



**WILLIAM JAMES  
COLLEGE**

# ***NON-ACADEMIC EMPLOYEE HANDBOOK***

## **President's Message - Welcome**

Welcome to William James College. In joining our community, you become an important part of a premiere institution dedicated to teaching, working and bringing psychological knowledge to the global community. As a new employee, you are now an essential member of this organization and a contributor to its work and learning environment that has been shaped for over 40 years. I hope that you will have a rewarding and growing experience with us and we expect that you will work with us to fulfill our educational and service mission.

William James College educates professionals to deliver mental health care to the community, trains leaders to improve the quality and efficiency of organizations and equips other professionals with psychological skills to enhance their work. An education here is life-changing and prepares our graduates for the challenging, but infinitely rewarding career of assisting others. Some of our faculty members, also work as program administrators, forensic and health experts, school psychologists, coaches and clinical researchers. Many are leaders in the field and we have psychoanalytic, family, systems, feminist, developmental, humanistic and cognitive-behavioral theorists working with our administrative staff to create a rich and stimulating learning environment.

A hallmark of William James College is its eagerness to adapt to changes in professional practice and community needs. Some examples of our community specialization programs are the Military and Veterans Psychology Program and our Latino Mental Health Program. Our reputation for excellence in psychology education was forged by the many people who came here before us. By joining this community, you have become part of a legacy of great achievement and even greater potential. Let's work together to realize this promise.

We welcome your interest, ideas, energy and the opportunity to work with you. I expect that you will find us a warm and supportive group and expect that you will contribute significantly to our development for many years to come.

Welcome to William James College.

Nicholas A. Covino, PsyD  
President

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## **DISCLAIMER**

The contents of this Non-Academic Employee Handbook (“Employee Handbook”) have been designed to acquaint you with William James College (or “the College” or “institution”) and help to guide you in your employment relationship.

This Employee Handbook is not a contract between William James College and any one or all of its employees, nor does it guarantee employment for any definite period of time. William James College is an “at-will” employer. This means that William James employees have the right to resign their position at any time, for any reason, with or without advance notice and with or without cause. William James College, as the employer, has similar rights to terminate employment at any time, for any lawful reason, with or without notice and with or without cause. The same is true for benefits and all terms and conditions of employment.

William James College reserves the right to unilaterally change, revise, suspend, revoke or eliminate any of the plans, policies or procedures described in this Employee Handbook. Any such changes to any portion of the Employee Handbook will become effective only when approved and authorized for implementation by the President of the College. When such changes are made, the William James College community will be informed via appropriate means.

This Handbook is not a “summary plan description” as defined by the Employee Retirement Insurance Security Act of 1974, as amended (“ERISA”). For the employee benefits described herein, which are subject to ERISA, this Handbook only highlights such benefits. The applicable plan documents and summary plan descriptions (“ERISA plan documents”) control the provision of those benefits. In the event of any conflict between this Handbook and ERISA plan documents, the ERISA plan documents will control.

This manual supersedes all prior policies, procedures, manuals and/or handbooks, as well as any representations or interpretations of policy or procedure by any manager, regarding the subjects, plans, policies, benefits and procedures addressed in this Employee Handbook.

Human Resources is always available to assist you with your employment needs. If you have any questions, please feel free to contact them.

## **GENERAL CAMPUS INFORMATION**

### Accreditation and Institutional Recognition

William James College is a recognized non-profit institution of higher learning offering graduate certificates and degrees. The Massachusetts Department of Higher Education has authorized this institution to award the Psy.D., M.S., and M.A. degrees and the Certificate of Advanced Graduate Study C.A.G.S. (Contact information: The Department of Regents of Higher Education of the Commonwealth of Massachusetts, 1 Ashburton Place, Room 1401, Boston, MA, 02108; 617-994-6950.)

William James College is accredited by the New England Commission of Higher Education. (NECHE), the accrediting body for the six New England states. Accreditation by this association signifies that the institution has been determined to have the available resources to achieve its stated purposes through its educational program and gives evidence that it will continue to do so in the foreseeable future. (Contact information: The New England Commission of Higher Education, 3 Burlington Woods Drive, Suite 100, Burlington, MA 01803; 781-425-7785.)

The Psy.D. program in Clinical Psychology is accredited by the American Psychological Association (APA), demonstrating that it complies with the APA *Criteria for Accreditation* implemented in a manner consistent with its publicly stated goals and objectives. (Contact information: The Office of Program Consultation and Accreditation of the American Psychological Association, 750 First Street, NE, Washington, D.C., 20002-4242; 202-336-5979.)

The program leading to the Certificate of Advanced Graduate Study (C.A.G.S) in School Psychology is accredited by the National Association of School Psychologists (NASP). (Contact information: National Association of School Psychologists, 4340 East West Highway, Suite 402, Bethesda, Maryland 20814; 301-657-0270.)

### Building Hours

One Wells Avenue Building: Monday – Thursday: 7AM – 9PM; Friday: 7AM – 5:30PM; Saturday: 8AM – 5PM; Sunday: open only for students in Blended Programs during their weekends in residence.

### Smoking

In accordance with the Massachusetts Clean Indoor Air Act, which prohibits smoking in many public areas, including schools, Colleges and universities, the institution prohibits smoking throughout the campus. This prohibition applies to all employees, faculty, students, volunteers, vendors and visitors. There are outside designated smoking areas.

### Personal Property

Personal property is brought onto the College premises at the owner's risk. Although we all attempt to safeguard our property, the institution's insurance protects only property owned by the College.

## **CAMPUS-WIDE POLICIES**

### Alcohol- and Drug-Free Campus Policy

In compliance with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989, and pursuant to its commitment to provide students, employees and visitors a safe and healthful campus, William James College has established an Alcohol and Drug Awareness Program and implemented an Alcohol and Drug-Free Campus Policy.

A summary of the conduct prohibited by the institution's Alcohol and Drug-Free Campus Policy is as follows:

- no student or College employee may at any time use, possess, sell, manufacture, distribute, store or dispense alcohol on our premises, as part of any College related activity, or in the workplace, except as specifically authorized by the College or under the Colleges regulations;
- no student or employee may unlawfully manufacture, distribute, dispense, possess or use controlled substances on campus, at any College activity, or on College business;
- no person may bring prescription drugs on campus unless they have been prescribed by a licensed physician, and such drugs can only be used by the person receiving such a prescription in the manner, combination and quantity prescribed; and
- no employee holding a position which the College considers to be safety sensitive may use prescription drugs at work without first obtaining a statement from his or her prescribing physician that the use of prescription drugs on the job will not impair the individual's work abilities.

Compliance with the Alcohol and Drug-Free Campus Policy is a condition of enrollment and employment at the William James College. If a violation of the Policy occurs, the institution will take the necessary disciplinary measures. Such measures may include, but are not limited to:

- removal from duty;
- required attendance at an evaluation session with a professional staff member;
- successful completion of a mandatory drug or alcohol abuse program;
- termination of employment;
- expulsion; and
- referral to appropriate law enforcement officials for criminal prosecution.

A copy of the institution's full Alcohol and Drug-Free Campus Policy shall be provided to every student and employee annually. All students and employees are urged to read it in its entirety. A copy of the full Policy may be obtained at any other time by contacting your supervisor and is also included at the end of this handbook.



## Emergency Closings

William James College recognizes that inclement weather and other emergencies can affect its ability to open for business and can disrupt its operations for employees, staff, faculty and students. It is the institution's policy to operate in accordance with the approved Calendar and to maintain full operations unless severe or emergent conditions dictate otherwise. When severe or emergent conditions exist, the decision to open late, close for the day or to close early will be made by designated individuals. Such decisions will be based upon the best information available regarding the operational status of the institution.

In the event that inclement weather or another emergency occurs when the institution is not open, the following will occur:

1. The following television stations will broadcast notification of the College's closing:

**TV:** CBS (4), WCVB (5), Boston WHDH (7), FOX (25), NECN

2. An alert cell phone text is sent to all cell phones.
3. A message is placed on the main phone line: (617)-327-6777.
4. A notice is placed on the main web page: [www.williamjames.edu](http://www.williamjames.edu).

It is the responsibility of students and employees to verify if the institution is closed or opening late. During working hours, changes to the College's operating schedule will be communicated to all affected individuals as quickly as possible in accordance with established emergency notification procedures as noted above. In cases where an emergency closing is not authorized, employees who fail to report for work will not be paid for the time off.

## Evacuation Policy

In the event of a fire or other emergency at either College campus, an audible alarm will sound to alert you to exit the building. **ALL PERSONNEL MUST EXIT THE BUILDING.**

## Emergency Management Guide

An emergency management guide is located in every classroom and in strategic locations throughout the building.

## William James College Identification (ID) Cards

All students, faculty and other employees are issued official photo identification cards. ID cards must be carried whenever on campus or otherwise participating in a William James College related activity. Permitting another person to use one's ID card is prohibited and is considered a serious ethical violation. Lost cards should be reported to the Information Technology Department.

### Visitors in the Workplace

To provide for the safety and security of students, staff, faculty and the facilities at the institution, all visitors must sign in at the reception area. Authorized visitors will be escorted to their destination.

### Pets and Animals

With the exception of service dogs, no pets and other animals may be brought into the building.

### Religious Observances

William James College respects the right of individuals to observe religious holidays during the year. The institution will attempt to reasonably meet the needs of our employees relating to their religious beliefs and practices of which we are aware. However, the institution cannot make any accommodations which would cause undue hardship or which relate to matters about which we have not been informed.

**Students:** The College, when scheduling classes on religious holidays, intends that students observing those holidays be given opportunity to make up work. The student should notify the instructor at the beginning of the semester if she/he will need to arrange with the Instructor for any accommodation.

**Faculty:** Faculty who wish to observe religious holidays may arrange for another faculty member to meet their classes or reschedule the class and should inform students about any changes in scheduling.

### Office of Research

The values of research, scholarship and evidence based practice are central to William James College (WJC). To support these values, the Office of Research has developed policies to foster the execution of responsible and ethical research. All investigators (faculty, staff, professionals and students) must comply with these policies while conducting research at WJC, or while affiliated with WJC. Full policy is included at the end of the handbook.

## Commitment to Equal Opportunity, Diversity and Affirmative Action

William James College is an institution and a community committed to the principles of excellence, fairness and respect for all people. As part of this commitment, we actively value diversity in our workplace and seek to take advantage of the rich backgrounds and abilities of everyone. Our equal opportunity commitment affirmatively protects all staff and applicants ensuring that employment decisions are based on individual merit as opposed to stereotypes and biases.

Providing equal opportunity in employment is only one aspect of achieving diversity at William James College. Because a variety of social and historical barriers have limited access to employment and advancement of certain groups in the past, we make special efforts to identify, recruit, hire and promote qualified people who are traditionally underrepresented in our workforce.

### Statement of Non-Discrimination

William James College is committed to a policy of non-discrimination, equal opportunity, diversity and affirmative action. We are dedicated to providing educational, working and living environments that value the diverse backgrounds of all people.

William James College does not unlawfully discriminate in admission or access to, or treatment or employment in, its educational programs and activities on the basis of race, color, religion, national origin, age, disability, gender, sexual orientation, gender identity, gender expression, genetic information, marital or parental status, or veteran status. William James prohibits unlawful discrimination or discriminatory harassment on all of those bases. Such behaviors violate the institution's policy, will not be tolerated, and may result in disciplinary action up to and including termination or expulsion.

It is also the policy of William James College to provide each student, faculty member, employee and other person having dealings with the institution an environment free from unlawful sexual violence and all forms of misconduct on the basis of gender. William James College prohibits rape, statutory rape, sexual assault, sexual exploitation, incest, sexual harassment, gender-based harassment, domestic violence, dating violence and stalking, and retaliation. These behaviors violate the institution's policy, will not be tolerated, and may result in disciplinary action up to and including termination or expulsion.

William James College policies against discrimination, discriminatory harassment, sexual violence and retaliation apply in all College programs and activities, including, but not limited to, instruction, grading, and employment. They apply to all members of the campus communities, including, but not limited to, students, faculty, staff, visitors, contractors and applicants for employment or admission. They also apply to off-campus conduct that negatively affects a community member's experience in the institution's environment.

William James College has appointed an Equal Opportunity Officer ("EO Officer") to oversee its compliance with its nondiscrimination, discriminatory harassment and

retaliation policies, as well as the state and federal non-discrimination and equal opportunity laws. Anyone with questions, concerns or complaints regarding discrimination, discriminatory harassment or retaliation may contact the EO Officer, the Director of Human Resources, extension 1531.

Any person with questions or concerns about any form of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence and stalking and/or retaliation may also contact William James Title IX Coordinator at: Gloria Noronha, Director of Diversity, Equity & Inclusion, Extension 2261.

Or

The U.S. Department of Education  
Office for Civil Rights  
33 Arch Street, 9th Floor  
Boston, MA 02119-1424  
(617) 289-0111  
Fax (617) 289-0150; TDD (877) 521-2172  
OCR.Boston@ed.gov

#### Disability and Accommodations

(American with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act)

William James College complies with the state and federal laws that extend civil-rights protection to persons with disabilities, including students, faculty, employees and visitors. The ADA, as amended, protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, classification, referral and other aspects of employment on the basis of disability. Similarly, Section 504 of the Rehabilitation Act of 1973 protects qualified individuals from discrimination based on their disability. Consistent with these requirements, it is policy of William James College not to discriminate against any qualified student, employee, or applicant for admission or employment because of such individual's disability or perceived disability. In compliance with our policy of non-discrimination, the institution will provide reasonable accommodations to a qualified individual with a disability (as defined by law) or applicant who has made us aware of his/her disability and requested accommodation, provided that such accommodation does not constitute an undue hardship on the institution.

#### Title IX

William James College is committed to maintaining a safe and healthy environment that is free from all forms of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation. Consistent with this commitment, the institution complies with Title IX of the Higher Education Amendment of 1972, which prohibits discrimination and harassment on the basis of sex in education programs and activities. Training is provided upon hire and annually for all employees.

A summary of this policy can be found at the end of the handbook and a full version online.

## **EMPLOYMENT POLICIES**

### Employment Categories

- Full-Time Regular Employee:** An individual classified as a regular employee in an established job that meets the full-time requirements working 35 hours per week as defined by William James College.
- Half-Time Regular Employee:** An individual classified as a regular employee in an established job that works between 18 and 34 hours per week.
- Part-Time Regular Employee:** An individual classified as a regular employee in an established job that works less than 17.5 hours per week.
- Per Diem Employee:** An individual classified as an employee who works on an as-needed basis and not regularly scheduled. This individual is ineligible for any benefits provided by William James College. Per Diem employees are required to work certain shifts, holidays and/or weekends to maintain their per diem status.
- Temporary Employee:** An individual classified as an employee who generally works for a specified, limited duration of time, regardless of the number of hours per week. Temporary employees are not eligible for any College provided benefits.

### Employment Applications

William James College relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

### Background Checks

All volunteers and all job applicants who are offered employment with William James College: (1) must complete a CORI Authorization Form and (2) must receive clearance from the institution prior to the start of their service. Any prospective volunteer or

employee whose CORI report reflects conviction of certain offenses may no longer be eligible to work at the College.

### Employment Reference Checks

To ensure that individuals who join William James College are well qualified and have a strong potential to be productive and successful, it is the policy of the institution to check the employment references of all applicants.

Human Resources will respond to all reference check inquiries from other employers. Responses to such inquiries will confirm only dates of employment and job title.

### Job Postings

William James College encourages employees to take a self-directed approach to their career development. Through our Internal Job Posting Program, you can enhance your professional skills while making a positive contribution to your own career. Generally, the institution will post open positions for a minimum of five (5) days. Each posting will include a brief description of the job requirements and qualifications needed. All exempt level applicants must submit a resume to apply. To be eligible, you must have been in your current position at least six months; be on active status; have a current performance rating of satisfactory or better; and meet the minimum requirements of the position. The timeframe for transferring to a new position will depend on the ability to replace your current position and will be at the discretion of your current supervisor.

The College's selection decisions are based on qualifications and ability. In the case of internal applicants, past job performance at the College will also be taken into consideration. In all cases, the hiring supervisor's determination as to qualifications and ability will control.

### Hiring of Relatives

Employment of relatives is highly discouraged at William James College. This is inclusive of full-time, part-time, seasonal and temporary employees. Questions or concerns regarding hiring of relatives must be brought to the Director of Human Resources for resolution.

### Immigration Law Compliance

William James College is committed to employing only those individuals who are authorized to work in the United States. The institution does not discriminate on the basis of citizenship or national origin.

The Immigration Reform and Control Act of 1986, requires employers to verify that every person hired is a U.S. citizen, a permanent resident, or a foreign national with authorization to work in the U.S. Accordingly, 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 William James College 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.

### Employee Relations

William James College is committed to the fair treatment of our valued employees. This commitment helps assure your working environment is fair and equitable and allows all employees to succeed. We are committed to providing opportunities for training and advancement, competitive wages and benefits and fair treatment of all employees. In return, we hope all employees will engage us in full and open communications.

### Employee Conduct

To ensure orderly operations and provide the best possible work environment, William James College expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization.

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

- Theft or inappropriate removal or possession of property
- Falsification of timekeeping records
- Working under the influence of alcohol or illegal drugs
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating College-owned vehicles or equipment
- Fighting or threatening violence in the workplace
- Insubordination or other disrespectful conduct
- Smoking in prohibited areas
- Sexual or other unlawful or unwelcome harassment
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
- Excessive absenteeism or any absence without notice
- Unauthorized absence from work station during the workday
- Unauthorized use of telephones, mail system, or other employer-owned equipment
- Unauthorized disclosure of business "secrets" or confidential information
- Violation of personnel policies
- Unsatisfactory performance or conduct

## Workplace Violence

William James College has zero tolerance for violence in the workplace. We are committed to the prevention of workplace violence and the maintenance of a respectful working community. A safe and secure environment is a fundamental prerequisite for fulfilling the institution's mission. Therefore, the institution will not tolerate threats, threatening conduct or any other act of aggression or violence in the workplace or in any work-related setting outside the workplace, such as during business trips, College outings or at business related social events. The institution reaffirms the basic right of all employees to a safe and humane working environment. All members of the faculty, staff, administrative community and students will be treated with dignity, respect and fairness at all times.

## Prohibited Conduct

William James College will not tolerate any type of workplace violence committed by or against faculty, staff or administrative employee. Workplace violence, for the purpose of this policy, is defined as any behavior that creates a work environment that a reasonable person would find intimidating, threatening, violent, or abusive, regardless of whether the behavior may affect a person's psychological or physical well-being and ability to do his/her job.

## Reporting Procedures

Employees are responsible for notifying a supervisor or the Director of Human Resources of any threats which they have witnessed, received or have been told that another person has witnessed or received. Employees should also report any behavior they have witnessed which they regard as threatening or violent when that behavior is or might be carried out on College property or in connection with employment. In instances where immediate fear for safety is present, employees should dial 911 immediately. All reports or incidents of workplace violence will be investigated by the Director of Human Resources in conjunction with the Safety Office and those situations warranting confidentiality will be handled appropriately. Information will be disclosed to others only on a need-to-know basis. Retaliation toward an employee bringing forward a workplace violence complaint will not take place and will not be tolerated.

Employees who have initiated a restraining order or other forms of domestic violence or stalking protection may notify Human Resources to discuss protective measures in the workplace, if requested.

## William James College Standards of Conduct and Business Ethics

William James College holds a strong commitment to high ethical standards and full compliance with laws, regulations and policies. Our reputation for honesty, fairness and business integrity is vital to our success and therefore of paramount concern. Employee conduct must conform at all times to the highest standard of ethical and lawful behavior.



William James College operates in a business environment that is highly regulated and has become increasingly complex under federal and state laws. It is the responsibility of all employees, to consistently and fully comply with all laws and regulations. To obtain further guidance on an ethics and compliance issue or to report a suspected violation of our Code of Conduct:

- DISCUSS the situation with your supervisor or other manager;
- DISCUSS the situation with the Compliance Officer;
- CALL the Corporate Compliance Hotline at: 844-490-HELP
- EMAIL the Corporate Compliance line at: [compliance@williamjames.edu](mailto:compliance@williamjames.edu)

William James College will handle all such reports with as much confidentiality as is possible consistent with its desire to thoroughly investigate and, if necessary, take corrective action. William James College will **not permit retaliation** against anyone who makes a report under this policy.

#### Non-Disclosure of Confidential Business Information

The protection of confidential business information and trade secrets is vital to the interests and the success of William James College. Such confidential information includes, but is not limited to, the following examples:

- compensation data
- computer processes
- computer programs and codes
- customer lists
- customer preferences
- financial information
- marketing strategies

Employees who improperly use or disclose confidential business information will be subject to disciplinary action, up to and including termination of employment, even if they do not actually benefit from the disclosed information.

#### Introductory Period

The introductory period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. William James College uses this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or William James College may end the employment relationship at will at any time during or after the introductory period, with or without cause or advance notice.

All new and rehired employees work on an introductory basis for the first 180 calendar days after their date of hire. Any significant absence will automatically extend an introductory period by the length of the absence. If the institution determines that the

designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended for a specified period.

### Orientation Program

William James College recognizes that the orientation process is highly essential and a valuable part of an employee's experience. The goals of William James' Employee Orientation Program include welcoming new employees, introducing our culture and values and providing access to the tools and resources available for successful job performance.

New employees are required to participate in orientation generally on their first day of employment to acquaint them with job expectations and the institution's policies and regulatory compliances.

All employment policies apply during orientation.

### Job Descriptions

William James College makes every effort to create and maintain accurate job descriptions for all positions within the organization. Each description includes a job information section, a job summary section (giving a general overview of the job's purpose), an essential duties and responsibilities section, a supervisory responsibilities section, a qualifications section (including education and/or experience, language skills, mathematical skills, reasoning ability, and any certification required), a physical demands section, and a work environment section.

The College maintains job descriptions to aid in orienting new employees to their jobs, identifying the requirements of each position, establishing hiring criteria, setting standards for employee performance evaluations, and establishing a basis for making reasonable accommodations for individuals with disabilities.

The Director of Human Resources and the hiring manager prepare job descriptions when new positions are created. Existing job descriptions are also reviewed and revised in order to ensure that they are up to date. Job descriptions may also be rewritten periodically to reflect any changes in the position's duties and responsibilities. All employees will be expected to help ensure that their job descriptions are accurate and current, reflecting the work being done.

Employees should remember that job descriptions do not necessarily cover every task or duty that might be assigned, and that additional responsibilities may be assigned as necessary. Contact the Director of Human Resources if you have any questions or concerns about your job description.

### Access to Personnel Files

Personnel records must be kept up-to-date at all times. You must notify the Payroll and

Benefits Office of:

- Change of Address
- Change of Name
- Identity Theft
- Change in your designation of emergency contact information
- Motor vehicle information
- Any change to your benefits enrollments that you may choose to request due to major life events
- Any changes to your professional license/certification status

You are welcome to review the contents of your personnel file by submitting a written request and making an appointment with the Payroll and Benefits Office. Copies requested in writing will be provided within five (5) business days.

### Fair Labor Standards Act (FLSA) – Exempt and Non-Exempt Designations

The Fair Labor Standards Act (FLSA) establishes provisions and standards to determine overtime pay, hours worked, record-keeping plans and child-labor provisions. Jobs at William James College are either classified as “non-exempt” or “exempt” work upon regulations of the institution.

#### *Non-Exempt Status*

William James College is required by federal law to pay a regular hourly wage to staff performing non-exempt work. The College is also required to pay staff performing non-exempt work for all hours worked. Nonexempt employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons.

#### *Exempt Employees*

If you are classified as an exempt salaried employee, you will receive a salary which is intended to compensate you for all hours you may work for William James College. This salary will be established at the time of hire or when you become classified as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform. However, if you have any questions about any deductions or feel a deduction has been made in error, you should immediately contact the Payroll and Benefits Department.

## Timekeeping

### *Nonexempt Employees*

Accurately recording time worked is the responsibility of every nonexempt employee. Federal and state laws require the College to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

It is the employee's responsibility to sign his/her time records to certify the accuracy of all time recorded. The supervisor will review before submitting it for payroll processing.

### *Exempt Employees*

William James College must track and record all exception time for all exempt employees. Exempt employees must submit an exception time sheet for each week they have been out due to any exception time. Exception time includes vacation, sick, bereavement and personal days. Exception sheet forms are located on the shared drive in the forms folder. All completed exception sheets must be forwarded to the Payroll and Benefits Office.

## Position Classification

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

## Work Schedules

The normal work schedule for all employees is 7 hours a day, 5 days a week. Supervisors and/or managers must advise employees of the times their schedules will normally begin and end. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

## Compensation

The College's compensation program is designed to establish and maintain overall pay and benefit levels that will attract, retain and motivate a qualified individual. This is accomplished by establishing/maintaining pay rates and benefits that are internally equitable and externally competitive.

The objectives of William James College are to:

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

### Paydays

All employees are paid biweekly on every other Thursday. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

In the event that a regularly scheduled payday falls on a day off such as a weekend or holiday, employees will receive pay on the last day of work before the regularly scheduled payday.

### Direct Deposit

Direct deposit is mandated at William James College. Arrangements for direct deposit may be made through the Payroll and Benefits Department.

### Pay Advances

The College will not grant requests from employees who desire to receive their wages in advance of the regular pay day.

### Administrative Pay Corrections

The College takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of Payroll and Benefits Department so that corrections can be made as quickly as possible.

### Overtime

Given the nature of our business, there will be occasions when overtime is necessary. Non-exempt employees, generally paid by the hour with an hourly rate, generally will be paid overtime at time-and-one-half of their regular hourly base rate for hours worked in excess of 40 hours in a work week. William James College defines its work week at 35 hours. Therefore, all hours worked between 35 and 40 are paid at straight time.

Vacation, Sick and Personal Days are not included when calculating overtime.

*NOTE: Overtime must be authorized by your Supervisor before it is worked. Working unauthorized overtime is not permitted and will subject the employee to disciplinary action, up to and including termination*

Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour restrictions. Overtime pay is based on actual hours worked. Time off on meal breaks, sick leave, vacation leave, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations.

Circumstance may necessitate mandatory overtime for certain employees. While normally assigned on a voluntary basis, overtime will be considered mandatory if an insufficient number of employees volunteer to perform the work. Failure or refusal to work mandatory overtime may result in disciplinary action up to and including termination.

### Attendance and Punctuality

To maintain a safe and productive work environment, the College expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the institution. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence.

Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

### Rest and Meal Periods

If you work more than six (6) hours in a day, you generally will receive a thirty (30) minute meal period (which is unpaid) and a paid rest break. The College allows for a 60 minute meal break. If you work less than six hours, you generally will receive one fifteen-minute paid rest break. Meal periods and rest breaks cannot be taken consecutively (unless

approved in advance by your manager), nor can lunch be taken at the beginning or the end of the work day.

### Personal Appearance

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the professional image the College presents to the community.

During business hours or when representing William James College, you are expected to present a clean, neat, and tasteful appearance. You should dress and groom yourself according to the requirements of your position and accepted social standards.

Although some positions might require a more specific dress code, such as Admissions, in general professional business casual attire is acceptable. There may be days or events where your supervisor or office manager may request that business attire is more appropriate. Advance notice will be given for these events/days.

### Casual Days

The following information is intended to serve as a guide to help define appropriate casual business wear for all employees during designated casual days at the College. Each Friday will be a designated casual day. Other days, such as certain holidays or days proceeding holidays, may be designated as casual days with prior notification from your immediate supervisor.

Our primary objective is to have employees project a professional image while taking advantage of more casual and relaxed fashions. Casual dress offers a welcome alternative to the formality of typical business attire.

However, not all casual clothing is appropriate for the office. Casual business wear means clean, neat, professional clothing. It is never appropriate to wear stained, wrinkled, frayed, or revealing clothing to the workplace. If you are considering wearing something and you are not sure if it is acceptable, choose something else or inquire first.

Listed below is a general overview of acceptable casual business wear as well as a listing of some of the more common items that are not appropriate for the office. Obviously, neither group is intended to be all inclusive. Rather, these items should help set the general parameters for proper casual business wear and allow you to make intelligent judgments about items that are not specifically addressed.

Examples of acceptable casual business wear include:

- slacks
- jeans
- shorts
- golf shirts
- T-shirts

- sweatshirts
- athletic shoes

Examples of inappropriate clothing items that should not be worn on casual days include:

- sweatpants
- tank tops

On occasion, we may announce dress-down days where looser, even more informal clothing can be worn in order to allow you to enjoy a special occasion, better tolerate excessive heat conditions, or more comfortably organize your work area.

For some, traditional business attire may simply remain a more favored option on casual days. The choice will be yours. We hope and fully expect that casual days will help make our workplace more enjoyable and productive.

### Performance Evaluation

Managers and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. A formal written performance evaluation will be conducted at the end of an employee's initial period of hire, known as the introductory period. Formal annual performance evaluations are conducted to provide both managers and employees the opportunity to discuss performance, encourage and recognize strengths, areas of development and goal setting.

### Progressive Discipline

The purpose of this policy is to state the institution's position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. The best disciplinary measure is the one that does not have to be enforced and comes from good leadership and fair supervision at all employment levels.

The College's own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform, and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future.

Although employment with William James College is based on mutual consent and both the employee and the College have the right to terminate employment at will, with or without cause or advance notice, we may use progressive discipline at its discretion.

Disciplinary action may call for any of four steps -- verbal warning, written warning, suspension with or without pay, or termination of employment -- depending on the severity of the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed.



Progressive discipline means that, with respect to most disciplinary problems, these steps will normally be followed: a first offense may call for a verbal warning; a next offense may be followed by a written warning; another offense may lead to a suspension; and, still another offense may then lead to termination of employment.

William James College recognizes that there are certain types of employee problems that are serious enough to justify either a suspension or termination of employment, without going through the usual progressive discipline steps.

By using progressive discipline, we hope that most employee problems can be corrected at an early stage, benefiting both the employee and the institution.

### Problem Resolution

William James College is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response from management.

The College strives to ensure fair and honest treatment of all employees. Managers and employees are expected to treat each other with mutual respect. Employees are encouraged to offer positive and constructive criticism.

If employees disagree with established rules of conduct, policies, or practices, they can express their concern through the problem resolution procedure. No employee will be penalized, formally or informally, for voicing a complaint with William James College in a reasonable, business-like manner, or for using the problem resolution procedure.

If a situation occurs when employees believe that a condition of employment or a decision affecting them is unjust or inequitable, they are encouraged to make use of the following steps. The employee may discontinue the procedure at any step.

### Procedure

#### Step One

Employee presents problem to immediate manager after incident occurs or issues with established rules, policies or practices for a face to face discussion. If the manager is unavailable or employee believes it would be inappropriate to contact that person, employee may present problem to the Director of Human Resources or any other member of management.

#### Step Two

The Manager will conduct the necessary research or consultation with appropriate management or individuals to aid in resolution. The manager will respond to the employee within 10 days of discussion for a status report or information to resolve the issue. Supervisor documents discussion.

### Step Three

In the event the staff member and manager are unable to resolve the issue or have a satisfactory resolution, the manager and staff member will document all information and meet with the Director of Human Resources to discuss the issue and attempt to resolve.

### Step Four

All unresolved issues/disputes may be submitted to the Chief Operating Office who will review and make a determination. All unresolved issues must be submitted in writing and contain the signatures of Director Human Resources and the Department Manager. The Chief Operating Office will review and consider the issue and has full authority to make any adjustment deemed appropriate to resolve the problem.

Not every problem can be resolved to everyone's total satisfaction, but only through understanding and discussion of mutual problems can employees and management develop confidence in each other. This confidence is important to the operation of an efficient and harmonious work environment, and helps to ensure everyone's job satisfaction.

### Resignation

Resignation is a voluntary act initiated by the employee to terminate employment with William James College. Although advance notice is not required, the College requests two (2) weeks' written resignation notice from all employees.

### Termination

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

- Resignation - voluntary employment termination initiated by an employee.
- Discharge - involuntary employment termination initiated by the organization.
- Layoff - involuntary employment termination initiated by the organization for non-disciplinary reasons.

The College will generally schedule exit interviews at the time of employment termination. The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to the College, or return of College-owned property. Suggestions, complaints, and questions can also be voiced.

Since employment with William James College is based on mutual consent, both the employee and the institution have the right to terminate employment at will, with or without cause, at any time with or without advance notice. Employees will receive their final pay in accordance with applicable state law.

Employee benefits will be affected by employment termination in the following manner. All accrued, vested benefits that are due and payable at termination will be paid. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

#### Return of Property

Employees are responsible for all William James College property, materials, or written information issued to them or in their possession or control.

Employees must return all College property immediately upon request or upon termination of employment.

#### Re-employment at William James College

Employees who leave William James College and are later re-hired may, in the College's discretion, receive credit for prior service for vacation eligibility and other benefits.

## EMPLOYEE BENEFITS

William James College currently offers several employee benefit plans to eligible employees. A number of the programs (i.e., social security, workers' compensation, and unemployment insurance) cover all employees in the manner prescribed by law.

William James College and, if applicable, benefit plan administrators or insurance companies, have the right and the legal authority to administer and interpret the plans, to change the levels of employee contributions, and to amend, modify or terminate the plans at any time for any reason.

This Employee Handbook provides a general description of the benefits currently offered by College to eligible employees. To find out more about eligibility, benefits, options, exclusions, limitations and other information about each of the benefit plans referenced in the Handbook, please refer to each plan's Summary Plan Description, which can be obtained from the Payroll and Benefits Department or accessed through the College's benefit website. In the event the description of the plan in this Handbook conflicts with the terms and conditions of coverage set forth in the formal ERISA plan documents, the ERISA plan documents shall govern.

It is the employee's responsibility to notify the Payroll and Benefits Department of any changes that affect his/her insurance coverage or the insurance coverage of his/her eligible dependents. William James College will not be responsible for non-coverage of employees or their dependents because of an employee's failure to provide accurate and timely information to the institution.

### Health and Dental Insurance

Employees who meet the eligibility requirements may choose to participate in either or both of the institution's sponsored medical and dental insurance plans. Employee contributions for coverage under the medical and dental plans during active employment will be made by payroll deductions. Deductions for the medical and dental programs are taken on a pre-tax basis, according to IRS guidelines, thereby favorably reducing the employee's taxable income.

If you are eligible for benefits and waive coverage for either the medical or dental benefit plans, you must complete a Medical and/or Dental Waiver Form.

Employees will have the opportunity to change their elections on an annual basis during the open enrollment period. Otherwise, mid-year changes may be made only if you experience a major change in family status as defined in the institution's plans (which are governed by the IRS) and is consistent with the desired change. Examples of a major change in family status is a marital status change, birth, death or adoption of a child,

change in spouse's coverage, or the employee or dependent(s) meet or no longer meet the eligibility requirements to participate in the plan. Mid-year changes must be made within 30 days of the event.

### Benefits Continuation (Consolidated Omnibus Budget Reconciliation Act - COBRA)

If you are enrolled in the institution's medical, dental or vision insurance, you normally may continue your benefits at your own cost after employment ends, generally for up to 18 months. Shortly after your termination/resignation, you will receive the necessary papers from the institution's COBRA Administrator. The papers will explain the conditions, changes, and dates of the COBRA coverage. Certain other events may permit you and/or your beneficiaries to elect COBRA. Please contact the Payroll and Benefits Department if you need more information about your COBRA rights.

In most instances, employees have 60 days from the date the COBRA notice was sent, to decide whether or not they wish to choose COBRA coverage. All papers must be signed and returned as indicated within such 60-day period.

### Life Insurance

William James College offers Life and Accidental Death and Dismemberment insurance to eligible employees. These plans are 100% paid by the College and eligible employees are automatically enrolled even if they do not elect medical or dental insurance coverage that is offered by the institution.

### Disability Insurance

William James College currently offers eligible employees both Short Term and Long Term disability plans that pay a portion of salary replacement in the event you become disabled as defined under the plans. These plans are covered 100% by the College. You are automatically enrolled if eligible.

### Workers' Compensation Insurance

The institution makes all reasonable efforts to provide a safe working environment for employees. Keeping your work area clean and orderly reduces the potential for accidents. Observe common sense safety rules in the workplace and consider safety first at all times. If you observe a safety hazard, please report it to your Supervisor immediately. All employees are required to report all work related injuries or illnesses to their Supervisor as soon as possible, even if it may appear to be minor.

All employees are covered by Workers' Compensation Insurance in accordance with State law. If you should be injured while working, either in the office or while conducting business for William James College, you are responsible for complying with the following:

- Contact your supervisor, Director of Human Resources or the Safety Officer immediately;

- Complete and submit an incident report as soon as possible;
- Report to the institution's designated physician/employee health program for examination and treatment;
- Refer to the Exposure Control Plan, if relevant, for additional information regarding exposure to blood and body fluids; and
- Call or report back to your Supervisor, Director of Human Resources or the Safety Officer to provide an update on your status.

Employees who are absent from work due to a work-related injury will be asked to use available time from their accrued vacation to provide income during any unpaid portion of their absence. Any time off from work due to a work-related injury will be treated, if eligible, as a Family and Medical Leave Act ("FMLA") leave and administered accordingly. (Please refer to the FMLA policy in this Handbook for further details.)

Employees absent from work due to a work-related injury are responsible for keeping the College and their manager informed of their work status and for providing medical certifications as required. Employees will also be held accountable for keeping scheduled visits and will be required to forward all documentation to the Director of Human Resources and their Manager.

Remember that your safety is our primary concern. Please think safety and work safely. If you have a suggestion that would make our operations safer, please feel free to speak with your supervisor or the Safety Officer.

#### 403(b) Savings and Retirement Plan

William James College offers a 403(b) Retirement Savings Plan. This program assists eligible employees in reaching possibly their biggest goal, that of retirement. Examples of the advantages to participating in the 403(b) plan include pre-tax contributions through payroll deductions. Please refer to the 403(b) Plan Document and summary plan description for complete plan details.

#### Employee Tuition Discount

Employees who want to access the employee tuition discount and have been employed for thirty-six months may choose to apply to an academic program within the institution. The employee should have a discussion with his/her manager to receive approval. Please refer to the Employee Tuition Policy for further information.

#### Holidays

William James College will grant holiday time off to all eligible employees on the holidays listed below:

- New Year's Day (January 1)
- Martin Luther King, Jr. Day (third Monday in January)
- Presidents' Day (third Monday in February)

- Patriots Day (April)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Columbus Day (second Monday in October)
- Veteran's Day (November)
- Thanksgiving (fourth Thursday in November)
- Day after Thanksgiving
- Christmas (December 25)

Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day. Eligible employee classification(s):

- Regular full-time employees
- Regular part-time employees

A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday.

If eligible nonexempt employees work on a recognized holiday, they will receive holiday pay plus wages at one and one-half times their straight-time rate for the hours worked on the holiday.

Paid time off for holidays will be counted as hours worked for the purposes of determining whether overtime pay is owed.

## Vacation

### *Eligibility*

William James College provides vacation time off with pay for eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Employees in the following employment classification(s) are eligible to earn and use vacation time as described in this policy:

- Full-time employees
- Half-time employees

### *Vacation Accrual Rates*

The amount of paid vacation time employees receive each year increases with the length of their employment as shown in the following schedule:

- Upon initial eligibility the **non-exempt** employee is entitled to 10 vacation days each year, accrued monthly at the rate of .0.833 days.
- Upon initial eligibility the exempt employee is entitled to 15 vacation days each year, accrued monthly at the rate of 1.25 days.
- After 2 years of service all eligible employees are entitled to 15 vacation days each year, accrued monthly at the rate of 1.25 days.
- After 5 years of service all eligible employees are entitled to 20 vacation days each year, accrued monthly at the rate of 1.667 days.
- After 10 years of service all eligible employees are entitled to 25 vacation days each year, accrued monthly at the rate of 2.0833 days.
- After 20 years of service all eligible employees are entitled to 30 vacation days each year, accrued monthly at a rate of 2.5 days.

Eligible non-exempt (hourly-paid employees) accrue vacation based on actual hours paid up to 35 hours per week (prorated if less than 35 hours per week), excluding overtime, on-call hours, and unpaid leaves of absence.

Exempt employees accruals occur in days; however, these are tracked in equivalent hours for record-keeping purposes (e.g., 15 days equals 120 hours for a standard 5-day/35-hour workweek). Accrual rates are prorated based on a percentage of full-time for exempt employees.

Employees begin to earn paid vacation time according to the accrual schedule. However, before vacation time can be used, a waiting period of 180 calendar days must be completed. After that time, employees can request use of earned vacation time including that accrued during the waiting period.

#### *Vacation Year*

The College's vacation year begins on June 1<sup>st</sup> and ends on May 31<sup>st</sup> of the following year.

#### *Request for Vacation*

Employees must obtain prior approval from their supervisors in writing in order to use their vacation time. This is done by completing a vacation request form in advance. Requests will be reviewed based on a number of factors, including the institution needs and staffing requirements. Under certain circumstances, it may be appropriate for a supervisor to deny an employee's request for vacation, however the supervisor must plan with the employee for an alternative time. For this reason, supervisors and employees are encouraged to plan vacation time with as much advance notice as possible.



If an employee is eligible and requests vacation time for a reason covered under the Family and Medical Leave Act (FMLA), he/she should give at least 30 days written notice when foreseeable. If not, employees must give as much notice as soon as possible. When such notice is given, such verifiable requests to use vacation time under the FMLA will be approved. (See FMLA policy)

### *Using Vacation Time*

Vacation time off is paid at the employee's base pay rate at the time of vacation. It does not include overtime or any special forms of compensation such as incentives, commissions, bonuses, or shift differentials.

As stated above, employees are encouraged to use available paid vacation time for rest, relaxation, and personal pursuits. In the event that available vacation is not used by the end of the benefit year, employees will forfeit the unused time.

Vacation time needs to be used within benefit year, June 1<sup>st</sup> – May 31<sup>st</sup>. Vacation time cannot be carried over.

Upon termination of employment, employees will be paid for unused vacation time that has been earned through the last day of work.

### Personal Days

Employees who have completed their introductory period are eligible for three (3) personal days each year. These days do not carry over from year to year.

### Sick Leave

William James College provides paid sick leave benefits to employees for periods of temporary absence due to illnesses or injuries.\*

Eligible employees will accrue sick leave benefits at the rate of 7 days per year.

An employee may use sick leave benefits for an absence due to his/her own illness or injury, or that of a child, parent, or spouse of the employee.

Employees who are unable to report to work due to illness or injury should notify their direct supervisor before the scheduled start of their workday if possible. The direct supervisor must also be contacted on each additional day of absence.

Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials.

## Family and Medical Leave Policy

William James College understands the importance of family issues to today's workforce, and recognizes that its employees often face conflicting demands of family obligations and work requirements. Because employees may find it necessary to take leave from their jobs for a temporary period to address certain family responsibilities or their own serious health conditions, and in order to comply with the Family and Medical Leave Act ("FMLA"), the College has established the following policy to address family and medical leaves. William James policy is intended to complement other leaves that may be available under applicable federal and/or state laws.

Eligible employees may be entitled to leave under FMLA for specified family and medical reasons. Although FMLA leave is unpaid, concurrent with FMLA leave, the institution requires that employees use available paid vacation, sick and personal benefits, to the extent they are available. If no accrued time is available, leave under this policy will be unpaid.

FMLA leave applies equally to employees of any gender.

### *Description*

FMLA leave (consecutive days or intermittent) is available for personal serious illness; births and adoptions; the care of a child, parent, spouse with a serious health condition; or to care for injured or ill service member ("Military Family Leave").

### *Qualified Reasons for Leave*

- The employee's serious health condition;
- The birth and care of the employee's child;
- Placement with the employee of a child for adoption or foster care;
- Care of the employee's spouse, child or parent with serious health condition;
- Because care is required for a family member or next of kin who is a member of the armed forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, or is otherwise in outpatient status on the temporary disability retired list, for a serious injury or illness; and/or
- Because of a "qualifying exigency" relating to the active-duty status or call to active-duty in the armed forces of a spouse, son, daughter, or parent of the

employee, including those contingencies set forth in the applicable regulations, summarized below as follows:

1. Short notice deployment;
2. Military events and related activities;
3. To arrange for childcare or provide childcare on an urgent basis, or for school activities;
4. To make financial or legal arrangements;
5. To attend counseling;
6. To spend time with the service member while on short-term leave;
7. For post-deployment activities; or
8. For other activities in accordance with the regulations.

### *Length and Duration of Leave*

- Family Medical Leave may not exceed 12 weeks within a rolling 12-month period (which period is measured backward from the date an employee uses any FMLA leave). Each time an employee takes FMLA leave, the remaining leave entitlement equals the balance for the 12 weeks that has not been used during the immediately preceding 12 months.
- Military Family Leave may not exceed 26 weeks within a 12 month period. This leave entitlement shall be applied on a per-covered-service member, per-injury basis.
- "Intermittent leave" is understood as time off in increments shorter than 12 consecutive weeks. Intermittent leave may be taken for the care of a spouse, child, or parent who has a serious health condition - or for an employee's own serious health condition. Neither the care of a child following birth or the adoption or placement of a child with an employee for foster care may be taken intermittently. Maternity Leave may only be taken on an intermittent basis if medically necessary.
- Where both spouses are employed by the College, they are each entitled to 12 weeks of FMLA Leave for the birth and care of their newborn child or for the care and placement with them of a child for adoption or foster care.
- Leave for the birth and care or placement and care of a child must conclude within 12 months of the birth or placement of the child.

### *Eligibility*

To be eligible for FMLA benefits, an employee must have been employed by William James College for at least twelve (12) months and have worked for at least 1,250 hours during the 12-month period immediately preceding the start of the leave. Periods of approved military leave will be counted when calculating these hours of service requirements for FMLA leave.

### *Notice and Scheduling Requirements*

- Employees requesting maternity, paternity, or adoption leaves should provide their supervisor with no less than 30-days-notice prior to the date on which the leave is to begin – except in cases in which the date of a birth or adoption placement requires the leave to begin earlier than the 30-day notice. In such cases employees are expected to provide such notice as soon as practical.
- Employees requesting illness and/or injury leaves or leaves to care for seriously ill family members should make a reasonable effort to schedule treatment so as not to unduly disrupt department operations. Such leaves are also subject to the approval of a health care provider. If at all practical, the employee should provide at least 30 days-notice prior to the date on which the leave is to begin.
- An employee who is eligible for family medical leave and the reason for the absence qualifies for family medical leave; the time will be attributed to family medical leave. If the employee declines family medical leave coverage, the absence will be designated as “unscheduled” in compliance with the attendance policy.
- The Request for Leave of Absence should be submitted to the Payroll and Benefits Office.

Failure to follow these notice requirements may delay or postpone the commencement of the leave and/or result in disciplinary action. Please contact the Payroll and Benefits Department for the applicable forms.

#### *Notice to Employee*

When an employee has proposed a leave, the Payroll and Benefits Department is expected to notify the employee, in writing, that the College is provisionally designating the leave as Family Medical Leave.

#### *Certification by Healthcare Provider*

If FMLA is based on a serious health condition, whether it involves the employee or a family member (parent, spouse or child), medical certification from a health care provider will be required. Failure to provide such certification may result in a delay of the employee’s leave. Where the institution requires an employee to provide medical certification, that certification must be provided within 20 calendar days of the institution’s request. Please contact the Payroll and Benefits Department for available medical certification forms. Employees should be aware that the institution may, under certain circumstances, require recertification of a medical condition. In addition, employees may be required to report on their intent to return to work. Whenever an employee learns of a change in the anticipated length of leave, the employee must notify the institution within two (2) business days of learning of such a change.

If a leave request is based on a qualifying exigency due to active duty service or a call to active duty service, the employee may be required to provide a copy of the active

duty order or other appropriate documentation, as well as certification and documentation from the employee containing information supporting the qualifying exigency. When leave is taken to care for a covered service member, the employee may be required to provide certification from an authorized health care provider.

Employees using vacation, sick or personal time are prohibited from working either in the workplace or at any other location, including employee's home, whether for the institution or otherwise. When returning to work from a leave taken because of the employee's own serious health condition, the employee will be required to provide a return to work note from the treating physician prior to reporting back to the workplace.

### *Using Family Medical Leave Intermittently or on a Reduced Schedule*

Employees may take leaves intermittently or on a reduced schedule because of a serious or chronic health condition of their own, for a family member's serious health condition, or for Military Family Leave. Health care provider verification is needed when using intermittent leave for a serious or chronic health condition. Intermittent leave or leave on a reduced schedule for the birth and care or placement and care of a child for adoption or foster care will be allowed only with the institution's prior written approval.

For an intermittent leave or a leave on a reduced schedule, there must be a medical need for the leave – as distinguished from voluntary treatments and procedures – such that the medical need can be best accommodated through an intermittent or reduced-leave schedule. Employees needing such schedules must attempt to schedule their leave so as to create minimum disruption to the department's or unit's operations. Only the amount of leave actually taken is counted toward the 12 weeks of FMLA. Where an employee normally works an abbreviated or part-time schedule, the amount of leave to which the employee is entitled is determined on a pro-rata basis.

For example:

If an employee works 30 hours per week, he or she is entitled to a prorated total of 12 weeks of FMLA in a fiscal year [or 360 hours (30 x 12 = 360)]. If an employee works 20 hours per week, he or she is entitled to a prorated total of 12 weeks of FMLA in a fiscal year [or 240 hours (20 x 12 = 240)].

Any intermittent leave or leave on a reduced schedule must be charged against the total hours to which an employee is entitled in a given 12-month rolling period.

An employee may be temporarily transferred to an alternative position with equivalent pay and benefits in order to accommodate better the recurring periods of planned intermittent or reduced-schedule leaves.

### *Substituting Paid Leave*

When an employee takes FMLA leave because of the employee's own serious medical condition, the employee must substitute any unused vacation, sick time and personal time for any (otherwise) unpaid FMLA leave. Employees will only be paid for the time they have available not to exceed six (6) months or 132 consecutive work days including the paid time off accrued. If the certification states that they must be out longer for an approved medical reason, he/she may apply for Long Term Disability or a Leave of Absence without pay.

Employees may use up to three (3) vacation or personal days in a calendar year for approved leaves for reasons other than the employee's own serious health condition (paternity, adoption, foster care and care of a family member living in the same household with a serious health condition). Employees may substitute unused vacation for the balance of the leave. Once vacation is exhausted the remainder of the leave will be unpaid.

The institution will designate an employee's use of paid leave as FMLA leave based on the information provided by the employee's department or Company guidelines. Paid leave that is substituted for unpaid leave will be counted toward the 12 weeks of FMLA leave.

#### *Benefits During Leave*

During any FMLA leave, the institution will maintain the employee's medical, dental, vision and life insurance on the same conditions that coverage would have been provided if the employee had been continuously employed during the entire leave period. The College and the employee will each continue to pay their portion of the benefit costs. The employee is required to send in bi-weekly payments equaling the cost of their regular bi-weekly deduction for their benefits. Failure to maintain regular payments, without authorization, could result in termination of benefits and initiation of a COBRA event.

During a FMLA leave, vacation will continue to accrue only during that portion of the leave that is paid by using vacation days. During any unpaid FMLA leave, vacation will not accrue. For those individuals returning from any unpaid FMLA leave, accrual of vacation will resume with the first payroll which follows or coincides with the date the individual returns to active work.

#### *Return from Leave*

Normally employees returning from medical leave will be reinstated to the same or an equivalent position, with equivalent pay, benefits and other terms and conditions of employment. An employee who fails to return to work once all paid leave and unpaid FMLA leave have been exhausted may face discipline, up to and including termination. However, at times, departments may restructure due to changing business and operational needs and the need to continually enhance programs and services. These restructuring initiatives may result in position discontinuations, even positions held by employees out on FMLA or other types of leave. If an employee on

FMLA leave has his/her position discontinued, he/she will be given at least 30 days written notice of the position discontinuation and will be informed of any applicable benefits that he/she may be eligible to receive.

Employees returning from leave for a serious health condition must also provide William James College with a certification from a health care provider documenting their fitness to return to work. Employees who are unable to return to work at the end of the leave should notify the College in writing at least two weeks in advance and must have the physician re-certify that the leave is medically necessary. The Payroll and Benefits Office contact the employee's department to discuss alternatives prior to taking any action if an employee is unable to return to work, has exhausted the 12 weeks of FMLA leave and/or is out of accrued time.

In addition, except as provided in this policy, an employee's use of FMLA leave will not result in the loss of any employment benefit that the employee earned before using FMLA leave. Use of FMLA leave will not be counted against the employee under a "no fault" attendance agreement.

Note: Under the FMLA, "key employees" may be excluded if restoring their job would represent a grievous economic injury to the College. A "key employee" is defined as an employee among the highest paid (10% of all employees of the College).

#### *Continuous Service Credit*

Length of service accrual is continuous during the leave.

#### *Other Leave Arrangements*

The determination of whether an employee qualifies for FMLA leave will be made at the time the leave is requested. If an employee is ineligible for leave under FMLA or has exhausted his/her 12 weeks, the employee may be entitled to a leave of absence under the established policies addressing leaves of absence or per State regulations. Note that a leave of absence without pay is subject to the sole approval of the department.

FMLA runs concurrently with benefits provided by the institution's Worker's Compensation Program.

#### *Definitions*

For the purposes of this Family and Medical Leave Policy, please refer to the definitions below.

Employee means a person employed by the College on a full-time, part-time or temporary basis.

Serious Health Condition means an illness, injury, impairment, or a physical or mental condition resulting in either:

- Inpatient care in a hospital, hospice or residential medical care facility; or
- Continuing treatment by a health care provider.

Continuing Treatments means in broad terms:

- A period of in-capacity (i.e. inability to work, attend school or perform other regular daily activities due to a serious health condition, treatment thereof, or recovery there from) of not more than three (3) consecutive calendar days (and any subsequent treatment or period of incapacity involving the same condition) involving treatment two (2) or more times by a health care provider (within 30 days of the incapacity) or treatment by a healthcare provider on at least one occasion that results in a regimen of continuing treatment under the health care provider's supervision.
- Any period of incapacity due to pregnancy or prenatal care.
- Any period of incapacity or treatment for such 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; and may cause episodic rather than continuing incapacity (e.g. asthma, diabetes, epilepsy, etc.)
- A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g. Alzheimer's, severe stroke, terminal stages of a disease);
- Any period of absence to receive multiple treatments by a health care provider either for restorative surgery after an accident or injury or for a condition that would likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment (e.g. chemotherapy for cancer, physical therapy for severe arthritis, or dialysis for kidney disease).

*Note:* A chronic health condition also qualifies as a serious health condition even if an employee or family member does not receive treatment and if it does not last three days (for example: asthma or severe morning sickness).

*Caution:* Unless complications arise, ailments such as the common cold, the flu, ear aches, upset stomachs, minor ulcers, and headaches (other than migraines) are not considered as serious health conditions and do not qualify for FMLA.

Parent means the biological parent of an employee or an individual who stands or stood in the place of a parent to an employee when the employee was a child.



Child means a biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing in the place of a parent, who is under 18 years of age or 18 years of age or older and incapable of self-care because of mental or physical disability.

Spouse means a husband or wife as defined by Massachusetts state law.

Next of Kin means nearest blood relative.

Covered Service Member means a member of the United States armed forces, National Guard or Reserves.

Eligible Employee for Military Medical Leave means spouse, son, daughter, parent or next of kin of covered service member.

Serious Injury or Illness means an injury or illness incurred by a covered service member in the line of duty on active duty that may render him or her unfit to perform the duties of his or her office, grade, rank or rating.

Intermittent Leave means leave taken in separate blocks of time due to a single illness or injury as opposed to a leave taken in one continuous period of time. "Intermittent leaves may be taken in hours, days or weeks.

Health Care Provider means a physician, dentist, podiatrist, clinical psychologist or optometrist who is authorized to practice medicine or surgery in the state in which the individual practices his/her profession. In cases limited to treatment consisting of manual manipulation of the spine to correct a subluxation, medical certification may be provided by a chiropractor. Nurse practitioners and nurse-midwives who are authorized and are performing under the scope of their practice as defined under state law; clinical social workers; and Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts (any additional certification may be required). Also included in this category are health care providers who practice outside of the United States and any other health care providers from whom the College group health care benefits Associate Director will accept as certified for treating serious health conditions that warrant benefit claims.

Reduced-leave Schedule means that an employee's regularly scheduled number of working hours per week or per day may be reduced.

Continuing Treatment by Health Care Provider means a serious health condition involving continuing treatment by a health care provider who must provide:

- Treatment two or more times, or treatment on at least one occasion that results in a regimen of continuing treatments under the health care provider's supervision.

- Pregnancy or prenatal care. This treatment qualifies the employee even if she does not receive treatment and even if her care does not last three days.
- Treatment for a chronic health condition that requires periodic visits for treatment, treatment that continues over an extended period of time, or treatment for episodic rather than continuing incapacities (for example: asthma, diabetes, and epilepsy).
- Treatment for a permanent or long-term condition for which such treatment may not be effective (for example: Alzheimer's, severe stroke, or the terminal stages of a disease).
- Treatment either for restorative surgery after an accident or injury or for a condition that would likely result in incapacity of three or more days if not treated (for example: cancer, severe arthritis, or kidney disease).
- Treatment for allergies or mental illnesses resulting from stress (but only if these conditions meet all of the other criteria of a serious health condition).
- Treatment for substance abuse. (Note: absences due to an employee's use of a substance rather than treatment for addiction do not qualify for FMLA).

### Military Leave

The Uniformed Services Employment and Re-employment Rights Act ("USERRA") provides employment and re-employment rights to employees who leave their jobs, voluntarily or involuntarily, to serve in the military, including Reserve and National Guard service. In accordance with the Veterans Benefits Improvement Act of 2004, William James College will provide notice of the rights, benefits, and obligations to all persons entitled to rights and benefits under USERRA.

In accordance with USERRA, William James College will grant a military leave of absence to employees who are absent from work because of service in the United States uniformed services. Employees are allowed up to 5 years of cumulative military leave. Employees must give the institution advance notice of military leave unless military necessity prevents such notice.

Military leave will be unpaid. Employees may, however, elect to use any available paid time off, such as vacation, for the absence.

William James may fill any vacancies while employees are on military leave.

An employee on military leave for less than 30 days is required to return to work for the first regularly scheduled shift after the end of his/her service, allowing for reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with USERRA and applicable state law.

All employees returning from military leave will be promptly rehired either to the position they would have attained had they remained continuously employed by the institution or to a comparable position depending on the length of military service in accordance with

USERRA. William James College is excused from rehiring returning service members, or from accommodating those who sustained disabilities during service, when the difficulty or expense would cause undue hardship. The College is not obligated to reinstate temporary employees or workers whose terms would have expired during leave.

William James College will reinstate service members without any loss of seniority or benefits and all employees will be treated as if they had been continuously employed in terms of the determination of benefits. On return from service, a service member's group health insurance coverage will be reinstated without any waiting period or exclusions for preexisting conditions, other than those that would have applied even if there had been no absence for uniformed service. If the health plan coverage of a service member or his/her family members would terminate on account of an absence due to uniformed service, USERRA permits the service member to elect to continue the health plan coverage for up to 24 months after the absence begins, or the period of service, whichever is shorter.

#### Maternity/Paternity Leave

Full time employees at William James College are eligible for an unpaid maternity/paternity leave upon successful completion of three months of employment. Eligible employees are entitled to a leave of up to eight (8) weeks for giving birth to a child, adopting a child under age 18 or adopting a person under age 2.

#### Small Necessities Leave

The College also provides eligible employees with leave as governed by the Massachusetts Small Necessities Leave Act ("SNLA"), Gen. Laws c. 149, § 52D.

#### Eligibility

Eligible employees may be entitled to take up to twenty-four (24) hours of unpaid leave during any rolling twelve (12)-month period for any of the following purposes:

- Accompanying a son or daughter (defined as a biological, adopted or foster child, stepchild, or legal ward under the age of 18 or, if 18 and older, incapable of self-care) to routine health care appointments, including medical and dental appointments;
- Participation in school activities of a son or daughter as long as those activities are directly related to the educational advancement of the child (e.g., parent-teacher conferences, interviews for a new school);
- Accompanying an elderly relative (defined as an individual at least sixty (60) years of age related to the employee by blood or marriage) to routine health care appointments, including medical and dental visits;

- Accompanying an elderly relative to an appointment for professional services related to the individual's care, such as interviewing for a nursing home or group care facility.

Generally, an employee who has been employed by William James College for at least twelve (12) months and has worked at least 1,250 hours during the twelve month period immediately prior to the commencement of the leave is eligible for SNLA leave for any of the purposes listed above.

### Length of Leave

An employee may take up to twenty-four (24) hours of SNLA leave within any rolling twelve (12) month period, measured backward from the date any leave is used. SNLA leave may be taken in half-day increments, up to the maximum amount of leave time available.

### Notice and Scheduling of Leave

In the event of foreseeable leave, employees are expected to submit a written request for leave forty-eight (48) hours prior to the anticipated commencement of the leave. Where leave is not foreseeable, notice must be given as soon as is practicable, but not less than one day prior to the leave.

An employee may be required to submit a certification form from the health care provider or administrator visited during the leave. It is the employee's responsibility to ensure that the certification form is completed and returned to the Payroll and Benefits office. If an employee fails to obtain the appropriate medical certification of the need for the leave, the institution reserves the right to refuse to SNLA leave or to refuse to allow an employee to remain on SNLA leave.

### Coordination with Available Paid Leave Time

Employees are required to use paid vacation or personal time off, if available, during the time taken for SNLA leave. Any paid time off used is exhausted simultaneously with an employee's entitlement to SNLA leave. If the employee has no paid time off available, then the leave will be unpaid.

### Domestic Violence Leave

If you or your family member is a victim of domestic violence or abusive behavior, William James College encourages you to communicate with the Director of Human Resources about the situation and your ability to take domestic violence leave.

An employee may take up to a maximum of 15 days of leave within a 12 month period, if either the employee or their family member as described below is:

- the victim of abuse or abusive behavior (such as domestic violence, stalking, sexual assault, or kidnapping);
- seeking medical attention, counseling, housing, legal or other victim services directly related to the abusive behavior against the employee or family member of the employee.

For the purposes of this domestic violence leave policy, a “family member” includes not only legally married spouses but also:

- Persons "in a substantive dating or engagement relationship" AND who reside together;
- Persons having a child in common regardless of whether they have ever married or resided together;
- A parent, step-parent, child, step-child, sibling, grandparent or grandchild; or
- Persons in a guardianship relationship.

For the purposes of this domestic violence leave policy, “abuse” means:

- attempting to cause or causing physical harm;
- placing another in fear of imminent serious physical harm;
- causing another to engage involuntarily in sexual relations by force, threat or duress or engaging or threatening to engage in sexual activity with a dependent child;
- engaging in mental abuse, which includes threats, intimidation or acts designed to induce terror;
- depriving another of medical care, housing, food or other necessities of life; or
- restraining the liberty of another.

For the purposes of this domestic violence leave policy, “domestic violence” is abuse against an employee or the employee’s family member by:

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

Although domestic violence leave is unpaid, the institution requires that employees use available paid vacation, sick and personal benefits, to the extent they are available. If no accrued time is available, leave under this policy will be unpaid.

William James College requests that you provide appropriate advance notice of this leave, unless there is an imminent danger to your immediate health and safety (in which case - you must provide notification within 3 workdays that the leave was taken or is being taken for reasons covered by this policy).

In the event that you take domestic violence leave, please provide documentation evidencing that you or your family member has been a victim of domestic violence or abusive behavior within 30 days (reasonable amount of time) of the leave request. Such forms of documentation may include:

- a court-issued protective order;
- an official document from a court, provider or public agency;
- a police report or statement of a victim or witness provided to the police;
- official legal documentation attesting to perpetrator's guilt;
- medical documentation of treatment for the abusive behavior;
- a sworn statement from the employee attesting to being a victim of abusive behavior; and/or
- A sworn statement from a professional who has assisted the employee or the employee's family, for example, a counselor, a social worker or a member of the clergy.

Provided you have submitted proper documentation, your employment is protected for leave taken under this policy.

All documentation provided to William James College will be kept confidential and will not be disclosed except if requested to or consented, in writing, by the employee, or ordered to be released by a court or otherwise required by applicable state or federal law. Additionally, the institution may retain this documentation for only as long as is required for it to determine the employee's eligibility for domestic violence leave.

Under state law, perpetrators of domestic violence are not entitled to leave under this policy.

### Bereavement Leave

William James College will allow employees up to a maximum of three (3) days for absences due to the death of an immediate family member. An immediate family member under this policy includes the employee's current spouse, domestic partner, children, step children, children for which the employee is the legal guardian, grandchildren, grandparent, parent, step-parent, parent-in-law, brother/sister-in-law, brother, sister.

Bereavement days must be taken consecutively. Such bereavement days will include only the days on which an employee would be regularly scheduled to work. The College may request evidence of death (i.e. obituary) to substantiate the need for a bereavement leave to be fair to all employees. If additional time off is needed, it may be approved, but will be unpaid.

If attending the funeral of an extended family member or friend, employees must use Vacation or Personal Time.

### Jury Duty Leave

Employees who are called for and serve jury duty shall be allowed time off to complete this civic responsibility provided that they notify their Supervisor as soon as possible and that they bring in a copy of the official notification that they have received to verify such duty. Once you have provided the institution with verification of your notice to serve, you will be entitled to a maximum of one week's base pay while on jury duty, unless additional pay is required by applicable law. This pay shall be at your regular rate of pay and offset by any compensation received by the court system. Jury duty is not considered time worked for overtime purposes.

### Unpaid Personal Leaves of Absence

Occasionally, for medical, personal, or other reasons, you may need to be temporarily absent, but may not be eligible for Family and Medical Leave and may not wish to submit your resignation. Under certain circumstances, you may be eligible for an unpaid personal leave of absence.

In special circumstances, William James College may grant a leave for a personal reason, but never for taking employment elsewhere or going into business for yourself. You should request an unpaid personal leave of absence from your manager. An unpaid personal leave of absence must not interfere with the operations of your department or the institution. Your manager will submit your request to the appropriate individuals and Director of Human Resources for final approval. Please understand, however, that reinstatement to your same or any equivalent position cannot be guaranteed.

A personal unpaid leave of absence may be granted for up to 30 days. Vacation and other benefits will not accrue during unpaid personal leave and insurance premiums will not be paid by the company. Failure to return from a leave at the time agreed will be considered a voluntary resignation.

## COMPUTER AND EMAIL SYSTEMS: ACCEPTABLE USAGE

William James College provides all employees access to a wide variety of computing and other electronic and technical resources, including computer networks, software products, and email. All computers, computer files, software, and the email system furnished to employees are the property of the institution and these resources exist to support and facilitate our business. The use of these resources should be limited to work-related purposes. Every employee who uses the College's computers, software and email system is responsible for ensuring that all communications and usage are professional, businesslike and in the interest of the institution. Employees should not use a password, access a file, or retrieve any stored communication without authorization. To ensure compliance with this policy, computer and email usage may be monitored.

You should also be aware that communications on these systems may be transmitted to and stored in several different computers on the way to their destinations. Many people, within William James College and in the outside world, may be able to read your email and other documents on the system. Accordingly, before sending outside email, consider whether the matter is so confidential or sensitive that it should not be transmitted electronically without permission, encryption or both.

Similarly, you should be aware that, if you make use of the system for personal communications or to store personal files despite the institution's prohibition on such activity, you cannot expect them to be private. In addition, it may become necessary for the College, in the course of its legitimate business activities, to access documents and information contained within the system. Accordingly, William James College reserves the right to access email or other documents produced or stored on its computers or disks when it determines, in its sole discretion, it has a legitimate business purpose for doing so.

You will create unique passwords to the computer and email system. William James College reserves the right to bypass such passwords and access the system in its sole discretion. At the same time, the institution strongly recommends that you keep your passwords secret from other employees as well as from third parties.

William James College strives to maintain a workplace free of harassment and discrimination. Therefore, you are not permitted to use the institution's computer or email systems to create or send messages of a harassing, discriminatory, abusive nature, or messages that are otherwise prohibited by law or the College's policy.

William James College purchases and licenses the use of various computer software for



business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, the College does not have the right to reproduce such software for use on more than one computer.

Employees may only use software on local area networks or on multiple machines according to the software license agreement. William James College prohibits the illegal duplication of software and its related documentation.

Employees may not: degrade any system in any way, such that access to the system by other users is prevented; use another employee's computer or email account (including accessing or intercepting email or accessing documents stored by other employees) without the explicit permission of that individual or the institution; tamper with the operation of the College's computer systems (*i.e.*, all hardware) or software programs; inspect, modify or copy programs or data without the authorization of William James College; allow people outside of the institution access to the computer or email system without the explicit permission of William James College; or remove computer equipment from the campus without prior authorization.

Abuse of the computer or email system provided by William James College in violation of law or policies will result in disciplinary action, up to and including termination of employment. Employees may also be held personally liable for any violations of this policy.

Employees should notify their immediate supervisor, the Director of Human Resources or any member of management upon learning of violations of this policy.

### Internet Usage Guidelines

Internet access to global electronic information resources on the worldwide web is provided by William James College to assist employees in obtaining work-related data and technology. The following guidelines have been established to help ensure responsible and productive internet usage. While Internet usage is intended for job-related activities, incidental and occasional brief personal use is permitted within reasonable limits.

All internet data that is composed, transmitted, or received via our computer communications systems is considered to be part of the official records of William James College and, as such, is subject to disclosure to law enforcement or other third parties. Consequently, employees should always ensure that the business information contained in internet email messages and other transmissions is accurate, appropriate, ethical, and lawful.

The equipment, services, and technology provided to access the internet remain at all times the property of William James College. As such, the institution reserves the right to monitor internet traffic, and retrieve and read any data composed, sent, or received through our online connections and stored in our computer systems.

Data that is composed, transmitted, accessed, or received via the internet must not contain content that could be considered discriminatory, harassing, or abusive to a reasonable person.

Furthermore, some material circulating the internet, such as child pornography, is illegal. Accordingly, you must never use the institution's system to download or access illegal content. In addition, some material circulating on the internet is copyrighted or otherwise illegally distributed. It is illegal to make or distribute copies without a license from the copyright owner. Consequently, you must never use the institution's system to download or access copyrighted or otherwise illegally distributed material.

Moreover, some material circulating on the internet could damage the institution's computer system or interfere with others' use of it. Such material includes, but is not limited to, viruses and extremely large files consuming large amounts of memory, such as those containing graphics or animation. Accordingly, you should use caution and consideration when downloading internet materials.

Finally, be aware that delivery of internet email is not guaranteed. Not only can mail be lost or corrupted in transmission, but an error in even one character in an internet address may prevent delivery or cause a document to be delivered to an unintended recipient. Accordingly, in conducting company business by email, use the following rules of common sense:

- use internet email for William James College business only when the content is plainly not so confidential that interception would be harmful to the College;
- when guaranteed, on-time delivery is important, use mail, overnight mail or fax; do not rely exclusively on internet email; and
- when you send a message by internet email, do not assume that it will be received in a short time or even at all.

Abuse of the internet access provided by the College in violation of law or policies will result in disciplinary action, up to and including termination of employment. Employees may also be held personally liable for any violations of this policy.

Employees should notify their immediate supervisor, the Director of Human Resources or any member of management upon learning of violations of this policy.

### Phone and Mail System Use

Personal phone calls via cellular phone and office phone should be kept to a minimum during working hours as well as emails.

The use of the College's paid postage for personal correspondence is not permitted.

To ensure effective telephone communications, employees should always use a professional greeting and speak in a courteous and professional manner. Please confirm information received from the caller, and hang up only after the caller has done

so.

### Workplace Monitoring

Computers furnished to employees are the property of William James College. As such, computer usage and files may be monitored or accessed.

### Social Media Guidelines

William James College believes in the free and open exchange of information and ideas and that social media can play an important role in getting the word out about the College, its programs and its values. The institution also sees the ultimate goal of engaging in social media as a way to enhance its image and reputation through respectful, consistent, and honest commentary and conversation online and has established these guidelines:

- Be transparent. Use your real name, identify that you are affiliated with William James College and what your role is. Provide your own unique and individual perspective. Use a disclaimer when appropriate.
- Never represent yourself or William James College in a false or misleading way. All statements must be true and not misleading; all claims must be substantiated. If you make a mistake, admit it. Be upfront and be quick with your correction.
- Be respectful. As a William James College employee or representative, you should be mindful of the institution's public mission as a forum for thoughtful discussion of opposing ideas. Some online communities can be volatile, tempting users to behave in ways they otherwise wouldn't. Your reputation and that of the institution's are best served when you remain above the fray.
- Create a conversation and participate. Post meaningful, respectful comments. Stick to your area of expertise and do feel free to provide unique, individual perspectives on non-confidential activities at the College.
- Do not discuss financial or proprietary information of William James College, unless specifically authorized to do so by senior management.
- For advice, contact the institution's spokespeople, including the Associate Director or the Director of Marketing and Communications.
- Be sensitive to the expectations of existing users of the specific site. If you add a presence, be aware that you are joining their site rather than the opposite.
- Use common sense and common courtesy. Always act respectfully towards all

people. Always consider others' privacy and avoid discussing topics that may be inflammatory, e.g. politics and religion.

- Ethical conduct. Do not violate the College's privacy policies or code of conduct. Do not violate national, state or copyright laws.
- The use of social media is inappropriate in the clinical context. Clinicians and clinicians in training do not discuss patients or patient information in any way over social media. Doing so constitutes a HIPAA violation as well as an ethical violation for failure to safeguard confidentiality.
- E-mail is not a secure HIPAA compliant modality to discuss students, clients or other individual services.
- Students and faculty are asked to visit their Facebook and other similar sites' landing page and make certain that they present themselves in a dignified and professional manner. Outside individuals may visit their sites to learn more about the institution.

#### *William James College Brand Guidelines*

- Do not discuss competitors or partners without their prior approval. Do not, without consent, name or tag other people on photos, places or in blog posts.
- Never participate in social media when the topic being discussed may be considered a crisis situation. Refer all social media activity around crisis topics to the Associate Director and Director of Marketing and Communications.
- Activity on social media channels during office hours must complement and/or support your role at William James College. Keep it work-related and don't let it take focus from your primary responsibilities.
- Do not start social media accounts on the institution's behalf or use the brand unless you have authority to do so. This includes claiming Places on geo-location services, such as Facebook or Foursquare.
- Do not upload images or videos to any social network without permission.
- If you find negative and potentially damaging blog posts, Facebook groups, tweets or other posted material about William James College, please report to the Director or Associate Director of Marketing and Communications.
- Be aware that all material uploaded, shared, blogged and commented online is potentially there forever and always accessible through search engines. The information you share even on closed networks can also run the risk of being disclosed to third parties.

*Special Note:* If a reporter, editor, or producer from the mainstream media contacts you about William James College through social media, refer him/her to the Associate Director or Director of Marketing and Communications.

### *Personal Site Guidelines*

- Be authentic. Be honest about your identity. In personal posts, you may identify yourself as a William James College faculty or staff member, but please be clear that you are sharing your personal views, not representing the College.
- A common practice among individuals who write about the industry in which they work is to include a disclaimer on their site, usually on their “About Me” page. If you discuss higher education on your own social media site, we suggest you include a sentence similar to this: “The views expressed on this [blog, website] are mine alone and do not necessarily reflect the views of William James College.”
- Don’t be a mole. Never pretend to be someone else and post about William James College. Tracking tools enable supposedly anonymous posts to be traced back to their authors. There have been several high-profile and embarrassing cases of company executives anonymously posting about their own organizations.
- Take the high ground. If you identify your affiliation with William James College in your comments, readers will associate you with the College, even with the disclaimer that your views are your own. Remember that you’re most likely to build a high-quality following if you discuss ideas and situations civilly.
- Be aware of liability. You are legally liable for what you post on your own site and on the sites of others. Individual bloggers have been held liable for commentary deemed to be proprietary, copyrighted, defamatory, libelous or obscene (as defined by the courts). Employers are increasingly conducting web searches on job candidates before extending offers. Be sure that what you post today will not come back to haunt you.
- Don’t use the institution’s logo or make endorsements. Do not use the institution’s logo, or any other College marks or images, on your personal online sites. Do not use the William James College name to promote or endorse any product, cause, or political party or candidate.
- Protect your identity. While you want to be honest about yourself, don’t provide personal information that scam artists or identity thieves could use against you. Don’t list your home address or telephone number or your work telephone or e-mail address. It is a good idea to create a separate e-mail address that is used only with your social media site.
- Follow a code of ethics. There are numerous codes of ethics for bloggers and other active participants in social media, all of which will help you participate responsibly in online communities. If you have your own social media site, you

may wish to post your own code of ethics or adapt an existing code already on the web. Monitor comments. Most people who maintain social media sites welcome comments—it builds credibility and community. However, you can set your site so that you can review and approve comments before they appear. This allows you to respond in a timely way to comments. It also allows you to delete spam comments and to block any individuals who repeatedly post offensive or frivolous comments.

## GENERAL COMPUTER/AUDIO VISUAL/TECHNOLOGY EQUIPMENT POLICIES

William James College provides electronic equipment including desktop and portable computing devices, smart phones, and various audio/visual equipment and accessories for use in the classroom and for administrative purposes. All equipment is purchased and maintained regularly by authorized staff. Equipment may be lent or assigned to authorized users, or be stored on campus to allow easy access for the College community. Equipment is evaluated during maintenance to determine whether an upgrade/replacement is needed to assure the functionality of the equipment.

### Lending and Usage Policy

1. William James College equipment should only be used for the institution's administrative or academic purposes and should not be used for personal business or financial gain.
2. Equipment should not be used for any illegal activities or activities not sanctioned by William James College, such as activities including, but not limited to, using equipment for harassment or non-professional behavior.
3. Equipment should not be tampered with, modified, or enhanced, except by authorized staff. Unplugging, detaching, removing, disassembling, or relocating any equipment without authorization or by unauthorized staff is a serious offense and may result in loss of equipment privileges.
4. When borrowing William James College equipment, the borrower is responsible for equipment that she/he has used. Any damage to the equipment or problems with its use must be reported immediately to the IT Office. Borrowers will be financially responsible for damage due to improper use or mishandling, and will be billed for repairs necessitated by such use. It is the borrower's responsibility to make sure she/he knows how to use the equipment properly.
5. Equipment is available on a first come, first serve basis. Reservation in advance is possible by contacting the IT Helpdesk.

6. When any equipment is assigned to a William James College community member as a long term/permanent assignment, the owner of the institution's equipment must schedule a maintenance appointment with the IT Helpdesk at least once every 3-6 months, or by request to the Helpdesk Staff.

## Policy Against Discrimination, Discriminatory Harassment and Retaliation

### *Prohibited Conduct*

The Policy prohibits all conditions and all actions or omissions, including all acts of discrimination, discriminatory harassment and retaliation, which deny or have the effect of denying to any person their rights to equity and security on the basis of their membership in or association with a member(s) of any protected class.

The prohibited conduct contained in this Policy shall apply to and be enforced against all members of the William James College community, including, but not limited to, faculty, administrators, staff, students, vendors, contractors and all others having dealings with the institution.

Examples of discrimination, all of which are prohibited by this Policy, include, but are not limited to:

- Differences in terms, conditions and privileges of employment (including, but not limited to hiring, promotion, reassignment, termination, salary, salary increases, discipline, granting of tenure, selection for awards, etc.) on a prohibited basis.
- Unlawful disparity of treatment in educational programs and related support services on the basis of membership in a protected class.
- Differences in salaries or other benefits that are paid to one or more men or women if the differences are not based on a bona fide occupational qualification.
- Developing position descriptions or qualifications, which, without lawful justification, that are so specific as to have a disparate exclusionary impact on a group of individuals because of their membership in a protected class.
- Limiting access to housing, or participation in athletic, social, cultural or other activities to students because of membership in a protected class not based on a bona fide requirement or distinction.
- Failing or refusing to hire or promote a person because of their age.
- Classifying a position or positions as unsuitable for persons of certain religions.
- Excluding members of a certain race or national origin from a category of positions or from a department or division.
- Restricting the number of veterans or qualified persons with disabilities in a category of positions or in a department or division.

- Using information on marital or parental status for employment decisions where the use of such information has a disparate impact on persons of one gender or sexual orientation.
- Advising students of similar interests and backgrounds differently because of their gender or gender identity.
- Forcing female students to sit in the back of the class on the stereotyped assumption that each of them has a lower aptitude for learning that particular subject than male students.
- Placing unreasonable expectations upon students of particular races or national origins on the basis of stereotyped assumptions that members of those protected classes have a better aptitude for certain academic subjects than students not of those races or national origins.

Examples of discriminatory harassment, all of which are prohibited by this Policy, include, but are not limited to:

- Physically harassing another individual or group because of that person's or persons' membership in a protected class by assaulting, touching, patting, pinching, grabbing, staring, leering at them, making lewd gestures, invading their personal space, blocking their normal movement, or other physical interference.
- Encouraging others to physically or verbally abuse an individual (or group of individuals) because of that person or persons' membership in a protected class.
- Threatening to harm an individual or group because of that person or persons' membership in a protected class.
- Directing epithets, slurs, derogatory comments, unwelcome jokes or stories at an individual or group because of that person or persons' membership in a protected class.
- Displaying hostile, derogatory and/or intimidating symbols/objects, such as offensive posters, cartoons, bulletins, drawings, photographs, magazines, written articles or stories, screensavers, or electronic communications, to an individual or group because of that person or persons' membership in a protected class.

Examples of retaliation, all of which are prohibited by this Policy, include, but are not limited to:

- Terminating an employee for stating an intention to file a complaint of discrimination or for assisting another employee in filing a discrimination complaint.
- Refusing to hire an employee because employee pursued an age discrimination charge against a former employer.
- Denying a promotion to an employee for complaining about alleged sexual orientation harassment.



- Refusing tenure to a faculty member for filing a complaint of sexual harassment pursuant to the Complaint Investigation and Resolution Procedures.
- Issuing an unjustified negative evaluation to an employee for testifying in a legal proceeding concerning a complaint of discrimination or harassment.
- Assigning a student an unearned poor grade for requesting a reasonable academic accommodation based on religion.
- Assigning a student an unearned failing grade for cooperating with an internal investigation of alleged discriminatory practices or a complaint of discrimination or harassment.
- Refusing to admit a student for requesting a reasonable accommodation based on disability in the admission process.

Members of the academic community should not assume that any of the forms of speech described above are protected by the principles of academic freedom or the First Amendment to the United States Constitution.

### *Conduct That is Not Prohibited*

William James College is committed to protecting, maintaining and encouraging both freedom of expression and full academic freedom of inquiry, teaching, service, and research. Nothing in this Policy shall be construed to penalize a member of our community for expressing an opinion, theory, or idea in the course of responsible teaching and learning.

### *Complaint Investigation and Resolution Procedures*

William James College has established specific Complaint Investigation and Resolution Procedures to review and resolve allegations of discrimination, discriminatory harassment and retaliation on its campus. Any member of the College's community or any applicant for admission or employment who believes that he/she has been a victim of such conduct in violation of this Policy may initiate a complaint as outlined in these procedures.

### *Duty to Cooperate*

Every faculty member, administrator, staff member and employee has a duty to cooperate fully and unconditionally in an investigation conducted pursuant to the Complaint Investigation and Resolution Procedures. This duty includes, among other things, speaking with the EO Officer, Administrative Investigator, reviewing or appellate body, and voluntarily providing all documentation that relates to the claim being investigated. The failure and/or refusal of any employee to cooperate in an investigation may result in a separate disciplinary action up to and including termination.

### *Duty to Report Discrimination, Discriminatory Harassment or Retaliation*

No member of the William James College community, including a faculty member, can ignore a report of discrimination, discriminatory harassment or retaliation. He/she should provide the reporter as much assistance in bringing it to the attention of the EO Officer as is reasonably appropriate given his/her position and relationship with the reporter.

In terms of reports of discrimination, discriminatory harassment or retaliation, any trustee, administrator, department chair, program coordinator, manager or supervisor who receives such a complaint from a student or other member of the William James College community is obligated to report the complaint to the EO Officer as soon as he/she becomes aware of it. Likewise, any member of the William James College community is encouraged to report to the EO Officer any conduct of which they have direct knowledge and which they in good faith believe constitutes discrimination, discriminatory harassment or retaliation in violation of this Policy.

Any member of the William James College community who has a question about his/her responsibilities under this Policy should contact the EO Officer.

### *False Charges*

Filing a false charge of discrimination, discriminatory harassment or retaliation is a serious offense. If an investigation reveals that a person knowingly filed false charges, the College may take appropriate actions and issue sanctions, up to and including termination or expulsion, pursuant to other applicable institutional policies. The imposition of such sanctions does not constitute retaliation under this Plan.

### *Consensual Relationships*

William James College does not intrude upon private choices regarding personal relationships when these relationships do not violate the institution's policies, or cause harm or increase the risk of harm to the safety and wellbeing of members of the campus community. Consensual romantic and/or sexual relationships in which one party retains a direct supervisory or evaluative role over the other party are unethical and create a risk for real or perceived coercion.

### *Faculty/Administrator/Staff Member Relationships with Students*

A romantic and/or sexual relationship, consensual or otherwise, between a faculty member, administrator or staff member and a student is looked upon with disfavor and is strongly discouraged. No faculty member shall have a romantic and/or sexual relationship, consensual or otherwise, with a student who is being taught or advised by the faculty member or whose academic work is being supervised or evaluated, directly or indirectly, by the faculty member. No administrator or staff member shall have a romantic and/or sexual relationship, consensual or otherwise, with a student who the administrator or staff member supervises, evaluates, advises, or provides other professional advice or services as part of an institution program or activity.

*Relationships Between Supervisors and Subordinates or Between Co-Workers*

A consenting romantic and/or sexual relationship between a supervisor and subordinate or co-workers may interfere with or impair the performance of professional duties and responsibilities and/or create an appearance of bias or favoritism. Further, such relationships could implicate state ethics laws and/or result in claims of sexual harassment, discrimination, gender-based misconduct or retaliation. Therefore, such workplace relationships are strongly discouraged.

*Retaliatory Action Prohibited*

William James College prohibits retaliatory action against persons who file claims, complaints or charges under its Complaint Investigation and Resolution Procedures, under applicable local, state or federal non-discrimination statutes, who are suspected of having filed such claims, complaints or charges, who have assisted or participated in an investigation or resolution of such claims, complaints or charges, or who have protested practices alleged to be violative of the non-discrimination policy of the institution, or of local, state or federal non-discrimination regulations or statutes. Such retaliation is cognizable under the Institutional Complaint Investigation and Resolution Procedures as well as under state and federal law. Retaliation, even in the absence of provable discrimination in the original complaint, charge or allegation, constitutes a violation as serious as proved discrimination under the original claim, complaint, charge or allegation. Any person who believes he/she has been retaliated against in this manner is encouraged to immediately file a claim or complaint under the institution's Complaint Investigation and Resolution Procedures.

*Other Administrative Options*

It is the intent of the institution to actively respond to all claims/complaints of discrimination with the hope that it can fully, quickly and adequately resolve them internally. William James College also recognizes the right of all complainants to file charges of unlawful discrimination with the appropriate federal, state or local agency with or without first pursuing a resolution of the claim/complaint through the institution's Discrimination Complaint Procedures. These agencies include:

U.S. Department of Education  
Office for Civil Rights  
33 Arch Street, 9th Floor  
Boston, MA 02119-1424  
Telephone: (617) 289-01111  
TDD: 877-521-2172  
Email: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)

Equal Employment Opportunity  
Commission  
John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
1-800-669-4000  
TTY: 1-800-669-6820

Mass. Commission Against  
Discrimination  
One Ashburton Place

Mass. Commission Against  
Discrimination  
Worcester City Hall

Rm. 601  
Boston, MA 02108  
(617) 727-3990

455 Main Street, Room 101  
Worcester, MA 01608  
(508) 799-8010

Mass. Commission Against  
Discrimination  
424 Dwight Street  
Rm. 220  
Springfield, MA 01103  
(413) 739-2145

Mass. Commission Against  
Discrimination  
800 Purchase St., Rm 501  
New Bedford, MA 02740  
(508) 990-2390

### **Title IX Policy\*\***

William James College is committed to maintaining a safe and healthy environment that is free from all forms of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation. Consistent with this commitment, the institution complies with Title IX of the Higher Education Amendment of 1972, which prohibits discrimination and harassment on the basis of sex in education programs and activities. William James College does not discriminate on the basis of sex in admission to or employment in its education programs and activities.

This Policy prohibits all forms of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation. These behaviors are antithetical to the institution's educational mission and will not be tolerated by William James College, and the institution commits itself to the elimination, prevention and remediation of them. In accordance with that commitment and in compliance with Title IX, William James provides educational and preventative programs, services for individuals who have been impacted by violence and accessible, timely and equitable methods of investigation and resolution of complaints.

This Policy and the Complaint Investigation and Resolution Procedures are intended to comply with Title IX, the reauthorized Violence Against Women Act, including the Campus SaVE Act, the Clery Act, and the guidance documents on Title IX issued by the Department of Education's Office for Civil Rights and the White House Task Force to Protect Students from Sexual Assault.

#### A. Policy Purposes

By this Policy, William James College seeks to educate its community about its efforts to prevent, address and remedy all forms of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation. Accordingly, this Policy:

- states unequivocally that sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation are prohibited and will not be tolerated;
- defines and describes the misconduct that is prohibited;
- explains what to do if one experiences sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or

retaliation;

- identifies available on- and off-campus resources;
- identifies the persons with whom you may speak confidentially;
- describes how to file a report with the College and other reporting options;
- specifies the rights of both complainants and respondents; and
- explains the institution's response to alleged incidents, including how reports of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation are evaluated, investigated and resolved.

#### B. Prohibition Against Sexual Violence, Sexual Harassment, Gender-Based Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation

William James College prohibits and will not tolerate sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation. These behaviors violate this Policy, state and federal civil rights laws, and possibly the criminal laws of Massachusetts.

These behaviors can occur between strangers or acquaintances, including between people involved in an intimate or sexual relationship. Victims<sup>1</sup> can be any gender. Any person, regardless of gender identity, can commit sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation, and these behaviors can occur between people of the same or different gender.

William James College prohibits any community member (student, faculty, employee, visitor, volunteer or contractor), regardless of gender, from sexually harassing, stalking, engaging in sexual violence toward or committing domestic or dating violence against another member of the community or any other person having dealings with the institution. William James will not tolerate any form of such conduct.

Any member of the William James College community who believes that she/he has been subjected to conduct prohibited by this Policy is encouraged to report it. The College will respond promptly and effectively to all reports, and will take appropriate action to prevent, to correct, and when necessary, to discipline individuals that violate this Policy. Such discipline may include termination or dismissal.

William James College prohibits retaliation against anyone who reports sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation, who assists another in making a report, or who participates in an investigation of a report. All persons should feel free to report their concerns without fear of retribution or reprisal.

This Policy applies to all community members of William James College, including students, faculty, employees, visitors, volunteers or contractors for employment or admission. This Policy applies without regard to a person's sexual orientation, sex,

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<sup>1</sup> Although some prefer to use the term "survivor" to describe an individual who has been subjected to sexual violence, the term "victim" is also widely used. This Policy uses the term "victim" or "complainant," and does so with respect for those who have been subjected to sexual violence.

gender identity, gender expression, age, race, color, nationality, class status, ability, religion, or other protected class of the parties involved.

Acts of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation that take place off campus may be subject to investigation and disciplinary action under this Policy when the conduct involves behavior by or toward a community member, which:

- occurs during institutional-sponsored events such as social functions, business-related travel, field education placements or internships;
- occurs during the events of institutional-affiliated organizations, including student groups;
- has a negative effect on a person's access to education programs and activities;
- adversely affects or disrupts the College's community; and/or
- poses a disruption or threat of harm to the College community.

### C. Title IX Coordinator

Pursuant to Title IX and its implementing regulations at 34 C.F.R. Part 106, William James College has appointed an official, known as the Title IX Coordinator, who is responsible for maintaining the institution's compliance with Title IX, administering this Policy and monitoring their responsive action to ensure that the learning and working environments are free of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation. The Title IX Coordinator also monitors the steps taken to remedy the effects of the misconduct on the complainant(s), including any investigation, resolution or disciplinary proceedings, and may conduct investigations. Additionally, the Title IX Coordinator provides information about reporting options and support resources, initiates interim protective safety measures, coordinates appropriate accommodations, and, when requested, assists persons in filing complaints with law enforcement.

The Title IX Coordinator may also serve as the institution's Equal Opportunity Officer. If these positions are held by different individuals, the EO Officer and the Title IX Coordinator may collaborate on the enforcement of any aspect of this Policy. The Title IX Coordinator should not have other job responsibilities that may create a conflict of interest. There may also be a Deputy Title IX Coordinator designated to assist the Title IX Coordinator in the performance of the Coordinator's duties and to whom specific responsibilities may be delegated. Any person with questions, concerns or complaints related to this Policy may contact the following:

Title IX Coordinator: Gloria Noronha, Director of Diversity, Equity & Inclusion, Extension 2261.

### D. Coordination with William James' Non-Discrimination and Harassment Policy

Harassment or other misconduct related to a person's sex, sexual orientation, gender identity or expression is sometimes also related to a person's race, age, disability, or membership in another protected class. Discriminating against or harassing any person on such bases is prohibited by the institution's Non-Discrimination and Harassment

Policy. In cases where the conduct at issue implicates both this Gender-Misconduct Policy and the Non-Discrimination and Harassment Policy, the institution will coordinate its evaluation, investigation and resolution efforts to address the alleged harassment or misconduct on all prohibited bases.

Note: While this Policy and the Complaint Investigation and Resolution Procedures identify certain College officers and employees who have particular roles and duties, William James College may designate other officers or employees to perform specific roles and/or duties set forth in this Policy or the Complaint Investigation and Resolution Procedures.

## I. DEFINITIONS AND EXAMPLES OF POLICY VIOLATIONS

### A. Sexual Violence

As defined by the U.S. Department of Education's Office for Civil Rights, sexual violence "refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the [person's] age or use of drugs or alcohol, or because an intellectual or other disability prevents the [person] from having the capacity to give consent)." Sexual violence therefore includes a broad range of prohibited behaviors including, but not limited to:

#### 1. Sexual Assault

Sexual assault is any kind of sexual physical contact that involves any form of coercion or intimidation or force and/or sexual physical contact with a person who does not give consent or is unable to give consent. Sexual physical contact includes the intentional touching of another person on an area of the body generally recognized as a private part of the body, or touching any part of another person's body with a private part of one's own body, no matter how slight. Sexual intercourse means penetration, no matter how slight, of a bodily orifice (vagina, anus, or mouth) by an object or by a body part, and/or non-consensual fellatio or cunnilingus with anyone without consent.

*Examples* of sexual assault include:

- rape;
- non-consensual sexual contact (an intentional physical contact of a sexual nature with anyone without the individual's consent, or attempts to commit the same);
- non-consensual sexual intercourse (engaging, continuing to engage, or attempting to engage in sexual intercourse without the other's consent);
- advancing sexual activity without consent;
- ignoring a partner's objections to sexual activity on one occasion given past consent to sexual activity; and
- engaging in manipulative, threatening and coercive behavior to obtain consent.

#### 2. Sexual Exploitation

Sexual exploitation occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person's consent.

*Examples* of sexual exploitation include:

- prostituting another person;
- recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent;
- distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and
- viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, and for the purpose of arousing or gratifying sexual desire.

### 3. Incest

Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. Incest and attempts to commit Incest are prohibited.

### 4. Statutory Rape

Statutory rape is sexual intercourse with a person who is under sixteen years of age. Mass. Gen. Laws c. 265, § 23. Statutory rape and attempts to commit Statutory Rape are prohibited.

### 5. Aiding in the Commission of the Violence

The aiding or assisting in the commission of an act(s) of Sexual Violence as an accomplice is prohibited under this Policy.

### 6. Consent and Incapacitation

Consent is an understandable exchange of affirmative words or actions, which indicate a willingness to participate in mutually agreed upon sexual activity. Consent must be informed, freely and actively given. It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement. Each person involved in a sexual activity must willingly and knowingly engage in the activity. Whether an individual has taken advantage of a position of influence over an alleged victim may be a factor in determining consent.

Silence, previous sexual relationships or experiences, and/or a current relationship may not, in themselves, be taken to imply consent. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity may be withdrawn at any time, as long as the withdrawal



is communicated clearly.

An individual who is incapacitated by alcohol and/or other drugs both voluntarily or involuntarily consumed may not give consent. Alcohol or drug related incapacitation is more severe than impairment, being under the influence, or intoxication. Evidence of incapacity may be detected from context clues, such as slurred speech, bloodshot eyes, the smell of alcohol on the breath, shaky equilibrium, vomiting, unusual behavior, or unconsciousness. While context clues are important in helping to determine incapacitation, these signs alone do not necessarily indicate incapacitation.

Persons unable to consent also include, but are not limited to: persons under age 16; persons who are intellectually incapable of understanding the implications and consequences of the act or actions in question; and persons who are physically helpless. A physically helpless person is one who is asleep, blacked out, involuntarily physically restrained, unconscious, or, for any other reason, unable to communicate unwillingness to engage in any act.

The use of alcohol or drugs to render another person mentally or physically incapacitated as a precursor to or part of a sexual assault is prohibited by this Policy. The use of alcohol, medications or other drugs by the respondent does not excuse a violation of this Policy.

#### 7. Force

Force is the use of physical strength, violence, threats of violence or intimidation (implied threats of violence) to gain sexual access. A person who is the object of actual or threatened force is not required to physically, verbally or otherwise resist the aggressor.

#### 8. Coercion

Coercion is unreasonable pressure or emotional manipulation to persuade another to engage in sexual activity. When someone makes it clear that she/he does not want to engage in sexual behavior, or she/he does not want to go beyond a certain point of sexual interaction, continued pressure beyond that point can be considered coercive. Being coerced into sexual activity is not consent to that activity.

### **B. Sexual Harassment**

Unwelcome verbal, non-verbal and/or physical behavior of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; and/or
- submission to, or rejection of, such conduct by an individual is used as a basis for academic or employment decisions affecting that individual; and/or
- such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating a sexually intimidating, hostile, or offensive employment or educational environment.

A single or isolated incident may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to provide a hostile environment, particularly if the harassment is physical. Likewise, a series of incidents may be sufficient even if the sex-based harassment is not particularly severe.

Sexual harassment can occur between community members of any gender. It can occur between equals (e.g., student to student, staff member to staff member, faculty member to faculty member) or between persons of differing power status (e.g., supervisor to subordinate, faculty member to student). Although sexual harassment often occurs in the context of an exploitation of power by the individual with the greater power, it is possible for a person who appears to have less power in a relationship to commit sexual harassment (e.g., a student harassing a faculty member).

In order for conduct to constitute sexual harassment under this Policy, a reasonable person under similar circumstance would have to conclude that the behavior was harassing or discriminatory.

Reasonable directions or warnings by authorized College personnel as to the time, place and manner in which employees perform their assigned responsibilities, students carry out their educational assignments or program participants engage in sponsored activities do not constitute evidence of sexual harassment under this Policy.

*Examples* of sexual harassment may include, but are not limited to:

- repeatedly pressuring another person for sexual activity;
- making sexist remarks about an individual's clothing, body or sexual activities;
- unnecessary touching, patting or pinching another person;
- demanding sex from a subordinate while making implied threats concerning the subordinate's job;
- demanding sex from a student while making implied threats concerning the student's grade;
- electronically transmitting derogatory, demeaning or pornographic materials;
- posting explicit sexual pictures on an exterior office door or on a computer monitor;
- and sexually assaulting another person.

A *hostile environment* exists when sex-based harassment is sufficiently serious to deny or limit a person's ability to participate in or benefit from programs or activities. A hostile environment can be created by anyone involved in the institution's programs or activities (e.g., administrators, faculty members, students, and campus visitors).

In determining whether sex-based harassment has created a hostile environment, the College considers the conduct in question from both a subjective and objective perspective. It will be necessary, but not enough, that the conduct was unwelcome to the person who was harassed. The College will also need to find that a reasonable person in the victim's position would have perceived the conduct as undesirable or

offensive in order for that conduct to create or contribute to a hostile environment.

To make the ultimate determination of whether a hostile environment exists for campus community member(s), the College considers a variety of factors related to the severity, persistence, or pervasiveness of the sex-based harassment, including: (1) the type, frequency, and duration of the conduct; (2) the identity and relationships of persons involved; (3) the number of individuals involved; (4) the location of the conduct and the context in which it occurred; and, (5) the degree to which the conduct affected one or more person's education or employment.

### **C. Gender-Based Harassment**

Unwelcome conduct of a nonsexual nature based on a person's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes, is prohibited when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; and/or
- submission to, or rejection of, such conduct by an individual is used as a basis for academic or employment decisions affecting that individual; and/or
- such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile, or offensive employment, educational, or living environment based on gender.

*Examples* of gender-based harassment include, but are not limited to:

- using derogatory comments and terms toward a male or female who do not act in ways that align with their gender stereotype, such as a male being called names for being interested in the arts or a female being called names for being interested in construction;
- telling someone to use a restroom that does not align with that person's gender identity; and
- making generalized derogatory comments about one gender, such as "all females" are \_\_\_\_\_ or "all males" are \_\_\_\_\_.

While harassment based on non-sexual factors may be distinguished from sexual harassment, these types of behaviors may contribute to the creation of a hostile environment. Thus, in determining whether a sexually hostile environment exists, William James College may consider acts of gender-based harassment. In order for conduct to constitute gender-based harassment under this Policy, a reasonable person under similar circumstance would have to conclude that the behavior was harassing or discriminatory.

Reasonable directions or warnings by authorized College personnel as to the time, place and manner in which employees perform their assigned responsibilities, students carry out their educational assignments or program participants engage in sponsored activities do not constitute evidence of gender-based harassment under

this Policy.

The definition of *hostile environment* provided under the Sexual Harassment section above also applies in the context of gender-based harassment.

#### **D. Dating and Domestic Violence**

Domestic and dating violence are acts of abusive or coercive behavior (physical, sexual, financial, verbal and/or emotional) used by a perpetrator to gain or exercise control over another, including any behaviors that intimidate, manipulate, humiliate, isolate, frighten, threaten, blame, hurt, injure, or wound someone. Domestic and dating violence can occur in relationships between persons of any gender.

Domestic violence is such behavior directed against a current or former spouse, family member (blood, step, adoptive or foster), person with whom a child is shared, or cohabitant (possibly a roommate).

Dating violence is such behavior directed against another person in a social relationship of a romantic or intimate nature, and where the existence of such a relationship is determined based on a consideration of the length and type of relationship and frequency of interaction between the persons involved.

*Examples* of domestic and dating violence include, but are not limited to:

- hitting, slapping, punching, kicking, pulling hair or other physical misconduct;
- isolating a partner from family and friends;
- destroying a partner's personal items;
- physically assaulting the child of a partner;
- pursuing sexual activity when a partner is not fully conscious, is not asked, or is afraid to say no, or coercing a partner to have sex without protection;
- threatening to reveal a person's sexual orientation without the person's permission;
- exhibiting excessive possessiveness and jealousy;
- constantly belittling or insulting a partner;
- checking a partner's cell phone or email account without permission;
- demanding that a partner dress or act in a certain way; and/or
- threatening violence against the victim's acquaintances, friends, or family members.

#### **E. Stalking**

Stalking refers to a pattern of harassing, threatening, or unwanted behavior that causes an individual to experience emotional distress and/or to fear for his/her safety. Stalking may occur in a range of formats including, but not limited to, in-person, written letters or notes, voicemail, email, text messaging, following someone utilizing global positioning systems (GPS), video and audio recording, and social networking.

*Examples* of stalking behaviors include, but are not limited to:

- repeated unwanted or unsolicited contact or leaving unwanted gifts or items;
- posting disturbing messages or threats online;

- creating, attempting to create, or disseminating unauthorized audio or video recordings of another individual;
- gathering information about an individual from family, friends, co-workers, and/or classmates, or by electronic means by installing spyware on a computer or using GPS;
- threats in any form about an individual or their loved ones or threats to harm oneself;
- pursuing, waiting, or showing up uninvited at a workplace, residence, classroom, or other locations frequented by an individual; and
- directing a third party to take any of the above acts.

## **F. Retaliation**

William James prohibits retaliation against any person for making a complaint of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation, for assisting in making a complaint, for resisting or openly opposing such conduct, or for otherwise using or participating in the complaint investigation process under the Policy. Persons who file, or participate in the investigation or resolution of, claims or complaints of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation with outside agencies, law enforcement or otherwise pursuant to any applicable state or federal law, are also protected from retaliation by this Policy.

Prohibited retaliation includes, but is not limited to: threats; intimidation; reprisals; continued harassment or misconduct; other forms of harassment; slander and libel; and adverse actions related to employment or education. Retaliation can be committed by individuals or groups. Retaliation, even in the absence of provable sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation in an underlying complaint, constitutes as violation of this Policy that is just as serious as the main offense itself.

Anyone who believes that he/she is the object of retaliation, or any person with questions or concerns about retaliation, is encouraged to contact the EO Officer: Ellen Collins, extension 1531.

*Note: Incidents of sexual violence, domestic violence, dating violence, stalking or retaliation as described above may also constitute criminal actions when they meet the standards set forth in Massachusetts criminal laws. The relevant Massachusetts crime definitions are included in Section XII of this Policy. An individual can be prosecuted by the Commonwealth for violating a criminal law and be subject to discipline for violating this Policy by the College.*

## **II. CONSENSUAL RELATIONSHIPS**

William James College does not intrude upon private choices regarding personal relationships when these relationships do not violate the institution's policies, or cause harm or increase the risk of harm to the safety and wellbeing of members of the campus

community. Consensual romantic and/or sexual relationships in which one party retains a direct supervisory or evaluative role over the other party are unethical and create a risk for real or perceived coercion.

#### A. Faculty/Administrator/Staff Member Relationships with Students

A romantic and/or sexual relationship, consensual or otherwise, between a faculty member, administrator or staff member and a student is looked upon with disfavor and is strongly discouraged. No faculty member shall have a romantic and/or sexual relationship, consensual or otherwise, with a student who is being taught or advised by the faculty member or whose academic work is being supervised or evaluated, directly or indirectly, by the faculty member. No administrator or staff member shall have a romantic and/or sexual relationship, consensual or otherwise, with a student who the administrator or staff member supervises, evaluates, advises, or provides other professional advice or services as part of a College program or activity.

#### B. Relationships Between Supervisors and Subordinates or Between Co-Workers

A consenting romantic and/or sexual relationship between a supervisor and subordinate or co-workers may interfere with or impair the performance of professional duties and responsibilities and/or create an appearance of bias or favoritism. Further, such relationships could implicate state ethics laws and/or result in claims of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation. Therefore, such workplace relationships are strongly discouraged.

### III. RESOURCES

The institution encourages all persons who have experienced any form of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation to talk to someone about what happened to get the support they need, and to avail themselves of all available resources, no matter when the incident occurred.

#### A. Assuring Your Safety/Preserving Evidence

If you or another person is in immediate danger or needs immediate medical help, call 911 or the Newton Police at 617-796-2100 or Boston Police 617-343-4633.

If an incident occurs, the institution strongly encourages victims to report the incident and seek both medical and police assistance for the victim's protection and that of the entire campus. Seeking immediate medical attention is the best option to preserve evidence and ensure an optimal remedial response. William James College will assist any community member in getting to a safe place, providing transportation for medical help, and coordinating the institution's response to the incident with law enforcement. Seeking police or medical assistance does not obligate a victim to make a complaint or take any further action.

Any individual who has experienced an act or acts of gender-based misconduct is encouraged to take steps to preserve evidence of the incident, as doing so may be

necessary to the proof of a criminal act or to obtain a protection order from the court. After an incident occurs, victims should try to refrain from bathing or showering, brushing teeth, drinking, eating, douching or changing clothes until the evidence can be collected. If clothing is changed, each garment should be placed in a separate paper (not plastic) bag. If the incident involves any written or electronic communications (e.g., pictures, texts, social media posts, videos, etc.), take care to preserve copies and not delete the originals.

## **B. Resources to Obtain Confidential Medical Attention**

Medical attention is strongly encouraged to treat any possible injuries, including internal injuries, or infections. Please note that there are some medical actions that are more effective if taken within a few days after an offense, such as preventative treatment for pregnancy and sexually transmitted infections, evidence collection, and toxicology testing if there are signs that drugs or alcohol facilitated the offense. Generally, you may discuss the incident with licensed medical personnel on a confidential basis.

The following hospitals are part of the Sexual Assault Nurse Examiner Program (SANE). This program has specially trained nurses who can examine you and collect evidence. They will also call the Boston Area Rape Crisis Center (BARCC) and a trained Medical Advocate can meet you at the hospital. You may be faced with confusing medical and legal decisions, and the Medical Advocate can help you through the process.

Beth Israel Deaconess Hospital  
148 Chestnut Street  
Needham, MA 02492  
781-453-3000 – Non Emergency Number  
Hours: 24 Hours a Day/7 Days a Week

Newton Wellesley Hospital (Designated Boston SANE Hospital)  
2014 Washington Street  
Newton, MA 02462  
617-243-6000 – Non Emergency Number  
Hours: 24 Hours a Day/7 Days a Week

Other SANE hospitals in the Boston area are:

- Beth Israel Deaconess Medical Center
- Boston Medical Center
- Brigham and Women's Hospital
- Cambridge Hospital
- Children's Hospital
- Massachusetts General Hospital

For more information about SANE services and where to obtain them, see:

<http://www.mass.gov/eohhs/gov/departments/dph/programs/community->

[health/dvip/violence/sane/designated-sites/boston-regions.html](http://health/dvip/violence/sane/designated-sites/boston-regions.html).

### C. Resources to Obtain Confidential Counseling and Support

Generally, you may discuss the incident with a licensed mental health counselor or a counselor recognized by a religious order or denomination on a confidential basis. Please see Section V “Privacy and Confidentiality: Know Your Options” of this Policy for more information.

These counselors are good options if you want to discuss your situation with someone who can keep your information as confidential as possible while assisting you to determine what steps to take, such as obtaining further counseling, seeking medical attention, preserving evidence, and/or reporting to the College or law enforcement authorities then or at a later time.

#### 1. Confidential Counseling and Support Resources at William James College

|  |                            |                                      |      |  |
|--|----------------------------|--------------------------------------|------|--|
| Joan Axelrod<br><a href="mailto:Joan_Axelrod@williamjames.edu">Joan_Axelrod@williamjames.edu</a> | Academic Resource Director | Monday-Friday<br>9:00a.m. – 5:00p.m. | 1341 | Disability Services; Remedial Services; Counseling |
|--|----------------------------|--------------------------------------|------|--|

#### 2. Confidential Community Counseling and Support Resources

Many off-campus counseling resources are available to assist you. These off-campus service providers are not required to report any information to the College and will generally maintain your confidentiality.

City of Newton Police: 617-769-2100

City of Boston Police: 617-343-4633

|  |  |
|--|--|
| White House Initiative to Combat Sexual Assault on College Campuses<br><a href="http://www.notalone.gov">www.notalone.gov</a><br>(searchable local resources and hotlines) | The National Stalking Resource Center<br><a href="http://www.victimsofcrime.org/our-programs/stalking-resource-center">http://www.victimsofcrime.org/our-programs/stalking-resource-center</a> |
| National Sexual Assault Hotline<br>(800) 656-4673 (24 hour)  | RAINN [Rape Abuse & Incest National Network] (800) 656-4673 (Hotline)<br><a href="http://www.rainn.org">www.rainn.org</a> (Online Chat Live)   |
| National Domestic Violence Hotline<br>(800) 799-7233 (24 hour)   | MA Spanish Language Rape Crisis Center<br>(800) 223-5001(Hotline)  |
| National Suicide Prevention Lifeline<br>(800) 273-8255 (Hotline)   | Victim Rights Law Center<br>115 Broad Street, 3rd Floor Boston, MA 02110<br>Phone: 617-399-6720<br>(legal services for victims of sexual assault)  |



Additionally, the Rape Crisis Centers listed below offer FREE services to victims of sexual violence, including:

- 24/7 hotline counseling, information, and referral;
- will go with victims to hospitals and/or police stations 24/7;
- will go with victims to court;
- provide one-to-one counseling and support group counseling; and
- provide primary prevention education; professional training; outreach.

Greater Boston Area

Boston Area Rape Crisis Center (BARCC)  
99 Bishop Allen Drive  
Cambridge, MA 02139  
24/7 Hotline: 800-841-8371  
TTY: 617-492-6434

Our Boston Office

989 Commonwealth Avenue  
Boston, MA 02215  
24/7 Hotline: 800-841-8371  
(Office) 617-492-8306  
(Fax) 617-492-3291

Services are available in Spanish, French and Kreyol.

Northeastern Massachusetts

YWCA North Shore Rape Crisis Center, Lynn, 800-922-8772 Hotline, 781-477-2312 Office

Center for Hope and Healing, 800-542-5212 Hotline, 978-452-8723 TTY

YWCA of Greater Lawrence, 877-509-9922 SA Hotline, 978-686-8840 TTY

Central Massachusetts

Pathways for Change, Worcester, 800-870-5905 Hotline, 888-887-7130 TTY

Rape Crisis Center of Central Mass., Fitchburg, 800-870-5905

Wayside Victim Services, Milford, 800-511-5070 Hotline, 508-478-4205 TTY

Southeastern Massachusetts

A Safe Place, Nantucket, 508-228-2111 Hotline, 508-228-7095 TTY

Independence House/Cape Cod Rape Crisis Center, Hyannis, 800-439-6507 Hotline, 508-778-6782 TTY

Martha's Vineyard Community Services/CONNECT to End Violence, Vineyard Haven, 508-696-7233 Hotline, 508-684-8176 TTY

New Bedford Women's Center, New Bedford, 508-996-6636 Hotline, 508-996-1177 TTY

New Hope, Attleboro, 800-323-4673 Hotline/TTY

Health Imperatives, Brockton, 508-588-8255 SA Hotline, 508-894-2869 TTY

Western Massachusetts

Elizabeth Freeman Center, Pittsfield, 866-401-2425 Hotline, 413-499-2425 TTY

Center for Women and Community, Amherst, 413-545-0800 Hotline, 413-577-0940 TTY

NELCWIT, Greenfield, 413-772-0806 Hotline, 413-772-0815 TTY

YWCA of Western Mass., Springfield, 800-796-8711 Hotline, 413-733-7100 TTY

As the above contact information may be subject to change, current contact information

on rape crisis centers in Massachusetts can be found at: <http://www.mass.gov/eohhs/gov/departments/dph/programs/community-health/dvip/violence/rape-crisis-centers.html>.

More information regarding programs and services offered by the Commonwealth for victims of sexual and domestic violence see:

<http://www.mass.gov/eohhs/gov/departments/dph/programs/community-health/dvip/violence/sapss/>

#### D. College Resources

In addition to the confidential resources listed above, William James College offers a variety of resources to those who have experienced or been affected by sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation. While the following individuals and offices are not bound by confidentiality, they will maintain your privacy within the limited group of College personnel necessary to address the issues presented.

The following individuals are located at One Wells Avenue, Newton, MA 02459.

Phone Number: 617-327-6777

| Name   | Title   | Hours                                 | Ext  | Services Provided  |
|--|---|---------------------------------------|------|--|
| Dan Brent<br><a href="mailto:Dan_brent@williamjames.edu">Dan_brent@williamjames.edu</a>                | VP of Finance and Operations,                                   | Monday-Friday<br>9:00 a.m. – 5:00p.m. | 1532 | Coordinates efforts in response to student crisis  |
| Gloria Noronha<br><a href="mailto:Gloria_Noronha@williamjames.edu">Gloria_Noronha@williamjames.edu</a> | Director of Diversity, Equity & Inclusion, Title IX Coordinator | Monday-Friday<br>9:00 a.m. – 5:00p.m. | 2261 | Coordinates efforts in response to student crisis  |
| Ellen Collins<br><a href="mailto:ellen_collins@williamjames.edu">ellen_collins@williamjames.edu</a>    | Director of Human Resources, EEO Officer                        | Monday-Friday<br>9:00a.m.– 5:00 p.m.  | 1531 | Coordinates efforts in response to student crisis; promote ethical conduct                 |
| Josh Cooper<br><a href="mailto:Josh_cooper@williamjames.edu">Josh_cooper@williamjames.edu</a>          | Dean of Students  | Mon – Friday<br>9:00a.m. – 5:00p.m.   | 2241 | Coordinates efforts in response to student crisis; standards of behavior; assist in remedy |
| Joan Axelrod<br><a href="mailto:Joan_Axelrod@williamjames.edu">Joan_Axelrod@williamjames.edu</a>       | Academic Resource Director                                      | Monday-Friday<br>9:00a.m. – 5:00p.m.  | 1341 | Disability Services; Remedial Services; Counseling/Support Resources                       |
|  |   |                                       |      |  |

#### E. Relevant Government Resources

The following agencies may provide additional resources for persons wishing to file a complaint of sexual violence, sexual harassment, gender-based harassment, domestic

violence, dating violence, stalking and/or retaliation outside of William James College complaint investigation procedures. You may also contact the agencies if you have any questions or concerns about the application of Title IX and/or the institution's compliance with Title IX.

U.S. Department of Education,  
Office for Civil Rights  
<http://www2.ed.gov/about/offices/list/ocr/index.html>

U.S. Department of Justice, Office  
on Violence Against Women  
<http://www.ovw.usdoj.gov/>

U.S. Department of Education  
Office for Civil Rights  
33 Arch Street, 9th Floor  
Boston, MA 02119-1424  
Telephone: (617) 289-01111  
TDD: 877-521-2172  
Email: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)

Office on Violence Against Women  
145 N St., NE, Suite 10W.121  
Washington, D.C. 20530  
202-307-6026  
Fax: 202-305-2589  
Email: [ovw.info@usdoj.gov](mailto:ovw.info@usdoj.gov)

Persons wishing to file a complaint of gender discrimination or sexual harassment under state law, or who have questions about the state's law on gender discrimination and sexual harassment, may contact the Massachusetts Commission Against Discrimination as follows:

Boston Office:  
One Ashburton Place  
Rm. 601  
Boston, MA 02108  
(617) 727-3990

Worcester Office:  
Worcester City Hall  
455 Main Street, Room 101  
Worcester, MA 01608  
(508) 799-8010

Springfield Office:  
424 Dwight Street  
Rm. 220  
Springfield, MA 01103  
(413) 739-2145

New Bedford Office:  
800 Purchase St., Rm 501  
New Bedford, MA 02740  
(508) 990-2390

#### IV. REPORTING OPTIONS

William James College strongly encourages all who have experienced sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation to report the incident so that the College may provide victims with support services and pursue an administrative resolution regarding the alleged perpetrator. The institution prohibits and will not tolerate retaliation against anyone who makes a report.

You have several options for reporting: **Confidential Reports, Non-Confidential Reports** and **Making No Report**. While each option will be described for you in detail below and summarized at Appendix A, as a general rule, if William James College receives a report of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation, it must investigate the report. If you are unsure of someone's duty to report or ability to maintain your privacy, you should ask them before you

talk to them about an incident. They will be able to tell you if they are required to make a report and they can identify others who can help you.

All parties and witnesses to incidents of such prohibited conduct have reasonable expectations of privacy in matters reported and investigated under this Policy. The College wants all community members to seek the assistance they need without fear that their private information will be shared more broadly than they would like. Federal and state laws, however, impose reporting obligations on certain William James College employees that, under some circumstances, require those employees to share information about an incident of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation with others at the institution. Even when these employees have an obligation to report, they will protect the privacy of the reporter to the greatest extent possible and share information on only a need-to-know basis.

When you make a report, a College employee or official will try to ensure that you are informed of their reporting obligations, and they will direct you to Confidential Resources to whom you may make a private report. So that you fully understand your ability to make reports and your ability to keep your information confidential, please review the following reporting options. If you need assistance in making a report, please contact the Title IX Coordinator.

**APPENDIX A**

| <b>GENDER-BASED MISCONDUCT: CONFIDENTIALITY AND REPORTING</b>          |                            |  |
|--|----------------------------|--|
| <b>Personnel/Organization</b>  | <b>Confidential Status</b> | <b>Obligation to Report to William James Colleges' Title IX Coordinator and/or Outside of the institution</b>  |
| William James College Employee Assistance Program                      | Confidential               | None   |
| Outside Medical Providers  | Confidential               | None   |
| Outside Rape Crisis Centers, Counseling and/or Victim Support Services | Confidential               | None   |
| Outside Chaplains, Clergy, Pastoral Counselors                         | Confidential               | None   |
| Local Police or other Law Enforcement                                  | <i>Not Confidential</i>    | There is no obligation for local police or law enforcement to make a report to William James College, but information may be shared with the College within the requirements of Massachusetts law. |
| Outside Agencies (MCAD, EEOC, OCR, BHE)                                | <i>Not Confidential</i>    | The relevant agency will notify the institution of accepted complaints.  |
| Title IX Coordinator (and  | <i>Not</i>                 | Yes. The Title IX Coordinator will share information with College officials and employees who need to know it in order to implement  |

**GENDER-BASED MISCONDUCT: CONFIDENTIALITY AND REPORTING**

| <b>Personnel/Organization</b>                                      | <b>Confidential Status</b> | <b>Obligation to Report to William James Colleges' Title IX Coordinator and/or Outside of the institution</b>   |
|--|----------------------------|---|
| Deputies)  | <i>Confidential</i>        | the institution's policies and procedures.  |
| EO Officer/Director of Human Resources                             | <i>Not Confidential</i>    | Yes. The EO Officer will share information with College officials and employees who need to know it in order to implement the institution's policies and procedures.  |
| William James College Trustees                                     | <i>Not Confidential</i>    | Yes. Members of the Board of Trustees will share information with College officials and employees who need to know it in order to implement institution policies and procedures.                                  |
| The President  | <i>Not Confidential</i>    | Yes. The President will share information with College officials and employees who need to know it in order to implement institution policies and procedures.   |
| Vice Presidents, Associate and Assistant Vice Presidents           | <i>Not Confidential</i>    | Yes. The Vice Presidents and Associate/Assistant Vice Presidents will share information with College officials and employees who need to know it in order to implement the institution's policies and procedures. |
| Department Directors and Assistant Directors                       | <i>Not Confidential</i>    | Yes. Departmental Directors and Assistant Directors will share information with College officials and employees who need to know it in order to implement the institution's policies and procedures.              |
| Deans, Associate and Assistant Deans                               | <i>Not Confidential</i>    | Yes. The Deans and Associate/Assistant Deans will share information with College officials and employees who need to know it in order to implement institution's policies and procedures.                         |
| Academic Department Chairs   | <i>Not Confidential</i>    | Yes. Academic Department Chairs will share information with College officials and employees who need to know it in order to implement the institution's policies and procedures.                                  |
| Faculty and Staff Leading or Chaperoning Travel or Overnight Trips | <i>Not Confidential</i>    | Yes. Faculty and Staff Travel Leaders and/or Chaperones will share information with College officials and employees who need to know it in order to implement the institution's policies and procedures.          |
| Faculty Advisors to Student Groups                                 | <i>Not Confidential</i>    | Yes. Faculty and Staff Advisors to Student Groups will share information with College officials and employees who need to know it in order to implement the institution's policies and procedures.                |

Complaint Investigation and Resolution Procedures

It is the policy of William James College to provide each student, employee, and other person having dealings with the College an environment free from all forms of discrimination, discriminatory harassment, sexual violence, sexual and gender-based harassment, domestic and dating violence, stalking and retaliation as defined in William

James College Policy Against Discrimination, Discriminatory Harassment and Retaliation and Policy Against Sexual Violence.

These Complaint Investigation and Resolution Procedures (“Procedures”) are intended to provide a mechanism to investigate and resolve complaints of discrimination, discriminatory harassment, sexual violence, sexual and gender-based harassment, domestic and dating violence, stalking and retaliation. These Procedures are available to all students, faculty, staff, visitors, contractors, applicants for employment or admission, and others having dealings with the institution.

Complaints of the following prohibited behaviors may be made under these procedures:

**Discrimination or harassment on the basis of:**

- race
- color
- religion
- national origin
- age
- disability
- sex/gender
- sexual orientation
- gender identity
- gender expression
- genetic information
- marital status
- veteran status

**Any form of the following prohibited conduct:**

- sexual violence or misconduct
  - rape
  - sexual assault
  - sexual exploitation
  - incest
  - statutory rape
  - aiding in the commission of sexual misconduct
- sexual harassment
- gender-based harassment
- domestic violence
- dating violence
- stalking

**Retaliation**

Investigations of such complaints are necessary to determine:

- if a complaint alleges a violation of William James College’s Policy Against Discrimination, Discriminatory Harassment and Retaliation and/or its Policy Against Sexual Violence;
- whether prohibited conduct has occurred;
- whether there is an ongoing risk of harm for further prohibited conduct and, if so, to take steps to prevent its recurrence;
- whether interim protective measures should be in place for the safety of the complainant or the College community, or to redress the effects of prohibited conduct;
- whether the conduct warrants disciplinary action; and
- whether changes to policies, practices or training should be considered and implemented by the College.

These procedures have been designed to provide prompt, fair, impartial, complete and effective processes from investigation to final result. The proceedings will be conducted transparently and consistently with College policies. The formal rules of process or

evidence, such as those applied in criminal or civil courts, are not used under these procedures.

No community member may retaliate, intimidate, threaten, coerce or otherwise discriminate against any individual for filing a complaint under these procedures or for otherwise exercising his/her rights or responsibilities under the institution's Policy Against Discrimination, Discriminatory Harassment and Retaliation or their Policy Against Sexual Violence.

*Note: While these Procedures identify certain College employees/officials who have particular roles and duties, William James College may designate other employees/officials to perform specific roles or duties as set forth in these Procedures.*

## I. INVESTIGATION AND RESOLUTION PROCEDURES

The complaint investigation and resolution process is comprised of two processes: (A) the **Informal Resolution Procedure**; and (B) the **Formal Investigation Procedure**.

### A. Informal Resolution Procedure

**The Informal Resolution Procedure may not be used in an effort to resolve allegations of sexual violence, domestic or dating violence or stalking. If you seek to make such a complaint, the Formal Investigation Procedure in Section B will apply.** Where appropriate, the parties to a dispute may attempt to reach an informal resolution of the potential complaint. The College encourages involved parties to request the intervention of the institution to assist in an informal resolution by contacting the EO Officer.

In conference with the Title IX Coordinator and others as necessary, the EO Officer or his/her designee will assess the request for informal resolution against the severity of allegations and the potential risk of a hostile environment or safety concern for other community members. If an informal resolution is appropriate, the EO Officer will notify the parties. The College will not ask a complainant to resolve a problem with a respondent without the involvement of the EO Officer or his/her designee.

The EO Officer or his/her designee will facilitate a dialog with the parties in an attempt to reach a resolution. At no time shall a respondent question or confront a complainant, or engage a third party to do so, as such conduct may constitute intimidation and/or retaliation, both of which are strictly prohibited under William James College Policy Against Discrimination, Discriminatory Harassment and Retaliation and the Policy Against Sexual Violence. The matter will be deemed resolved when all parties expressly agree to an outcome that is acceptable to them and to the institution, which will make every attempt to conclude the Informal Resolution Process within sixty (60) days of the date of the complainant's request.

A complainant is not required to use the Informal Resolution Procedure before initiating the Formal Investigation Procedure, and a party may withdraw from the Informal Resolution Procedure at any time.

## **B. Formal Investigation Procedure**

### Submission of Complaint and Initial Review

When a person believes that she/he has been harassed, discriminated or retaliated against or subjected to violence in violation of William James College Policy Against Discrimination, Discriminatory Harassment and Retaliation and/or Policy Against Sexual Violence, she/he may file a written complaint using the Complaint Form at Section IV of these procedures.<sup>2</sup> Persons are encouraged to file complaints directly with the EO Officer, but complaints may also be filed with other offices or officers, such as the Title IX Coordinator or Deputy Coordinator, Human Resources or the Dean of Students. Any complaint alleging harassment, discrimination, retaliation or violence in violation of the Policy Against Discrimination, Discriminatory Harassment and Retaliation and/or Policy Against Sexual Violence initially filed with other offices or officers will be transferred to the EO Officer.

In certain circumstances, the College may initiate the complaint investigation and resolution procedures without the filing of a written complaint or the active participation of a complainant. Complaints may be generated upon receipt of a report by a complainant or by a third-party reporter, such as, but not limited to, a friend, spouse, family member, advisor, parent or coworker.

A complaint must be filed by the complainant or a College official, and the complaint must be in the words of the complainant or the College official. Complaints should contain all known facts pertaining to the alleged violation, the names of any witnesses and others with knowledge of the allegations, and an identification of any documents or other evidence.

The EO Officer or his/her designee will determine if the complaint falls within the jurisdiction of these procedures. When complaints allege sexual violence, sexual or gender-based harassment, domestic or dating violence, stalking and/or retaliation, the EO Officer or his/her designee will refer them to the Title IX Coordinator for jurisdictional evaluation and review. At this point, the College will implement any necessary or appropriate interim protective measures, or monitor and/or revise any measures already in place. If the EO Officer or Title IX Coordinator, or a designee, determines that the matter is not properly filed pursuant to these procedures, she/he will provide written notice to the complainant (or third party reporter).

### Investigation Process

<sup>2</sup> Persons who believe that they have been the victim of the conduct prohibited by the Sexual Violence Policy also have options to report incidents in a confidential manner; victims are encouraged, but not required, to file complaints pursuant to these Procedures. Please see the Sexual Violence Policy for more information on reporting options.



If a complaint has been properly filed, or the College otherwise determines that an investigation is necessary, the William James College will assign the matter to an Administrative Investigator. The College may also designate other trained and knowledgeable institution officials to assist with the investigation. The Administrative Investigator will promptly notify the respondent of the complaint, provide him or her with a copy of the complaint, and ask him/her to submit a written response to the complaint. See Section V (Notice to Respondent). If the respondent does not respond, or otherwise fails to participate in the investigation, the Administrative Investigator will complete the investigation on the basis of the other information obtained. Where a complaint is initiated by a third party reporter, the Administrative Investigator shall attempt to meet with the potential complainant to discuss his/her participation in the investigation and gain additional information.

## **OFFICE OF RESEARCH: POLICY**

The values of research, scholarship and evidence based practice are central to William James College (WJC). To support these values, the Office of Research has developed policies to foster the execution of responsible and ethical research. All investigators (faculty, staff, professionals and students) must comply with these policies while conducting research at WJC, or while affiliated with WJC.

The Office of Research policies and procedures consist of five different areas:

1. The WJC Institutional Review Board (IRB)
2. Research Participant Recruitment (extramural and intramural)
3. Institutional Research Requests
4. Institutional Data Requests
5. Review and Approval of Sponsored Program Proposals

### **1. Institutional Review Board (IRB)**

#### ***Review, Approval and Oversight of Research***

The Institutional Review Board (IRB) (sometimes referred to as a Human Subjects Committee, or Human Research Committee), is the institutional group charged by WJC with the responsibility and authority to review and approve all human subjects research conducted by or with members of the WJC community prior to beginning any research-related activities.

First, the IRB evaluates each protocol to determine the level of review that will be required. Does a proposed activity constitute “research?” If it is “research,” does it involve “human subjects?” If it is “research involving human subjects,” does it qualify for exemption from IRB review? If it’s not exempt, does it qualify for expedited review? Or, will it require full IRB review? All these determinations are based on a highly codified set of ethical and legal considerations, all with the intent of minimizing the risks associated with research participation and ensuring that those risks are offset by potential benefits to be derived from the research. These determinations are made within a context that respects the rights of individual participants to make informed choices in deciding whether or not to participate in a specific research project.

Regardless of the type of research undertaken, all research protocols must go through the IRB. The IRB application for review can be found at [IRB Protocol Review](#) on MyCampus. All key personnel (Principal Investigator and co-investigators) must have successfully completed the C.I.T.I. Human Subjects certification (or its approved equivalent – see following sections) prior to IRB review. In addition to the protocol review application, the investigator must submit all materials used in the research as well as signed Conflict of Interest form(s). Once an individual has submitted all the required documents, the IRB determines which level of review is required for each project (exempt, expedited, or full). The IRB bases these determinations on the federal regulations for conducting research.

WJC has a Federal-wide Assurance (FWA #00017733) that has been approved by, and is on file with, the U.S. Department of Health and Human Services (HHS) Office of Human Research Protections (OHRP). The FWA is included as an appendix to this IPPM and is incorporated in its entirety into this policy and procedures statement. The FWA provides federally compliant and approved written procedures which the IRB follows for:

1. conducting its initial review of research;
2. conducting its continuing review of research;
3. reporting its findings and actions to investigators and the institution;
4. determining which projects require review more often than annually;
5. determining which projects need verification from sources other than the investigators that no material changes have occurred since previous IRB review;
6. ensuring prompt reporting to the IRB of proposed changes in a research activity, and for ensuring that such changes in approved research, during the period for which IRB approval has already been given, may not be initiated without IRB review and approval except when necessary to eliminate apparent immediate hazards to the subject; and
7. ensuring prompt reporting to the IRB, appropriate institutional officials, and Department or Agency head, and OHRP of: (a) any unanticipated problems involving risks to subjects or others; (b) any serious or continuing noncompliance with federal regulations or the requirement or determinations of the IRB; and (c) any suspension or termination of IRB approval.

Research protocols that are exempt (see qualifiers on [OHHS website](#) or on [IRB Protocol Review](#) application) do not require *formal* IRB review, but must be submitted for an IRB *administrative* review. This ensures all documentation is correct and the project meets federal regulatory standards. Protocols eligible for expedited review (again, see OHHS website or IRB protocol review application) are assigned to one or more IRB members for review and feedback. Those projects designated as expedited will be given feedback for the investigator to address and resubmit for approval. For research involving more than minimal risk to participants, or involving protected vulnerable populations, a full review is required. Convened IRB meetings take place on an “as needed” basis as projects arise. Please note the IRB review process is an iterative one, sometimes requiring multiple reviews or resubmissions before final approval is granted.

## ***Continuing Review of Approved Protocols***

All protocols that have been approved by WJC's IRB are subject to continuing review. Typically, protocols that are reviewed will be granted approval for a period not to exceed one year from the date that the original protocol was approved (subject to the usual conditions concerning adverse events and/or procedural errors). Please note that research that involves significant risk may be approved for periods less than one year (e.g., six months). Two weeks prior to the protocol's expiration date, the investigator must submit a [Continuing Review Application](#) to the IRB. If the active IRB approval lapses, all research activities must cease until the continuing review application has been reviewed and approved. Conducting research activities under a lapsed protocol constitutes serious legal and ethical misconduct.

## ***Data Retention Policy***

After an investigator has completed collecting, analyzing and reporting, research data must be retained and maintained securely for a period of at least 5 years. If the data includes personally identifiable information (PII), the data must be securely stored as described in the original IRB-approved protocol.

Personally identifiable information (PII) is — “any information about an individual maintained by an agency, including (1) any information that can be used to distinguish or trace an individual's identity, such as name, social security number, date and place of birth, mother's maiden name, or biometric records; and (2) any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information.”<sup>11</sup>

[Source: GAO Report 08-536, ***Privacy: Alternatives Exist for Enhancing Protection of Personally Identifiable Information***, May 2008, <http://www.gao.gov/new.items/d08536.pdf>]

Examples of PII include, but are not limited to:

- Name, such as full name, maiden name, mother's maiden name, or alias
- Personal identification number, such as social security number (SSN), passport number, driver's license number, tax payer identification number, or financial account or credit card number
- Address information, such as street address or email address
- Personal characteristics, including photographic image (especially of face or other identifying characteristic), fingerprints, handwriting, or other biometric data (e.g., retina scan, voice signature, facial geometry)
- Information about an individual that is linked or linkable to one of the above (e.g., date of birth, place of birth, race, religion, weight, activities, geographical indicators, employment information, medical information, education information, financial information)

[Source: Nat'l Inst of Standards & Technology, U.S. Dept. of Commerce, ***Guide to Protecting the Confidentiality of Personally Identifiable Information (PII)***, <http://nvlpubs.nist.gov/nistpubs/Legacy/SP/nistspecialpublication800-122.pdf>]

This policy was created to ensure proper maintenance, retention and protection of confidential data. Each investigator has the responsibility of maintaining his/her raw data for a period of at least five years. Should a breach of confidentiality reasonably place a participant at risk, the raw data must be maintained securely (password protected and encrypted).

This risk is outlined in the Code of Federal Regulations 45CFR§46.101(b)(2):

Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior, unless:

- (i) information obtained is recorded in such a manner that human subjects can be identified, directly or through identifiers linked to the subjects; and
- (ii) any disclosure of the human subjects' responses outside the research could reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, or reputation.

However, if the risk is greater, the IRB may waive or modify the data retention/maintenance policy in the interest of human subject protections. For example, the researcher may be asked to maintain de-identified (sanitized) data records, records from which any PII has been removed or redacted. This information, when sanitized, can be kept indefinitely. Any data that can be linked to individual respondents should be destroyed after a period of five years, consistent with American Psychological Association (APA) recommendations. According to the APA Publication Manual (6th ed., 2009):

Authors are expected to retain raw information for a minimum of five years after publication of the research. Other information related to the research (e.g., instructions, treatment manuals, software, details of procedures, code for mathematical models reported in journal articles) should be kept for the same period; such information is necessary if others are to attempt replication and should be provided to qualified researchers on request.

After 5 years, personally identifiable data must be destroyed using a secure, verifiable process or de-identified (stripped of unique identifiers that would permit linking the data to the individual participant). De-identified datasets (datasets that contain no PII) may be retained indefinitely.

### ***Human Subjects Certification***

In addition to review, approval and oversight of research activity, the IRB is also charged with assuring that all key personnel involved in research have the necessary knowledge base to engage in these activities. To this end, WJC maintains a subscription with the Collaborative Institutional Training Initiative (CITI) Program, one of the nation's leading resources for research ethics education. CITI provides an extensive array of learning modules designed to cover different research disciplines and

practitioners. Consistent with the needs of various WJC programs, WJC's Office of Research has selected the required and optional modules that must be completed by all members of the WJC community who will have key roles in the planning, implementation, and/or oversight of research. This includes all students who will be conducting human subjects research (whether as part of their own research or on someone else's), all faculty who will be conducting human subjects research and/or who supervise student research as principal investigators, chairs, or readers of student research projects, and all other members of the WJC community who may be actively involved in research (e.g., research assistants, administrative assistants involved in data entry, transcription, filing, etc.).

To be certified, an individual must log onto the CITI website <https://www.citiprogram.org>. New users must register. Please use your WJC email name format (i.e., `firstname_lastname`) and then log into WJC's protected CITI site. Once you've entered the site, you will be instructed to select the curriculum appropriate to your learner group. Except as indicated below, most faculty, students and staff involved in research should identify themselves as "Social & Behavioral Research Investigators" in response to Question 1. Those working in health psychology and/or engaged in the conduct of biomedical research should select that group. A third learner group is designed for "students conducting no more than minimal risk research," and is appropriate for students collecting data for in-class projects, typically associated with a research course. There is a section on Good Clinical Practice, as well as one that deals with "Health Information Privacy & Security." The curriculum is tailored to your role and needs, and assembles the modules that must be successfully completed to receive certification.

Each module concludes with an online quiz. Your scores will be automatically shared with the Office of Research at WJC, which will monitor all members of the WJC community's IRB certification. Please be advised that depending on your prior familiarity with the material, your role (e.g., student, faculty, staff), and your own learning style, completing the certification may take 3-4 hours total, or more. You may choose to tackle only 1 or 2 modules at a time. Record of your successful completion will be accumulated in the institutional gradebook that CITI maintains.

Also note that IRB certification has a continuing education component. Within 3 years of receiving your initial certification, for those of you still affiliated with WJC, you will be required to successfully complete a Stage 2: Refresher Course that consists of 5 refresher modules. Based on the CITI Program's recommendations, the WJC Office of Research has selected modules that are salient to the types of research being conducted at WJC and likely to be pursued by its faculty and its graduates. There is some flexibility in terms of optional modules that may be pursued depending upon specific interests and needs. For example, a module on working with incarcerated individuals may be relevant to faculty and students working in WJC's forensics programs, but may not be of particular interest or relevance to other members of the community.

### ***Conflict of Interest***

In conjunction with ensuring all investigators have the knowledge base needed to conduct research, the IRB requires notification of any possible conflicts of interest that researchers may have with their investigation. It is essential to assure the continued confidence of the public in their judgment of research investigators, and in the dedication of research institution's to the integrity of their research. In this regard, the IRB requires a [\*Conflict of Interest Form\*](#) for each investigator/sub-investigator who is directly involved with research involving human subjects in the covered protocol. The strength of this assurance is based on the assumption that scholars are honest and conduct their research with the highest standards and integrity.

This policy is intended to serve human subjects research. This policy is not intended to eliminate all situations of conflict of interest, but rather to enable individuals to recognize situations that may be subject to question and resolve them so as to avoid conflicts of interest. Thus an integral part of the policy is disclosure whereby individuals regularly review their professional activities.

Individuals directly involved in the conduct, design, or reporting of research involving human subjects should not have more than a minimal personal financial interest in an institution that sponsors the research or owns the technology being studied. A conflict of interest arises when a researcher is or may be in a position to put his/her own interest before the best interests of research subjects. Conflicts involving the IRB itself or conflicts involving the institution must be managed. In order to manage such conflicts, the IRB must be informed of potential conflicts of interest. Researchers submitting protocols using human subjects must disclose all interests that may be perceived as a conflict with the best interest of the subject in order for the research to be considered for approval.

Based on the information submitted by the researcher for review, the IRB may determine that:

1. No conflict exists, or
2. A conflict exists and must be disclosed to the subjects in the informed consent statement, or
3. A conflict exists and the researcher must resolve the conflict before the research can be approved.

#### *Examples of Reportable and Non-Reportable Activities for Conflict of Interest*

##### 1. Non-Reportable Activities

The following activities and relationships do not need to be reported and do not represent a conflict of interest because they have been generally accepted practices and do not violate fundamental ethical principles.

- a. Receiving royalties for published scholarly works and other writings.
- b. Accepting honoraria for commissioned papers and occasional lectures.

- c. Receiving payment for reasonable travel and lodging expenses related to presentations of scholarly work or to a person's academic endeavor.
- d. Investing in mutual funds.
- e. Payments for clinical research to an approved practice corporation or to a department fund for salary or other expenses of conducting clinical trials.

## 2. Reportable Activities

- a. Conducting research in applied and/or clinical research on a technology developed by the investigator or a member of his/her immediate family (spouse, children, parent, in-laws, siblings).
- b. Conducting research in applied and/or clinical research on a technology developed by a faculty member or other employees of the institution.
- c. The financial relationship of an investigator or his/her immediate family member with the sponsor of his/her research (acting as scientific advisor or consultant, or receiving honoraria exceeding \$5,000 annually, or acting as director or other executive).
- d. Conducting applied and/or clinical research on a technology owned by a business in which the investigator or a member of his/her immediate family holds 5% or more of the outstanding stock or stock options.
- e. Conducting applied and/or clinical research on a technology owned by a business in which another faculty member or other employee of the institution holds 5% or more of the outstanding stock or stock options.
- f. Conducting applied and/or clinical research on a technology owned by a business in which another faculty member or other employee of the institution holds a position of senior management officer, or director of the company.
- g. Receiving royalties under institutional royalty-sharing policies from marketing the drug, device or procedures that is the subject of the research.
- h. Receiving payments directly from the sponsor, rather than through the University or an approved practice corporation, for recruiting subjects.

## 2. Research Participant Recruitment

### *Extramural Requests*

WJC frequently receives requests to recruit community members to participate in survey or other types of research. We are committed to research and evaluation activities that can provide insight into and advance psychological theory, practice, education, research and policy. To expedite the process, to manage potential risks associated with proposed research, and to keep the burden on the WJC community manageable, all requests for research participation must comply with the school's policy.



Any external individual or organizational entity not affiliated with WJC who seeks to recruit research participants through WJC must submit an application to WJC's Office of Research for review and approval. WJC will only consider requests for participation that have been reviewed for use by a federally certified Institutional Review Board (IRB). To be eligible, the proposed research protocol will have been determined by the applicant's IRB-of-record to be (1) exempt from federal policy according to federal statute; or (2) approved for use through an expedited review procedure; or (3) approved for use through full IRB review. Documentation of IRB review and approval must be provided as an attached document.

Each applicant must complete an Extramural Research Recruitment Request Form and submit it to the Office of Research ([research@WJC.edu](mailto:research@WJC.edu)). Once a complete application has been submitted, WJC's Office of Research will review the request within 10 business days, and send an email with the resulting decision to the address provided by the applicant. If approved, the recruitment request will be posted on the Office of Research website page that has been set up for that purpose [it may also be posted on the Community Bulletin Board that may be established for that purpose]. An abbreviated title and brief description will be included in the list of approved intramural and extramural research recruitment requests that are sent out periodically to members of the WJC community.

Any follow-up requests or modifications must be sent to the Office of Research prior to implementation. It will be the responsibility of the applicant to notify WJC's Office of Research of any Adverse Events that may occur using the protocol (regardless of where the participant was recruited), as well as any proposed modifications in the research protocol, as these may affect our decision for local permission.

WJC reserves the right to reject requests that are judged not to be in the best interest of the individual respondents, the institution, and/or the profession.

### ***Intramural Requests***

Members of the WJC community (primarily students and faculty) may be interested to recruit research participants through other members of our community, either directly or indirectly by requesting that recipients share or forward the request to others with whom they might be familiar or connected. We are committed to research and evaluation activities that can provide insight into and advance psychological theory, practice, education, research and policy and we wish to support members of our community who actively engage in this pursuit. To keep the burden on the community manageable, students and faculty may not use WJC email or email lists to recruit research participants from within the WJC community. Intramural requests for research participation may be posted on the Community Bulletin Board that has been set up for that purpose. Electronic and/or hard copy posts on physical bulletin boards are both permitted. All intramural recruitment requests must be for protocols that have been reviewed and approved for use by WJC's IRB prior to their posting.

Students and faculty are also encouraged to submit a completed Intramural Research Recruitment Request Form to the Office of Research (at [research@WJC.edu](mailto:research@WJC.edu)). This is a much shorter form than that required for extramural requests. Once received, the recruitment request will be posted on the Office of Research website page that has been set up for that purpose, and an abbreviated title and brief description will be included in the list of approved intramural and extramural research recruitment requests that are sent out periodically to members of the WJC community.

### **3. Institutional Research Requests (primarily for Administrators & Staff)**

As a growing institution, it is increasingly important to ensure that decisions are based on sound quantitative and qualitative evidence. The Office of Research may be called upon to complete research to demonstrate that WJC is accomplishing its stated mission, that there is ongoing improvement and that our students are successful (among other institutional goals). Through self-studies, the Office of Research uses institutional data to assist in program improvement, institutional planning and policy development.

Any individual or organizational entity seeking to request institutional research must submit a request to the WJC's Office of Research for review and approval. A "research request" is defined as any individual, committee or WJC affiliate who seeks to gain institutional knowledge of WJC. This knowledge must be generalizable to the community and useful in informing WJC decisions. Requests will be reviewed and given priority based on the availability of the Office of Research to complete the proposed self-study.

The Office of Research will provide an initial response to research requests within 5 business days. Specific research requests may take longer depending upon the research project sought and the degree to which reporting may need customization. Estimated time to completion will accompany the initial response.

### **4. Institutional Data Requests**

WJC maintains several internal databases and frequently receives requests for data and reports from them. To expedite the process of data requests; to manage potential risks associated with data sharing; to ensure federal compliance (FERPA, HIPAA, other); to track how these data are intended to be used; and to provide accurate, timely and efficient access to appropriate information, all data requests must comply with the school's policy.

Any individual or organizational entity seeking to request data from any database managed by WJC must submit a request to WJC's Office of Research for review and approval (using the [Data Request Policy Form](#)). The Office of Research will provide an initial response to requests within 5 business days. Specific data reports may take longer depending upon the data sought and the degree to which reporting may need customization. Estimated time to completion will accompany the initial response.

Unless otherwise permitted for internal administrative use, all shared data will be purged of unique identifiers. Recipients of all data must agree to be bound by the appropriate use, maintenance, confidentiality, and reporting restrictions accompanying data release.

The appropriate use policy includes the following data security guidelines:

Data maintained by WJC contain personal information about individuals. This information is protected by the Federal law known as the Family Educational Rights and

Privacy Act of 1974 (see [FERPA](#)). To protect the confidentiality of this information, the following guidelines are in place and required of everyone who accesses WJC data:

- FERPA training is required of all persons accessing confidential WJC data. WJC has resources and options through our subscription to CITI for training. Researchers must provide proof of the completion of FERPA training before they can be granted access to WJC data.
- A [Confidentiality Agreement](#) must be signed and renewed annually for a researcher to gain access to WJC data. Your signature on the Confidentiality Agreement acknowledges that you have read and understand the terms of the agreement. Your signature also confirms that you agree to comply with the terms of these documents. Please direct any questions concerning data security to the Assistant Director for Institutional Research of the WJC Office of Research.
- WJC data to be used for research purposes may be used only for research projects that have been specifically approved by the WJC IRB.
- Permission to use WJC data is granted for a fixed amount of time and may be renewed as needed at the discretion of the Associate Vice President for Research. Permission may be revoked at any time. Immediate termination of access will result in cases where there is significant risk of unauthorized disclosure of confidential information or violation of security guidelines.
- Research results must be reported in a manner that does not enable audiences to learn about individual persons in the data. For example, groups for which aggregate statistical summaries are presented must include at least five persons.
- All research products (reports, summaries, presentations, proposals, etc.) that reference, contain, or are based on WJC data must be FERPA-compliant. All such products must be submitted for review and approval for release.
- Prior to review and approval for release, all data must physically and electronically reside within the WJC IT system. WJC data files, working data sets, summary data, and individual records may not be removed from WJC in any form, including printed copies. All data processing of the WJC data must take place within the WJC's controlled system environment.
- Each research project is assigned a working directory that is shared by all researchers working on that project. In addition, individual researchers are granted access to a workspace and directory for their own use. All researchers working on a project should work primarily in the shared project directory, storing all work there and organizing it as they see fit through the creation of subdirectories, etc.
- Researchers are to provide the WJC Office of Research with regular updates regarding progress and changes to their projects. This includes, but is not limited to, changes and extensions to the research hypotheses and project personnel. Any extension of research that can be reasonably interpreted as a new research project requires approval from the Office for Research and execution of a new Confidentiality Agreement.

To fulfill its responsibilities, WJC may periodically ask for information related to ongoing research projects. Timely response to these requests is a condition for continued access to WJC data.

## **5. Review and Approval of Sponsored Program Proposals**

All formal proposals submitted to external sources with the intent of procuring funds through some form of binding agreement between that source and William James College (WJC), must be reviewed and approved for submission prior to receiving the signature of the President of WJC or his/her designee.

WJC supports and encourages faculty, students and staff to identify and pursue funding opportunities that are consistent with the school's values and mission, and will help to advance them. All materials that bear the imprimatur of WJC represent the institution and should be a positive reflection on the school, its people, its practice and its values. Proposals to would-be funders are especially important. Not only can they be a critical resource for current initiatives, but they represent an investment in future efforts. A poorly crafted proposal is not likely to receive funding. In addition, a submission that does not meet basic professional standards of quality reflects badly on the institution and can jeopardize future efforts to seek support.

Given WJC's current size and grant-seeking activities, there is less immediate concern about coordinating development efforts. However, it will be important as the institution grows, to make sure WJC presents a well-managed, coordinated, and unified front as we pursue external funds. As such, it will be important to have a single point of contact to coordinate reviews and submissions, and in the event of conflict, to resolve potentially competing interests.

### Procedures:

This policy focuses exclusively on the proposal narrative, the section of the proposal that typically provides an overview (an abstract), a statement of the problem, a review of current research and practice as they ground the proposed work, and a clear description of what you propose to do. While there are certain standard elements for research proposals, this policy is not limited to research.

1. Applicants are encouraged to give notice of a potential proposal early in the process. Please submit a [Proposal Review Request Form](#) to the Office of Research [the form is available online at the Office of Research website. Complete Parts 1 and 2 to the best of your ability at the time of the submission. The completed form should be sent by email to the Office of Research ([research@WJC.edu](mailto:research@WJC.edu)).
2. Please update the Office of Research if the submission status changes.
3. At least one week prior to the submission deadline<sup>3</sup>, submit the following to the

<sup>3</sup>Submission guidelines may vary with respect to "due date," which will affect when the submission needs to be signed by an authorized signatory (typically, the President or his/her designee). For electronic submissions, the due date may be the date by which the complete submission must be uploaded to the funder's webpage. For paper submissions, some sponsors require the

Office for Research:

- a. A completed copy of the [Proposal Review Request Form](#) [please update Part 1];
  - b. A near-final draft of the proposal narrative;
  - c. A copy of the submission guidelines and requirements as set forth by the funder:
    - i. This may be a letter inviting a proposal;
    - ii. A more general written solicitation;
    - iii. Requirements as they appear on the funder's website; and/or
    - iv. A copy of the Request for Proposal (RFP), Request for Applications (RFA) or Program Announcement (PA)
4. The Office of Research will review the submitted narrative and evaluate it against the following criteria:
- a. Is the proposal substantively responsive to the solicitation<sup>4</sup>?
  - b. Does the statement of the problem (or needs statement) adequately establish the need for the proposed activity?
  - c. Does the narrative provide sufficient background in the empirical literature and/or anecdotal experience to justify or ground the proposed approach to the issue?
  - d. Does the proposed approach flow directly from the literature cited and is it responsive to the problem as presented?
  - e. Does the proposed approach have an internal logic such that the intervention targets specific areas that the literature have implicated in the development, progression, or resolution of the problem area being addressed?
  - f. If the proposal includes research and evaluation activities, are these consistent with the tenets of good science?
  - g. Is the proposal doable? Can the proposed activities be successfully implemented in the time allotted and with the resources sought? Are the outcome objectives likely to be realized in the time available for follow up? If successfully implemented, will the proposed activity(ies) likely achieve the desired outcomes and impacts?
  - h. Is the proposal sufficiently well written so as to share with an external funder?
5. The Office of Research will provide written feedback to the Principal Investigator within 3-5 business days. The earlier the narrative can be submitted to the Office of Research for review, the more time the proposal writing team will have to respond to and/or incorporate the reviewer(s)'s comments.
6. The investigator must submit a revised proposal based on the Office of Research's feedback. The resubmission should be accompanied by a cover letter that

document to be postmarked by the due date and received no later than one week (or other specified time period) later. Some sponsors will require RECEIPT of the document before close of business on a particular due date. While these distinctions may seem trivial compared to the concept for which funding is sought, it is important to pay careful attention to them. Proposals that are not submitted properly (everything from due dates to font sizes, margins, and page length) will likely be seen as non-responsive. They typically will not be reviewed; there will be no feedback from reviewers; and they will not be funded.

<sup>4</sup> The primary focus of the Office of Research review is for the substantive quality of the proposal narrative. Final responsibility for both the quality of the proposal as well as its compliance with the submission requirements rests with the Principal Investigator and the proposal writing team.

identifies in detail, and on a point-by-point basis, the team's response to the feedback, noting the specific changes made in the proposal.

7. Based on this iterative substantive review process, the Office of Research will make a final recommendation to the President (or his/her designee) regarding the quality of the proposed submission as well as a recommendation to submit, defer or not submit.
8. Separate from the narrative review, the Principal Investigator must work with WJC's Office of Finance to address all budgetary aspects of the proposed work. Following their review process, a recommendation will be made to the President (or his/her designee).
9. The decision of the President will be binding.

# **ALCOHOL AND DRUG-FREE CAMPUS POLICY**

## **I. PURPOSE AND SCOPE**

William James College is committed to providing students, employees and visitors a safe and healthful campus. The unlawful use of drugs and alcohol impairs the safety and health of students and employees, lowers the productivity and quality of work performed, and undermines the public's confidence in the institution and its services. Only in an environment free of substance abuse can William James College fulfill its mission of developing the professional, social, cultural and intellectual potential of each member of its community. For these reasons, the College prohibits the unauthorized use of alcohol and the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance on campus and at all William James College activities.

This Policy is designed to comply with the Drug-Free Workplace Act of 1988 (Pub. L. 100-600, 11-18-88), which requires federal grant recipients to take action aimed at establishing and maintaining drug-free workplaces, and the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226), which require that "as a condition of receiving funds or any form of financial assistance under any Federal program, an institution of Higher Education...must certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs or alcohol by students and employees."

This Policy applies to all students and employees, except those regulated under federal or state drug laws to the extent that this Policy conflicts with such laws. A copy of this Policy will be provided annually to every student and employee.

If it is determined that a violation of this policy has occurred, disciplinary action up to and including termination of employment, expulsion of students, and referral for criminal prosecution may result as deemed appropriate. All members of this community - faculty, staff, and students - are urged to carefully and seriously reflect on their personal responsibility to remain drug free and, further, to demonstrate care and concern for others through timely intervention, support, and referral.

Pursuant to the Drug-Free Schools and Communities Act Amendments of 1989, the institution will evaluate the effectiveness of this Policy every two years and will make any necessary amendments to enhance and improve the institution's environment. William James College will notify all students and employees of any amendments to the Policy.

## **II. DEFINITIONS**

A. "Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.

B. "Controlled substances" refers to any drug or substance whose use is legally prohibited as defined in Sections I through V of Section 202 of the Controlled Substances Act, 21 U.S.C. § 812 *et seq.*, including, but not limited to: narcotics (opium, heroin, morphine, and synthetic substitutes); depressants (chloral hydrate, barbiturates and methanqualones); stimulants (amphetamines, cocaine and cocaine derivatives



such as crack); hallucinogens (LSD, mescaline, PCP, peyote, psilocybin, and MDMA); and cannabis (marijuana and hashish).

C. “Drugs” means any substance taken into the body, other than alcohol, which may impair one’s mental faculties and/or physical performance.

D. “Premises” means any building, structure, vehicle, improved land, or unimproved land, in whole or part, which is owned, used, or occupied by the College.

### **III. HEALTH RISKS**

A. Alcohol. Alcohol is a depressant that affects the central nervous system. It is absorbed directly into the bloodstream from the stomach and intestines and it reaches the brain quickly, slowing down the parts that control thinking and emotion. In large doses it dulls sensations and impairs muscle coordination, memory and judgment. Alcohol is a drug for which the potential exists for physical and/or psychological addiction. Alcohol can be mentally and physically destructive, reducing a person’s life span by 10 to 12 years. Alcohol abuse may result in: heart, brain, liver, and other organ damage, malnutrition, high susceptibility to infectious diseases, permanent damage to the nervous system, deterioration of memory, judgment and learning ability, and inability to grasp reality. Excessive drinking is also involved in a major portion of highway accidents, domestic abuse, assaults, suicides and homicides.

B. Tobacco. Some 350,000 Americans die annually from diseases related to tobacco use. Nicotine, the addictive ingredient in tobacco, stimulates the central nervous system and is physically and psychologically addictive. Nicotine irritates lung tissue and increases blood pressure. One in six deaths in the United States is smoking-related and smoking is the most common cause of cancer deaths. Smoking is the major cause of chronic bronchitis and emphysema and also causes pneumonia, heart disease, blood vessel disease, and stomach ulcers.

C. Marijuana. Marijuana is primarily used by smoking the dried leaves of the cannabis plant. The high derived from smoking marijuana comes from tetrahydrocannabinol (THC) contained in the plant. The user experiences euphoria, a sense of time passing slowly and distorted perceptions. Others experience confusion, anxiety, disorientation and paranoia. Marijuana is psychologically addictive and contains four times as much cancer causing tar as one cigarette. It contains 426 chemicals in its smoke and has been linked to lung disease, cancer, genetic damage, lowered immunity, and impaired physical and psychological development.

D. Prescription Drugs. Legal prescription drugs are often the first abused drugs. Valium and Librium are the most commonly abused prescription drugs. Tranquilizers and sedatives are both depressants that dull the central nervous system. Even in small amounts, these drugs slow reaction time, decrease eye-hand coordination and interfere with judgment. Alcohol greatly increases the effects and can cause a potentially dangerous overdose.

E. Hallucinogens. Hallucinogens, such as LSD, mescaline, mushrooms, PCP, and MDMA (Ecstasy), are a class of drugs that produce profound psychoactive effects, including profound alterations in sensation, mood and consciousness that may involve senses of hearing, touch, smell or taste, as well as visual experiences that depart from

reality. Some hallucinogens also produce stimulant effects on the body. These hallucinogens can produce psychological problems that include confusion, depression, sleep problems, drug craving, severe anxiety, and paranoia. Psychotic episodes have been reported. Increased heart rate, blood pressure, muscle tension, involuntary teeth clenching, nausea, blurred vision, rapid eye movement, sweating, and chills are some of the physical effects. Users of hallucinogens build tolerance requiring that they take more of the drug to achieve the same effects. Some of the hallucinogens have been known to induce long-term or permanent psychosis. Risk of accidental injury or death is greatly increased with hallucinogen use.

F. Cocaine. Cocaine, a stimulant to the central nervous system, is a very addictive drug. One of the most popular forms of cocaine is crack, a cheaper form of the drug. Cocaine creates a high in the user, which causes alertness, excitement, talkativeness, over-confidence, and a lessened need for sleep. After the high, the “crash” occurs including depression, restlessness, anxiety, and impaired concentration. Repeated use of cocaine will lead to addiction and other complications, which may include heart failure, family, and financial problems.

*\*Attachment A provides a more detailed analysis of the Use and Effects of Controlled Substances.*

## **IV. CRIMINAL PENALTIES**

### **A. Alcohol Laws**

1. The City of Newton prohibits and imposes fines for the public consumption of any alcoholic beverages; possession of alcoholic beverages in unsealed containers; and the drinking of alcoholic beverages in any public building or on any public property, including parks, playgrounds, public buildings, public parking lots and public ways, as well as private parking lots and private ways to which the public has access. The City further prohibits the advertisement of alcoholic beverages in or on public buildings, facilities, land and in or on public transportation.
2. In Massachusetts, providing alcohol to persons under 21 years old is punishable by a fine of \$2,000, up to one year in prison, or both. Mass. Gen. Laws Chapter 138, § 34.
3. Any person under 21 who purchases, attempts to purchase alcohol, makes arrangements with another to purchase or procure alcohol, misrepresents his/her age, or alters or falsifies his/her I.D. with intent to purchase alcohol is punishable by a fine of \$300. A conviction of this crime will result in a driver’s license suspension of 180 days. Mass. Gen. Laws Chapter 138, §34 A.
4. Persons in licensed alcohol establishments, upon request by an official, must state their correct name, age, and address or may be fined up to \$500. Persons making, carrying, using, or selling altered or forged identification or furnishing false information to obtain such identification may be punished by a fine of \$200 or incarceration for up to three months. Mass. Gen. Laws Chapter 138, § 34B.

5. Whoever alters, forges, or steals a driver's license is punishable by a fine of up to \$500 or by incarceration of up to 5 years. A conviction of this crime will result in a license suspension of one year. Mass. Gen. Laws Chapter 90, § 24B.
6. Any person under 21 who knowingly possesses, carries, or transports alcohol is punishable by a fine of \$50 for a first offense and \$150 for any subsequent offense. A conviction of this crime will result in a driver's license suspension of 90 days. Mass. Gen. Laws Chapter 138, § 34C.
7. Whoever knowingly transports more than a personal limit of 20 gallons of malt beverages, or three gallons of any other alcoholic beverage, or one gallon of alcohol or its equivalent is punishable by a fine of up to \$2,500, or up to 6 months incarceration or both. Mass. Gen. Laws Chapter 138, § 22.
8. Whoever possesses an open container of alcohol in the passenger area of any motor vehicle is punishable by a fine of \$100 to \$500. Mass. Gen. Laws Chapter 90, § 241.
9. Driving under the influence of alcohol, marijuana, narcotics, depressants, stimulants or glue vapors (Mass. Gen. Laws Chapter 90, §§ 24 and 24P) carries the following penalties:
  - a. Breathalyzer test and license suspension:

| SITUATION  | LICENSE SUSPENSION |
|--|--------------------|
| Over 18 years old and refuses test ; 18-21 years old and blows a .02 or fails to complete a prescribed treatment program   | 180 days to 1 year |
| Under 18 and refuses test or consents to test and blows a .02 or fails to complete a prescribed treatment program; or is over 21 years old with a previous conviction and refuses test | 1 year             |
| Over 21 with 2 or more previous convictions and refuses test   | 18 months          |

- b. In addition to the above penalties, one who is convicted, placed on probation, or is granted a continuance without a finding or otherwise pleads guilty to facts sufficient to convict for DUI may also be assessed up to a \$250 fee and a mandatory \$50 fee. Mass. Gen. Laws Chapter 90, § 24.
- c. Once convicted of DUI, a person may be ordered to participate in a driver education program, drug treatment program, drug rehabilitation program, or any combination of the three. Mass. Gen. Laws Chapter 90, § 2

| OFFENSE        | PENALTY             |                                     |
|----------------|---------------------|-------------------------------------|
| First Offense  | Fine:               | \$500-\$5,000                       |
|                | Incarceration:      | Maximum 2.5 years                   |
|                | License Suspension: | 90 days-1 year (Under 18, 180 days) |
| Second Offense | Fine:               | \$600-\$10,000                      |
|                | Incarceration:      | Minimum 30 days; up to 2.5 years    |
|                | License Suspension: | 6 months-2 years (Under 18, 1 year) |
| Third Offense  | Fine:               | \$1,000-\$15,000                    |
|                | Incarceration:      | Minimum 150 days; up to 5 years     |
|                | License Suspension: | 2-8 years                           |
| Fourth Offense | Fine:               | \$1,500-\$25,000                    |
|                | Incarceration:      | Minimum 1 year; up to 5 years       |
|                | License Suspension: | 5-10 years                          |
| Fifth Offense  | Fine:               | \$2,000-\$50,000                    |
|                | Incarceration:      | Minimum 2 years; up to 5 years      |
|                | License Suspension: | Life                                |

10. It violates federal law to manufacture, produce, or import intoxicating liquors without a permit. Violators will be fined up to \$1,000 for each offense. 27 U.S.C. §§ 203 and 207.

#### B. State Drug Laws

1. Involving Minors in Drug Sale or Distribution – A person who knowingly causes, induces, or abets a person under the age of eighteen to distribute or dispense any controlled substance or to accept, deliver, or possess money used or intended for procurement, manufacture, distribution . . . of any controlled substance shall be punished by five (5) to fifteen (15) years in state prison and a fine of \$1,000 to \$100,000. Minimum five (5) years imprisonment is mandatory. (Refer to chapter 94C, section 32K of Mass. General Law.). Trafficking and sale to minors carry much stiffer penalties in terms of imprisonment and fines (Mass. General Law, chapter 94C, sections 32E and F).
2. Simple Possession – The penalties for possession of the substances outlined in Mass. General Law, chapter 94C, section 34, are punishable by one (1) year or less of imprisonment or by a fine of not more than \$1,000 or both. Possession of heroin is punishable by two (2) years or less in a house of correction or by a fine of not more than \$2,000 or both for the first offense. Possession of marijuana or a Class E substance is punishable by not more than six (6) months in a house of correction or a \$500 fine or both. Possession of all other controlled substances is

punishable by up to one year incarceration or a fine of \$1,000 or both. Mass. General Law, c. 94C, section 34.

3. Marijuana (decriminalized, but still illegal) – Possession of less than one ounce of marijuana is now punishable in Massachusetts by a civil fine rather than a criminal penalty. Cities and towns may impose additional penalties for the public consumption of marijuana or THC. Mass. General Law, c. 94C, Section 32L. Those under 18 years of age when cited for possession of less than one ounce of marijuana must also complete a drug awareness program. Mass. General Law, c. 94C, section 32M.
4. The following outline the penalties for distribution or trafficking drugs:

| <b>DRUG CLASS*†</b>   | <b>PENALTY</b>  |
|---|---|
| A   | Imprisonment in state prison for not more than ten (10) years or in a house of correction for not more than two and one half (2 1/2) years or a fine of \$1,000 - \$10,000 or both. |
| B   | Same as Class A   |
| C   | Imprisonment in state prison for not more than five (5) years or in a house of correction for not more than two and one half (2 1/2) years or a fine of \$500 - \$5,000 or both.    |
| D   | Imprisonment in a house of correction for not more than two (2) years or a fine of \$500 - \$5,000 or both.   |
| E   | Imprisonment in a house of correction for not more than nine (9) months or a fine of \$250 - \$2,500 or both.   |
| *Refer to Mass. Gen. Law, c. 94C, § 31 for a description of the drug classes.   |   |
| †The exception is that special rules for distribution and trafficking have been crafted specifically for marijuana. Mass. General Law, c. 94C, section 32E. |   |

### C. Federal Drug Laws

1. Penalties for possession with intent to manufacture, sell, dispense, or distribute a controlled substance including heroin, cocaine, PCP, LSD, Fentanyl, marijuana (in useable form or actual plants), methamphetamine are the following:

|                    | <b>FIRST OFFENSE</b>       |                            | <b>SECOND OFFENSE</b>      |                            |
|--------------------|----------------------------|----------------------------|----------------------------|----------------------------|
|                    | <b>Lower Amount*</b>       | <b>Greater Amount*</b>     | <b>Lower Amount*</b>       | <b>Greater Amount*</b>     |
| <b>PRISON TERM</b> | 5-40 Years                 | 10 years to life           | 10 years to life           | 20 years to life           |
|                    | If death or serious injury | If death or serious injury | If death or serious injury | If death or serious injury |

|   |   |  |  |  |
|---|---|--|--|--|
|   | occur: 20 years to life   | occur: 20 years to life  | occur: Not less than life  | occur: Not less than life  |
| <b>FINE</b>   | Individual - not more than \$2 million; Other than individual - not more than \$5 million | Individual - not more than \$4 million; Other than individual - not more than \$10 million | Individual - not more than \$4 million; Other than individual - not more than \$10 million | Individual - not more than \$8 million; Other than individual - not more than \$20 million |
| *Amounts vary by specific drug. See 21 U.S.C. § 841 for exact amounts for each drug and full listing of drugs included in this statute or please view Attachment B. Penalties for attempt or conspiracy to traffic or manufacture are the same as above. 21 U.S.C. § 846. |   |  |  |  |

2. Anyone who is eighteen years old or older who distributes to anyone who is under twenty-one years old is subject, for a first offense, to two times the penalties listed above at item 1 for a first offense and is subject to three times the first offense penalties listed above for a second or subsequent offense. 21 U.S.C. § 859.
3. Anyone who manufactures or distributes within 1,000 feet of a school, College or playground or within 100 feet of a public or private youth center, public swimming pool, or video arcade facility is subject, for a first offense, to two times the penalties listed above at item 1 for a first offense and is subject to three times the first offense penalties listed above for a second or subsequent offense.
4. Employing children to distribute near schools or playgrounds is subject to three times the first offense penalties listed above at item 1. 21 U.S.C. § 860.
5. Anyone found in simple possession will be subject to up to one year of incarceration and a \$1,000 fine for a first offense; up to two years of incarceration and a \$2,500 fine for a second offense; and up to three years of incarceration and a \$5,000 fine for a third or subsequent offense. 21 U.S.C. § 844.
6. It is unlawful to open, rent, lease, use, maintain, manage, or own a place, whether temporarily or permanently, for the purpose of manufacturing, distributing or using controlled substances. Penalties for violation of this law are up to 20 years incarceration or a fine of up to \$500,000 or both; and a fine of up to \$2,000,000 for a company, corporation, etc. One who violates this law may also be subject to civil penalties limited to the greater of \$250,000 or two times the gross receipts from the unlawful conduct. 21 U.S.C. § 856.

*\*Please see Attachment B to view the Federal Drug Trafficking Penalty Schedule.*

## **V. PROHIBITED CONDUCT UNDER THIS POLICY**

### **A. Controlled Substances.**

1. No person may use, possess, sell, manufacture, distribute, store or dispense controlled substances on the College premises, as part of any College-related activity, or in the workplace, except as authorized under the College's regulations or otherwise by the institution at any time.
2. While William James College has no desire to intrude upon the private activities of its employees and students when they are away from its premises and not on the institution's time, involvement with unlawful drugs, including their manufacture or distribution, constitutes a severe breach of accepted conduct and is also prohibited.
3. Any person on business on behalf of William James College, on or off the institution's premises, is prohibited from purchasing, transferring, using or possessing illicit drugs or prescription drugs in any way that is illegal.
4. Where available evidence warrants its doing so, William James College will bring matters of illegal drug or controlled substance use to the attention of appropriate law enforcement authorities.

### **B. Prescription Drugs.**

1. Students and employees are prohibited from bringing prescription drugs on the premises unless they have been prescribed by a licensed physician. Such drugs can only be utilized by the person receiving such a prescription in the manner, combination and quantity prescribed. In instances where any employee holds a position which the institution considers to be safety sensitive, it must be notified by the employee that the use of prescription drugs on the job will not impair the individual's working abilities by a suitable statement from the prescribing physician.
2. Employees are prohibited from being under the influence of legally prescribed drugs in the workplace if such drugs prevent the employee from performing the essential functions of the job or where the employee poses a direct threat to himself/herself or to others while using those drugs.

### **C. Alcohol.**

1. No person may use, possess, sell, manufacture, distribute, store or dispense alcohol on the institution's premises, as part of any College-related activity, or in the workplace, except as authorized under regulations of the institution or otherwise by the William James College at any time.

## **VII. CONSEQUENCES OF ENGAGING IN PROHIBITED CONDUCT**

A. It is a condition of enrollment and employment at William James College that each person abide by the terms of this Policy.

B. Where appropriate, persons violating this Policy will be referred to local authorities.

C. If an employee is directly engaged in the performance of work pursuant to the provisions of a Federal grant or contract, the employee must notify the institution of any criminal conviction under a drug statute or a violation occurring in the workplace no later than five (5) days after such conviction. William James College will notify the appropriate granting or contracting agency within ten (10) days after receiving notice from the employee.

D. Within thirty (30) days of notification of a criminal drug statute conviction, the institution will have the convicted employee undergo an assessment of drug use and/or addiction. Subsequently, William James College will take appropriate personnel action on behalf of the employee, at a minimum, requiring drug abuse education, additional assistance, or rehabilitation and (if the severity and/or repetition of convictions warrants it) actions consistent with existing policies, up to and including termination.

E. An employee's violation of any portion of this Policy will subject him/her to appropriate disciplinary measures, up to and including termination. The institution will evaluate violations of this policy on a case-by-case basis. Any employee who engages in prohibited conduct may be: immediately removed from duty; referred to the Employee Assistance Program; required to attend an evaluation session with a professional staff member or other individual designated by the Vice President of Academic Affairs or Human Resources Director; required to successfully complete an alcohol or drug abuse treatment program as a condition of continued employment; reported to authorities for criminal prosecution or other appropriate action; and/or disciplined, up to and including termination of employment.

F. A student's violation of any portion of this Policy will subject him/her to appropriate disciplinary measures, up to and including expulsion. The institution will evaluate violations of this Policy on a case-by-case basis. Any student who engages in prohibited conduct may be: required to attend an evaluation session with a professional staff member or other individual designated by the VP of Academic Affairs; required to complete successfully an alcohol or drug abuse treatment program as a condition of continued enrollment; reported to authorities for criminal prosecution or other appropriate action; and/or disciplined, up to and including expulsion.

## **VIII. ALCOHOL AND SUBSTANCE ABUSE PREVENTION AND AWARENESS PROGRAM**

The institution has established an alcohol and drug awareness program that endeavors to provide information, referrals and services to the community of William James College. The program includes education and training about the dangers of drugs and alcohol in the workplace, the elements of this Policy and the penalties it contains, and available counseling, treatment and rehabilitation that an employee or



student may receive. The Office of the VP of Academic Affairs administers the Alcohol and Substance Abuse Prevention and Awareness Program.

A. Training and Information. The Program emphasizes education and prevention. The President shall oversee an annual program for students, faculty and staff, where appropriate, concerning issues of alcohol and substance abuse. Throughout the academic year, the William James College will also make available information and/or appropriate audiovisual materials concerning alcohol and drug treatment and prevention; make available brochures describing the health risks associated with the abuse of alcohol and the use of controlled substances; endeavor to identify offices or agencies who may work with our community concerning potential alcohol or drug problems; and provide information on appropriate assistance programs and wellness clinics to any student or employee who feels he/she may have a problem with chemical dependency or the use of alcohol.

B. Self-Referral. Persons with alcohol or drug problems are strongly encouraged to voluntarily contact their family physicians or employees can reach out to the college's Employee Assistance Program for assistance. Employees may seek help without their supervisor's knowledge. Although voluntarily seeking assistance will not bar William James College from treating the employee like other employees under this Policy, the institution will consider voluntary requests for help in determining any discipline to be imposed. The College will not assume any financial or other responsibility for drug or alcohol treatment except as may be provided by its benefits.

C. Employee Assistance Program. The institution's Employee Assistance Program offers free, confidential services to employees with alcohol or drug problems, including: information about the dangers of alcohol and drug use and this Policy; assessment and evaluation; referral to and information regarding public and private treatment programs; services to families of employees with drug or alcohol problems; and assistance with questions concerning insurance coverage.

## **IX. IF YOU NEED ASSISTANCE**

William James College will treat the details of any person's participation in an assistance program confidentially, to the greatest extent possible, to ensure that the person's privacy is respected.

Help concerning alcohol and substance abuse and related problems are available from several sources. If you, or someone you know, needs help, or if you have questions concerning alcohol or substance abuse, you may confidentially contact any of the following:

### **Faculty/Staff Assistance**

Work/Life Balance EAP  
1-800-854-1446-English  
1-800-528-2147-Spanish  
1-800-999-3004-TTY/TDD

### **Students**

Dean of Students  
617-564-9406

**Other Assistance for Everyone**

Massachusetts Drug and Alcohol Hotline  
(800) 327-5050

Alcoholics Anonymous/Boston Area  
Main: (617)426-9444  
Business: (617)426-4807  
Site: [www.aaboston.org](http://www.aaboston.org)

Massachusetts Dept. of Public Health  
Bureau of Substance Abuse Services  
Information and Referrals  
(800) 327-5050

***\*Effective July, 2015, MA Sick Leave Law to take effect allowing for accrual of all employees.***

***\*\*This is a summary of the institution's Title IX Policy. Please refer to the policy for actual processes and definitions.***