convicted of any violation occurring in the workplace of any criminal drug statute must report this in writing within five (5) days of such a conviction to the President's Office. Such an employee must successfully participate in a New York State certified drug rehabilitation program or other appropriate program as determined by the University, as a condition for continuing employment. Other sanctions may be imposed in keeping with University, union, and legal guidelines, up to and including termination.

The University will notify the appropriate federal agency within ten (10) days of receipt of notification of such a violation and the University will monitor imposition and compliance with the imposed sanctions within thirty (30) days of such notification.

The University will distribute annually the information pertinent to the alcohol and drug restrictions that affect employment at the institution. Employees wishing to avail themselves of any service or help related to their area are requested to refer to the resources listed in the handbook or contact, in confidence, their employee assistance representative.

Drug/Alcohol Testing

The University may require pre-employment, reasonable suspicion, random and post-accident drug and/or alcohol testing where appropriate and authorized by law. An employee who refuses to submit to testing or who tests positive will be subject to discipline, up to and including termination of employment as permissible by law .

The University reserves the right to inspect and/or search all University property, as well as personal property on University premises, for drugs and alcohol. Refusal to submit to any such inspection or search will subject the employee to disciplinary action, up to and including termination.

Disciplinary Action

Employees should report any suspected violations of this policy to their supervisor or to Human Resources. Supervisors are required to monitor and enforce this policy as part of their responsibility.

Failure to comply with any stated policies may result in disciplinary action against an individual or group, up to and including termination of employment.

Discrimination and Harassment in the Workplace

Addressing Discrimination and Harassment

D'Youville is committed to upholding standards that promote respect and human dignity in an environment fostering learning and professionalism. It is the policy of D'Youville to maintain an educational and work environment free from all types of discrimination and harassment, an open environment which values and protects individual dignity and the integrity of human relationships. Accordingly, all forms of discrimination against or harassment of any member of the D'Youville community, on the basis of an employee's membership in any protected class, including race (including traits historically associated with race), religion, creed, national origin, ancestry, sex (including pregnancy), gender, sexual orientation, gender identity, gender expression, status as a transgender or transsexual individual, age, physical or mental disability, citizenship, genetic information (including genetic predisposition or carrier status), past, current or prospective service in the uniformed services, marital status, familial status, arrest/conviction record, domestic violence victim status, reproductive health decision making or any other characteristic protected under applicable federal, state, or local law, are prohibited.

The educational process at D'Youville is based on mutual trust, freedom of inquiry, freedom of expression, and the absence of intimidation and exploitation. Such an atmosphere of respect and regard for individual dignity among members of the academic community is essential if D'Youville is to function as a center of academic freedom and intellectual advancement. In addition, the University has a compelling interest in assuring the provision of an environment in which learning, and work may thrive. Such an environment requires free and unfettered discussion of the widest possible nature, one which encourages expression of all points of view. The University recognizes that the academic setting is distinct from the workplace in that wide latitude is required for professional judgment in determining the appropriate content and presentation of academic material. Assertions regarding any of the characteristics listed above, however, should be directly related to the exchange of ideas, ideologies or philosophies. Any such assertions in the teaching context that are persistent, pervasive, and not germane to the subject matter may constitute sexual or another form of harassment and will not be tolerated.

Please note that all employees are also required to comply with the University's Sexual Misconduct and Harassment Policy with respect to any interactions with students.

Definitions of Harassment and Sexual Harassment

Harassment

Harassment is verbal or physical conduct that denigrates or shows hostility or aversion to that individual's race (including traits historically associated with race), religion, creed, national origin, ancestry, sex (including pregnancy), gender, sexual orientation, gender identity, gender expression, status as a transgender or transsexual individual, age, physical or mental disability, citizenship, genetic information (including genetic predisposition or carrier status), past, current or prospective service in the uniformed services, marital status, familial status, arrest/conviction record, domestic violence victim status, reproductive health decision making or any other characteristic protected under applicable federal, state, or local law as unacceptable where the conduct also includes one or more of the following:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
 2. Has the purpose or effect of unreasonably interfering with an individual's work performance;
 3. Otherwise adversely affects an individual's employment opportunities;
 4. Has the purpose or effect of creating an intimidating, hostile, or offensive study or learning environment;
 5. Has the purpose or effect of unreasonably interfering with an individual's study or learning experience;
- or

6. Otherwise adversely affects an individual's educational opportunities.

Such harassment often takes a similar form to sexual harassment (described more fully below) and includes harassment that is:

- Verbal (e.g., epithets, derogatory statements, slurs, derogatory comments or jokes, or obscene language).
- Physical (e.g., assault or inappropriate physical contact).
- Visual (e.g., displaying derogatory posters, cartoons, or drawings or making derogatory gestures).
- Online (e.g., derogatory statements in any e-mail or through any social media platform).

This list is illustrative only, and not exhaustive; no form of harassment will be tolerated. Additionally, prohibited harassment can occur while off-premises, at University-sponsored events, or over calls, texts, emails, or social media. Conduct does not have to be directed at an individual for it to be harassment in violation of this policy (for example, overheard comments can qualify).

Sexual Harassment

Sexual harassment is unlawful, violates D'Youville policy, subjects the organization and the harasser to potential liability, constitutes employee misconduct, and will not be tolerated. Appropriate sanctions and/or disciplinary action (up to and including discharge) will be enforced against individuals engaging in sexual harassment and against supervisory and managerial personnel who knowingly allow such behavior to continue.

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Sexual harassment is a form of sex discrimination and includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender. Sexual harassment includes unwelcome conduct which is either of a sexual nature or directed at an individual because of his or her sex, when:

- Such conduct is made either explicitly or implicitly a term or condition of employment;
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment.

Sexual harassment in the form of "hostile environment" harassment consists of words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Hostile environment harassment also consists of unwanted verbal or physical advances, sexually explicit derogatory statements, or sexually discriminatory remarks made by someone in the workplace which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance.

Sexual harassment in the form of "quid pro quo" harassment occurs when a person in authority tries to trade job benefits for sexual favors.—This can include hiring, promotion, continued employment, or any other term, condition, or privilege of employment.

Sexual harassment can occur between males and females, or between persons of the same sex. Sexual harassment that occurs because the target is transgender is also unlawful. Harassers can be a superior, a subordinate, a co-worker, student or anyone else in the workplace, including a customer, client, independent contractor, contract worker, vendor, or visitor.

Sexual harassment is prohibited not only at the workplace but also while off-premises, at D'Youville-sponsored events, or over calls, texts, emails, or social media. Conduct does not have to be directed at an individual for it to be sexual harassment (for example, overheard comments can qualify).

Examples of sexual harassment include, but are not limited to these actions:

1. Unwanted sexual advances, propositions, or other sexual comments, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities; or
 - Sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience.
2. Sexual or discriminatory displays or publications anywhere in the workplace, such as displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
3. Physical assault, indecent exposure, physical contact of a sexual nature—e.g., touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body, or poking another employee's body;
4. Rape, sexual battery, molestation, or attempts to commit these assaults—or realized sexual encounters;
4. Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation;
5. Direct propositions of a sexual nature;
6. A subtle pressure for sexual activity or a pattern of conduct intended to disconcert, distress, or humiliate through sexual comments or sexually explicit statements, questions, jokes, anecdotes, or sexually explicit visual/auditory material;
7. A pattern of conduct that would disconcert, distress, or humiliate a reasonable person of the same or different gender as the person to whom the conduct was directed. The pattern of conduct could include one or more of the following actions: unnecessary touching, unwanted staring, patting, hugging, or brushing against a person's body; remarks of a sexual nature about a person's clothing or body; remarks about sexual activity, or speculations about previous sexual experience.
8. Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or status of being transgender, such as:
 - Interfering with, destroying, or damaging a person's workstation, tools, or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work; or
 - Bullying, yelling, or name-calling.
9. Sex stereotyping – When conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.

Complaint and Investigation Procedure

Complaints that may be addressed under this policy include complaints based on the conduct of University students, faculty, administrative and staff members, and other persons acting in official University capacities. Individuals who believe that they have been harassed or discriminated against should address their concerns to the appropriate administrative official at the University as set forth below. Likewise, anyone who witnesses or becomes aware of potential instances of harassment should report such behavior as set forth below.

Complainant Appropriate Administrator

Faculty Member- Vice President for Academic Affairs

Staff Member- Director of Human Resources

Students- Vice President of Student Affairs & Enrollment Management

If the appropriate administrator is the subject of the harassment or discrimination allegations, or the complainant is otherwise uncomfortable approaching a designated administrator, the complainant should direct the complaint to one of the other appropriate administrators.

If an individual makes a report to an administrator and believes the administrator is not taking appropriate action, the employee should report this inaction to one of the other administrators.

Reports of harassment may be made verbally or in writing. A form for submission of a written report is available from Human Resources. All individuals are encouraged to use this report form, but using the form is not required. The complaint should include or disclose the following information: name, address, and telephone number of the complainant; the nature of the complaint; date(s) and location(s) of the alleged occurrence(s); evidence on which the complaint is based; and the redress sought by the complainant. Employees who report harassment on behalf of another person should state clearly that the report is being made on another person's behalf.

The availability of this reporting procedure does not preclude individuals who believe they are being harassed from promptly advising the offender that their behavior is unwelcome and requesting that the behavior be stopped.

Supervisory Responsibilities

All managers and supervisors who receive reports or information about, observe, or suspect any potential discrimination, harassment, or other violation of this policy is ***required*** to take appropriate responsive action. Appropriate action includes intervening to stop sexual harassment witnessed by the supervisor or manager and communicating all reports or incidents of suspected harassment to Human Resources or any other member of management.

In addition to being subject to discipline if they personally engaged in harassing or retaliatory conduct, supervisors and managers will be subject to discipline, up to and including termination of employment, for failing to report suspected harassment to the University or otherwise knowingly allowing sexual harassment to continue.

Investigation of Harassment

All reports, complaints or other information about suspected harassment will be investigated, regardless of whether that information was reported verbally or in writing and regardless of whether a formal complaint is

made by an alleged victim. Investigations will be conducted in a timely and thorough manner commensurate with the nature of the report, and will be kept confidential to the extent possible.

In conducting a fair and impartial investigation, in accord with the “due process” mandate of the NY Sexual Harassment Law, the University will: (i) provide appropriate notice of the allegations to anyone who is the subject of a harassment complaint; (ii) provide an opportunity to respond to the allegations; and (iii) provide complainants and witnesses an appropriate opportunity to present relevant information, including documents and other evidence relevant to the investigation. The University reserves the right to adapt and modify its investigatory procedure(s), in its discretion, based on the nature of the report and the alleged conduct at issue. This policy in no way alters the at-will nature of employment at the University.

All employees and other individuals covered under this policy are required to cooperate, as needed, in an investigation of suspected harassment. Employees and other individuals who participate in an investigation are protected from retaliation.

All persons involved in the reporting and investigation of harassment are obligated to keep the information pertaining to the investigation confidential to the maximum extent possible to protect the privacy of those involved and to allow the University to conduct an objective and fair investigation. This means that all persons involved will share such information only with persons who have a need to know.

If the University determines this policy has been violated, it will take effective remedial action(s) commensurate with the circumstances. If the University concludes that an employee has violated this policy, the University will take appropriate action(s) to stop the harassment and to discipline the offending employee, which may include termination. If the University concludes that a non-employee has violated this policy, the University will take appropriate action(s) to stop the harassment and attempt to deter any future harassment. **Please Note: The University reserves the right to discipline individuals for conduct that it deems inappropriate or unprofessional, even if the behavior does not rise to the level necessary to violate the law.**

The University will notify the individual who was subject to the reported conduct and the person who filed the report, if different, whether or not the investigation confirms a violation of policy. The University will also notify the individual(s) about whom the reported conduct was made regarding the investigation outcome and, where applicable, implement corrective action(s). Information about the University’s responsive action(s) may or may not be provided, depending on the circumstances. Any person who experiences or witnesses further harassing conduct or any retaliation should make an additional report pursuant to this policy.

Anti-Retaliation Statement

D’Youville strictly prohibits and does not tolerate any retaliation. Retaliation includes any conduct, whether or not occurring in the workplace or employment-related, which might discourage or deter a reasonable individual from making or supporting a charge of discrimination or harassment. Retaliation is directed at someone who engages in protected activity. Protected activity includes opposing a discriminatory practice, making a good faith report of a suspected violation of this policy, filing a harassment complaint, participating with an investigation or proceeding of such a report or complaint, or encouraging a fellow employee to make a report.

Even if the report of alleged harassment does not rise to the level of a violation of law, an individual is protected from retaliation so long as the individual had a good faith belief that the reported practices were unlawful. However, this retaliation provision is not intended to protect persons making intentionally false charges of harassment.

An adverse employment action is not retaliatory simply because it occurs after the protected activity in question. Employees continue to be subject to all job requirements and disciplinary rules after having engaged

in protected activity. In order to make a claim of retaliation, the individual must be able to prove that the adverse action was retaliatory.

Employees at any level within the University who retaliate against an individual who has engaged in protected activity under this policy, including supervisors and managers who participate in any retaliatory behavior(s) in the workplace or who allow such retaliation to continue, will be subject to remedial and/or disciplinary action.

Legal Protections and External Remedies

Harassment is not only prohibited by the University, but is also unlawful under state, federal, and (where applicable) local laws. In addition to the procedures described in this policy, individuals may choose to pursue legal remedies with the governmental entities set forth below.

New York

The New York State Division of Human Rights (DHR) is the administrative agency assigned to enforce the Human Rights Law (HRL), codified as N.Y. Executive Law, Art. 15, § 290 et. seq., which prohibits sexual harassment in employment in New York State, and protects employees and other individuals working in an employer's workplace. A complaint alleging a violation of the HRL may be filed either with the DHR (subject to a one-year statute of limitations generally and a three-year statute of limitations for sexual harassment claims), or in New York State Supreme Court (subject to a three-year statute of limitations).

If unlawful discrimination is found after a hearing, the DHR or the court may award relief, which may include requiring the employer to take action to stop the harassment, to redress the damage caused, including reversing an unlawful employment action, and paying monetary damages, attorneys' fees, and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400. The DHR can also be contacted at (888) 392-3644 or at www.dhr.ny.gov. In addition, the DHR has established a toll-free hotline where employees can receive advice regarding sexual harassment: (800) 427-2773.

Federal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 Civil Rights Act (codified as 42 U.S.C. § 2000e et. seq.). In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee must file a complaint with the EEOC within 300 days from the conduct giving rise to the complaint. The EEOC also investigates complaints, but does not hold hearings or award relief. The EEOC may take other action, including pursuing cases in federal court on behalf of complaining parties, or issuing a Right to Sue Letter that allows an individual to pursue his/her claims in federal court. Federal courts may award remedies if discrimination is found to have occurred. The EEOC can be contacted by telephone at 1-800-669-4000 (1-800-669-6820 (TTY)), through its website at www.eeoc.gov, or via email at info@eeoc.gov. If an individual files an administrative complaint with DHR, DHR will file the complaint with the EEOC if there is a work-sharing agreement between the agencies to preserve the individual's right to proceed in federal court.

Many localities also enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which he/she lives to find out if such a law exists. If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime, and it may be appropriate to report such conduct to the local police department.

Administration of Policy

This policy is intended to comply with and implement New York law regarding sexual harassment policies (Labor Law § 201-g) and any accompanying regulations. To the extent that this policy is inconsistent therewith, the law and applicable regulations will apply.

Employee Reproductive Health Decision Making

The University is committed to complying with the requirements of Section 203-e of the New York Labor Law, which protects employees on the basis of reproductive health decision making. For purposes of this policy, reproductive health decision making includes, but is not limited to, the decision to use or access a particular drug, device, or medical service.

Access to Personal Information

The University will not access an employee's personal information regarding the employee's or the employee's dependent's reproductive health decision making, without prior informed affirmative written consent from the employee.

Discrimination and Retaliation

Discrimination and retaliation on the basis of an employee's or an employee's dependent's reproductive health decision making is unlawful. Employees have a right to be free from discrimination and retaliation with respect to compensation, terms, conditions, or privileges of employment, because of or on the basis of their own or their dependent's reproductive health decision making.

For purposes of this policy, an act of retaliation includes discharge, suspension, demotion, or otherwise penalizing an employee for: (i) making or threatening to make a complaint to an employer, co-worker, or to a public body alleging a violation of his/her rights under this law; (ii) causing any proceeding under or related to this law to be instituted; or (iii) providing information to, or testifying before, any public body conducting an investigation, hearing, or inquiry into any such violation of a law, rule or regulation by the University.

Waiver

The University will not require employees to sign a waiver or any other document which appears to deny employees the right to make their own reproductive health care decisions.

Remedies

Employees who believe that their rights under this policy or the law have been violated are encouraged to make a report to Human Resources as soon as practicable. The University will promptly investigate any reports and take appropriate remedial action. Any employees who violate this policy, including supervisors and managers, will be subject to discipline, up to and including termination of employment.

Employees may also bring a civil action alleging a violation of their rights and seek remedies (including, but not limited to, reinstatement, injunctive relief, back pay, benefits, attorneys' fees, costs, liquidated damages, etc.).

WHISTLEBLOWER POLICY

D'Youville University (the "University") is committed to upholding the highest standards of ethical, moral and legal business conduct, and transparency through open communication. Furthermore, the University and all of its trustees, officers, employees, independent contractors, employees of independent contractors, and volunteers ("Covered Persons") are required to comply with applicable federal, state and local statutes, including New York Not-For-Profit Corporation Law Section 715-b, New York State Labor Law Section 740, ordinances, executive orders, rules, regulations, judicial or administrative decisions, rulings or orders, and must faithfully implement and adhere to the University's own policies and procedures in conducting their duties and responsibilities.

This policy provides an avenue for all trustees, officers, current and former employees and independent contractors, employees of independent contractors, and volunteers to report any suspected or actual conduct contrary to these requirements and standards ("Covered Conduct") without the fear of intimidation, harassment, discrimination, or retaliation.

In most cases, employee, independent contractor, consultant, and volunteer concerns can be addressed by University administration in accordance with the applicable University policies and procedures in place. As such, this Whistleblower Policy is not intended and may not be used for general complaints, employment grievances, etc. Such concerns should be pursued in accordance with the applicable policies and procedures articulated in employee handbooks and manuals or as otherwise promulgated by the University from time to time.

Article I – General Policy

Section 1.1. Whistleblower Protection. No individual, including current and former employees and independent contractors, employees of independent contractors, trustees, officers and volunteers, shall suffer intimidation, harassment, discrimination, retaliation,¹ or adverse employment consequences for making a good-faith or reasonable report of Covered Conduct (whether pursuant to this policy or otherwise in a manner which is protected under Section 740 of the New York State Labor Law) or for their participation in any internal or governmental investigation of a report of Covered Conduct. Retaliation against any person on one or both of these bases is a violation of this policy, and anyone who so retaliates is subject to disciplinary action, up to and including termination of employment.

Section 1.2. Duty to Report. Each Covered Person who has engaged in, or who reasonably suspects any other Covered Person of engaging in Covered Conduct has an obligation to report such activity in accordance with the procedures set forth in Article III as soon as possible.

Section 1.3. Distribution of Policy. This policy shall be posted on the University's website and/or at the University's offices in a conspicuous location accessible to trustees, officers, key persons, employees and volunteers. Notification regarding the rights provided under Section 740 of the New York State Labor Law (effective January 26, 2022), which is annexed hereto as Appendix "A" ("Labor Law §740"), shall be included with such posting, and shall also be posted conspicuously in easily accessible and well-lighted places customarily frequented by employees and applicants for employment at the University. In the event Section

¹ New York law includes among prohibited retaliatory actions the following, without limitation: (i) adverse employment actions or threats to take such adverse employment actions against an employee in the terms of conditions of employment including but not limited to discharge, suspension, or demotion; (ii) actions or threats to take such actions that would adversely impact a former employee's current or future employment; or (iii) threatening to contact or contacting United States immigration authorities or otherwise reporting or threatening to report an employee's suspected citizenship or immigration status or the suspected citizenship or immigration status of an employee's family or household member, as defined in subdivision two of section four hundred fifty-nine-a of the social services law, to a federal, state, or local agency.

740 of the New York State Labor Law is amended, supplemented, or replaced at any time or from time to time, this policy shall automatically be deemed amended to refer to such amendments, supplements, or replacements without any need for an amendment to this policy, and such amendments, supplements, or replacements shall be annexed hereto as Appendix "A" in place of the statutory provisions which are so amended, supplemented, or replaced.

Section 1.4. Discipline for Retaliatory Conduct. Retaliation should be reported immediately to the Compliance Officer. Depending on the nature and seriousness of the offense, the University will impose appropriate discipline against any Covered Person found to have engaged in any form of retaliatory conduct against an individual reporting actual or suspected Covered Conduct in accordance with this policy, up to and including dismissal or termination. Volunteers that engage in any such conduct will not be permitted to volunteer in University activities.

Section 1.5 Good Faith Reporting. Any individual who files a report concerning actual or suspected Covered Conduct must do so in good faith and have reasonable grounds for believing the information in the report indicates a violation under this policy. The University will impose appropriate discipline against any Covered Person found to have knowingly made a report/complaint in bad faith, up to and including dismissal or termination. This includes, but is not limited to, giving false information. Volunteers that engage in any such conduct will not be permitted to volunteer in University activities.

Article II – Oversight

Section 2.1. Oversight. The University's Board of Trustees shall serve as the "Compliance Committee" to oversee the adoption of, implementation of, and compliance with this policy in accordance with the procedures contained herein, provided that no trustee who is an employee of the University may deliberate or vote on matters relating to the administration of this Whistleblower Policy.

Section 2.2. Compliance Officer. The Compliance Officer shall be the Chair of the University's Board of Trustees. Should the Chair of the Board of Trustees be the subject of the report, then the Board shall appoint another member of the Board to perform the Compliance Officer's role regarding the allegations. The Compliance Officer shall be responsible for administering this policy and reporting to the Board of Trustees at least annually on compliance activity.

Section 2.3. University Employees Excluded from Oversight. Trustees who are employees of the University may not participate in any Compliance Committee or Board deliberations or voting relating to the administration of this Whistleblower Policy.

Article III - Reporting Procedure

Section 3.1. Reporting Violations or Suspected Violations.

A. Manner of Reporting. A report of actual or suspected Covered Conduct shall, except as otherwise provided in Labor Law §740, be reported using one of the following methods, as applicable:

- i. By speaking or writing to the University's Director of Human Resources.
- ii. By speaking or writing to any of the University's Vice Presidents or the University's Director of Mission Integration.
- iii. Any report related to conduct of the University's Director of Human Resources, or which might for any other reason not appropriately be made to the Director of Human Resources, should be directed to the President of the University.

iv. Any report related to conduct of the President should be directed to the Compliance Officer.

The person receiving a report under this Policy shall be referred to as the “Recipient.”

B. Form of Report. A report may be provided in person, in writing, or by electronic mail. Written reports by mail or electronic mail shall be made on the *Whistleblower Disclosure Statement* attached as Appendix “B”. For reports made in person, the Recipient shall record the information reported on a Whistleblower Disclosure Statement. With the exception of a person's report of his or her own violation, the reporter shall not be required to provide his or her name on said form. However, anonymous reports must include sufficient information, including but not limited to, the name of the person against whom the report is being made, the date of the incident, the names of any potential witnesses, and a description of the incident, in order that an investigation can be conducted, or other appropriate action can be taken.

Section 3.2. Handling Reports. If the identity of the person making the report is known, the Recipient shall provide the reporter timely acknowledgement of receipt of the report, whether submitted in person, electronically, or otherwise. The report shall be reviewed by the Recipient with appropriate members of the University’s administration, the Compliance Officer, and/or the Board of Trustees (the “Reviewing Authorities”) and legal counsel, as appropriate. Generally, the composition of the Reviewing Authorities shall be determined in light of the nature of the reported Covered Conduct and the individuals involved. The Reviewing Authorities shall undertake or cause to be undertaken such investigation as they deem appropriate, taking into consideration all relevant facts and circumstances.

The subject(s) of the report may be notified of the investigation, if the Reviewing Authorities deem it appropriate, unless prohibited by law.

The University expects full cooperation by all individuals in the investigation of a report. An employee’s failure to participate or otherwise cooperate in an investigation may result in disciplinary action, up to and including termination of employment.

Section 3.3. Results of Investigation. When the investigation is concluded, the Reviewing Authorities will determine if any disciplinary actions, up to and including termination of employment, and/or other corrective measures are required or otherwise warranted, which may include reporting the findings of the investigation to appropriate law enforcement or governmental authorities. Any person who is the subject of a report under this Policy shall not be present at or participate in any deliberation, voting or other decision-making on any matter relating to such report, provided that nothing shall prohibit the Reviewing Authorities from requesting that the person who is the subject of the report present information as background or answer questions prior to such decision-making.

If, when the investigation is concluded, it is not established that Covered Conduct has occurred, the investigation will be closed. Any reports of Covered Conduct that are made in bad faith may result in disciplinary action, up to and including termination of employment and/or other appropriate corrective measures.

If the identity of the person making the report is known, the Reviewing Authorities may inform him or her of the resolution, if the Reviewing Authorities determine that it is appropriate. If the Reviewing Authorities deem it appropriate and/or the circumstances so require, the subject(s) of the report may be notified of the resolution.

Section 3.4. Documentation. The Reviewing Authorities shall document any investigation or other action carried out under this policy, including the rationale for any recommended resolution and/or corrective action. All documentation relating to the investigation, including the *Whistleblower Disclosure Statement*, and the resolution and/or corrective action taken shall be kept in the University's records in the Human Resources Department and/or Board of Trustees records for at least five years.

Section 3.5. Confidentiality. All violations or suspected violations may be submitted on a confidential or anonymous basis. Reports will be kept confidential to the extent possible, consistent with applicable laws and

the need to conduct an adequate investigation and prevent or correct actual or suspected Covered Conduct. Information relating to a report shall be provided only to those with a need to know so that effective investigation or other action can be taken. In appropriate cases, and without limitation, the investigation documents will be shared with law enforcement personnel. Disclosure of reports to individuals not involved in the investigation shall be viewed as a serious disciplinary offense and may result in discipline, up to and including dismissal, termination or civil lawsuits.

Fiscal Impropriety Reporting Procedure

This is a University procedure to assist any employee who is seeking to report an incident of fiscal impropriety.

The incident must be documented and submitted in writing to the University's Chief Financial Officer (CFO) and or the Director of Human Resources. The reporting employee can remain anonymous or be recognized for further clarification by the compliance officer and remain anonymous thereafter.

Incidents will be investigated in consultation with the President of the University. If an incident involves the President or the Vice President for Financial Affairs, the Chief Financial Officer (CFO) and or the Director of Human Resources will directly contact the Chairman of the Board to initiate an investigation. Investigations will be conducted in as confidential a manner as possible.

Any employee involved in fiscal impropriety will be subject to disciplinary action up to and including termination.

No retaliation will be taken or permitted against an employee submitting a report.

Conflicts of Interest

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which the University wishes to operate. The purpose of these guidelines is to provide general direction, so employees can seek further clarification on issues related to the subject of acceptable standards of operation. Contact Human Resources for more information or questions about 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 the University'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. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose the existence of any actual or potential conflict of interest to an officer of the University as soon as possible so that safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the University does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the University.

Employees are encouraged to report concerns regarding conflicts of interest to Human Resources.

Reasonable Accommodations Policy

D'Youville is committed to providing equal employment opportunities to qualified individuals in need of a workplace accommodation, unless doing so would cause undue hardship to D'Youville. D'Youville will engage in an interactive process with all employees and applicants seeking such workplace accommodations. The interactive process may be in person, in writing, by phone, or via electronic means. Accommodations subject to the interactive process include:

- Disability accommodations, including but not limited to:
 - a physical, mental, or medical impairment
 - infectious, long-term, life-threatening, or other serious diseases (e.g. AIDS, HIV);
 - pregnancy;
 - childbirth and related medical conditions
- Religious accommodations;
- Accommodations for the needs of a victim of:
 - domestic violence;
 - sex offenses; or
 - stalking.

All accommodation requests should be made orally or in writing and emailed to HRFORMS@DYC.EDU, and the request should include relevant information, such as the name, address, and telephone number of the person requesting the accommodation, and describe the reason for which the accommodation is being requested.

D'Youville makes determinations about accommodations on a case-by-case basis considering various factors and based on an individualized assessment in each situation.

D'Youville expressly prohibits any form of discipline, reprisal, intimidation, or retaliation against any individual for requesting any accommodation in good faith.

Disability Accommodations

D'Youville is committed to providing equal employment opportunities to qualified individuals with known disabilities. This may include providing reasonable accommodation where appropriate in order for an otherwise qualified individual to perform the essential functions of the job unless doing so would cause undue hardship to D'Youville or pose a direct safety threat.

Reasonable accommodations could include:

- making existing facilities readily accessible to, and usable by, disabled individuals;
- restructuring a job;
- reassignment to a vacant position;
- establishing part-time or modified schedules;
- permitting a disabled employee to provide equipment, aids, or services that the University itself is not required to provide; and provision of qualified readers or interpreters.

After a request for an accommodation is made, the Coordinator for Disability Services or the Human Resources Department will engage in an interactive dialogue with you and ask you for your input regarding the type of accommodation(s) you believe may be necessary or the functional limitations caused by your disability. Also, when appropriate, D'Youville may request additional information from your physician or other health care providers. D'Youville will not seek genetic information in connection with requests for accommodation. All medical information received by D'Youville in connection with a request for accommodation will be treated as confidential.

Religious Accommodations

D'Youville is committed to providing equal employment opportunities to all individuals, regardless of their religious beliefs and practices or lack thereof. Consistent with this commitment, D'Youville will provide a reasonable accommodation of an applicant's or employees sincerely held religious belief if the accommodation would resolve a conflict between the individual's religious beliefs or practices and a work requirement, unless doing so would create an undue hardship for D'Youville.

If you believe you need an accommodation because of your religious beliefs or practices or lack thereof, you should request an accommodation from the Human Resource Department. You may make the request orally or in writing, and the request should include relevant information, such as:

- A description of the accommodation you are requesting;
- The reason you need an accommodation; and
- How the accommodation will help resolve the conflict between your religious beliefs or practices or lack thereof and one or more of your work requirements.

After receiving your request, D'Youville may engage in a dialogue with you to explore potential accommodations that could resolve the conflict between your religious beliefs and practices and one or more of your work requirements. D'Youville encourages you to suggest specific reasonable accommodations that you believe would resolve any such conflict. However, D'Youville is not required to make the specific accommodation requested by you and may provide an alternative, effective accommodation, to the extent any accommodation can be made without imposing an undue hardship on D'Youville.

Animals on Campus

Pets are not permitted in campus buildings except for guide dogs, emotional support animals, or other service animals. Furthermore, New York State laws prohibit pets or animals of any type from being in an area where food is served. Violators of this regulation will be subject to disciplinary action.

Smoking, Use of Tobacco Products, E-Cigarettes (Vaping) in the Workplace

D'Youville is committed to providing a safe and healthy environment for students, faculty, staff, and visitors. Moreover, New York State law prohibits smoking in the buildings and on the grounds of all schools, colleges, and universities. Thus, smoking, use of tobacco products, and e-cigarettes (vaping) is not allowed in any of the University's buildings or anywhere on the University grounds. Security, Human Resources and other University employees will enforce the state laws and fines, or disciplinary action will be enacted for violators. Questions or concerns can be directed to the Vice President for Student Affairs or the Vice President for Operations.

Airborne Infectious Disease Exposure Prevention Plan

In accordance with the New York HERO Act (New York Labor Law, Section 218-b), the University adopted the NYSDOL airborne infectious disease exposure prevention model plan (the "Plan"). The Plan can be found as "Appendix C" to this Handbook. The Plan is only required to be implemented or "activated" when the New York State Commissioner of Labor designates an airborne infectious disease as a highly contagious communicable disease that presents a serious risk of harm to the public health. The University will notify employees when a designation is active and when the Plan is active. Any questions or concerns regarding the NY HERO Act or the Airborne Infectious Disease Exposure Prevention Plan should be directed to Human Resources.

VII. Retaliation Protections and Reporting of Any Violations

No employer, or his or her agent, or person, acting as or on behalf of a hiring entity, or the officer or agent of any entity, business, corporation, partnership, or limited liability company, shall discriminate, threaten, retaliate against, or take adverse action against any employee for exercising their rights under this plan, including reporting conduct the employee reasonably believes in good faith violates the plan or airborne infectious disease concerns to their employer, government agencies or officials or for refusing to work where an employee reasonably believes in good faith that such work exposes them, other workers, or the public to an unreasonable risk of exposure, provided the employee, another employee, or representative has notified the employer verbally or in writing, including electronic communication, of the inconsistent working conditions and the employer's failure to cure or if the employer knew or should have known of the consistent working conditions.

Notification of a violation by an employee may be made verbally or in writing, and without limitation to format including electronic communications. To the extent that communications between the employer and employee regarding a potential risk of exposure are in writing, they shall be maintained by the employer for two years after the conclusion of the designation of a high-risk disease from the Commissioner of Health, or two years after the conclusion of the Governor's emergency declaration of a high-risk disease. Employer should include contact information to report violations of this plan and retaliation during regular business hours and for weekends/other non-regular business hours when employees may be working.

Emergency Closing and Snow Day Policy

A decision of canceling classes and/or closing D'Youville University in an emergency or because of weather conditions will be made by the President as early as possible for day and evening classes, in consultation with the Academic Vice President, Vice President for Student Affairs and Vice President of Operations. If the President is unavailable, the preceding in order will make the decision.

Weather closings will be announced through the University's emergency notification system as well as announced over local media outlets and posted on the University website.

Credit Card and Travel Reimbursements

Credit Card Policy

Purchases made with a D'Youville issued credit card must only be for the use and benefit of the University. Misuse of the credit card may result in loss of credit card privileges or disciplinary action, up to and including termination. The Credit Card Processing Coordinator will suspend card privileges when policies and procedures are not followed. The purpose of this policy is to provide guidance to D'Youville credit cardholders for purchases and authorized cardholder travel.

Approver – Is the cardholder's direct supervisor, unless otherwise set up in Chrome River, who will authorize the submitted credit card statement, transactions and supporting backup.

Business Purpose – The business purpose, which is defined as one that supports or advances the goals, objectives, and mission of D'Youville, adequately describes the expense as a necessary, reasonable, and appropriate business expense for the University. Who, What, Where, When, and Why can help you determine if the expense meets the criteria of a University business purpose.

Cardholder – The individual to whom the University Credit Card is issued. The cardholder is responsible for making business purpose purchases, reviewing and monitoring their card activity, complying with D’Youville policies and procedures and monthly reconciliation via Chrome River.

Chrome River – Is the University’s credit card expense management system. Provides automated credit card integration by capturing transactions and cardholder receipts and provides controls over approval of purchases.

Credit Card Processing Coordinator – A position, within the Purchasing Department, responsible for managing individual University issued cards as well as the D’Youville credit card issued in the Purchasing Director’s name.

Itemized Receipt- Includes the following information: business name, date, each item purchased, total amount of purchase and method of payment. Itemized receipts are required for all purchases.

Restrictions/Prohibited Purchases- University credit cards are subject to restrictions set forth by Financial Affairs.

Sales Tax Exemption Certificate- A form provided to make tax-free purchases of items that would normally be subject to sales tax. Contact the Purchasing Office for further information.

Generally Prohibited Purchases, including but not limited to the following:

- Alcohol
- Business cards
- Cash advances
- Charitable contributions
- Construction/renovation
- Contractual services –IRS reportable payments for services
- First class airfare
- Flight or car rental insurance
- Gasoline
- Gift cards for D’Youville employees – refer to the Gift Card Policy
- Gifts or donations
- Health Club fees
- Hotel room movies and other forms of personal entertainment
- Inflight movies/refreshments
- Insurance
- Laundry/dry cleaning services
- Leases/rentals
- Moving expenses
- Furniture
- Personal items
- Personal memberships (such as BJ’s, Sam’s Club or Amazon Prime)
- Prescription drugs or controlled substances
- Print/promotional or marketing (restricted to MarCom)
- Sales tax from which the University is exempt where applicable
- Technology purchases (restricted to IT/Webmaster) – refer to the Technology Purchase and Replacement policy
- Tips in excess of 20 percent
- Traffic fines

- Travel expenses for a travel companion
- Weapons

There are exemptions to restrictions if the cardholder's position requires such purchases.

Policy Procedures

The purpose of this policy is to provide guidance to D'Youville credit cardholders for purchases and authorized cardholder travel. Use of University credit cards is a privilege and is not a right for any employee of the University. This privilege may be revoked for failure to adhere to any or all of the policy, guidelines and/or instructions set forth in this document or at the discretion of the VP for Financial Affairs or AVP of Financial Affairs. Employees that use University credit cards, by their acceptance of the credit card, agree to comply with the University's credit card policy, guidelines for usage, and instructions set forth below. This document also references related policies which can be found on the Purchasing Office web page.

Policy Statement

Employees who are authorized for a university-issued credit card to purchase goods will be provided with a pre-determined monthly limit and transaction limit. The individual whose name appears on the card is ultimately responsible for charges to that card.

Purchases made with a D'Youville issued credit card must only be for the use and benefit of the University. Misuse of the credit card may result in loss of credit card privileges and/or disciplinary action. The Credit Card Processing Coordinator will suspend card privileges when policies and procedures are not followed.

Procedures and Responsibilities

Requesting a Credit Card

All requests for a University issued credit card are presented to the VP for Finance or the AVP of Finance. Requestor must justify the purpose for a card and provide an estimated cost of anticipated expenses. If you are approved, the Credit Card Processing Coordinator will be notified and will contact you to obtain the required personal information to set up the card.

Cardholder Responsibilities

Cardholder responsibilities include protecting their credit card, adhering to the credit card policy, reviewing and monitoring transactions and ensuring itemized receipts accommodate all transactions.

Card Protection

- The cardholder is responsible for the card and is accountable for all purchases made using the card.
- Loss of the card must be immediately reported to both Key Bank Credit Card Services (found on the back of the card) and the Credit Card Processing Coordinator.
- The Credit Card Processing Coordinator must be notified immediately if the cardholder changes positions at the University or leaves D'Youville's employment. In addition, Human Resources will maintain a list of cardholders.

- The cardholder must promptly report disputed charges to Key Bank Credit Card Services. The Credit Card Processing Coordinator will assist as needed.
- The cardholder and any designated employee who will be assigned to process reporting are required to attend a Chrome River training session provided by the Credit Card Processing Coordinator.

Statement Reporting in Chrome River

- All credit card reporting will be processed in Chrome River.
- Cardholder's will comply with deadline dates to avoid suspension or termination of credit card privileges.
- Training, instructions, and assistance will be provided by the Credit Card Processing Coordinator

University Issued Credit Card Transaction Audit

The Credit Card Processing Coordinator will be responsible for performing spot checks of card transactions. If any incorrect or inappropriate use of the card is discovered, it will be brought to the attention of the cardholder and their designated approver. It is the responsibility of the designated approver to ensure proper use of all cards assigned to department staff.

Grants and Projects

- In addition to the University policies, purchases for grants and projects must adhere to restrictions and guidelines presented by the awarding agency.

Policy Violations

Purchasing a prohibited item will, at a minimum, result in a warning and employee reimbursement to the University may be required. Additional violations will result in suspension of the card with possible termination of future credit card privileges.

Fraudulent Use of the Card

Planned purpose and intent to deceive and thereby gain a wrongful advantage for oneself or others is strictly prohibited. In addition to the University receiving reimbursement from the cardholder, any or all of the following actions may occur when fraudulent use of the card occurs:

- Immediate termination of card privileges.
Any actions deemed appropriate by the University, formal disciplinary action, up to and including immediate termination, and/or criminal prosecution.

Travel Policy

D'Youville pays for ordinary, necessary and reasonable expenses for people traveling on official institutional business. The purpose of this policy is to help facilitate travel that is fair and justifiable to both the traveler and the University. To be reimbursable, all expenses incurred must be necessary to the business of the University and in compliance with the IRS and be the appropriate use of University funds. This policy applies to all University travel regardless of the funding source. The responsibility for enforcement of this policy is Financial Affairs.

This policy is modeled to meet IRS Accountable Plans, IRS Publication 463 Travel Entertainment.

Policy Procedures

The purpose of this policy is to help facilitate travel that is fair and justifiable to both the traveler and the University. To be reimbursable, all expenses incurred must be necessary to the business of the University and

in compliance with the IRS and be appropriate use of University funds. This policy applies to all University travel regardless of the funding source. The responsibility for enforcement of this policy is Financial Affairs.

Policy Statement

D'Youville pays for ordinary, necessary and reasonable expenses for people traveling on official institutional business.

Rational

D'Youville is committed to the organization's growth and success and supports reasonable expenses of employees actively engaged in business-related travel. The Policy establishes consistently applied practices which are cost effective and ensure compliance with travel expense requirements in accordance with University, government and sponsor regulations.

Compliance Expectations

Employees are expected to exercise prudent business judgment regarding expenses covered by this policy. Reimbursement for expenses that are not in compliance with this policy requires the prior written approval of your President's Council Member and the Vice President for Finance or the President.

University employees are responsible for complying with this policy. Employees submitting expenses that are not in compliance with this policy risk delayed, partial or forfeited reimbursement.

Documentation

Requests for reimbursement of business expenses must be documented on the appropriate Travel Expense Voucher Form. Both business expenses and payment of credit card bills must adhere to the following:

Receipts are required for all expenses submitted. However, a situation may occur where a receipt is not available or obtainable. In these instances, an electronic copy of a Missing Receipt Declaration Form must be completed along with the Travel Expense Voucher Form and submitted to the Purchasing Office.

Reimbursement must be approved by the appropriate Dean or Department Chair. All employees must obtain authorization from their direct supervisor.

D'Youville complies with IRS regulations, which require that all business expenses be substantiated with adequate records. This substantiation must include information relating to:

1. The amount of the expenditure.
2. The time, date and place of the expenditure.
3. The business purpose of the expenditure.
4. The names and the business relationships of individuals other than yourself for whom the expenditures were made.

Requests for reimbursement lacking this information will not be processed and will be returned to the originator.

Faculty and staff should direct questions about travel-related expenses and reimbursement to the Purchasing Office, KAB 100, ext. 7693. The Travel Pre-Authorization Form, Travel Advance Request Form, Travel Expense Voucher Form and Missing Receipt Declaration Form may be obtained electronically through the DYC portal.

All documentation must be entered into the DYC portal as a Request a Payment before it is submitted to the Purchasing Office. If you do not have access to the portal, please forward to a user within your department or contact Purchasing for assistance.

Approvals

Travel Pre-Authorization Forms must be completed for all travel over \$500 and all international travel, other than Canada, regardless of the dollar amount. The Travel Pre-Authorization Form must be approved and signed by the dean or department chair and the appropriate President's Council Member. The form must, without exception, be submitted to Purchasing prior to the travel dates.

Expense reimbursement forms (Travel Expense Voucher Form or Travel Advance Request Form) together with required documentation, must be submitted to the employee's immediate supervisor for review and approval through the DYC Portal.

In the absence of the immediate supervisor, approval from the next higher level of supervision is required. The President or Vice President for Finance may approve expense reimbursement if the above-mentioned supervisory approvals cannot be obtained due to the supervisors' absences.

Supervisors approving expense reports are responsible to ensure the following:

- Expenses reported are proper and reimbursable under this policy;
- The expense report has been filled out accurately and has the required documentation; and
- The expenses are reasonable and necessary.

Reimbursable Expenses

The following are reimbursable expenses assuming they are in compliance with the policy statement:

1. Travel expenses, including airfare, train fare, bus, taxi and related tips.
2. Meals, hotels and lodging- Hotel and meal reimbursement will require an itemized bill. Please remember to obtain a tax-exempt form to avoid the payment of sales tax to the hotel if applicable. The University will allow \$50 per trip for lodging with relative(s).
3. Business telephone calls
4. Mileage- (Purchasing will establish the mileage rate to be used by reference to the IRS mileage rate for the year).
5. Tolls
6. Conference and convention fees
7. Car rentals- The traveler should only use their own vehicle if the cost is less than the rental price.
8. Parking

The following expenses are not reimbursable under this policy:

1. Traffic fines
2. Tips in excess of 20 percent and tips in addition to pre-applied gratuity
3. In-flight movies/refreshments
4. Hotel room movies and other forms of personal entertainment
5. Alcohol
6. First/Business class airfare
7. Sales tax from which the University is exempt where applicable.
8. Health club fees

9. Laundry/dry cleaning services
10. Flight or car rental insurance
11. Travel expenses for a travel companion

No policy can anticipate every situation that might give rise to legitimate business expenses. Reasonable and necessary expenses, which are not listed above may be incurred. The employee and supervisor must use his/her best professional judgment in determining if an unlisted expense may be submitted for reimbursement. Final expense reimbursement is at the discretion of the Vice President for Finance.

Car Rental

A compact/standard car is the preferred car type; however, the size and type of rental car should be appropriate for the number of persons in the car. When renting a car domestically, rental car insurance should not be purchased as the university maintains rental car coverage. Travelers should purchase insurance coverage when renting a vehicle outside the United States. If the cost to rent a vehicle is lower than the mileage reimbursement for the use of a personal vehicle, then a rental car should be used. In the event of an accident, a copy of the accident report must be submitted to the Vice President for Finance's.

Personal Vehicle Usage

Employees who utilize personal cars for business travel will be reimbursed at the IRS per mile rate established adapted by the University. The mileage rate covers all costs of automobile ownership including operation, maintenance, insurance, and gas. Miles submitted for reimbursement should be net of any normal commuting miles. The University does not reimburse employees for commuting between home and campus. The Purchasing Department will make the current IRS mileage rate known to the University community. If a personal vehicle is used for University business, the driver's personal automobile insurance is the primary coverage in the event of an accident. Faculty who travel to only one clinical site for the day from home will not be reimbursed for mileage as this is considered commutation mileage. Faculty who travel to and from multiple clinical sites during the day as part of their teaching assignments will be reimbursed for mileage at the prevailing IRS rate adapted by the University. Mileage from home to the first clinical site and mileage from the last clinical site to home is not considered reimbursable mileage. All appropriate documentation must be submitted to Purchasing for reimbursement. Employees who use their vehicles for out-of-town travel should have their mileage claimed supported by documentation from a source such as MapQuest, Google Maps, etc.

Travel Charged to Sponsored Projects or Government Appropriations

Sponsoring agencies may have notification requirements and/or restrictions that pertain to travel funded under federal grants, cooperative agreements and contracts. The approval process for externally funded foreign travel varies among sponsoring agencies. In some cases, sponsoring agencies may require prior approval for foreign travel. Regardless of cost considerations, most sponsors require travel on U.S. approved flag carriers. Employees should consult with the appropriate dean or department chair, and the government grants and sponsored programs office.

Foreign travel and faculty led trips must be coordinated with the Center for Global Initiatives, with information then being forwarded to the Business Office and Purchasing. Purchase of air tickets, hotel rooms and other related costs will not be allowed without the verified advance approval of the Purchasing Office and the appropriate Dean.

Sponsored projects funded under federal grants, cooperative agreements and contracts are subject to the guidelines set forth in the Office of Management and Budget Circular A-21. J.53. Travel Costs.

Please contact the purchasing office for assistance with any questions pertaining to travel. Every attempt will be made to minimize the cost and effort for the traveler for airfare, hotel, and cars.

Moving Expense Policy

This policy addresses the coverage of expenses associated with a new employee or faculty member moving to take up a position at the University.

The reimbursement of moving expenses is permissible when it is deemed necessary in order to negotiate a satisfactory offer of appointment.

To be eligible, a new employee must move a minimum of 50 miles from his/her present home, move within the year of hire, and must be a regular, full-time employee.

Qualified Expenses: The IRS categorizes all moving expenses as either "qualified" or "non-qualified." Non-qualified moving expenses are not covered under the university's moving expense policy.

Qualified moving expenses: defined by the IRS as follows: reasonable costs of moving household goods and personal effects from the former residence to the new residence. The person moving can include the cost of storing household goods and personal effects within any period of 30 consecutive days after the day his/her things are moved from the former home. A minimum of two estimates from moving companies must be obtained prior to engaging the moving company.

Non-qualified moving expenses: The person moving cannot deduct nor receive reimbursement for the following items as moving expenses: expenses of entering and breaking a lease, real estate taxes, driver's license, any part of the purchase price of his/her home, expenses of buying and selling a home, home improvements to sell the home, security deposits, pre-move house-hunting expenses, mortgage penalties, and any other IRS nondeductible expense.

Reporting and Withholding: Pursuant to tax regulations, D'Youville University is required to report to the IRS payments of qualified moving expenses on the employee's form W-2. Qualified moving expense reimbursements the university pays directly to an employee are reported as nontaxable moving expenses and are not included in taxable income.

Qualified moving expenses paid to a third party on behalf of the employee (e.g., to a moving company) will not be reported on Form W-2.

Reimbursement of expenses: The accounts payable department will reimburse qualified moving expenses through the submission of a check request with the original receipts attached. The request for payment must be approved by the president council member who is responsible for the department and forwarded to the office of human resources.

Adequate accounting: defined by the IRS as follows: "You adequately account for your moving expenses by giving your employer documentation of those expenses including receipts and proof of payment." Reasonable period of time: expenses must be submitted within 60 days after they were paid for or incurred.

Policy Procedures

The reimbursement of moving expenses is permissible when it is deemed necessary in order to negotiate a satisfactory offer of appointment. This policy will adhere to and be in conformity with relevant Internal Revenue Service (IRS) rules/regulations at all times and is subject to change as IRS rules change.

Eligibility: To be eligible, a new employee must move a minimum of 50 miles from his/her present home, move within the year of hire, and must be a regular, full-time employee.

Qualified Expenses: The IRS categorizes all moving expenses as either "qualified" or "non-qualified." Non-qualified moving expenses are not covered under the university's moving expense policy.

Computing Network and Usage Policy

These policies cover all operation, administration, management, and additional scope of technology related infrastructure. It is the policy of the institution to provide employees with technology equipment to perform their job function. It is the policy of the institution to maintain the various networks, and it is the responsibility of all employees to abide by regulations on said networks.

Definitions

Federal Tax Information (FTI)

<https://www.irs.gov/pub/irs-pdf/p1075.pdf>

Health Insurance Portable and Accountability Act (HIPAA)

<https://www.hhs.gov/hipaa/for-professionals/faq/575/what-does-hipaa-require-of-covered-entities-when-they-dispose-information/index.html>

Electronic Patient Health Information (EPHI)

<https://www.hhs.gov/sites/default/files/nistsp800-88-rev1.pdf>

Personal Identification Information (PII)

<https://nvlpubs.nist.gov/nistpubs/Legacy/SP/nistspecialpublication800-122.pdf>

FERPA

<https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

Student Tax Information (STI)

<https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

<https://www.irs.gov/publications/p970>

Policy Procedures

1. Employees will receive instruction on the rules and procedures for technology use. Instructions and procedures on the use of computers will be provided by The IT Pulse Center during employee onboarding. Application and system access to be requested upon hire or added post hire through ticket request with manager approval.
2. Authorized computer users are responsible for the use, storage, and security of their own files. Employees must use on premises and cloud-based storage provided by the institution. Files stored on the local computer may be lost or deleted. D'Youville will not be responsible for the loss of personal files stored on the University's Network(s). Applications and websites not attributed to job function are either blocked or prohibited.
3. It is the policy of D'Youville to refrain from using local hard drives and storage to retain PHI, PII, FTI, HIPAA, STI, EPHI, FERPA with limited exceptions. This information should always be encrypted when used in the course of everyday job functions, meeting FIPS 199 Moderate Compliance Levels per [NIST 800-60](#).
4. Employees authorized to use technology are responsible for the integrity of their equipment. This responsibility includes both safeguarding the equipment from loss or damage and ensuring that it is used only by authorized personnel. Removal of any agency computer hardware or software from an agency facility, without prior approval, is strictly prohibited and may result in disciplinary action. Please reference [Mobile Device Care and Use Policy](#).
5. Technology usage and operation training will be provided by The IT Pulse Center. Additional requests can be submitted through and IT Trouble Ticket.
6. All network data is safeguarded through access control permissions. Requests for additional access control related to user accounts can be submitted through an IT Trouble Ticket and require manager and/or VP approval.
7. All employees and students receive a network account and mailbox. This account is maintained for their tenure at the institution and disabled upon separation from the institution. Supervisors may request access to employees account post termination through an IT Trouble Ticket.
8. Information security is an ongoing priority for The IT Pulse Center. Through end-user reporting and notification (phish alert), it is the responsibility of all employees to notify the Information Security team of any risks or malicious requests. These notifications can be submitted as IT Trouble Tickets.
9. Any deliberate tampering of technology equipment is subject to disciplinary action, up to and including termination.
10. The IT Pulse Center recommends locking technology equipment when not in use. Technology should be restarted periodically to ensure updates are applied.
11. External storage devices (e.g., hard drives, USB Drives, NAS devices) on the institution's network(s) is prohibited. Exceptions can be granted when provided in writing and approved by supervisor and CIO. Violations of this are subject to disciplinary action, up to and including termination.

Technology Purchasing Policy

This policy provides guidelines and outlines procedures for the review, approval, and purchase of all technology-related equipment and software applications at D'Youville. The purpose of this policy is to outline the process by which University personnel acquire technology purchases. The goal of the policy is to ensure each employee has the technology required to perform their assigned responsibilities while also providing prudent stewardship of the University's resources.

Applicability

This policy applies to all D'Youville employees or individuals working in any capacity for the institution that are deemed necessary to utilize D'Youville-owned/paid for technology equipment and/or software applications.

Definitions

Technology Equipment/Hardware includes, but is not limited to: desktop and laptop computers and peripherals, external storage drives, servers, tablets/PDAs, monitors, printers, copiers, plotters, scanners, projectors, multi-media players, flat panel displays/televisions, fax machines, desk and cell phones, cameras and network devices.

Software includes, but is not limited to, any software application that is loaded on D'Youville-owned/paid for devices or used in the cloud. This includes Departmental/Enterprise/Web Application Software which is any software that could be housed on a D'Youville server, used on any computer or device to access, used online or in a browser, installed locally, or accessed in the cloud, or a subscription-based application. Usually enterprise software is multi-user, but it can also be dedicated for a specific business practice or purpose, including instruction.

Externally hosted systems include, but are not limited to, anything that is cloud-based, or any server or storage hosted outside D'Youville's physical infrastructure.

Contractual Services includes application implementation, end user training, host setup support related to SLA.

Policy Procedures

Requests for purchases must be coordinated with the Purchasing Office and pre-approved by the CIO (or manager of The Pulse Center). The Purchasing Office will not process purchase orders without the accompanying written or electronic approval from the CIO (or manager of The Pulse Center). Technology is not to be purchased on D'Youville-issued credit cards.

This procedure ensures that the purchase is compatible with other University software and equipment and meets pre-established minimum hardware configuration and quality requirements.

1. An authorized [IT Purchase Request Form](#) and a purchase order are required for all technology purchases. Technology purchases made without adhering to these policies and standards will not be processed, paid or reimbursed. Only authorized manager, director, chair, etc. may submit an IT Purchase Request Form.

2. The cost of certain equipment and software will be paid for out of the CIO (or manager of The Pulse Center) cost center. Examples of the items that are included are: software used campus-wide, University standard model desktop computer and University standard model printer replacement.
3. However, many items will either be paid by each individual department in total, or the cost will be shared by both the department and CIO (or manager of The Pulse Center). Department budget responsibility of the expenditure will be determined prior to the submission of the purchase order. When costs are shared among multiple departments, the arrangements must be clearly recorded on the purchase order. This is why all technology purchases must be approved by the CIO (or manager of The Pulse Center).
4. All technology items purchased or reimbursed with University funds are and will remain the property of the University. Failure to return University-owned equipment, software or data upon leaving the University or at the request of the University may result in legal action or obligate the employee to reimburse the University for the current value of the items.
5. Hardware purchases must be tagged and recorded for inventory.
6. Failure to adhere to licensing agreements or other inappropriate or wrongful use of University-owned computing equipment, software or data can result in disciplinary action.
7. Grant or gift funded technology purchases must obtain additional authorization by the Controller verifying the use of the funding source. These purchases must adhere to the University's policies and procedures. The grant or gift funded purchases will become part of the University's inventory.
8. If equipment is lost or stolen, it is the responsibility of the employee to immediately notify The Pulse Center, the Purchasing Office and D'Youville's Security Department and possibly their local police department.
9. All IT Purchase Requests will be reviewed by the IT Steering Committee on a bi-weekly basis. Purchases over \$15,000 require three quotes and presidential approval.

Software/Desktop/Laptop/Tablet Purchases:

The Pulse Center maintains a list of workstations and software applications. To order hardware or software applications for your individual usage, please submit an [IT Purchase Request Form](#) to The Pulse Center. The Pulse Center will assist you in determining the adequacy of support standards, security, and interoperability with other technologies. The Pulse Center will also assist you in establishing an implementation schedule and provide approximate costs for your request.

Departmental/Enterprise Software Purchases:

The Pulse Center must be included in review of any departmental/enterprise software, whether hosted on a desktop computer or a server. (This includes both fees based, and zero dollar provided software.) The Pulse Center will review your request to ensure the adequacy of security and support standards, interfaces with other technologies, and licensing compliance. The Pulse Center will also assist you in establishing an implementation schedule and provide approximate costs for your request. Contact the Office of the CIO, or designee before pursuing any vendor discussions.

Printer Purchases:

The Pulse Center maintains a list of supported printers. All printer requests need to be requested by the requesters direct report and approved by the CIO (or manager of The Pulse Center). Please submit a printer request using the [IT Purchase Request Form](#). The Pulse Center will review your request to ensure the adequacy of standards, security, interoperability, and available support. The Pulse

Center will also assist you in establishing an implementation schedule and provide approximate costs for your requested purchase.

Use of University Stationery

D'Youville stationery is only to be used for University business, appropriate academic correspondence and matters pertaining directly to the official operations of University departments. The use of University paper stationery for personal business or correspondence not relative to the University is strictly prohibited.

Paper stationery is the University's preferred method of correspondence and limited use of electronic stationery is permitted with permission. All official correspondence on behalf of the University must be conducted on paper stationery. Use of electronic stationery is limited to communications with government agencies and businesses who demand the use of electronic-only correspondence.

Use of University Identity

Use of the University seal, University name, and identifying elements without permission from public relations and/or publications is prohibited. This includes using them for creating rogue publications such as business cards, stationery and websites. Individuals and departments are prohibited from advertising using the University's name and identifying elements without permission of public relations and/or publications.

Proofreading

All University material written for print or electronic communication to the various publics of the University must be proofread by competent individuals or professional proofreaders. This insures the style, grammar and spelling is correct and provides consistency for University publications. Each department is responsible for their publications and the proofreading. Contact MARCOM for the names and contact numbers of University approved proofreaders.

Electronic Monitoring

The University is committed to maintaining a transparent, fair, and secure workplace. Under New York law, employers are required to provide employees with notice of electronic monitoring. Therefore, employees are hereby advised that any and all telephone conversations or transmissions, electronic mail or transmissions, or internet access or usage by an employee by any electronic device or system, including but not limited to the use of a computer, telephone, wire, radio or electromagnetic, photoelectronic or photo-optical systems ("Employee Activity"), may be subject to monitoring at any and all times and by any lawful means.

Devices used pursuant to the D'Youville Computer and Information Technology Policy may also be monitored or intercepted to the extent such device is used for any Employee Activity. Such devices include University-owned devices and other devices, including personal devices, using the University's internet, servers, and networks. Monitoring activities can be for any lawful purposes, including but not limited to investigations, system maintenance, quality control, and training purposes. The University reserves the right to monitor Employee Activity via technology systems at any time in compliance with the law.

Social Media Policy

At D'Youville, we understand that social media can be a fun and rewarding way to share your opinions with family, friends, co-workers, and others within the community and beyond.

D'Youville respects this avenue of communication, and encourages the free speech, discussion, and engagement that it enables. It must be understood, however, that the use of social media carries a variety of risks and responsibilities for our employees. After all, social media can have a significant impact on our institution's brand and reputation. Accordingly, to assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media.

Guidelines

In the dynamic and rapidly expanding world of new media and communication, *social media* can mean many things. *Social media* includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's digital platform, blog, journal, diary, website, social networking or affinity website, web bulletin board or chat room, whether or not associated or affiliated with D'Youville, as well as any other form of electronic communication.

The same principles and guidelines found in D'Youville policies regarding conduct and communications apply to your activities online and must be followed, including, but not limited to, **the D'Youville Code of Conduct Policy, the D'Youville Computer and Information Technology Policy, and the Discrimination & Harassment in the Workplace Policy.** Ultimately, *you* are solely responsible for what you post online. Should your online conduct adversely affect: (1) your job performance, (2) the performance of fellow associates or employees, (3) current or prospective students, (4) vendors, (5) people who work on behalf of D'Youville, (6) the D'Youville Board of Trustees, (7) D'Youville alumni, or (8) any other legitimate business interest, you may be subject to disciplinary action up to and including termination of employment depending on all of the surrounding circumstances and the specific nature of your conduct.

This policy applies to all uses of social media, whether such use occurs: (1) using D'Youville's or the employee's personal technological resources and (2) whether such use occurs during or outside of working hours.

Employees are expected to act in accordance with the following guidelines:

1. If you choose to identify yourself as an employee of D'Youville on social media, you are expected to also make clear that you are not authorized to speak on behalf of D'Youville and that the views you express are yours and do not reflect D'Youville's. This may be accomplished by posting the following disclaimer: "I am not authorized to speak on behalf of D'Youville and the views expressed on this website/blog/site are mine and do not reflect the views of D'Youville."
2. When publishing promotional content online, it is important to disclose that you are a D'Youville employee. Promotional content includes any statements designed to endorse, promote, advertise, or otherwise support D'Youville.
3. Harassment, bullying, discrimination, or retaliation that would not be permissible in the workplace is also not permissible on social media, even if it is done after hours, outside work, and using a personal device.
4. Do not post or display comments or content about D'Youville's students, employees, alumni, services, programs, offerings, vendors, suppliers or competitors that are obscene, vulgar, threatening, intimidating, or harassing.

5. Be honest and accurate when posting information or news concerning D'Youville or any of its representatives. Never post information or rumors that you know to be false or that you lack a good faith basis to believe are true.
6. Maintain the confidentiality of D'Youville's private and confidential information. Private and confidential information includes, without limitation, information regarding the development of systems, processes, products, know-how, technology, internal reports, procedures, or other internal business-related communications.
7. Employees may not provide formal references on behalf of D'Youville for other current or former D'Youville employees on social media (e.g., LinkedIn) without prior written permission from D'Youville. In accordance with D'Youville's policy on employment verification, only HR/Payroll may provide formal references and verification of employment for a current or former employee on behalf of D'Youville.
8. Employees may not post D'Youville's logo, trademark, product photos or other trademarked materials on social media for their own commercial use.
9. Employees should have no expectation of privacy while using social media as postings may be viewed by anyone, including members of the D'Youville community.
10. If you see unfavorable opinions, negative comments or criticism about D'Youville posted by third parties, do not try to have the post removed on behalf of D'Youville. Instead, forward this information to HR/Institutional Advancement who will take appropriate action by emailing HRForms@dyc.edu.
11. Always abide by all applicable D'Youville policies, including, but not limited to, policies concerning harassment and discrimination, confidentiality and disclosure of proprietary information, and the use of technology.
12. If you become aware of a violation of this policy by another D'Youville employee, you are expected to promptly report it to your HR representative or email: HRForms@dyc.edu.

Using Social Media at Work

Employees are prohibited from using social media while on work time or on equipment provided by the University, unless it is work-related as authorized by the leadership of your unit and consistent with the Computer Usage Policy. Do not use D'Youville email addresses to register on social networks, blogs or other online tools utilized for personal use.

Retaliation Is Prohibited

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

Media Contacts

Employees should not speak to the media on behalf of D'Youville without contacting and gaining approval from the Vice President of Institutional Advancement. Such media inquiries should be directed to the Vice President of Institutional Advancement and then disseminated throughout the organization as deemed appropriate.

Preservation of Rights

Nothing in this provision should be read to limit or interfere with an employee's rights under Section 7 of the National Labor Relations Act to express or discuss opinions regarding the terms and conditions of employment with co-workers and/or third parties.

If you have questions or need further guidance, please contact your HR representative.

Misconduct in Science Policy and Procedures

The University is committed to the principle that the professional conduct of the faculty, administration, staff, and students must conform to the highest ethical standards in all phases of research and teaching. To ensure that this principle is strictly honored, a process has been established to address promptly and fairly allegations of scientific misconduct.

These regulations are designed to ensure that the rights of faculty, administration, staff, and students are protected, that the obligations of the University to the public at large and various funding agencies and authorities are observed, and to ensure the maintenance of the highest quality research environment at the University.

Definition of Misconduct in Science

For the purposes of this policy, misconduct is defined as: the fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting, or reporting research. It does not include honest error or honest differences in interpretations or judgments of data. (42 C.F.R. 50.102T)

Consistent with the above principles of ethical conduct and federal regulations, D'Youville shall make diligent efforts for preventing, detecting, and dealing with scientific "misconduct involving research or research training, applications for support of research or research training, or related research activities." (42 C.F.R. 50.101). This applies not only to research activities supported by funds made available under the Public Health Service Act, but also to research activities supported by other funding sources or conducted without a specific source of funding.

Copyright Policy

Fair Use

"Fair use," allows the copying of copyrighted works without the owner's permission for purposes such as "criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research." (17 U.S.C. Section 107)

In determining whether the use made of a work is a "fair use" or an infringement of copyright, the following factors are considered:

1. The type of use such as non-profit educational use or commercial benefit;
2. The nature of the copyrighted work (a table copied from an almanac has a better chance of a "fair use" defense than an original work such as a test instrument or a chapter from a textbook);
3. The amount or portion of the work copied in relation to copyrighted work as a whole (usually 2 to 5 percent; never more than 10 percent);
4. The market effect or how much of an effect the unapproved copies will have on the potential market value of the copyrighted work.

Single Copying by Teachers

A teacher may make a single copy of any of the following for that teacher's research, lesson preparation, or use in teaching:

1. A chapter of a book;
2. An article from a publication;
3. A short story, short essay, or short poem; and/or
4. A chart, graph, diagram, cartoon or picture form i.e., a book, periodical, or newspaper.

More than one illustration can be copied if they are included in a chapter or article being copied.

Multiple Copies for Classroom Use

One copy can be made for each student in a class when the work is for classroom use, each copy carries the notice of copyright, and the copying meets the conditions of brevity and spontaneity.

Brevity refers to how much may be copied from any given work. Prose:

1. A complete article, story, or essay if less than 2,500 words;
2. An excerpt not to exceed 1,000 words or 10 percent of the work, whichever is less; and/or
3. When 10 percent of the work is less than 500 words, up to 500 words may be used. Poetry:
 1. A complete poem if it is less than 250 words and/or not more than two pages; and/or
 2. An excerpt of not more than 250 words from a longer poem. Illustrations:
 1. One chart, graph, diagram, cartoon, picture, or drawing per book or periodical issue.

Special Works:

1. Combines language and illustrations (such as children's or comic books).
2. An excerpt comprised of not more than two of the published pages and containing not more than 10 percent of the words found in the text.
3. Spontaneity refers to the conditions under which copies may be made, such as:
 - a. The copying must be made by or at the request of an individual teacher. A higher authority cannot direct it.
 - b. The decision to use a material must be so close to the time for its effective use in the classroom that it would be difficult either to purchase copies or to ask for and receive permission.

Restrictions

1. The copies are to be used in only one course. This includes a multi-section course taught by the same or different teachers as one course using a uniform text and lesson plan.
2. Copying of the same item(s) by the same teacher may not be repeated from semester to semester. If the materials are to be used in successive semesters, they must be purchased or the instructor must be granted permission for their use.
3. Not more than one poem, article, story, or essay; nor more than two excerpts from the same author may be copied.
4. No more than three excerpts from the same anthology or periodical volume may be copied. (This restriction does not apply to current newspapers or current news articles in other periodicals.)
5. There is a limit of nine total instances of multiple copying for use in a course each semester.
6. Copying may not be used to create, replace or substitute for anthologies, compilations, or collective works.

No copies may be made and distributed from works intended to be "consumable" such as workbooks or standardized exercises, tests and answer sheets.

Guidelines for Using "For Home Use Only" Audiovisual Works

Section 110(1) of the Copyright Law states explicitly that any film, videocassette, or videodisk legitimately acquired (that is, either purchased from legitimate sources or leased from a licensed distributor) may be performed or displayed by instructors or pupils in face-to-face teaching activities in non-profit educational institutions when the following conditions are met:

1. They must be shown only for instructional purposes in courses given for academic credit and not for entertainment or recreation;
2. They must be shown only in classrooms or other locations devoted to instruction;
3. They must be shown by the instructors or pupils; and they must be shown to an audience limited to the instructor(s), the students taking the class, and the guest lecturer(s).

An instructor may duplicate a small part (up to 10 percent) of a film, videocassette, or videodisk for research or instruction if the 10 percent is not the “essence” of the work. An instructor may not reproduce an audiovisual work in its entirety or convert one media format into another without permission.

Guidelines for Videotaping Television Programs

In 1981, an Ad Hoc Committee on Copyright Law announced that a negotiating committee of 19 educational users and copyright proprietors agreed on a set of guidelines under the “fair use” doctrine for the use of off-air videotapes in the classroom. These guidelines, while not part of the legislative history on the Copyright Law were published in the Oct. 14, 1979 Congressional Record (pp. E4740-E4752), more than a year before the Supreme Court's decision that off-air videotaping of free over-the-air television programs for “in home use” to be fair use. It is important to note that in deciding that case, the Supreme Court also found that massive, systemic off-air videotaping and the making of multiple copies of off-air videotapes not to be fair use because of the substantial effect such practices were likely to have on the market for commercially produced videotapes.

The following guidelines were developed to apply to off-air recordings for or by non-profit educational institutions:

1. A “broadcast program” (transmitted by television stations for reception by the general public without charge) may be recorded simultaneously with the broadcast transmission and retained by a non-profit educational institution for a period not to exceed forty-five (45) calendar days after the date of the recording. Upon conclusion of such retention period, the off-air recording must be erased or destroyed.
2. Off-air recordings may be made only by or at the request of and used by an individual instructor and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off-air more than once by/for the same instructor, regardless of the number of times the program may be broadcast.
3. Off-air videotapes may be used only twice in each class by an individual teacher—once as the initial presentation and then again if instructional reinforcement is necessary. The off-air recording must be played in the classroom during the first ten (10) consecutive school days (not counting weekends, holidays, or examination periods) within the forty-five-calendar retention period.
4. After the first 10 consecutive school days, off-air recordings may be used up to the end of the 45-calendar day retention period only for the purpose of the teacher's evaluation, i.e. to determine whether or not to include the broadcast program in the teaching curriculum.
5. Off-air recordings need not be used in their entirety, but the content of the original programs may not be altered. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.
6. All copies of off-air recordings must include the copyright notice if one appears in the original program.
7. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each additional copy shall be subject to the same provisions governing the initial off-air recording.

Educational institutions are expected to establish appropriate control procedures to maintain the integrity of these guidelines.

Satellite Video Downloaded

Satellite programming is protected by the Federal Communications Act (Title 47 US Code). An increasing number of educational satellite programs are now available through membership or by contract. Reception without a license or membership is illegal.

Audio Recordings

A single copy of a sound recording (tape, disk, cassette) of copyrighted music may be made from sound recordings owned by an educational institution or an individual instructor for the purpose of constructing aural exercises or examinations and may be retained by the educational institution or individual teacher. Copying as a way of avoiding purchase is forbidden, given the reasonable availability of the material. It is definitely not permissible to duplicate entire audiotapes or to adapt entire CD's to cassette tapes whether they are an independent unit or a component of an instructional program (such as language tapes). Making copies to meet student demands is an infringement of the Copyright Law.

Computer Software

The International Council for Computers in Education (ICCE) has issued a "Suggested Policy Statement on Duplicating and Using Computer Software in Academic Settings." Accordingly, a computer user is allowed to:

1. Make one copy of software for archival purposes in case the original is destroyed or damaged through mechanical failure of a computer. However, if the original is sold or given away, the archival copy must be destroyed, and the archival copy may not be used on a second computer at the time the original is in use.
2. Make necessary adaptations to the program and add features to the program for specific applications. These improvements may not be sold or given away without the copyright owner's permission.

The ICCE also suggests that in the absence of a license expressly permitting the user to do so, the loading of the contents of one disk into many computers for use at the same time is not allowed. Likewise, before placing a software program on a local area network (LAN) or disk sharing system for use by multiple users at the same time, the instructor must obtain a written license agreement from the copyright holder granting permission to do so.

Databases

Databases are copyrightable and copying from a database to a computer appears to be a copyright infringement. The copyright owners generally accept temporary downloading as a fair use as long as only one report is printed, and the data is erased after printing the report. Long-term retention to reuse or to combine in creating a local database requires a downloading license.

Scanning

Scanning or electro-copying a text may be a "fair use" if it is used only for research (e.g., for textual analysis). Any other scanning of copyrighted texts is subject to Copyright Law and requires the permission of the copyright owner unless it meets the criteria of brevity and spontaneity for print materials given above. Artworks should not be electro-copied without permission unless they are in the public domain. Electro-copying by students as a "learning exercise" is permissible, but copies should be promptly erased.

Internet

Individuals who use the Internet and other networks constantly find ideas and information they would like to use, compile, collect and modify. It is possible for users to download texts and images, e-mail them to another site and/or combine them with other texts and images which can ultimately result in a new "work" (such as a web page) or a work that does not bear much resemblance to the original.

When the United States joined the Berne Convention in 1989, placement of a copyright notice on a work became optional. Copyright protection exists from the moment of creation and "fixation in a tangible manner" regardless of what source the information comes from. If a user incorporates texts or images from an electronic source, that person must check to see if there is a copyright notice at the beginning of the material.

If there is no copyright notice or if there is a notice but there is not a statement to the effect that uses are permitted, the materials are subject to copyright law.

If the instructor is creating a web page, contributing to an electronic journal, or posting an original work to an electronic bulletin board, it is suggested that the instructor affix a copyright notice (small “c” in a circle ©, date, and owner’s name) and a statement as to whether uses are or are not permitted. This makes it easier for other individuals to contact the copyright owner for permission to use and more difficult for infringers to claim innocence. It is also advisable to keep a print copy of the copyright notice and to register the material with the Copyright Office (U.S. Copyright Office, Library of Congress, 101 Independence Ave., Washington DC, 20559).

Educators Use of Multimedia Projects

On July 17, 1996, the Consortium of University and University Media Centers issued guidelines on “fair use” of copyrighted materials by educators. These guidelines allow students to use, under the fair use doctrine, lawfully acquired copyrighted materials in multimedia programs for educational purposes and allow the students to retain the material for such uses as seeking employment or applying to graduate school. In face-to-face teaching situations, educators may show students how to produce multimedia programs and may produce multimedia programs themselves as teaching tools. Educators may also exchange displays of the multimedia programs they have created with colleagues, and they may use their own programs, with some restrictions, over their own institution's electronic network for remote instruction.

It is important to recognize that these draft guidelines do not carry the weight of law and that many such guidelines are the subject of much disagreement among librarians and educators.

Educational multimedia projects created under these guidelines incorporate students’ or educators’ original material, such as course notes or commentary, together with various copyrighted media formats including, but not limited to, motion media, music, text material, graphics, illustrations, photographs, and digital software which are combined into an integrated presentation.

Fundraising Policy

Any group, organization or department on campus that wishes to engage in any type of fundraising activity should observe the following procedure:

- a. A summary of the fundraising activity must be put in writing and include the purpose of the fundraiser, the approximate range of amounts that will be asked for, a list of specific prospects that will be solicited, benefit (if any) to the donor and the timing of the fundraiser.
- b. The written summary must be submitted to the Vice President for Institutional Advancement at least two months prior to the anticipated date of the fundraiser.
- c. The Vice President of Institutional Advancement will review the request, research any additional information that is needed and make a recommendation to the full President’s Council at their next monthly meeting.
- d. The President’s Council will make the final decision on whether or not to allow the fundraising activity to occur.
- e. The Vice President for Institutional Advancement will communicate the President’s Council’s decision to the originator of the request.
- f. If the fundraising activity is approved, and after all solicitations are complete, the Fundraising Coordinator will provide the Vice President for Institutional Advancement with the names of any donors and their respective gift value.

The intent of this policy is not to interfere with the activities of student groups and associations that are doing minimal, small-scale solicitation for gifts-in-kind, advertising, etc. to raise money for their respective causes. Therefore, the Vice President for Student Affairs and Enrollment Management will confer with the Vice President for Institutional Advancement on any decision on fundraising activities by a student organization.

Security in the Workplace

Identification Cards

An identification card will be issued to all University personnel by Campus Safety located in the D'Youville Academic Center. This card is required for the use of library and University center facilities and for general identification as a University employee. It should always be carried and presented when necessary to identify the individual as a University employee. Upon termination, cards are to be returned to the Campus Safety Office.

Security and Admittance to Buildings

The Vice President of Operations oversees security. When special services are needed from security (e.g., extended hours, presence at an event), a written request should be sent to the Vice President of Operations for approval. The Vice President will notify the security office.

When an occasion arises within the University, which requires the assistance of security, it is necessary to DIAL 7550 and explain the situation; for emergencies only, DIAL 7555. Security should always be consulted if circumstances possibly warrant the notification of the Buffalo Police Department. The security office will make the determination if the police should be notified.

Access to buildings after hours is obtained by signing in at the Bauer Family Academic Center security desk; University ID card must be shown.

Safeguarding Personal and University Property

To provide for security of personal belongings and University property each person is asked to take responsibility for his/her possessions. Rooms, windows, and files should be locked when rooms are not attended and at the close of the workday. It is recommended that personal possessions be in a secure place and out of sight. The University is not responsible for lost or stolen personal property. Incidences of stolen property should be reported immediately to campus security.

SECTION B: GENERAL EMPLOYMENT POLICIES

Equal Employment Opportunity Policy

To provide equal employment and advancement opportunities to all individuals, employment decisions at the University will be based on merit, qualifications, and abilities. The University does not discriminate in employment opportunities or practices based on race (including traits historically associated with race), color, religion, creed, national origin, ancestry, citizenship, marital status, familial status, age, sex/gender (including pregnancy), sexual orientation, gender identity, gender expression, transgender status, disability, veteran or Vietnam Era veteran status, arrest/conviction record, domestic violence victim status, reproductive health decision making, or any other characteristic protected by law. This policy applies to all terms and conditions of employment, including, but not limited to, promotion, transfer, layoff, recall, leaves of absence, disciplinary action, termination, rates of pay or other forms of compensation, benefits, selection for training, hiring, recruitment and recruitment advertising.

Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these concerns to the attention of their immediate supervisor or the Office of Human Resources. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment and/or student disciplinary action up to and including expulsion.

Open Door Policy

This is a D'Youville procedure to serve any employee who is seeking a solution to a workplace concern not covered by D'Youville's Policy on Discrimination and Harassment in the Workplace. A workplace concern may include any dispute over alleged misinterpretation or misapplication of any policy, rule, order, or regulation of the University and its agents. Within thirty (30) calendar days of the workplace concern arising, the employee must initiate the procedure described below:

Step 1: Whenever practical, the employee should first try to rectify the situation by dealing directly with the co-worker, supervisor or the person responsible for raising the workplace concern.

Step 2: If the situation remains unresolved after step one, the employee may appeal to his/her immediate supervisor. The appeal should be in writing and should outline the situation and describe the action taken to resolve the problem.

A copy of the written concern should be forwarded to the Human Resources Office for distribution to all parties involved and a meeting should be coordinated by the of Human Resources between the supervisor(s) and the employee(s) involved. This meeting should occur within five (5) working days of the Human Resources Office receiving the appeal. The purpose of the meeting is to come to an agreement between the two parties to resolve the issue.

Step 3: If the employee is dissatisfied after step 2, they may appeal within ten (10) working days to their President's Council Member. The President's Council Member can either hear the concern and make a decision or convene a committee to hear the concern. The committee will be chaired by a President's Council Member and will consist of three employees who are mutually agreeable to the individual filing the concern and the individual whom the concern is filed against. The committee will issue a written decision within five (5) working days of the hearing.

Step 4: If either party is dissatisfied with step 3, they may appeal to the President. The appeal must be in writing within ten (10) working days of the committee's decision. The President will send a written decision within fifteen (15) working days to the President's Council Member who convened the committee and the Human Resources Office. The President's decision will be final and is not subject to further appeal.

The Human Resources Office will be involved in the coordination and oversight of this procedure to ensure that it is applied uniformly.

This procedure does not substitute any grievance procedure outlined in unionized employees' collective bargaining agreement. Should this procedure conflict with an employees' collective

bargaining agreement, the procedures outlined in the collective bargaining agreement must be followed.

Section 504 Procedure

For employees wishing to file a complaint in relation to Section 504 of the Rehabilitation Act of 1973, it is recommended that they follow the same procedure as outlined under the Open-Door Policy above. However, the employee is encouraged to seek out the Section 504 coordinator to assist with the processing of the complaint. The current Section 504 coordinator is the Director of the Health Center.

Employment Status and Classification

Employment Classification Definitions

All positions, whether full-time, part-time, or temporary, carry a classification of either exempt or non-exempt as determined by state and federal wage and hour laws. Non-exempt employees are employees, who based on the duties performed and the manner of compensation, are entitled to minimum wage and overtime. Non-exempt employees are required to account for time worked and Paid Time Off (PTO) on an hourly and fractional hourly basis. Exempt employees, as determined by the duties performed and the manner of compensation, are exempt from state and federal minimum wage and overtime provisions. Generally, an exempt employee is a person who holds an executive, professional, or administrative position. They do not receive overtime or compensatory time for working more than 40 hours in a work week. The final determination on exempt or non-exempt status rests with the Human Resources Director and is made based on guidelines outlined in the law.

For salary administration, employment and other human resources matters, every employee is classified under one of the following categories:

Exempt Status: An employee who is exempt from the minimum wage and overtime provisions under state and federal law. An exempt employee is an employee who generally works 34 hours or more per week on a regular basis, is paid on a salaried basis with a salary equal to the salary required for exempt status under the law and whose duties qualify him or her as exempt.

Non-Exempt Status: An employee who is non-exempt is paid in accordance with the minimum wage rate and overtime provisions of the law. Non-exempt employees are at least the minimum wage and receive overtime at one and one-half times the employee's regular rate of pay for all hours worked in excess of 40 in a work week. Overtime work must be approved by the employee's supervisor in advance. Employees who work overtime without prior approval will be subject to discipline, up to and including termination of employment.

Four-Day Work Week Policy

Consistent with D'Youville's efforts toward providing employees with superior work/life balance while also meeting the objectives, productivity needs, and mission of the University, the University is implementing, on a trial basis, a 32-hour/four-day workweek. The University reserves the right to modify or discontinue this policy at any time in its discretion. This policy will comply with all applicable laws, including, but not limited to state and federal wage and hour laws.

All full-time non-instructional exempt and non-exempt employees are covered by this policy.

Policy Guidelines

Under this policy, all covered employees will be allowed to work a schedule based on four days per week, 8 hours per day, for a total base requirement of 32 hours per week. The employee's supervisor, with input from

the employee, will determine the specific day of the workweek on which the employee will be off. Employees are not guaranteed their first choice of day off, and the day off may vary from week to week based on the University's staffing and other needs.

Employees working a 32-hour/four-day schedule will not receive any decrease to their current compensation because of the enactment of this policy. This means that an employee who works the required 32 hours will receive his or her full salary or, if paid on an hourly basis, pay for a full 37.5 hours, for the workweek.

This policy does not constitute a guarantee of a 32-hour/four-day schedule in all weeks. Exempt employees are required to work the number of hours needed to complete all assigned tasks and meet all operational requirements. In addition, non-exempt employees may be required to work additional hours as directed by their supervisors. Moreover, sufficient staffing must be maintained at all times when University offices are open.

Non-exempt employees who work more than 32 but less than 37.5 hours in a workweek will be paid for 37.5 hours; the extra hours between 32 and 37.5 hours will not result in additional compensation or overtime compensation. Non-exempt employees who work over 37.5 hours in a workweek will be compensated for all hours worked, including overtime pay in accordance with applicable law for any hours worked in excess of forty (40) hours in a workweek. To ensure appropriate compensation and compliance with applicable law, all non-exempt employees must continue to record their actual hours worked in accordance with the University's timekeeping policies and practices.

On days that the University is closed (e.g., due to inclement weather, declared disaster, holidays, etc.), employees who are scheduled off because of the 32-hour/four-day schedule will not receive additional paid time. For example, consider an employee who works eight hours each day on Monday through Thursday, after which the University closes due to inclement weather on Friday, the employee's scheduled day off. The employee will be paid his/her full salary or, if paid on an hourly basis, pay for 37.5 hours; they will not receive any additional pay for the Friday closure.

As noted above, the University is instituting this policy in a **trial basis only** and reserves the right to modify or discontinue the policy at any time. Employees working the 32-hour/four-day schedule must also meet the University's requirements and expectations for performance and productivity. An employee who the University determines is not meeting such requirements and expectations will no longer be able to work the 32-hour/four-day schedule and will be placed on a different schedule as communicated by his or her supervisor.

Employees may direct any questions regarding this policy to their supervisor or the Human Resources Department.

Work Hours and Overtime

Office hours for employees are generally 8:30 a.m. to 4:30 p.m. daily, including Monday through Friday in accordance with the Four-Day Work Week Policy. Certain offices may be required to be open at other times to serve students. Offices are closed on days designated in the official D'Youville University calendar.

If the University classifies you as non-exempt, you qualify for overtime pay (time and one-half your base rate) when you work more than 40 hours in a work week. Only actual hours worked will be counted for determining overtime – paid time off does not count toward hours worked. All overtime work must be approved in advance by your supervisor. Working overtime without prior authorization may result in disciplinary action, up to and including termination.

The canceling of classes for emergency reasons does not automatically close the offices of the University. Closings are broadcast on designated radio stations. Supervisors will establish a telephone system of communication for their area to notify administrators and support staff when offices have been closed by the President.

Meal Periods

All employees are entitled an unpaid, uninterrupted meal break in accordance with state law. Supervisors are responsible for establishing meal break schedules for the employees they supervise. While the schedules may vary for different employees or departments, the meal periods will be between 11:00 am and 2:00 pm each day. Employees must sign in and out for all meal periods.

If you do not take a scheduled meal break for any reason, you must notify your supervisor as soon as possible so that alternative arrangements can be made. Employees may not work through their meal breaks or skip meal breaks to leave work early.

Employment of Relatives and Domestic Partners

Standards for employment decisions such as hiring, promoting, reappointing, evaluating, awarding salary, disciplining, and terminating employees are based upon an individual's qualifications for the position, ability, and performance. The University attempts to avoid favoritism, the appearance of favoritism, and conflicts of interest in employment, and reserves the right to act in accordance with existing employee agreements when relationships or associations of employees negatively affect the University's mission and goals.

The employment of relatives in the same area of the University is not allowed since it may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships. This policy applies to all employees of the University, including student employees.

If the relative relationship is established after employment, the individuals concerned will decide who is to be transferred. If that decision is not made within 30 calendar days, management will decide.

In other cases where a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment.

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. Additionally, no person shall be promoted or transferred to a permanent position in a department where they would be the immediate supervisor of or receive direct supervision from a spouse, domestic partner, or co-

habitant; child, including adopted, in-laws and step- or half-parent; grandchild, including adopted, in-laws and step- or half-grandparent; sibling, including in-laws and step- or half-; or any other member of the employee's household whether or not related by blood or marriage.

A person serving in a supervisory position may not participate in decisions regarding hiring, reappointment, placement, evaluation, rate of pay, salary increases, promotion, monetary awards, or other personal interest for a relative or household member employed by the University, even when the supervisor is not in the direct line of authority.

Immigration Law Compliance

The University complies with the Immigration Reform and Control Act of 1986 ("IRCA"). In compliance with the IRCA, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the University within the past three years, or if their previous I-9 is no longer retained or valid.

Employees with questions or seeking more information on immigration law issues are encouraged to contact Human Resources. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

Employee Recruitment and Selection

A recruitment authorization form must be initiated each time a position vacancy is created. A vacancy can be created either through attrition or through approval of a new position during the budget process. Each recruitment authorization must have an up-to-date job description attached along with a copy of the resignation, retirement, termination letter or budget request.

Support staff and administrative (non-executive) vacancies will be posted for one week internally prior to external publication. Each job posting will list the title of the position along with the corresponding job classification. Once an individual is selected for hire, a request to hire form must be completed and approved before a job offer can be extended.

The President of the University makes all employment commitments except those which must be approved by the Board of Trustees, in which case the President recommends a candidate to the Board of Trustees. The President usually makes appointments after consultation with appropriate administrators and/or reviewing the recommendations of an appointed search committee.

Introductory Period

The introductory period for new employees is 90 days. During this time, the employee will learn about the University and the job. The employee will be provided training and guidance from the employee's supervisor. If at any time, the supervisor concludes that the employee is not progressing or performing satisfactorily, the employee may be discharged. The introductory period may also be extended at the discretion of the supervisor/manger.

Please note that successful completion of the introductory period does not guarantee continued employment and the individuals remains an at-will employee.

Dress Code Policy and Summer Dress Code

The following guidelines are established to assist employees in promoting a professional and safe working environment.

Scope

To establish basic guidelines for appropriate work attire, which will promote a positive image of D'Youville but also allow for flexibility to maintain positive morale, respect individual religious, cultural, and ethnic attire and give due consideration to safety and sound business practice.

Police, security, and facilities employees are uniformed and therefore the clothing guideline does not apply when these employees are in uniform.

Business Professional - Examples include business suits, professional dresses, sports jackets with tie, dress pants, skirt suits or pantsuits, button-down or traditional business shirts or turtlenecks, and dress shoes. All employees are encouraged to keep jewelry, makeup, and perfume/cologne subtle.

Business Casual - Examples include dresses, khakis or similar type pants, dress capris, skirts, shirts/blouses or golf-type shirts with collars, sweaters, vests, jacket without tie, and dress shoes.

Relaxed Casual - D'Youville logo items or colors must be worn. Examples include jeans, tee-shirts or other attire with D'Youville logo or D'Youville colors. No shorts or athletic/yoga wear. All items are expected to be clean and in good repair (no holes).

Policy Procedures

Work Study Students frequently work in support of regular department employees in return for local or federal financial aid. Dress for these employees is business casual or relaxed casual depending on the department's business needs.

Supervisors and Managers are responsible for monitoring compliance and are encouraged to provide coaching as necessary. Assistance from the Human Resource office is available if needed. Supervisors and Managers may implement additional provisions to the dress code as appropriate for their department or areas. Basic guidelines are provided for the following categories in the Definitions Section: Business Professional, Business Casual and Relaxed Casual.

1. Clothes should be proper fitting and in good repair. Clothes should be clean and neat in appearance and not revealing.
2. All employees are expected to dress in Business Professional attire during special events, outside meetings, or when directed.
3. All other times, Business Casual attire is appropriate.

It is expected that all employees will adhere to the guidelines outlined and will address any concerns or questions with their immediate supervisor or Human Resource Department staff.

The University President may waive the dress code on special occasions as appropriate.

Special Issues

Religious, cultural, or ethnic attire

Nothing in this policy is intended to abridge rights at law relating to non-discrimination or hinder the advancement of diversity at the University. Significant flexibility in freedom of choice will be shown in relation to religious or ethnic attire. In addition, nothing in this policy is intended to prohibit employees from wearing natural hairstyles, such as braids, locks and twists, or to otherwise discriminate against a particular racial group because of traits historically associated with race. Lastly, nothing in this policy is intended to interfere with an employee's rights under Section 7 of the National Labor Relations Act.

Employees who require a modification of this policy for religious, ethnic or other reasons must contact their supervisor or Human Resources.

Facial hair, jewelry, hairstyles

Nothing in this policy is intended to regulate individual choices such as beards, jewelry or hairstyles. Job-related safety when operating potentially dangerous machinery with moving parts, or jobs with public health considerations may nevertheless require some personal adjustments.

Casual Dress Policy

During the summer months, starting the week in which Memorial Day is observed and ending August 25th, the University has established a summer casual dress policy that employees may observe unless meeting or having interactions with people outside the University, in which case we ask you to dress to present yourself professionally and to match the expectation of your guests/clients.

The following list is a guideline of appropriate and inappropriate attire under the casual dress policy. These are examples only. Supervisors may determine if an employee is dressed appropriately within the casual dress policy.

Appropriate casual dress for the summer period

- Polo shirts
- Khakis or neat denim
- D'Youville logo wear
- Sandals, casual shoes including clean athletic shoes.

Inappropriate dress

- Shorts
- Logo clothing (sport teams, cartoon characters, etc.) other than D'Youville logo
- Flip-flops
- Sweatpants
- Leggings
- Athletic wear
- Clothing should not be revealing, torn, ripped, frayed, stained, dirty or messy.

Separation from Employment

Voluntary Termination

Employees may choose to terminate their employment at any time for any reason. When submitting a voluntary resignation, employees are asked to provide a written notice to supervisor/manager with, a minimum of two weeks' notice. The two weeks must be actual working days. Holiday and PTO will not be counted toward the two-week notice (unless employees are using PTO for paid sick leave qualifying reasons).

If applicable, information regarding benefits continuation through the Consolidated Omnibus Budget Reconciliation Act (COBRA) will be sent to the employee's home address.

Involuntary Termination

While the decision to commence employment is consensual, the same is not always true when the time comes to end the employment relationship. As an at-will employer, the University reserves the right to end the employment relationship at any time, with or without cause or notice (subject to any rights under an applicable collective bargaining agreement).

References

All reference requests should be directed to Human Resources. No other supervisor or employee is authorized or permitted to release references for a current or former employee.

Return of Property

Employees are responsible for items issued to them by the the University, or that are in their possession or control, including the following:

- University documents, including e-mails and electronic files
- Access cards
- Desk keys
- Equipment
- Proprietary University information

Employees must return all University property immediately upon request or upon termination of employment. The University may take all action deemed appropriate to recover or protect its property.

Outside/Additional Employment

No one shall be employed in any occupation which interferes with the performance of the individual's duties at D'Youville or is deemed to be inappropriate and incompatible with the history, tradition, or the mission statement of the University. Employees who hold outside employment are expected to meet or exceed the performance and attendance standards of their job at D'Youville. All employees will be evaluated by the same performance and attendance standards and will be subject to the same scheduling demands, regardless of any existing outside work requirements.

If D'Youville determines that an employee's outside work interferes with performance or the ability to meet the requirements of D'Youville (as modified from time to time) or otherwise constitutes a conflict of interest, the employee may be asked to terminate the outside employment if the employee seeks to maintain employment at D'Youville.

Outside employment that constitutes a conflict of interest is also prohibited. Employees may not receive any income or material gain from persons or entities outside of D'Youville for materials produced or services provided while performing their employment at D'Youville.

Code of Ethics

All employees, by virtue of their employment by the University, agree to accept the responsibilities of membership in the University community, and adhere to the Code of Ethics.

1. Proper operation of the University requires that employees provide responsible service and use the designated organizational channels when seeking decisions and policy determinations.

2. Employees of the University are bound to observe, in their official acts, the highest standards of ethics and morality and to faithfully discharge the duties of their position regardless of personal considerations.
3. Employees should not act in any way to breach the law, nor should they ask others to do so.
4. No employee shall engage in business or transactions nor have a financial interest, direct or indirect, in such business or transactions which are not compatible with the performance of the employee's duties for the University or the mission statement of the University.
5. Employees shall not disclose confidential information concerning the members of the campus community.

Employment Records

Each employee must complete the electronic onboarding process as well as appropriate credentials certifying educational background and other related data in the Human Resources Office prior to employment. Employee files are maintained by the Human Resources department and are considered confidential. Employees may review their personnel file but may not copy, photograph, scan or remove documents from their files. Employees are required to schedule an appointment with Human Resources and are required to review in the Human Resources Department in the presence of a Human Resources representative or designee.

Former employees are not permitted to access, review, copy, scan or photograph their personnel file.

Performance Evaluations

Performance evaluations of administrators and support staff are given annually. These reviews include a written performance evaluation and discussion between supervisor/manager about job performance and expectations for the coming year. Communication between employees and supervisor/manager is important and can be ongoing.

The performance evaluation will be distributed from Human Resources. The evaluation is initiated and signed by the supervisor, the President's Council Member, and the person being evaluated, and it is then forwarded to Human Resources. Signing the evaluation is not intended to indicate agreement or disagreement with the evaluation.

The performance evaluation process is intended to show the progress that an employee is making toward the achievement of pre-determined, individual, administrative, and institutional goals, and the fulfillment of the responsibilities of the job description.

Performance evaluations/appraisals are conducted to assess work performance and progress and do not necessarily result in a wage or salary adjustment, nor do they guarantee continued employment.

Promotion and Transfer

Promotion

A promotion is an advance in position or job classification and may or may not be accompanied by an increase in compensation.

While promotions are frequently accompanied by an immediate increase in compensation, in some cases an increase may be temporarily deferred until the employee demonstrates capacity to fulfill the added responsibilities and duties of the new position.

The University promotes employees from within whenever possible, giving preference to internal applicants when internal and external candidates are equally qualified for a given position. An employee's indication of an interest in a promotion/transfer will in no way affect the employee's current position.

Transfer

A transfer is a change in work assignment at the same or lower job grade. A transfer to a position in a lower job grade will result in a lower rate of pay, as determined by the current position wage structure.

An employee who is interested in applying for an opening in another department shall first discuss such an intention with the employee's supervisor or the Director of Human Resources before being interviewed by the applicable supervisor. An employee's indication of an interest in a transfer will in no way affect the employee's current position.

Any employee who is transferred from one staff position to another with equivalent salary ranges shall maintain the assigned salary, benefits, and credited service of the former position. The department from which the transfer is being made is entitled to at least two weeks' notice.

Initial Employment Period for Promotions and Transfers

Any individual who is promoted or transferred to a new job will be required to serve a new introductory period for that position. At the end of the new introductory period, the supervisor will complete a performance evaluation. If the employee is unable to satisfactorily fulfill the requirements of the new job, the employee may be considered for other job openings that exist, or employment may be terminated.

Pay Periods

Employees are paid biweekly, on Fridays. The work week runs from 12:01 a.m. Sunday through midnight the following Saturday. If a payday falls on a holiday or weekend, the University will distribute paychecks on the last day of work before the holiday or weekend.

We encourage employees to have their pay directly deposited into a bank account(s). If you choose this option, you are responsible for notifying Human Resources of any changes in your banking information or if you want to stop using the direct deposit option.

The University withholds taxes, social security (FICA) and other deductions required by law from employees' wages. The University also withholds any voluntary deductions in accordance with all applicable laws and regulations.

The University does not condone improper deductions from employees' salaries, and endeavors to ensure that unauthorized wage deductions, payroll errors and the like do not occur. Employees should review their paychecks for errors and report any mistakes to their supervisor or Human Resources immediately. Employees will not be subject to any form of retaliation for raising a concern over payroll or other issues concerning the calculation of their pay.

Deductions from Exempt Employees' Pay

In accordance with applicable state and federal law, exempt employees are paid on a salaried basis. Accordingly, they receive a predetermined amount each pay period that is not reduced because of variations in the quality or quantity of their work. However, the University may make deductions from an exempt employee's pay under the following, limited circumstances:

- Absences from work for one or more full days for personal reasons other than sickness or disability;
- Absences of one or more full days due to sickness or disability if the deduction is made in accordance with the University's plan, policy, or practice of providing compensation for salary lost due to illness;
- To offset jury and witness fees or military pay;

- Unpaid suspensions of one or more full days for violations of workplace conduct rules;
- Penalties for infractions of safety rules of major significance;
- Weeks in which unpaid FMLA leave is taken; or
- During the initial or last week of employment if the employee does not work the entire workweek.

Key Requests

To obtain a key for a specific building/room, a Key Request Form must be completed through SharePoint. An email notification will be sent from Campus Safety when your key is ready for pick-up.

- Keys should be returned to Campus Safety when no longer needed/required.
- Do not distribute a key to another employee.
- If a key is lost or stolen it must be reported to Campus Safety immediately.
- Keys should not be lent or shared with other people.
- Keys should not be left unattended.

Employees who violate this policy will be subject to discipline, up to and including termination.

Campus Parking and Permits

Individuals may park in campus lots with valid parking permits, issued on an academic year basis. Parking rules are enforced by the use of City of Buffalo issued parking summons (ticket).

Policy Procedures

Individuals may park in campus lots only with parking permits. Consult the rules and regulations, which are available where permits are sold. (<https://www.permitsales.net/DYC>)

Parking Policy is enforced by Campus Safety. Campus Safety reserves the right to issue City of Buffalo Parking Summons (tickets) for violations. These summonses are not “campus tickets.” Campus Safety is trained and authorized by the City of Buffalo Parking Enforcement Bureau to issue City tickets for violations occurring on D’Youville property. The tickets are enforceable by the City of Buffalo and the State of New York.

Overnight Parking in D’Youville owned lots is prohibited. In only certain circumstances with advanced approval will vehicles be allowed to remain. Contact Campus Safety for more information regarding an Overnight Parking request (OPR) form. Exceptions will be approved for University related functions/trips. In all cases advanced permission is required. Students are not allowed to have motor vehicles on campus during periods when the University is closed.

Parking on Campus

D’Youville offers students, faculty, and staff free and paid parking options. Paid parking options are available through an online payment system and full details are available on My D’Youville. Students living in either on-campus living option, Marguerite Hall, or the Student Apartment Complex, have the opportunity to register for parking in the lots dedicated to those buildings.

1. A D'Youville College parking hang tag is required to park on campus. This parking hang tag does not guarantee a space but acts as a "hunting license" for parking within designated categories.
 - a) Commuter: non-restricted parking areas in lots A, B, C, D, E, G, and H.
Resident: fenced in/restricted area of lot F & C1.
Staff: non-restricted parking areas in lots A, B, C, D, E, G, and H.
 - b) Faculty: restricted area C-2 and in A, B, C, D, E, G and H.
 - c) Reserved: restricted parking spaces are designated as such in lots A and Santa Maria.
2. The hang tag must be displayed from the rearview mirror with the printed side facing out.
3. The hang tag permits parking in designated areas in lots A, B, C, D, E, G, and H. This does NOT include the fenced in area behind Marguerite Hall that is for resident students ONLY. Vehicle must be parked between yellow lines.
4. Cars parked illegally may be issued a City of Buffalo parking ticket (fines range from \$50 to \$100).
5. Parking is prohibited in handicap, reserved, or visitor spaces; fire lanes; on sidewalks; blocking driveways; or on the grass. A vehicle utilizing a handicap parking space must display a valid handicap hang tag or license plate in addition to a valid D'Youville University hang tag. Visitor parking spaces (Lot A) are ONLY for guests of the college, as are temporary reserved spaces for visitors in Santa Maria Lot when designated by a sign.
6. A grace period during add/drop is granted for the purpose of obtaining a hang tag.
7. Parking on campus is at owner's risk. The University does not assume responsibility for the cars parked on University property. Lock all valuables in your car so that they are NOT visible.
8. Lost, damaged or stolen hang tags can be replaced. THERE IS A REPLACEMENT FEE FOR LOST OR STOLEN PARKING TAGS. The original permit number will be cancelled. Thereafter, cancelled numbers will be subject to ticketing if they are displayed on vehicles parked in any lot.
9. Overnight parking is prohibited unless authorized by Campus Security.

*Lastly, please do not park in our neighbors' lots (e.g., 7-11, Mary Agnes Manor, Santa Maria Towers, etc.).

Hang Tag Holders

The assignee agrees to display the parking permit hang tag and abide by the D'Youville Parking Policies which can be found on either the Campus Safety or the Facilities Management Home Pages.

A D'Youville Parking Hang Tag is required to park in a D'Youville owned parking lot. The designated hang tag categories are listed in the D'Youville Parking Policies.

The parking permit hang tag must be displayed from the rear-view mirror with the printed side facing out. The parking permit hang tag must be visible and completely legible from the outside of the vehicle at all times while on any D'Youville property.

Parking on campus is at the owner's risk. The University does not assume responsibility for cars parked on University property.

Cars parked illegally (non-spots, blocking, handicapped space violation, "reserved" space violation etc.) will be issued a City of Buffalo parking ticket.

Rehire of Separated Employees

Former employees who return to D'Youville are considered new employees. They will be subject to the conditions relating to new employees where permissible by law.

Time Reporting

All nonexempt employees are required to input accurate hours worked into our electronic time reporting system. The hours input is to calculate regular, and overtime pay. At the end of two weeks your supervisor/manager must approve and make any appropriate changes. The biweekly electronic time reporting system reflecting the actual time worked along with any Paid Time Off used.

All employees are responsible for ensuring that their actual hours worked and time off are accurately reported. Failure to properly use the electronic time reporting system, recording time on another employee's time record, or tampering, altering, or falsifying time records is prohibited and will result in discipline, up to and including termination of employment.

Personal Property Policy

D'Youville University cannot assume responsibility for protecting personal property. While normal security precautions will be in effect, it is the responsibility of employees to provide safeguards for their belongings. Each individual is strongly advised to carry personal property insurance.

Section C: Employee Benefits

The University has established a variety of employee benefits programs designed to assist you and your eligible dependents in meeting the financial burdens that can result from illness, disability, and death and to help you plan for retirement. Some benefits (*e.g.*, workers' compensation insurance) are mandated by law, while others are offered voluntarily by the University.

This Handbook only provides a general description of the benefits. The health insurance plan and certain other benefit plans are described more fully in the master plan documents and summary plan description (SPD) booklets, which you will receive once you are eligible to participate in these programs. Complete descriptions of our insurance plans are also in the University's master insurance contracts with our insurance carriers, which are maintained by Human Resources. If information in this Handbook contradicts or conflicts in any way with the terms or information in these SPD booklets, master plan documents or insurance contracts, then the SPD booklets, master plan documents, or contracts shall govern and control in all cases.

The University reserves the right to amend or terminate any of its benefit programs or to require or increase employee premium contributions toward any of its benefits at its discretion. This reserved right may be exercised in the absence of financial necessity. The University further reserves the right to change its contribution level towards premium costs on an individual basis. The University also reserves the right to make determinations of eligibility for benefits in its sole discretion and to revise these eligibility requirements without notice.

Employees who have questions about their benefits, including their eligibility for benefits, should direct their questions or concerns to Human Resources.

Holidays

1. Holidays are determined by D'Youville's Board of Trustees and published annually in the University calendar.
2. If a holiday falls on a Sunday, the following Monday will be observed as the holiday. If the holiday occurs on a Saturday, the holiday will be observed on the previous Friday.
3. Part-time employees receive holidays with pay if the holiday occurs on their normal working day.
4. Employees are not entitled to any paid holidays beyond their last working day.

**New Year's Eve & Day
Martin Luther King
Presidents Day
Good Friday
Memorial Day
4th of July
Labor Day
Indigenous People's Day
Veterans Day
Thanksgiving Day & Day After
Christmas Eve & Day**

Paid time off for holidays will not be counted as hours worked for determining overtime pay.

Health Benefits

1. Full-time employees are eligible Health Benefits as of the first of the month following the date of hire. Prior to eligibility part-time employees may secure coverage under the group plan by reimbursing the University the full cost of the monthly premium.
2. Eligible employees must enroll on the Maxwell Health for the health plan chosen within thirty (30) days of the date of hire or must wait until the next open enrollment date.
3. Information on the various forms of health coverage and the current rates are available through Maxwell Health.
4. Monthly health benefit premiums are paid in advance. An employee terminating employment beyond the 15th day of the month is covered for the duration of that month. An employee terminating prior to the 15th day of the month is responsible for reimbursing the remaining one half of the monthly premium cost in addition to their percent deduction for the first half of the month.
5. All terminating employees who have enrolled in one of the University's Health Benefit plans have the right to continued participation according to COBRA. COBRA continuation coverage is paid in full by the terminating employee at the group rate. Additional information regarding COBRA can be obtained from the Human Resources Office (also see section C27).

Flexible Spending Account (FSA)

The Flexible Spending Account (FSA), is an employer-sponsored account that allows you to set aside pre-tax dollars to pay for qualifying health expenses. *It is important to plan carefully, as any unused funds over that amount are not returned to employees per the IRS – “Use it or Lose it.”

You may elect to contribute at least \$300 up to a maximum of \$3,050 on a pre-tax basis via payroll deductions throughout the plan year. The full amount you select will be available to you on the first day of the plan year.

Please see Human Resources for additional details regarding the FSA.

Health Savings Account (HSA)

The Health Savings Account (HSA) is a tax-favored savings account for individuals and families covered by a High Deductible Health Plan (HDHP) created for the purpose to set aside pre-tax dollars to pay for qualified medical expenses.

Employees who participate in the University’s High Deductible Health Plan (HDHP), Highmark of WNY’s POS 7100, will be able to enroll in the Health Savings Account (HSA).

Please see Human Resources for additional details regarding the FSA.

Dependent Care Account (DCFSA)

Participant may elect to contribute up to \$5,000 on a pre-tax basis via payroll deductions throughout the plan year into a Dependent Care. Funds can be used on any child under the age of 13 or any dependent who is physically or mentally unable to care for themselves.

Please see Human Resources for additional details regarding the FSA.

Dependent Care Guidelines

- The care of the dependent must enable you and your spouse to be employed
- The amount to be reimbursed must not be greater than you or your spouse’s income, whichever is less.
- The services may be provided by a daycare facility that cares for 2 or more children simultaneously, the facility must comply with state and local daycare regulations.
- Services must be for the physical care of the child, not for education, meals, etc.; expenses for overnight camps and kindergarten are not eligible for reimbursement.
- The total that each family can elect for a Dependent Care (DCFSA) must not exceed \$5,000 per household (\$2,500 each if married and filing separately).

Life Insurance

1. The premiums for Group Term Life Insurance are paid by the University. Coverage for staff, administrators and the President is as follows:

Full time to age 65 - 1.5 times salary maximum - \$200,000; minimum - \$50,000

65 -75 percent of one- and one-half times salary

70 + - 50 percent of one- and one-half times salary

2. Group Term Life Insurance is available to the following:
All full- time/part time staff, administrators, and President.

The portion of the amount of premium for coverage more than \$50,000 is taxable per IRS guidelines and will be added to the employee’s income at each calendar year end.

Worker’s Compensation Insurance

Worker’s Compensation benefits are provided to all employees to the extent mandated by law. Employees must report all job-related accidents and injuries (even if they are minor) immediately to their supervisor or to Human Resources. Failure to comply could result in difficulty with the employee’s claim.

Unemployment Compensation

Eligible employees are covered with the full cost paid by the University as a self-insured employer.

Retirement Plan

1. The D’Youville University Retirement Plan is a 403b contributory plan with funding through TIAA-CREF (Teachers Insurance Annuity Association-University Retirement Equity Fund).
2. Voluntary participation the 1st of the month following date of hire is available for full-time employees and after three years for benefited part-time employees.
3. The University matches the individual’s contribution according to the following schedule:

Employee Contribution University Contribution

1%	3%
2%	4%
3%	5%
4%	6%
5%	7%

4. Employees can participate in D’Youville’s non-matching Group Supplemental Retirement Annuity (GSRA) at any time during their employment.

Paid Time Off (PTO) Policy

This Paid Time Off Policy provides employees with a bank of days in the form of Paid Time Off (PTO) for time away from work when needed. All Staff and Administrators are eligible for PTO.

All eligible employees can use PTO for various reasons including, but not limited to:

- The employee's own mental or physical illness, injury, or health condition, including diagnosis, care, preventive care, or treatment
- The mental or physical illness, injury, or health condition of the employee's family member, including diagnosis, care preventative care, or treatment
- Planned vacation
- Doctor appointments
- Meeting parenting commitments
- Non-institution observed holidays
- Running an errand
- The care of a new baby
- For reasons related to domestic violence, a family offense, sexual offense, stalking, or human trafficking regarding the employee or employee's family member.

For purposes of this PTO Policy, "family member" refers to an employee's child, spouse, domestic partner, parent, sibling, grandchild, or grandparent; and the child or parent of an employee's spouse or domestic partner.

PTO must first be approved by your manager and scheduled at least by the start of the day on which the PTO is being used, or in advance. Employee must use the PRISMHR system PRISMHR Employee Self Service to schedule PTO days.

The number of PTO days for which employees are eligible (on an annual basis) is based on:

- Status of position (Staff or Administration)
- Length of service (Length of service is determined by the continuous service from the date of hire).

There is generally no limit on the amount of PTO days you can take at one time, although the overall number of days that can be used is subject to the annual allotments described below. Additionally, employees cannot take unpaid days when paid time off is available. Also, donating PTO to another employee is not permitted. A manager can also approve PTO time an employee has not yet accrued. If an employee leaves D'Youville and has used PTO time that had not been accrued, he or she will have to pay back PTO time via a deduction on his or her final paycheck. The minimum increment of PTO time is one hour for part-time or non-exempt employees and is 4 hours for full-time exempt employees.

Factors that may affect the PTO allotment

The employee's PTO allotment may be affected by the following:

- Starting date
- Working part-time
- Taking a leave of absence
- Leaving the institution
- Promotion
- Changing positions

Annual PTO Accrual for Full-Time Employees

Job Status	0-4 Years	Accrual (Hours/Month)	5+ Years	Accrual (Hours/Month)
Administrator	25 days	15.63	30 days	18.75
Staff	18 days	11.25	20 days	12.5

You earn PTO days at the higher rate beginning January 1 of the year your employment anniversary moves you to a higher accrual rate.

Regardless of the month of your hire, at the beginning of the year in which you will pass the milestone year of service (5+) you will advance to the higher accrual at the beginning of that year. For example, if you are a staff employee and you will attain your 5-year anniversary in October 2021, then you will begin to accrue 20 days of PTO effective January 1, 2021 (even though you do not celebrate your anniversary until October).

Annual PTO Accrual for Part-Time Employees

Part-time employees, which at D'Youville is any employee work regularly works less than 30 hours/week, will accrue PTO time at a rate of one hour per every 30 hours worked, up to a maximum of 56 hours annually.

Prorated New Employee Allotment

New employees will accrue time for their first month, prorated depending the day of the month when they are hired. Thereafter, they will accrue time on the first day of the month in accordance with the ordinary accrual process.

This example shows the prorated PTO and holiday allotment, based upon the month of hire, for mid-year new employees.

Month of Hire	Year 1 PTO Days/Staff	Year 1 PTO Days/Administrator	Holidays*
January	18	25	New Year's Eve & Day Martin Luther King
February	16.5	22.92	Presidents Day
March	15	20.84	
April	13.5	18.76	Good Friday
May	12	16.67	Memorial Day
June	10.5	14.59	Juneteenth
July	9	12.5	4 th of July
August	7.5	10.42	
September	6	8.34	Labor Day
October	4.5	6.25	Indigenous People's Day
November	3	4.17	Veterans Day Thanksgiving Day & Day After
December	1.5	2.08	Christmas Eve & Day

determining time off between Christmas and New Year's.

Carryover

If you used less than 56 hours of PTO in the calendar year you are eligible to roll over your unused PTO up to 56 hours. For example, if you used 40 hours of PTO in the calendar year this will allow you to roll over to 16 hours to the following year.

Separation of Employment

Unused PTO will not be paid out at the time of separation of employment, regardless of the reason for such separation.

Family and Medical Leave

D'Youville provides leave according to the Family and Medical Leave Act of 1993 (FMLA) and the New York Paid Family Leave (NYPFL) Law to covered employees in certain circumstances and as more fully described in this policy.

Eligibility

To qualify for FMLA leave, you must: (1) have worked for D'Youville for at least 12 months; (2) have worked at least 1,250 hours in the last 12 months; and (3) be employed at a work site where D'Youville has 50 or more employees within 75 miles. If you have any questions about your eligibility for FMLA leave, please contact Human Resources by sending an email to hrforms@dyc.edu.

To qualify for NYPFL, an employee whose regular schedule is 20 or more hours per week must have worked for D'Youville for at least 26 consecutive weeks. An employee whose regular schedule is less than 20 hours per week must have worked for D'Youville for 175 days to qualify for NYPFL. If you have any questions about your eligibility for NYPFL, please contact The Hartford to file a claim: 1-800-549-6514. Note: Time spent on paid time off (e.g., vacation, sick and personal) will count towards an employee's eligibility determination, provided deductions were taken during that period of paid time off. However, time that an employee spends on New York State Disability Leave or unpaid leave will not be counted towards an employee's eligibility determination.

Leave Entitlement

FMLA. Eligible employees may take **up to 12 weeks of unpaid FMLA leave** in a 12-month period, which is measured using a "rolling" method that is measured backward from the date the employee uses any FMLA leave, for any of the following reasons:

- the birth of a son or daughter and in order to care for such son or daughter (leave to be completed within one year of the child's birth);
- the placement of a son or daughter for adoption or foster care and in order to care for the newly placed son or daughter (leave to be completed within one year of the child's placement);
- to care for a spouse, son, daughter, or parent with a serious health condition;
- for your own serious health condition which renders you unable to perform any of the essential functions of your position; or
- a qualifying exigency of a spouse, son, daughter, or parent who is a military member on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty).

Eligible employees may take **up to 26 weeks of unpaid FMLA leave** in a single 12-month period, beginning on the first day that they take FMLA leave to care for a spouse, son, daughter, or next of kin who is a Covered Servicemember and who has a serious injury or illness related to active duty service, as defined by the FMLA's regulations (see Definitions section, Military Caregiver Leave subsection below).

NYPFL. Eligible employees may take up to 12 weeks NYPFL in a 52 consecutive week period. The 52 consecutive week period is measured using a "rolling" method that is measured backward from the date the employee uses any NYPFL.

NYPFL may be taken for the following reasons:

- To care for a spouse, domestic partner, child, parent (including in-laws), sibling, grandparent, or grandchild with serious health condition;
- To bond with a child during the first 12 months after the child's birth or placement for adoption or foster care or to meet adoption or foster care obligations (leave to be completed within one year of the child's

birth or placement);

- To meet qualifying exigencies arising from the fact that the employee's spouse, domestic partner, child, or parent is on active duty or "has been notified of an impending call to active duty" in the U.S. Armed Forces; or
- The employee's minor dependent child is subject to a mandatory or precautionary order of quarantine or isolation issued by the state of New York, the Department of Health, local board of health, or any government entity duly authorized to issue such order due to COVID-19.

Note that NYPFL is not available for the employee's own serious health condition.

During NYPFL, paid benefits will be provided by D'Youville's NYPFL insurance carrier, at 67% of the employee's Average Weekly Wage (AWW), up to 67% of the NYS AWW.

The NYS Average Weekly Wage is the average weekly wage paid across New York State during the previous calendar year and is determined and published by the New York State Department of Financial Services each year.

Pay under NYPFL is available from the first day of the leave (no waiting period). The insurance carrier, not D'Youville, is responsible for approving and paying benefits under the NYPFL Law. To receive such benefits, employees are required to file a claim with the carrier and to follow the carrier's requirements with respect to claim filing, certification, and supporting documentation (see NYPFL Claim and Certification Procedure section below).

If an employee is eligible for leave under both the FMLA and the NYPFL, the employee's leaves under both of these laws will run concurrently to the maximum extent permitted by law.

Both Spouses Working for D'Youville

Where eligible spouses both work for D'Youville, the following rules will apply:

- FMLA. The spouses will be limited to a *combined* total of 12 weeks of FMLA leave in a 12-month period for the birth/placement of and bonding with a child and the care of a parent with a serious health condition. The spouses will also be limited to a *combined* total of 26 weeks of FMLA leave in a 12-month period to care for a Covered Servicemember with a serious injury or illness (see Definitions section, Military Caregiver Leave subsection below).
- NYPFL. The spouses will not be permitted to take NYPFL at the same time to care for the same family member.

Definitions

Serious Health Condition – FMLA. For FMLA purposes, "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves: (a) inpatient care; or (b) continuing treatment by a health care provider."

- Inpatient care means an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity, as defined by the law, or any subsequent treatment in connection with such inpatient care.
- A serious health condition involving continuing treatment by a health care provider requires any one or more of the following:
 1. A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves: (a) treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, a nurse under direct supervision of a health care provider, or a provider of health care

- services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or (b) treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider;
2. Any period of incapacity due to pregnancy or for prenatal care;
 3. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition;
 4. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective; and
 5. Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or a provider of health care services under orders of, or on referral by, a health care provider.

Serious Health Condition – NYPFL. For NYPFL purposes, “serious health condition” means illness, injury, impairment, or physical or mental condition that involves: (a) inpatient care in a hospital, hospice, or residential health care facility; or (b) continuing treatment or continuing supervision by a health care provider.

- A serious health condition involving continuing treatment or continuing supervision by a health care provider requires any one or more of the following:
 1. More than 3 consecutive full days of inability to work, attend school, perform regular activities, or other incapacity due to a condition, plus any subsequent treatment or period of incapacity that involves treatment two or more times, or treatment at least once that results in a regimen of continuing treatment under the supervision of a health care provider.
 2. Any period of inability to work, attend school, perform regular activities, or other incapacity due to a chronic serious health condition that requires periodic visits for treatment by a health care provider, continues over an extended period of time (including recurring episodes of an underlying condition), and may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy).
 3. A long-term or permanent period of inability to work, attend school, perform regular activities, or other incapacity due to a condition for which treatment may not be effective (e.g., Alzheimer’s, severe stroke, or terminal disease). The family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.
 4. A period of inability to work, attend school, perform regular activities, or other incapacity due to treatment (including any period of recovery therefrom) by a health care provider for restorative surgery, or for a condition that would likely result in more than 3 consecutive full days of incapacity without treatment (e.g., cancer, severe arthritis, kidney disease).

Qualifying Exigency. For purposes of both FMLA and NYPFL, “qualifying exigency” means a situation arising out of the fact that the employee’s spouse, child, or parent is a military member in the United States Armed Forces, Reserves, or National Guard on covered active duty or who has been notified of an impending call or order to covered active duty status (“Military Member”).

“Covered active duty,” for members of the Regular Armed Forces, means duty during deployment of the Military Member with the Armed Forces to a foreign country. “Covered active duty,” for members of National Guard or Reserves, means duty during the deployment of the Military Member with the Armed Forces to a foreign country under a call or order to active duty in support of a “contingency operation,” as defined by law. A “qualifying exigency” exists where one of the following events occurs:

1. *Short-notice deployment.* To address any issue that arises from the fact that the Military Member is notified of an impending call or order to covered active duty, for a period of seven (7) or less calendar days from the date of notification;

2. *Military events and related activities.* To attend any official ceremony, program, or event sponsored by the military that is related to the covered active duty or call to covered active duty status of the Military Member, or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the covered active duty or call to covered active duty status of the Military Member;
3. *Childcare and school activities.* To attend to certain childcare and school activities that are necessitated by the Military Member's active duty or call to active duty status, such as: (i) arranging for alternative childcare; (ii) providing childcare on an urgent, immediate need basis (but not on a routine, regular, or everyday basis); (iii) enrolling in or transferring to a new school or daycare facility; and (iv) attending meetings with employees at a school or daycare facility;
4. *Financial and legal arrangements.* To make or update financial and legal arrangements to address the Military Member's absence while on covered active duty or call to covered active duty status;
5. *Counseling.* To attend counseling provided by someone other than a health care provider, for oneself, for the Military Member, or for the biological, adopted, or foster child, a stepchild, or a legal ward of the Military Member, or a child for whom the Military Member stands in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence, provided that the need for counseling arises from the covered active duty or call to covered active duty status of the Military Member;
6. *Rest and recuperation.* To spend time with a Military Member who is on short-term, temporary, rest and recuperation leave during deployment for up to fifteen (15) calendar days;
7. *Post-deployment activities.* To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following the termination of the Military Member's covered active duty status; and to address issues that arise from the death of a Military Member while on covered active duty status;
8. *Parental care.* To provide certain care to a Military Member's parent who is incapable of self-care, and where each instance of the care provided is necessitated by the Military Member's covered active duty. Covered activities provided to the parent of a Military Member under this provision include: (1) arranging for alternative care for a parent of the Military Member; (2) providing care for a parent of the Military Member on an urgent, immediate need basis; (3) admitting or transferring the parent of a Military Member to a care facility; and (4) attending meetings with employees at a care facility where the parent of a Military Member resides or stays; or
9. *Additional activities.* To address other events which arise out of the Military Member's covered active duty or call to covered active duty status, provided that D'Youville and employee agree that such leave shall qualify as an exigency, and both agree to the timing and duration of such leave.

FMLA Military Caregiver Leave. For purposes of Military Caregiver Leave under the FMLA, "Covered Servicemember" means:

- A current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness ("Current Servicemember");" or

- A veteran who: (1) is undergoing medical treatment, recuperation, or therapy for a serious injury or illness; (2) was a member of the Armed Forces (including a member of the National Guard or Reserves); (3) was discharged within the five-year period before the eligible employee first takes FMLA leave to care for them; and (4) was discharged or released from the Armed Forces under conditions other than dishonorable (“Covered Veteran”). An eligible employee must commence leave to care for a Covered Veteran within five years of the Covered Veteran’s active duty service.

For purposes of Military Caregiver Leave under the FMLA “serious injury or illness” means:

- In the case of a Current Servicemember, an injury or illness that was incurred by them in the line of duty on active duty in the Armed Forces (or that existed before the beginning of his or her active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the Covered Servicemember medically unfit to perform the duties of his or her office, grade, rank, or rating; and
- In the case of a Covered Veteran, an injury or illness that was incurred or aggravated by them in the line of duty, while on active duty in the Armed Forces, and which manifested itself before or after they became a veteran, and is:
 - A continuation of a serious injury or illness that was incurred or aggravated when the Covered Veteran was a member of the Armed Forces and rendered them unable to perform the duties of his or her office, grade, rank, or rating;
 - A physical or mental condition for which the Covered Veteran has received a VA Service Related Disability Rating (“VASRD”) of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for leave;
 - A physical or mental condition that substantially impairs the Covered Veteran’s ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; or
 - An injury, including a psychological injury, on the basis of which the Covered Veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

Important limitation: If an employee does not take all of his or her 26 workweeks of leave entitlement to care for a Covered Servicemember during the 12-month period, the remaining part of his or her 26 workweeks of leave is forfeited.

Maximum duration of leave in any 12-month period: The Military Caregiver Leave is applied on a per-Covered-Servicemember, per-injury, basis such that an employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different Covered Servicemembers or to care for the same Covered Servicemember with a subsequent serious injury or illness, except that no more than 26 workweeks of leave may be taken within any single 12-month period.

“Next of kin”: An employee is “next of kin” of a Covered Servicemember if they are the nearest blood relative of the Covered Servicemember (other than the Covered Servicemember’s spouse, parent, or child). Unless the Covered Servicemember has specifically designated in writing a particular blood relative as his or her nearest blood relative for the purposes of the Military Caregiver Leave, the following is the order of priority used to identify the nearest blood relatives of the Covered Servicemember: (a) blood relatives who have been granted legal custody of the Covered Servicemember; (b) siblings; (c) grandparents; (d) aunts and uncles; and (e) first cousins. When no such designation is made, and there are multiple family members with the same level of relationship to the Covered Servicemember, all such family members shall be considered the Covered Servicemember’s next of kin and may take FMLA leave to provide care to the Covered Servicemember, either

consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the Covered Servicemember's only next of kin.

Intermittent and Reduced Schedule Leave

FMLA. If medically necessary, FMLA leave occasioned by a serious health condition may be taken intermittently (in separate blocks of time due to a serious health condition) or on a reduced leave schedule (reducing the usual number of hours you work per workweek or workday). Medically necessary means that there must be a medical need for the leave and the leave can best be accomplished through an intermittent schedule. FMLA leave may also be taken intermittently or on a reduced leave schedule for a qualifying exigency relating to covered military service.

If FMLA leave taken intermittently is unpaid, D'Youville will reduce the employee's salary based on the amount of time actually worked. In addition, while an employee is on an intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, D'Youville may temporarily transfer them to an available alternative position that better accommodates his or her leave schedule and has equivalent pay and benefits.

When intermittent FMLA leave is needed to care for an immediate family member or the employee's own illness, and is for planned medical treatment, the employee must attempt to schedule treatment so as to minimize disruption to D'Youville's operations. Employees should consult with D'Youville prior to scheduling the treatment in order to arrange a schedule that best suits the needs of the employee and D'Youville.

NYPFL. Employees may take NYPFL intermittently in no less than daily increments. The maximum number of days of NYPFL available to an employee is calculated based on the average number of days the employee works per week. For example, a worker with a schedule of 5+ days per week can take up to 60 days of leave in a 52-week period. For an employee who works 3 days per week (60% of the work week) can receive only 60% of the applicable maximum leave (this would be 60% of 60 days, so the employee would be eligible for up to 36 days of leave in a 52-week period).

Concurrent Leave. Where FMLA and NYPFL run concurrently, intermittent leave will be immediately deducted from the employee's FMLA entitlement. Because intermittent NYPFL is measured in daily increments, intermittent leave will be deducted from the employee's NYPFL entitlement each time the hours taken under FMLA add up to the number of hours in an employee's usual workday. However, since the employee is not taking such time in full day increments, the employee will not be entitled to a PFL payment when the FMLA hours total one workday.

If an employee's need for leave qualifies under both PFL and FMLA, but the employee declines to apply for PFL benefits (despite being notified that the reason for leave is a PFL-qualifying reason), any leave taken by the employee for such reason will nevertheless be counted against the employee's PFL allotment.

NYPFL Contributions

Consistent with the NYPFL Law, D'Youville will fund the NYPFL insurance policy through deductions from the paychecks of all employees (except those who have filed valid waivers – see Waivers section below). D'Youville will make the maximum deductions permitted by law. For further information, contact the Human Resources Department.

NYPFL Waivers

Employees whose regular schedule makes them unable to become eligible for NYPFL have the option to file a waiver of NYPFL benefits. Specifically, employees whose regular schedule is 20 or more hours per week but who will not work 26 consecutive weeks and employees whose regular schedule is less than 20 hours per week

and who will not work 175 days in a 52 consecutive week period may file a NYPFL waiver.

Upon filing a valid waiver, the employee will be exempt from making contributions to NYPFL and therefore will not be subject to payroll deductions. However, the employee will also be ineligible for NYPFL benefits.

If the work schedule of an employee who has filed a waiver changes so that they will work 26 consecutive weeks or 175 days in a 52 consecutive week period, the waiver will be automatically revoked within 8 weeks of the change. The employee will then be obligated to make contributions, including any retroactive amounts due from date of hire (but not for periods prior to the date the PFL became effective). Waiver forms and additional information can be obtained from the Human Resources Department.

Application for FMLA Leave and/or NYPFL

To take FMLA leave or NYPFL, an employee must provide D'Youville with advance notice of need leave as follows:

- Where the need for leave is foreseeable (e.g., planned medical treatment, expected birth or placement of a child, bonding, etc.), at least 30 days advance notice.
- If this is not possible, the employee must at least give notice as soon as practicable (normally no later than one or two business days of learning of your need for leave, except in extraordinary circumstances).

Note that for intermittent leave, these rules apply to each day of leave.

If an employee is planning a medical treatment or a series of treatments or is taking Military Caregiver Leave under the FMLA, the employee must consult with D'Youville first regarding the dates of such treatment to work out a schedule that best suits the needs of both the employee or the Covered Military Member, if applicable, and D'Youville.

Applications for leave under FMLA and/or NYPFL should be submitted in writing to the Human Resources Department. Application forms are available in the Human Resources Department. In addition, employees seeking NYPFL will be required to file a claim with D'Youville's NYPFL insurance carrier (see NYPFL Claim and Certification Procedure section, below). Failure to provide proper notice of your need for FMLA leave and/or NYPFL may result in the denial or delay of protected leave, depending on the particular facts and circumstances.

FMLA Certification Procedure

If an employee is requesting FMLA leave because of his or her own or a covered relation's serious health condition, the employee and the relevant health care provider must supply appropriate medical certification. Employees may obtain Medical Certification forms from the Human Resources Department. When an employee requests leave, D'Youville will notify them of the requirement for medical certification and when it is due (at least 15 days after leave is requested). If the employee provides at least 30 days' notice of medical leave, they should also provide the medical certification before leave begins. Failure to provide requested medical certification in a timely manner may result in denial of FMLA-covered leave until it is provided.

The employee certification must be complete and sufficient. In the event that the certification is deficient, the University will advise the employee, in writing, what additional information is necessary to make the certification complete and sufficient. The employee will be given 7 calendar days (unless not practicable despite the employee's diligent, good faith efforts) to cure any such deficiency. If the deficiencies are not cured in the resubmitted certification, the University may deny the taking of FMLA leave.

D'Youville, at its expense, may require an examination by a second health care provider designated by D'Youville. If the second health care provider's opinion conflicts with the original medical certification, D'Youville, at its

expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. D'Youville may require subsequent medical recertification and an annual certification. Failure to provide requested certification within the required timeframe may result in delay of further leave until it is provided. D'Youville also reserves the right to require certification from a covered military member's health care provider if an employee is requesting military caregiver leave and certification in connection with military exigency leave.

NYPFL Claim and Certification Procedure

To obtain NYPFL benefits, employees must file a claim with D'Youville's NYPFL insurance carrier on the carrier's prescribed form(s). The employee will also be required to provide the NYPFL insurance carrier with sufficient certification of the need for leave and supporting documentation as provided by the NYPFL Law, the relevant insurance policy, and the carrier's own requirements. For example, the employee may be required to provide:

- Certification from a health care provider regarding the serious health condition for which the employee needs leave;
- Documentation such as a birth certificate establishing the birth of a child;
- Documentation such as court documents or placement letters establishing that the employee is in the process of adopting or has adopted a child or is fostering a child; or
- Certification of military exigencies and supporting military orders.

When an employee informs D'Youville of the need for NYPFL, D'Youville will provide the employee with a copy of the relevant claim form(s) and complete any employer portion(s). You can also obtain and file the claim form(s) directly through our NYPFL insurance carrier, The Hartford. To file a claim: 1800-549-6514. Contact the carrier if you have any questions about the forms and documents you must submit in support of your claim for benefits.

Reporting While on Leave

Employees who are out on leave must contact D'Youville on a regular basis regarding the status of the situation and his or her intention to return to work. All employees, even those utilizing FMLA and/or NYPFL must comply with D'Youville's regular and customary call-in procedures and policies, and may be subject to discipline for failing to do so. This is particularly important for employees utilizing intermittent leave under FMLA or NYPFL.

Conditions of FMLA Leave and NYPFL

The following conditions apply to leave taken under FMLA and/or NYPFL pursuant to this policy, except where otherwise required by applicable law:

- An employee taking an approved leave of absence may not engage in other work or employment during the time they are excused from work due to the leave of absence. If an employee engages in other work or employment during such time, the employee will be considered to have violated the terms of the leave of absence, and to have voluntarily terminated their employment with D'Youville.
- An employee on approved leave who fails to return to work at the end of their leave will be required to reimburse D'Youville for all health insurance premium payments expended by D'Youville on the employee's behalf during the leave, unless the reason the employee does not return to work is due to: (a) the continuation, recurrence, or onset of a serious health condition of the employee or the employee's spouse, son, daughter, or parent; (b) the serious injury or illness of a spouse, son, daughter, or parent, or next of kin, who is a Covered Servicemember; or (c) other circumstances beyond the employee's control.
- Employees will not receive holiday pay during leave except as required by applicable law.

- An employee may be subject to termination during a leave for reasons including but not limited to failure to keep D'Youville informed of their status or falsification of reason for or status of the circumstances surrounding the leave of absence.
- If business conditions require a reduction in force, employees on an approved leave of absence will be considered for lay-off and treated in the same manner as active employees.

Employee Compensation and Benefits during FMLA and/or NYPFL Compensation during FMLA. As noted above, FMLA leave is unpaid. However:

- Nothing in this policy prevents an employee from applying for worker's compensation or NYS Disability benefits. Leave which is covered by workers' compensation or disability benefits will be designated as FMLA leave to the maximum extent permitted by law.
- Employees not receiving workers' compensation, disability benefits (including STD benefits) or Paid Family Leave benefits, will be required to use their accrued PTO (as applicable) during FMLA leave, and such leaves will run concurrently with the employee's FMLA leave. Employees will also be required to use any accrued paid time during any waiting periods for disability benefits or workers' compensation benefits.

Compensation during NYPFL. As noted above, NYPFL is paid by D'Youville's NYPFL insurance carrier in accordance with the insurance policy, the maximum benefits set forth in the law, and the carrier's own rules and procedures.

Where leave is taken under NYPFL, the employee may but is not required to use accrued paid time off (as applicable) during the leave. Use of accrued paid time off will allow the employee to receive full pay during the leave until paid time off is exhausted. Where an employee is paid for accrued paid time off during NYPFL (whether concurrent with FMLA or not), D'Youville will be entitled to receive the NYPFL payment from the NYPFL carrier as reimbursement for the NYPFL portion of the amount paid to the employee. In no event shall an employee's use of accrued paid time off during NYPFL result in the employee's receipt of more than 100% their average weekly wage.

Health Insurance during FMLA and/or NYPFL.

To the extent required by law, D'Youville will maintain group health insurance benefits for employees on FMLA and/or NYPFL leave on the same basis as coverage would have been provided if the employee had been actively working during the leave period.

Any share of group health plan premiums which had been paid by the employee prior to leave must continue to be paid by the employee during the leave period. Where the employee is receiving pay directly from D'Youville (i.e., using PTO), deductions for group health insurance will continue to be made on the same basis as if the employee was actively working. Where the employee is not receiving pay from D'Youville, arrangements will be made for employees to pay their share of the group health insurance premiums while on leave. If D'Youville pays the employee's share of any premium payments, D'Youville reserves the right to recover the full value of those payments made in any manner permitted by law.

An employee whose health insurance coverage is maintained pursuant to this policy during an approved FMLA and/or NYPFL leave will be subject to any changes in D'Youville's group health plan that occur while they are on leave (e.g., changes in coverage, premiums, deductibles).

If an employee's premium payment is more than thirty (30) days late, their group health insurance benefits may be terminated, and the employee will be extended continuing coverage opportunities in accordance with COBRA. However, if coverage is terminated for this reason and the employee returns to work from FMLA leave, the employee's group health insurance benefits will be reinstated, to the same extent the employee would have

been entitled to those benefits had they not taken leave.

If an employee gives unequivocal notice of their intent not to return to work, D'Youville's obligation to continue group health insurance benefits will cease, subject to COBRA.

Other Benefits.

An approved FMLA leave and/or NYPFL pursuant to this policy will not result in the loss of any employment benefit that may have accrued before the date the leave of absence started. However, employees will not continue to accrue benefits (e.g., vacation and sick leave) during FMLA leave and/or NYPFL except as otherwise required by law.

Return from an Approved FMLA Leave and/or NYPFL

Upon returning from approved FMLA leave and/or NYPFL, D'Youville will return you to the same position that you held prior to the leave or to an equivalent position, subject to the terms, limitations, and exceptions provided by law.

Before returning from an approved FMLA leave granted as a result of an employee's own serious health condition, an employee must present a written fitness-for-duty certification from his or her medical care provider. An employee's failure to provide such certification at the time the employee attempts to return to work may result in a delay or denial of job restoration.

Employees are expected to return to work when the FMLA leave and/or NYPFL ends, unless an employee requests and is granted an extension of leave as an accommodation or pursuant to another D'Youville policy. If an employee does not return to work on the agreed upon date after expiration of FMLA leave and/or NYPFL, and an extension of leave was not granted to the employee, the employee will be considered to have voluntarily terminated their employment.

With respect to certain "highly paid" or "key" employees, there may be specified and limited circumstances D'Youville may refuse to reinstate such individuals following FMLA leave. This determination will be made in accordance with applicable law.

Further Information

Employees wanting further information regarding this policy should consult with the Human Resources Department.

D'Youville will not interfere with, restrain, or deny an employee the exercise of any right provided under the FMLA or discriminate against any person for opposing any practice made unlawful by the FMLA or for being involved in any proceeding under or relating to the FMLA. If a prohibited act has occurred, or the FMLA was not followed, a complaint may be filed with the United States department of labor or a private action instituted.

D'Youville will not discriminate or retaliate against an employee because they claimed NYPFL benefits, attempted to claim NYPFL benefits, or testified or is about to testify in a proceeding under the NYPFL Law.

If an employee's request for PFL has been denied by the insurance carrier, the employee has the right to appeal the determination through an arbitration proceeding. Information regarding the appeal process is available from the insurance carrier.

This policy is intended to implement the FMLA and the NYPFL and their accompanying regulations. To the extent this policy is inconsistent therewith, the law and regulations will govern. Further, to the extent any state or local law provides for additional leave benefits, D'Youville will comply with any such requirements.

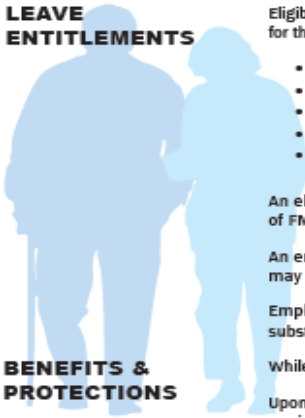
FMLA Posting

In accordance with federal law, the University posts a notice summarizing the provisions of the FMLA, including enforcement of the law. A copy of the notice posting is also attached to this Policy.

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

LEAVE ENTITLEMENTS



Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within 1 year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

*Special "hours of service" requirements apply to airline flight crew employees.

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

BENEFITS & PROTECTIONS

ELIGIBILITY REQUIREMENTS

REQUESTING LEAVE

EMPLOYER RESPONSIBILITIES

ENFORCEMENT



For additional information or to file a complaint:

1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627

www.dol.gov/whd

U.S. Department of Labor | Wage and Hour Division



WH1420 REV 04/16

Short Term Disability Leave

The University provides statutory short-term disability benefits to employees who are unable to work because of a qualifying disability due to an injury or illness. Contact Human Resources for more information about short-term disability benefits.

During the first six months on sick leave, the employee's position will be held open and time will be credited toward seniority. The employee must pay his/her portion of health coverage while on short term sick leave. At the end of the six-month period, if the employee is unable to return to work, the employee will be required to provide updated medical documentation so that the University can consider whether continued leave would be a reasonable accommodation under the law (absent undue hardship).

An employee returning from a disability leave must present to his/her supervisor a physician's statement authorizing the return. The supervisor forwards the physician's statement of authorization with the "Return to Work" form to the Human Resources Office.

In the event that an employee collects both state-mandated short-term disability and benefits under the New York State Paid Family Leave Benefits Law ("PFL") at different times during the same 52-week rolling backward period, the maximum amount of time that can be taken for both short-term disability and PFL combined is 26 weeks.

Long-Term Disability Leave

1. Following six months of continuous illness, the employee who has coverage under the Long-Term Disability Insurance Plan may apply for benefits under the plan, which provides an income of 60 percent of monthly salary, to a maximum of \$3,000 per month. Such income continues to age 65 (later in certain circumstances) and is reduced by any income benefits payable to the employee and dependents including Social Security and/or Worker's Compensation.
2. The Human Resources Office will forward to employees the form to be completed so that they will be able to apply for the Long-Term Disability benefit, if qualified.
3. The insurance carrier determines the criteria and qualifications for payment.
4. The employee may continue coverage in the University's medical insurance plan by paying the full premium cost at the group rate.

Personal Leave of Absence

1. Upon a support staff or administrator's written request, the President of the University may grant a personal leave of absence; the time, duration, and compensation, if any, will be determined according to the President's discretion. The written request usually shall be submitted at least one month prior to the requested leave of absence and fully state the reasons thereof. Upon the commencement of and for the period of such leave of absence, the employee shall not accrue or utilize any benefit. However, the employee shall be permitted to continue health insurance coverage without cost to the University during the period of the leave.
2. Any employee who fails to resume active employment within three days of the end of the leave of absence or fails to seek an extension of the leave, will be considered to have abandoned his/her position and to have resigned.

Unpaid Medical Leave of Absence (Non-FMLA)

Employees who are ineligible for FMLA leave or who have exhausted their FMLA leave entitlement, and who have all of their accrued, unused paid time off, may apply for an unpaid medical leave of absence. The University will evaluate each request on an individualized basis, taking into consideration the facts and circumstances of each particular situation.

Employees will not accrue benefits while on an unpaid medical leave of absence. Continuation of medical benefits will be handled through COBRA during the leave and employees will be required to pay 102% of the cost of the COBRA coverage.

Except in cases of emergency, requests for medical leave must be made in writing, at least thirty (30) days prior to the beginning of the requested leave period. The request must be accompanied by a written report from the employee's health care provider detailing why such leave is medically necessary. In the event the University has reason to believe an employee who requests a medical leave of absence or who is on an unpaid medical leave is able to work, the University reserves the

right to require the employee to submit to further examination by a doctor, selected by the University, at the University's expense.

An employee returning to work will be assigned to his or her same position unless holding the position open would impose an undue hardship. If the University cannot hold the employee's position open during the entire leave period without incurring undue hardship, the University will consider whether it has a vacant, equivalent position for which the employee is qualified and to which the employee can be returned to at the conclusion of his or her leave. Medical documentation will be required for any employee returning to work from a medical leave of absence.

Employees who are able to work but fail to return on the agreed expiration date of a leave of absence, or who have not requested or do not have an approved extension for additional leave, are self-terminated. Nothing in this policy is intended to conflict with any state or federal law or regulation. If such a conflict exists, the applicable law or regulation prevails. The University will consider the facts and circumstances of each particular case when determining whether a medical leave is necessary and/or appropriate.

Bereavement

In the event an employee is bereaved by the death of a spouse, child, parent, mother-in law, father-in-law, brother, sister, or grandparent, such employee may be absent from work with pay for three work days within a period of three consecutive calendar days. For other relatives, one day is allowed.

The following conditions apply:

1. The three days include the day of the funeral;
2. The employee attends the funeral; and
3. Bereavement leave shall not apply during periods when the employee is on vacation, disability leave, leave of absence, or any other leave.

Employees who need additional time off for this reason may request to use any accrued paid time off or if such time is not available, to take time off unpaid.

Notice must be given to the employee's supervisor and Human Resources as soon as possible. The University may request proof of eligibility to qualify for bereavement leave. The proof must be satisfactory to the University.

Jury Duty

An active employee who is required to serve on jury duty shall immediately notify the employee's supervisor. The employee shall receive the employee's normal pay for a maximum of up to ten (10) working days in any one (1) calendar year or as otherwise required by law. The employee shall provide Human Resources with an official verification of the days spent on jury duty. Should the University feel that the absence of an individual selected for jury duty would affect the operational effectiveness of the department, the University may request that the individual seek a postponement of jury duty service where permissible by law.

Voting Leave

D'Youville encourages employees to fulfill their civic responsibilities and to vote in all official public elections. Generally, shift schedules will provide employees with enough time to cast their vote before or after working hours. If an employee has four consecutive hours either between the opening of the polls and the beginning of a shift, or between the end of a shift and the closing of the polls, the employee has sufficient time to vote outside of working hours.

If an employee who is a registered voter does not have sufficient time to vote in a covered election, the University will permit the employee to take off so much working time as will, when added to his/her voting time outside of working hours, enable the employee to vote. However, the University will not compensate the employee for more than two hours of this time. The employee must take this time off to vote at the beginning or end of his/her shift, whichever the University designates, unless the employee and the University agree to another time.

Exempt employees may be provided additional time off with pay as necessary to comply with state and federal wage and hour laws.

Please notify your supervisor of the need for voting leave two to ten days before the election.

Employees will not be discriminated or retaliated against for taking time off to vote. However, employees who utilize time off under this policy for any purpose other than voting will be subject to discipline, up to and including termination.

Military Leave

D'Youville will provide the necessary time off to employees who are required to fulfill military obligations in any Armed Forces, National Guard, other uniformed services or state military, as required by federal and state law. If employees return to work or apply for reemployment on a timely basis, they will be reinstated in accordance with federal and state law.

Military leave under this policy is unpaid; however, employees may use available paid time off (PTO). Exempt employees may be provided time off with pay as necessary to comply with state and federal wage and hour laws.

If you need to take military leave, you must give advance notice of your service obligations to your supervisor, unless military necessity makes advance notice impossible. Military orders should be presented to your supervisor and arrangements for leave made as early as possible before the beginning of leave.

Your benefits may continue to accrue during the period of leave in accordance with state and federal law.

Retaliation against an employee who requests leave under this policy is strictly prohibited.

Additional information regarding military leave may be obtained from the Human Resources Department.

Family Military Leave

Eligible employees who are the spouse of a member of the Armed Forces of the United States, National Guard or Reserves who has been deployed during a period of military conflict to a combat theatre or combat zone may take up to ten days of unpaid family military leave during the military service member's leave or deployment.

To be eligible for family military leave, employees must work an average of twenty hours or more per week.

For more information regarding this leave, see the Human Resource Department.

Volunteer Emergency Responders Leave

During the time that an emergency exists following a declaration of emergency under the law, D'Youville will grant a "volunteer emergency responder" an unpaid leave of absence while engaged in the actual performance of his or her duties as a volunteer firefighter or an enrolled member of a volunteer ambulance service unless D'Youville determines that the employee's absence would impose an undue hardship on D'Youville's business.

D'Youville will only grant leave when it has previously received written documentation from the head of the fire department or volunteer ambulance service documenting the employee's status as a volunteer firefighter or member of a volunteer ambulance service.

Upon request, the employee must provide D'Youville with a notarized statement from the head of the volunteer fire department or volunteer ambulance service certifying the period that the employee responded to any emergency.

Exempt employees may be provided time off with pay as necessary to comply with state and federal wage and hour laws.

For more information regarding this leave, see the Human Resource Department.

Bone Marrow Donation Leave

Employees who work an average of 20 hours or more each week are eligible to receive up to 24 hours of unpaid leave to donate bone marrow.

Requests for leave to donate bone marrow should be made as far in advance as practicable. Please provide your supervisor with written physician verification of the purpose and length of each leave.

Exempt employees may be provided time off with pay as necessary to comply with state and federal wage and hour laws.

For more information regarding this leave, please see your supervisor.

The University strictly prohibits any form of discrimination against employees who take time off for bone marrow donation as provided for in this policy. Employees must report any suspected discrimination immediately to their immediate supervisors or to Human Resources.

Blood Donation Leave

Employees who work an average of 20 or more hours per week are entitled to up to three (3) hours of unpaid leave in any 12-month period to donate blood. The 12-month period will be based on the calendar year.

Employees must give at least three days' notice of their intent to take leave to give blood, unless emergency circumstances exist. Employees must also submit appropriate documentation showing that they used this time to donate blood.

Exempt employees may be provided time off with pay as necessary to comply with state and federal wage and hour laws.

For more information regarding this leave, please see the Human Resources Department.

The University strictly prohibits any form of discrimination against employees who take time off for blood donation as provided for in this policy. Employees must report any suspected discrimination immediately to their immediate supervisors or to Human Resources.

Witness / Victims of Crime Leave

Any employee who is a victim of a crime or who is subpoenaed to attend a criminal proceeding as a witness will be granted an unpaid leave of absence to appear as a witness, consult with the district attorney, and/or to exercise other rights under the law. The employee must provide notice to his/her supervisor or to Human Resources at least one day prior to taking leave for this purpose. The employee may be required to provide verification of his/her service.

Exempt employees may be provided time off with pay as necessary to comply with state and federal wage and hour laws.

The University strictly prohibits any form of discrimination or retaliation against an employee who takes leave as provided for under this policy. Employees must report any suspected discrimination immediately to their supervisor or to Human Resources.

Leave for Victims of Domestic Violence

The University will, absent undue hardship, provide an employee who is a victim of domestic violence with time off from work for a reasonable period of time for any of the following reasons:

- Seeking medical attention for injuries caused by domestic violence, including for a child who is a victim of domestic violence, provided that the employee is not the perpetrator of the domestic violence against the child;
- Obtaining services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence;

- Obtaining psychological counseling related to an incident or incidents of domestic violence, including for a child who is a victim of domestic violence, provided that the employee is not the perpetrator of the domestic violence against the child;
- Participating in safety planning and taking other actions to increase safety from future incidents of domestic violence, including temporary or permanent relocation; or
- Obtaining legal services, assisting in the prosecution of the offense, or appearing in court in relation to the incident or incidents of domestic violence.

Employees requesting time off for these reasons must provide the University with reasonable advance notice of their absence, unless advance notice is not feasible. If advance notice is not feasible, the employee must, within a reasonable period of time after the absence, provide the University with one of the following types of certification:

- A police report indicating that the employee or his or her child was a victim of domestic violence;
- A court order protecting or separating the employee or his or her child from the perpetrator of an act of domestic violence;
- Other evidence from the court or prosecuting attorney that the employee appeared in court; or
- Documentation from a medical professional, domestic violence advocate, health care provider, or counselor that the employee or his or her child was undergoing counseling or treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence.

Employees requesting time off under this policy will be required to utilize all accrued paid time off (PTO) prior to taking time off without pay.

An employee with a physical or mental disability resulting from domestic violence can request reasonable accommodations and will be treated in the same manner as any other employee with a disability.

To the extent permitted by law, the University will maintain the confidentiality of information regarding an employee's status as a victim of domestic violence.

Employees will not be discriminated or retaliated against for exercising their rights under this policy.

Employees with questions about this policy are encouraged to contact Human Resources.

Lactation Breaks

D'Youville will provide a reasonable amount of break time to accommodate an employee's need to express breast milk for the employee's infant child. Lactation breaks will be provided for up to three years following the child's birth.

Generally, these breaks shall be twenty to thirty minutes in duration, once every three hours. An employee may require a different break schedule and, if so, she should notify her supervisor who will work with her to accommodate her needs. The employee may be required to postpone her scheduled unpaid break time for no more than 30 minutes if she cannot be spared from her duties until appropriate coverage arrives.

The break time should, if possible, be taken concurrently with other break periods already provided. Non-exempt employees should clock out for any time taken that does not run concurrently with normally scheduled rest periods, and such time generally will be unpaid, in accordance with state law.

D'Youville will also make a reasonable effort to provide the employee with the use of a room or other location near the employee's work area, for the employee to express milk in private.

Please notify your supervisor to request time to express breast milk under this policy. D'Youville reserves the right to deny an employee's request for a lactation break if the additional break time will seriously disrupt operations and in accordance with applicable law.

No provision of this policy applies or is enforced if it conflicts with or is superseded by any requirement or prohibition contained in a federal, state, or local law or regulation.

COBRA (Consolidated Omnibus Budget Reconciliation Act)

You and your covered dependents will have the opportunity to continue medical and/or dental benefits for a period of time under the provisions of federal and state COBRA laws in the event you lose health and/or dental coverage due to one of the following:

- your employment terminates, for a reason other than gross misconduct;
- your employment status changes due to a reduction in hours;
- your child ceases to be a "dependent child" under the terms of the medical and/or dental plan.;
- you become divorced or legally separated;
- you become entitled to Medicare; or
- your death.

In the event of divorce, legal separation, or a child's loss of dependent status, you or a family member must notify the plan administrator within 60 days of the occurrence of the event. The plan administrator will notify the individuals eligible for continuation coverage of their right to elect COBRA continuation coverage.

For more information regarding COBRA, you may contact the Human Resources Department and/or review relevant information at <https://www.dol.gov/general/topic/health-plans/cobra>.

Tuition Waiver for Employees

This benefit is extended to employees under the following conditions: The D'Youville College tuition waiver is available to all full-time and benefited part-time employees (non-faculty). A tuition waiver is given for credit and non-credit courses in regular and summer sessions under the following conditions:

How to apply:

Employees must complete an application form on SharePoint through DocuWare prior to the Tuition Waiver Deadline to receive this benefit.

[D'Youville Tuition Waiver Benefit Application](#)

Please see deadlines below:

Fall Semester – June 15th

Spring Semester – November 15th

Summer Semester – April 15th

If the employee is attending Full Time, they are required to apply for the New York State Tuition Assistance Program (TAP) Award and are recommended to also apply for the Free Application for Federal Student Aid (FAFSA).

The employee is responsible for paying all fees. Failure to file FAFSA forms when required will result in payment due by the employee for full semester costs plus applicable fees. NOTE: Directed studies and internships require employee reimbursement of the faculty stipend.

The financial aid office cannot approve a waiver until these forms are received. The waiver is for tuition only and is determined after all state and federal funds are allocated. The employee is responsible for paying all fees.

Tuition Waiver Eligibility:

Tuition benefits for classes at D'Youville are available to employees, spouses, domestic partner, and dependent children the semester following four months after hire. Documentation to certify spouses, domestic partner or dependent child status may be required.

A maximum number of 6 credit hours per semester are allowed but cannot be taken during work hours. (Registration for the undergraduate Advance BS Program is limited to one course simultaneously in the program.)

Tuition Waiver Benefits:

Includes:

Tuition

Nonprofessional general undergraduate programs

Professional undergraduate programs (Program that leads to licensure or certification) employees will pay the difference in tuition and fees associated with the program.

Senior level employees (Presidents Cabinet, Chief Officer, Executive Directors) doctoral program upon approval from the President. While attending/and upon completion the doctoral program

they will be required to stay employed for two years or will be responsible for reimbursement to the university.

Excludes:

Graduate programs
Study abroad program

Summary:

Courses should not be taken during normal working hours (8:30 a.m. - 4:30 p.m.) unless the course(s) is required for graduation in your last year and the required course is not offered in the evenings, an employee can use PTO time.

The Internal Revenue Service may at any time, consider tuition remission taxable income. If so, the tuition waiver value will be added to the employee's taxable income at the end of the calendar year.

Employee needs to maintain satisfactory academic progress.

Tuition benefits cease immediately upon termination of employment. The balance of the semester's tuition will be prorated and charged to the employee, dependent, spouses, domestic partner.

Dependent children are unmarried sons or daughters, including adopted or stepchildren, who meet the qualifications for dependent status as defined by the Internal Revenue Service code and must be supported through a copy of the recently filed Form 1040.

Dependent children and spouses, domestic partner must meet the admissions requirements for the baccalaureate or master's program for which they are applying. * *Dependent, Spouses or Domestic Partner waivers are not available for the MBA program or for ANY professional degree's programs.* [Professional degree programs include the Doctor of Chiropractic program (DC), The Health Policy and Health Education Doctoral (Ed.D) program and the Educational Leadership (Ed.D), Pharmacy (PharmD.), the Doctor of Physical Therapy (DPT)] (Note: Future masters level programs will be reviewed for waiver eligibility at the time of inception on an individual program-by program basis.)

Employee, dependent, spouses and domestic partner that achieve the GPA required for their program and show Satisfactory Academic Progress as stated in the university's catalog.

The Internal Revenue Service may at any time, consider tuition remission taxable income. If so, the tuition waiver value will be added to your taxable income at the end of the calendar year.

Tuition Exchange

A regular full-time employee who has been employed for at least one (1) year at D'Youville is eligible to have his or her dependent children apply for the undergraduate tuition exchange benefit through two exchange programs: Council of Independent Colleges (CIC-TEP) www.cic.edu/tep/ and the Catholic College Cooperative Tuition Exchange (CCCTE) <http://www.cccte.org/> programs.

A third program requires an employee to have completed five years of service before a dependent can apply through The Tuition Exchange Program (TEP) www.tuitionexchange.org. The availability of this tuition benefit from a member University is directly dependent on its debit/credit situation in the program as well as the debit/credit status of D'Youville.

Qualified applicants should contact the Director of Human Resources at (716) 829-7811 to obtain an application and begin the process of tuition exchange certification.

Member Colleges will typically have deadlines for certification application on or around January 15th prior to fall enrollment. A member University may consider an applicant for tuition exchange if all of the following criteria are met:

- The applicant from D'Youville must be a dependent child of an employee who qualifies to apply for this benefit.
- Dependents are defined as children of employees who are under the age of 24 and claimed as dependents on an employee's federal income tax return for the prior year and who will also be claimed as a dependent for the years in which the tuition benefits are being requested.
- The applicant has been certified eligible for tuition exchange by D'Youville.
- The applicant must apply for and meet the admissions requirements AND be accepted by the University of choice.
- Under the TEP program, the University of choice must be in a debit/credit position allowing the acceptance (import) of additional applicants and D'Youville must be in a debit/credit position allowing the export of the applicant.
- Please note that, even if an applicant has been certified for tuition exchange by D'Youville and meets the admission requirements for the University of choice, **receipt of tuition exchange is not guaranteed.**

To determine the participating Colleges or universities, please visit the websites listed above. Specific information regarding the program is as follows:

- One of the fundamental principles of tuition exchange is that member Colleges and universities set their own policies and procedures for determining eligibility and certification of students sent on the exchange, as well as determining the requirements for students received or hosted. For this reason, it is important to work with the liaison, who has been appointed to facilitate exchange matters. The eligibility guidelines and additional information can be obtained from D'Youville's Director of Human Resources.
- ***Scholarships are not fringe benefits; they are competitive awards.*** Even if you are eligible to apply for an award and are certified by D'Youville, you may not receive an award because each institution is obligated to maintain a balance between students sent on the exchange (exports)

and students received on the exchange (imports). The final decision for acceptance into a tuition exchange program rests with the importing institution.

- Tuition exchange scholarships are competitive. In addition to meeting the admissions requirements of the host institution, some member institutions have established additional requirements, such as higher academic standards or limit awards to just a few students each year. To avoid disappointment, file your application early and apply to one or two schools that offer scholarships to a large proportion of the applicants, as well as your first choice.
- D'Youville limits employee eligibility to eight semesters of undergraduate education per dependent. Most exchange scholarships do cover four years (eight semesters) of undergraduate education, but importing institutions have the right to limit the duration of a scholarship, for example, to two years of support (four semesters).
- Importing institutions also will vary as to limitations and renewal policies of the scholarship. For example, the award may not cover study abroad or other educational experiences. Please check with the importing school for specific policies regarding their exchange scholarships.
- The employer-provided educational assistance exclusion has been made permanent. Under this provision, exchange scholarships are not deemed to be part of the employee's taxable income.
- The exchange programs are subject to review, and utilization of the program may be limited.

University Administration

Board of Trustees

The Board of Trustees is responsible for assuring that the University is carrying out its mission, overseeing the University's fiscal condition, and approving University policies. The Board appoints the President and, on the recommendation of the President, the treasurer of the University. The by-laws of the Board of Trustees provide for a minimum of 15 and a maximum of 25 members, at least two-thirds of whom will not be members of the Congregation of the Grey Nuns of the Sacred Heart. The board elects its own members who serve for three-year terms, renewable twice. One annual meeting and three regular meetings are scheduled each year with additional meetings as deemed necessary.

The President and the President's Council

The President of the University, as the Chief Executive Officer, is the direct representative of the Board of Trustees in the management of the University. The President is given the necessary authority and is held responsible for the administration of the University in all its activities and departments. The President carries out the established policies of the Board for the attainment of the institutional goals and objectives.

The President's Council includes the Vice President for Academic Affairs, Vice President for Student Affairs and Enrollment Management, the Vice President for Finance/Treasurer, the Vice President for Operations, the Vice President for Institutional Advancement; the Vice President for Administration and External Relations, and the Director of Public Relations.

The President's Council has authority and responsibility for the direction of their respective areas. Each member supervises a group of administrators, support staff, and/or faculty who interact closely in the performance of their responsibilities, receiving and exchanging information and ideas and relating their activities to the ultimate achievement of the University's mission, goals, and objectives.

The President's Council assists the President in the administration of the University.

The members serve in a direct advisory capacity to the President and so participate in the formulation of policies and procedures affecting the University and its goals.

University Store

Employees are granted a 10 percent discount on purchases made in the University store (excluding books and other items at the discretion of the University store). The minimum purchases the discount is applicable to is \$5. Employees are requested to present their University ID card.

Appendix A

(Effective: January 26, 2022)

New York State Labor Law

§ 740. Retaliatory action by employers; prohibition

1. Definitions. For purposes of this section, unless the context specifically indicates otherwise:

- (a) “Employee” means an individual who performs services for and under the control and direction of an employer for wages or other remuneration, including former employees, or natural persons employed as independent contractors to carry out work in furtherance of an employer's business enterprise who are not themselves employers.
- (b) “Employer” means any person, firm, partnership, institution, corporation, or association that employs one or more employees.
- (c) “Law, rule or regulation” includes: (i) any duly enacted federal, state or local statute or ordinance or executive order; (ii) any rule or regulation promulgated pursuant to such statute or ordinance or executive order; or (iii) any judicial or administrative decision, ruling or order.
- (d) “Public body” includes the following:
 - (i) the United States Congress, any state legislature, or any elected local governmental body, or any member or employee thereof;
 - (ii) any federal, state, or local court, or any member or employee thereof, or any grand or petit jury;
 - (iii) any federal, state, or local regulatory, administrative, or public agency or authority, or instrumentality thereof;
 - (iv) any federal, state, or local law enforcement agency, prosecutorial office, or police or peace officer;
 - (v) any federal, state or local department of an executive branch of government; or
 - (vi) any division, board, bureau, office, committee, or commission of any of the public bodies described in subparagraphs (i) through (v) of this paragraph.
- (e) “Retaliatory action” means an adverse action taken by an employer or his or her agent to discharge, threaten, penalize, or in any other manner discriminate against any employee or former employee exercising his or her rights under this section, including (i) adverse employment actions or threats to take such adverse employment actions against an employee in the terms of conditions of employment including but not limited to discharge, suspension, or demotion; (ii) actions or threats to take such actions that would adversely impact a former employee's current or future employment; or (iii) threatening to contact or contacting United States immigration authorities or otherwise reporting or threatening to report an employee's suspected citizenship or immigration status or the suspected citizenship or immigration status of an employee's family or household member, as defined in subdivision two of section four hundred fifty-nine-a of the social services law, to a federal, state, or local agency.
- (f) “Supervisor” means any individual within an employer's organization who has the authority to direct and control the work performance of the affected employee; or who has managerial authority to take corrective action regarding the violation of the law, rule or regulation of which the employee complains.

2. Prohibitions. An employer shall not take any retaliatory action against an employee, whether or not within the scope of the employee's job duties, because such employee does any of the following:

- (a) discloses, or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the employer that the employee reasonably believes is in violation of law, rule or regulation or that the employee reasonably believes poses a substantial and specific danger to the public health or safety;
- (b) provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any such activity, policy or practice by such employer; or
- (c) objects to, or refuses to participate in any such activity, policy or practice.

3. Application. The protection against retaliatory action provided by paragraph (a) of subdivision two of this section pertaining to disclosure to a public body shall not apply to an employee who makes such disclosure to a public body unless the employee has made a good faith effort to notify his or her employer by bringing the activity, policy or practice to the attention of a supervisor of the employer and has afforded such employer a reasonable opportunity to correct such activity, policy or practice. Such employer notification shall not be required where: (a) there is an imminent and serious danger to the public health or safety; (b) the employee reasonably believes that reporting to the supervisor would result in a destruction of evidence or other concealment of the activity, policy or practice; (c) such activity, policy or practice could reasonably be expected to lead to endangering the welfare of a minor; (d) the employee reasonably believes that reporting to the supervisor would result in physical harm to the employee or any other person; or (e) the employee reasonably believes that the supervisor is already aware of the activity, policy or practice and will not correct such activity, policy or practice.

4. Violation; remedy.

- (a) An employee who has been the subject of a retaliatory action in violation of this section may institute a civil action in a court of competent jurisdiction for relief as set forth in subdivision five of this section within two years after the alleged retaliatory action was taken.
- (b) Any action authorized by this section may be brought in the county in which the alleged retaliatory action occurred, in the county in which the complainant resides, or in the county in which the employer has its principal place of business. In any such action, the parties shall be entitled to a jury trial.
- (c) It shall be a defense to any action brought pursuant to this section that the retaliatory action was predicated upon grounds other than the employee's exercise of any rights protected by this section.

5. Relief. In any action brought pursuant to subdivision four of this section, the court may order relief as follows:

- (a) an injunction to restrain continued violation of this section;
- (b) the reinstatement of the employee to the same position held before the retaliatory action, or to an equivalent position, or front pay in lieu thereof;
- (c) the reinstatement of full fringe benefits and seniority rights;
- (d) the compensation for lost wages, benefits and other remuneration;
- (e) the payment by the employer of reasonable costs, disbursements, and attorney's fees;
- (f) a civil penalty of an amount not to exceed ten thousand dollars; and/or
- (g) the payment by the employer of punitive damages, if the violation was willful, malicious or wanton.

6. Employer relief. A court, in its discretion, may also order that reasonable attorneys' fees and court costs and disbursements be awarded to an employer if the court determines that an action brought by an employee under this section was without basis in law or in fact.

7. Existing rights. Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any other law or regulation or under any collective bargaining agreement or employment contract.

8. Publication. Every employer shall inform employees of their protections, rights and obligations under this section, by posting a notice thereof. Such notices shall be posted conspicuously in easily accessible and well-lighted places customarily frequented by employees and applicants for employment.

Credits

(Added L.1984, c. 660, § 2. Amended [L.2002, c. 24, § 2, eff. April 2, 2002](#); [L.2006, c. 442, §§ 12, 13, eff. Nov. 1, 2006](#); [L.2019, c. 684, § 1, eff. Dec. 20, 2019](#); [L.2021, c. 522, § 1, eff. Jan. 26, 2022](#).)

D'YOUVILLE UNIVERSITY
WHISTLEBLOWER DISCLOSURE STATEMENT

Date of Report: _____

REPORTER'S CONTACT INFORMATION: <i>Not required if being submitted anonymously</i>	
Name	Position/Title
Dept/Location	Work #
Home Address	Home/cell #
Best time to reach you	Email
Preferable method of communication:	

PERSON AGAINST WHOM THE REPORT OF ACTUAL OR SUSPECTED COVERED CONDUCT IS BEING MADE: <i>If more than one, please complete additional form(s).</i>	
Name	Position/Title
Dept/Location (if applicable)	Phone # (if known)

Acknowledgement of Receipt of Employee Handbook

I have received a copy of the D'Youville University Employee Handbook ("Handbook"). I have read the policies in this Handbook and understand that, although the Handbook is not an employment contract (express or implied), I am responsible to abide by the policies and practices described within it. I understand that this Handbook replaces any and all prior handbooks and inconsistent policies and practices of D'Youville University.

I specifically acknowledge that I will comply with D'Youville University's unlawful discrimination and harassment policies.

I understand that the policies and benefits contained in this Handbook may be added to, deleted, or changed by D'Youville University at any time.

I understand that I am an at-will employee (subject to any applicable collective bargaining agreement), and either the University or I can terminate my employment at any time, for any reason, with or without cause or notice. I also understand that no one other than the President has the authority to enter into an agreement with me for employment for a specified period of time.

If I have any questions regarding the content or interpretation of the policies in this Handbook, I will bring them to the attention of my supervisor.

With this knowledge, I accept the policies outlined herein as a condition of employment.

Signature

Date

Please print your full name

Please sign and date one copy of this notice and return it to Human Resources. Retain a second copy for your reference.