

MARLBORO COLLEGE

Staff Handbook



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Marlboro College
Staff Handbook

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Welcome Letter from the President

Dear Staff Member,

I want to welcome new staff members to Marlboro and to acknowledge those who are now serving the College. At Marlboro, staff members are recognized as essential and integral to our educational mission and to our reputation locally and nationally.

Marlboro College strives to be a vital and healthy workplace, recruiting and retaining employees who find great satisfaction in achieving their objectives. We expect that your expertise will contribute to our liberal arts mission to educate inquiring, thinking young people who become citizens of the College and citizens of the world. You are encouraged to participate in the life of the College through Town Meeting, committees and events as much as is feasible. If you want more information or need to discuss any concerns, please do not hesitate to talk with your supervisor or to our HR Generalist. (In addition, meetings of the Staff Task Force, a group that advises the president on policies and broad institutional questions, are open to all employees.)

I look forward to collaborating with you to continue making Marlboro a wonderful place to work and learn.

Sincerely,

Ellen McCulloch-Lovell
President

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INTRODUCTION

About This Handbook

The purpose of this handbook is to provide you with information about Marlboro College and its employment policies and to describe the benefits and privileges of working here. This handbook is not an employment contract, and should not be interpreted as such, but will be a valuable resource for the duration of your employment here. Please take the time to read the handbook thoroughly and familiarize yourself with Marlboro's policies and benefits. Wherever this handbook describes a benefit that is provided via a separate plan, the plan documents (and not the description used in this handbook) govern.

Changes to the Handbook

This handbook supersedes all previous versions and/or memos that may have been issued from time to time on subjects covered herein, except where noted within the handbook. The online version of our handbook supersedes all printed copies.

Marlboro College reserves the right to review, add, change, modify or delete terms set forth in these policies. Staff will be notified of any changes.

No individual supervisor or manager has the authority to change policies or benefits at any time. If you are uncertain about any information within this handbook or any interpretations of the information within this handbook, speak with your supervisor.

Marlboro College Mission Statement

The goal of Marlboro College is to teach students to think clearly and to learn independently within a structured program of liberal studies. Students are expected to develop a command of concise and correct English and to strive for academic excellence informed by intellectual and artistic creativity; they are also encouraged to acquire a passion for learning, discerning judgment, and a global perspective. The College promotes independence by requiring students to participate in the planning of their own programs of study and to act responsibly within a self-governing community.

Marlboro College Graduate School Mission Statement

The mission of the Graduate School of Marlboro College is to offer responsive, innovative education of the highest standard in professional studies in the topic areas of management, technology and teaching. The educational practice of the School fosters the development of critical thinking, articulate presentation, coherent concepts and arguments, superior writing skills, and the ability to apply creative, sustainable solutions to real world problems.

Policy on Discrimination

It is the policy of Marlboro College not to discriminate in its admissions program, student services or hiring practices on the basis of race, creed, color, religion, gender, sexual orientation, gender identity or its expression, nationality, ethnic origin, age or disability or any other protected class.

Accreditation

Marlboro College, including the Graduate School, is accredited by the New England Association of Schools and Colleges, Inc. (NEASC), which accredits schools and colleges in the six New England states. Accreditation by NEASC indicates that the institution has been carefully evaluated and found to meet standards agreed upon by qualified educators.

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Community Constitution and Bylaws

The governing principles of Marlboro College community life are presented in the Marlboro College *Community Constitution and Bylaws*. As an employee of the College, you will find useful guidance in the *Community Constitution and Bylaws* and will be subject to the principles contained therein. Employees are encouraged to acquire a familiarity with the *Constitution and Bylaws*, which may be found at: www.marlboro.edu/community/handbook/documents/marlboro_college_constitution_current.

EMPLOYMENT TYPE DEFINITIONS

The following definitions will help you interpret the policies and benefits outlined in this handbook:

- Employee: Any person employed by the College, including staff members and student employees.
- Exempt Employee: An individual employed in a position that meets the law's criteria to be exempt from requirements to pay overtime due to the nature of the work.
- Non-Exempt Employee: An individual employed in a position that does not meet the law's criteria for exemption from overtime pay requirements. Non-exempt employees report hours worked and must receive overtime pay for hours worked over 40 per week.
- Staff Member: Staff members comprise all of the College administration and support positions as well as facility maintenance positions. In other words, staff includes all positions not designated as faculty members or students. Some staff members, by nature of their positions, are faculty *ex officio*; those are the president, the dean of students, the dean of admissions, the dean of faculty, the library director and the director of academic advising.
- Regular Staff Member: A staff member appointed to a position for an indefinite period.
- Temporary Staff Member: A staff member appointed to a position for a temporary period, usually to fill a vacancy. Temporary staff members are not eligible for benefits.
- Full-time Staff Member: A staff member scheduled for and who typically works 37.5 or more hours per week.
- Part-Time Staff Member: A staff member scheduled for and who generally works less than 37.5 hours per week. Part-time staff members working greater than 20 hours per week are eligible for some benefits.
- Academic Calendar Staff Member: A full-time, part-time, regular or temporary staff member who is only scheduled to work during the academic year while students are enrolled in classes.
- Senior Staff Member: The president appoints members of the senior staff. The senior staff includes the dean of students, the dean of faculty, the dean of admissions, the chief planning and budget officer, the senior financial management officer, the director of plant and operations and the chief advancement officer.
- Student Employee: A full-time student currently enrolled at the College who is employed by the College in a non-exempt, part-time, temporary work assignment. Student employees are not eligible for College-provided benefits. Student employees do not typically work more than 10 hours per week. Student employees may also work between semesters if they expect to return as full-time students in the subsequent semester.

EMPLOYMENT POLICIES

Equal Employment Opportunity

Marlboro College is an Equal Opportunity Employer. We seek to be fully compliant with all related laws. Marlboro College will not discriminate against employees or applicants based on their race, color, religion, sex, sexual orientation, national origin, ancestry, place of birth, age, disability or gender identity and its expression, marital status, HIV status or any other protected classification.

Employment At Will Relationship

Your relationship with the College is "at will," the most common form of employment relationship. As a Marlboro employee, you enter into employment voluntarily and are free to resign at any time for any reason or no reason. Similarly, Marlboro College is free to end its relationship with any employee at any time for any reason or no reason except for reasons protected by law.

Appointed Positions

Some positions at Marlboro require an appointment. The Board of Trustees appoints the president and the president serves at the will of the board, subject to the provisions of the bylaws of the College. The president appoints members of the senior staff. Appointments become effective upon confirmation by the board of trustees. The president may terminate these appointments after notifying the board.

Hiring Employees

Department heads hire staff positions. The filling of positions is approved by the president or the chief planning and budget officer. Vacant positions will generally be posted on the College website and, if needed, on local or national job boards and/or newspapers. Résumés for vacant staff positions may be submitted to the human resources office. Following a review of résumés, the best-qualified candidates will be interviewed. Hiring procedures will be consistent with the equal employment opportunity and affirmative action policy of the College described in this handbook.

Hiring of Relatives

Marlboro College does not prohibit the employment of spouses, partners or other relatives in the same department or administrative unit, provided the relative does not participate in recommendations or decisions affecting hiring, work assignments, promotion, demotion, or salary of the relative, and provided that no preferential policy toward relatives is used to deny equal opportunity. No individual will be hired into a position that could be influenced by a relative. In the case of the employment of spouses, partners or relatives in the same department or administrative unit, the College will decide at its own discretion whether a reassignment of duties, responsibilities or jobs is necessary.

Non-Disclosure/Confidentiality

The protection of confidential information is vital to the success of Marlboro College as well as the interests of students, faculty and employees. Confidential information includes, but is not limited to, grades, counseling and health records, compensation data, financial information, personnel/payroll records and certain conversations between persons associated with the institution.

Please be sensitive to the safeguarding of confidential information. Employees who improperly use or disclose confidential information will be subject to corrective action, including termination, even if they do not personally benefit from the disclosed information.

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Personnel Records: Access, Accuracy and Changes

Access: Your personnel records are maintained in a secure file in the human resources office. Access to your personnel records is limited to you, your supervisor, the human resources office, the president and others with proper legal interest. Except where required by law, information contained in your personnel files will not be released to any other person without your consent. Employees may examine the contents of their personnel file by arranging an appointment with the human resources office. Supervisors are not permitted to keep personal information (such as social security numbers, copies of identification or W-4 and I-9 forms), but may keep contact information on their employees and any information relevant to their employees' jobs, job descriptions and duties.

Accuracy of Employment Forms: We rely upon the accuracy of information contained in the employment application and 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 corrective action.

Personnel Data Changes: Please notify the human resources department of any changes in your personnel data such as mailing address, telephone numbers, name and number of dependents or beneficiaries, or individuals to be contacted in the event of an emergency. The human resources department will communicate these changes to the accounting (including payroll) department. Please notify the human resources department as soon as any change is official. Your personnel data should be accurate and current at all times.

Safety and Reporting Accidents

As an employee, you are expected to use safety equipment (where applicable and/or required) and exercise caution and common sense in all work activities. Employees should report any unsafe conditions to their supervisor. In the case of a workplace accident that results in injury, regardless of how insignificant the injury may appear, employees must immediately notify their supervisor and the human resources department. An accident report must be completed by the human resources department and the employee, following every injury. This form should be completed within 48 hours of the injury.

Keys

You will be issued keys to buildings and offices as necessary for the performance of your duties. When issued, you will be personally responsible for the safekeeping of those keys. You will be further responsible for returning the keys when you no longer need those for the performance of your duties or at the conclusion of your employment. Employees are strictly prohibited from duplicating College keys or loaning their keys to any other person. Keys lost or stolen must be reported to plant operations promptly.

Vehicles and Parking

Marlboro College employees are expected to abide by the vehicle and parking policies found in the *Community Constitution and Bylaws* and summarized here. For the safety of all, it is prohibited to exceed the campus speed limit of 10 mph in any vehicle. Helmets are required when driving a motorcycle or any two-wheeled motorized vehicle. Commuters are to park in the lower theater lot or the lot across from Persons Auditorium. Employees are not to park in the visitors' lot across from the admissions building. All vehicles must display a College registration sticker. Plant operations will distribute registration stickers for the undergraduate campus. Graduate School staff must register their cars with the center coordinator to obtain a sticker for the parking lot on Vernon Street. Any exemptions from this policy must be reviewed and approved by the Fire and Safety Committee.

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Grievance Procedure

Employees with grievances (other than discrimination or sexual harassment grievances, which are addressed in a separate policy) are encouraged to follow the procedure outlined below. Please see the appendix for Marlboro's full discrimination or sexual harassment policies and their grievance procedures.

Definitions: A grievant is an employee who feels he or she has a grievance resulting from non-compliance or misapplication of the College employment policy. A respondent is an employee alleged to have been the cause of a grievance. Note that the College as a whole may be accused of being the cause of a grievance, in which case the president or the president's designee will be considered the respondent.

Grievance Procedure: The Grievance Procedure requires the following steps:

1. The grievant should discuss the matter with the respondent, making an effort to resolve the situation at the level of person-to-person.
2. The grievant should discuss the matter with his or her supervisor, making an effort to resolve the situation with his or her assistance. As applicable, the respondent may also engage his or her supervisor in resolving the grievance.
3. The grievant should discuss the matter with the human resources office, making every effort to resolve the situation there.
4. If the above steps fail, the grievant may request that the complaint be referred to a temporary grievance committee consisting of three employees of Marlboro College: one chosen by the grievant, one by the respondent, and one chosen by the first two members of the committee, and accepted by both grievant and respondent. Each grievance committee shall decide whether a grievance is justified or not, and shall make a recommendation to the president.

Presidential Review: The president of the College, who may accept, amend, reject or return for reconsideration the committee's report, will review all recommendations of each temporary grievance committee. The president will present, in writing, reasons for requesting any reconsideration. The final decision on any grievance, and the responsibility for implementation of any recommended action, will rest with the president, except in instances when the president is the respondent. If the latter is the case, the review and final decision will be made by an ad hoc committee of the board of trustees, to be named by the chair in such a manner as he or she may see fit.

Resignation Procedure

Staff members are asked to submit resignations in writing to their supervisors. Although staff members are free to resign at any time for any reason, in order to ensure a smooth transition of duties, staff members resigning from administrative and non-academic positions are requested to provide the College with reasonable notice as appropriate to their position. Generally, reasonable notice is considered to be three months for presidential appointees and one pay period for other staff members.

Corrective Action (Disciplinary Action)

As a vital member of the Marlboro College staff, you are expected to achieve the work performance expectations explained in your job descriptions and to follow College policies. Employees are expected to behave ethically, appropriately, maturely and responsibly in the workplace (see "Standards of Conduct," below). The corrective action policy is designed to assist employees to improve unacceptable behavior or performance by identifying the underlying causes and devising appropriate solutions. Under the corrective action policy, the consequences of unacceptable behavior or performance may take a variety of forms: a verbal warning, written warning, suspension, reduction of pay, demotion or termination of

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employment. The College reserves the right to determine the appropriate method of corrective action in each situation. There is no prescribed progression that corrective action will follow, and the College may bypass one or all corrective action steps at its sole discretion. Generally, the College expects that a verbal warning should be sufficient to improve performance or behavior. In the absence of demonstrated or sustained improvement, additional corrective action may be necessary. Please note that any conduct considered prejudicial to the best interest of the College, whether covered in this handbook or not, may be subject to immediate corrective action in some form, up to and including termination of employment. For further information on corrective action and for instructions and descriptions on each option, please see the appendix of this handbook or contact the human resources office.

STANDARDS OF CONDUCT

General Standards of Conduct

Marlboro College regards proper, ethical and professional standards of conduct as important elements of a functional community. As an employee, you are expected to act ethically, maturely and responsibly. You are expected to follow the policies and standards described in this handbook as well as use common sense with behaviors or actions not covered in this handbook.

Staff-Student Relationships

In general, the policy of the College is to prohibit intimate relationships between employees and students. The opportunity for close relationships between staff and students is one of the privileges possible at a small institution such as Marlboro. The definition of appropriate limits for such relationships is, of course, difficult. Nonetheless, Marlboro College will not tolerate the corruption of professional standards, authority and duties by such relationships. This may be grounds for dismissal from the College. Complaints and reports shall be brought to the attention of the human resources office or to the chief planning and budget officer.

Smoking Policy

To protect the health of all community members, and in accordance with state statutes, the College prohibits the possession of lighted tobacco products in any form in all indoor places of public access and in all indoor workplaces. Smoking shall be permitted outdoors and in any space specifically designated as a "Smoking Permitted Area."

Computer Use Policy

Expectations for reasonable and ethical use of Marlboro College computing resources are congruent with the mission of the College. Computing resources are primarily intended to support the educational goals of the College; therefore, uses for academic and administrative purposes have priority. Personal use of the College's computing resources is not explicitly prohibited as long as it does not interfere with other users' access to resources for academic or administrative work and is not excessive. Moreover, computer users at Marlboro should "act responsibly within a self-governing community." Please see the appendix of this handbook for the computer use policy in full.

Mutual Respect Policy/Anti-Harassment

Marlboro College is committed to preserving an environment conducive to academic and professional excellence. This can only exist when every community member actively promotes an atmosphere of mutual respect. This policy is not intended to inhibit the free and open exchange of ideas, essential to Marlboro College's principles, but rather to provide all community members the respect that will encourage their positive and honest participation.

Harassment is defined as any type of behavior that is so severe or pervasive that it interferes with an individual's work or academic performance or creates an intimidating, hostile or offensive work or academic environment. Harassment may include any unwanted physical contact; use of epithets, inappropriate jokes, comments or innuendos; obscene or harassing telephone calls, e-mails, letters, notes or other forms of communication. Harassment in any form is against the policies of Marlboro College and in many cases, it is also illegal under state and federal law.

Those found to have violated this policy will be subject to corrective action up to and including termination of employment. Harassment complaints regarding a staff member should be reported to the

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compliance coordinator, who will initiate an investigation of the complaint. Upon gathering all information relative to the harassment complaint, the human resources office will convene a committee according to step four of the grievance policy procedure. Should the committee find that harassment has occurred; the human resources office and the individual's supervisor will apply discipline according to the corrective action policy. Retaliation against an individual who complains of harassment under this policy is strictly prohibited. Intentionally making a false accusation of harassment is also strictly prohibited.

Certain kinds of treatment based on gender, race, color, ethnicity, national origin, age, disability, religion, sexual orientation, gender identity or expression, or veteran status are also covered under the Marlboro College non-discrimination policy. Please refer to this policy in the appendix if the harassment is relative to employment or employment decisions.

Policy on Sexual Harassment

Sexual harassment is against the policies of Marlboro College and illegal under state and federal law. This applies to any employee or student, male or female. Marlboro College is committed to providing a workplace and educational environment free from this unlawful conduct. It is unlawful for an employer to retaliate against an employee for filing a complaint of sexual harassment or for cooperating in an investigation of sexual harassment. Please see this policy in full in the appendix of this handbook or online at www.marlboro.edu/resources/handbook/sexual_harassment.

Alcohol and Other Drugs Policy

Substance abuse is of great concern to the Marlboro College community. Among the many health risks attendant to substance abuse is accidental overdose, physical and/or psychological dependence, organ damage, depression and increased susceptibility to accidents leading to serious injury. Because the College stresses the importance of preventative measures in dealing with any potential health problems, and in order to comply with the Drug-Free Workplace Act of 1988 and Drug-Free Schools and Communities Act Amendments of 1989, the College has adopted the following policy.

The unlawful or improper use of alcohol within the workplace and on all campus property is prohibited. The unlawful manufacture, distribution, dispensation, possession or use of illegal drugs within the workplace and on all campus property is prohibited. Such action shall result in disciplinary action, up to and including termination of employment. No employee may be under the influence of alcohol or any illegal drug or controlled substance while in the workplace, while on duty or while operating a vehicle or equipment owned or leased by the College.

College Penalties for Violation of the Policy. Failure to abide by this policy will lead to disciplinary action, which could include:

- Referral to the Employee Assistance Program for evaluation and treatment, including required participation in a drug/alcohol rehabilitation program
- Written warning
- Suspension
- Termination
- Referral for prosecution

Legal Sanctions. Employees are responsible for obeying all local, state and federal laws concerning alcohol and other drugs. Legal sanctions, as a result of conviction for unlawful possession, use or distribution of illegal drugs or alcohol, could include fines, community service work, required participation in a local, state or federally approved rehabilitation program and/or imprisonment.

Available Resources for Treatment. The primary interest of the College is in the well-being of its employees. For that reason, we urge any employee who may be suffering from substance abuse or related problems to seek appropriate counseling and rehabilitation immediately. Such counseling is available

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through the College's Employee Assistance Program (EAP), through the College's health insurer and through public and private drug and alcohol agencies throughout Windham County and surrounding areas. The human resources office maintains a list of specific resources. Please refer to the appendix for a more detailed description of College policy regarding alcohol and other drugs.

ATTENDANCE AND WORK HOURS

Purpose and General Expectations

Your role at Marlboro College is crucial. Every position at the College is interdependent and relies on the presence of others to facilitate communication and collaboration. The consistent and predictable attendance of employees allows community members to focus on collaboration and accomplishment while supporting the planning of departmental workload, events and projects.

All employees must be present and available for work when scheduled. Administrative offices and functions must be open, staffed and available to the community and the public during business hours. Employees need to work together to provide continuity and availability during lunch and breaks whenever possible.

Hours of Operation

The College administration is open to the public during regular business hours of 8:30 AM until 4:30 PM on the Marlboro College campus and 9:00 AM to 5:00 PM on the Brattleboro campus, Monday through Friday except for holidays. However, the programs and facilities of the College continue twenty-four hours a day and seven days a week. Therefore, employees in many positions may work schedules outside of regular business hours on a regular or occasional basis.

Schedules and Attendance

The scheduled work time for your position at Marlboro is defined by your job, the nature of your work and the requirements of the department. Schedules vary based on individual positions. Occasionally, circumstances require temporary or ongoing changes to a position's regular schedule. If the College requires a change, the employees involved will be notified. Employee requested changes in schedule must be in writing and approved by the supervisor in advance.

Employees including exempt staff must be present and ready to work when scheduled. If it is not possible for an employee to work when scheduled, he/she must contact their supervisor before their regularly scheduled shift. As a courtesy, administrative positions should also notify the receptionist in order to direct callers appropriately.

Voluntary Participation in College Events

As an integral part of the Marlboro College community, you are encouraged (but not required) to attend Town Meeting and participate in Town Meeting committees. Staff members should remain mindful of the responsibilities of their positions while they participate in College community life and they should schedule community activities around work responsibilities. Supervisors may require an employee to reduce the amount of time spent on community activities should a supervisor determine that work performance is adversely affected by the level or type of community involvement.

You are also invited to participate in campus activities outside of regular work hours, on a voluntary basis, such as social gatherings, lectures, performances and exhibits. Voluntary participation in College events and activities is not considered time worked. However, if your supervisor requests that you participate in a College event to achieve the goals of your position or department, the activity will be considered time worked and you will be compensated for that time worked, if in a non-exempt position. Staff members who wish to perform volunteer work for the College must consult first with their supervisors. Supervisors may not require employees to volunteer for any College activities.

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Breaks

You are encouraged to take short breaks during the course of the workday. Breaks are intended to allow you to refresh, refocus and relax. Breaks may not cumulatively exceed 15 minutes per four hours of work time. Break periods within the 15-minute guideline need not be recorded on the timecard and will be considered time worked and therefore paid. Extended break periods taken by non-exempt employees must be recorded on the timecard as they are not considered working hours and are not paid. The standard workday additionally includes a non-paid 30-minute break for lunch. Please consult your supervisors for break schedules or guidelines specific to your department.

PAYROLL AND TIMEKEEPING

General Expectations

Marlboro College complies with all applicable federal and state laws regarding payment of wages and benefits to employees. The College will pay wages and salary as described by this policy and required by law, and will not make pay deductions that violate either the federal or state laws. As an employee, you must truthfully report your hours and you are encouraged to review your paystubs regularly for accuracy.

Work Day, Work Week

For most staff members, one working day equals seven and a half hours, and one week equals five working days, for a total of 37.5 hours. For payroll purposes, the Marlboro College work week is defined as the period beginning at 12:00 AM on Saturday and ending at 11:59 PM on the following Friday.

Payroll Period and Pay Dates

Both non-exempt and exempt employees are paid on the same day, typically every other Thursday. On each payroll date, non-exempt employees are paid for the two-week payroll period ending the previous Friday. Exempt employees are paid for the two-week period ending on the Wednesday following the pay date. Exempt staff members in academic calendar positions may elect to be paid consistently throughout the 12 months of the calendar year, including during those periods when school is not in session and they are not expected to work.

Paychecks or remittance advices are typically available to you after 10:00 AM on paydays. Exceptions to this schedule will be noted on the annual payroll calendar, as described in the following section. All employees are encouraged to have their paychecks automatically deposited in their bank accounts by enrolling in the direct deposit program. If you choose direct deposit, you will receive a detailed payroll remittance notice instead of a paycheck.

Reporting Time Worked and Time Off

If you are a non-exempt staff member or a student employee, you are required to submit a timecard at the end of each pay period listing all hours worked as well as any paid time off. The timecard must be signed in ink by both you and your supervisor and must be submitted to the payroll office by noon on the Monday following the end of the pay period. Be sure to record your time accurately, rounding to the nearest 15-minute interval. Lunch or time away from the job or campus must be noted on the timecard. It is the responsibility of both you and your supervisor to ensure that timecards are accurate and timely.

If you are an exempt staff member you are paid a salary and need not track your hours worked. However, you must track your time off by submitting a monthly payroll calendar by the 15th day of the following month. This calendar must be submitted even if you did not take any days off in the month. Before the start of each fiscal year, a general payroll calendar (subject to change) will be published stating the dates for payroll periods and pay dates during the year.

The integrity of the employment relationship at Marlboro depends on your honest participation. Failure to submit accurate and timely payroll records or any falsification of timecards or payroll calendar, including misstatement or omission of time worked, is a violation of College policy.

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Payroll Records

Marlboro College will only employ individuals legally eligible to work in the United States. Every employee must satisfactorily complete required verification forms and produce proof of citizenship or eligibility to work in the United States before starting work for the College.

As an employee of Marlboro College, you must also complete all required portions of IRS Form W-4 and submit the completed form to the human resources office prior to the completion of the first pay period in which you work. You must report any changes in eligibility to work to the human resources office in a timely manner. Current employees of the College may periodically be required to update their IRS Form W-4. Any employee that claims “exempt” on IRS Form W-4 must update the form annually.

Wage Deductions

All deductions to your wages are taken in accordance with applicable law and, when required, with your consent. Required deductions include Medicare and Social Security taxes, federal, state and local income taxes, child support and other garnishments if court ordered. Elective deductions, which require your consent, may include money owed to the College (such as bookstore or dining hall charges), contributions for health insurance premiums and Health Savings Account deposits, 403(b) retirement account contributions and donations to Marlboro College.

Errors and Corrections

Marlboro College makes every reasonable effort to insure that you are paid in an accurate and timely manner. Unfortunately, errors may sometimes occur. You are responsible for reviewing your paystub upon receipt for accuracy. If an error in your paycheck has occurred, you are expected to notify payroll to ensure a timely resolution of the errors.

Any employee who believes that Marlboro College has made an inappropriate deduction or has failed to make proper payment regarding wages or benefits shall immediately consult the payroll office. The payroll office will initiate an investigation of the possible error within two business days of notification, and within 15 business days shall determine whether an error has occurred and report the findings to the employee. If the employee disagrees with the determination of the payroll office, he/she may file a written complaint with the senior financial management officer. Within 15 business days of receiving the complaint, the senior financial management officer will make a determination as to whether the payment or deductions were appropriate and provide the employee with a written response.

In the event of an inappropriate deduction or other error resulting in underpayment to the employee, the employee will be reimbursed for the full amount of the error less deductions by the next payday.

In the event of an error resulting in an overpayment to the employee, the employee will need to arrange to reimburse the College in full on or before the next payday. If reimbursement causes a hardship to the employee, the employee may make a written request to reimburse the College through subsequent payroll deduction(s). The decision to allow subsequent reimbursement will be made at the sole discretion of the senior financial management officer and is not subject to appeal.

TIME OFF

Introduction

Marlboro College recognizes the importance of providing time off for rest and relaxation, to address emergencies, to attend to personal responsibilities or cope with illness or bereavement. This policy identifies the categories, amounts of paid time off available to eligible employees, and provides guidelines for its use. "Paid time off" refers collectively to all types of paid days off, such as vacation, sick, personal, holiday, etc. Supervisors shall strive to ensure that paid time off provides flexibility for staff members to handle emergencies, weather conditions and personal needs. Staff members shall make every effort to request paid time off as far in advance as possible, recognizing that in some circumstances it may be impossible to schedule discretionary time off due to the needs of the department and the College. Both parties should work together in these situations to find the most reasonable compromise between the needs of the individual and the institution.

Eligibility and Calculations

All regular full-time staff members are eligible for paid time off. Staff members working 20 or more hours per week will earn vacation and sick time on a pro-rated basis equal to the ratio of their regularly scheduled hours per week to the full-time equivalent hours. Regular, academic calendar staff members are eligible for vacation and other paid time off pro-rated on the basis of their annual number of months of work. Temporary staff members and part-time staff members scheduled to work less than 20 hours per week are not eligible for paid time off benefits.

Vacation

Taking regular vacations is an important part of work life, providing staff an opportunity to rest, travel, study, or fulfill other personal goals or ambitions. Vacation requires a supervisor's advance approval. You are strongly encouraged to request vacation time as far in advance as possible. Vacation time may be taken in daily increments of any size, although the College encourages you to take at least one vacation of a full week or more each year and to use available vacation time before reaching the maximum allowed accrual.

The accrual rate increases on your employment anniversary date. New full-time staff members begin to accrue vacation time after two months of regular employment at a rate of one day per month of completed employment to a maximum of ten days during the first year of employment. On the first employment anniversary, for the second year of employment, vacation accrues at a rate of 0.917 days per month or eleven days during the year. On the second employment anniversary (for the third year of employment) and on each anniversary date thereafter, the accrual rate increases by .083 days per month or one day per year until it reaches a maximum level of 1.67 days per month or 20 days per year. The maximum number of vacation days a full-time staff member is allowed to accrue is twice the person's annual accrual rate (for example, 24 accrued days for a staff member currently accruing 12 days per year). Additional time will accrue after vacation days are used or after the accrual rate increases on an anniversary date. The accrual rates and limits for a full-time staff member are illustrated in the following table.

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Year		Accrual Rate/Month	Days per year	Maximum Accrual for full- time staff
1	First two months	0		
1	Months 3-12	1.000	10	10
2		0.917	11	22
3		1.000	12	24
4		1.083	13	26
5		1.167	14	28
6		1.250	15	30
7		1.333	16	32
8		1.417	17	34
9		1.500	18	36
10		1.583	19	38
11 and more		1.667	20	40

Staff members will retain their years of service for purposes of determining the accrual rate of vacation when they transfer between benefits-eligible positions within the College. Senior staff members accrue vacation consistently at the rate of twenty days per year starting with their first year of employment. Sick time may be used instead of vacation time if a staff becomes ill or injured while on vacation and would be unable to work. Accrued unused vacation time is payable to staff members in good standing upon termination of employment.

Holidays

Marlboro provides eligible employees several paid holidays to celebrate or mark significant landmark days throughout the year. Before the start of the fiscal year, the college publishes and distributes a schedule of staff holidays for the year ahead. Generally, the College recognizes the following holidays (*indicates days coinciding with holidays on the academic calendar):

- Independence Day (July 4th)
- Labor Day (First Monday in September)
- Hendricks Days* (a Monday and Tuesday in mid-October, varies based on academic calendar)
- Thanksgiving and the day after* (Fourth Thursday in November, and day after)
- Christmas, New Years and the business days in between* (December 25th through January 1st)
- Martin Luther King Day (Third Monday in January)
- Presidents' Day (Third Monday in February)
- Ragle Day (Friday before Memorial Day)
- Memorial Day (Last Monday in May)

Non-exempt staff members required to work on certain holidays (for example: to provide ongoing student services, to perform time-sensitive plant operations work, to process payroll, or to interact with the broader community) will receive holiday pay for the holiday as well as pay for all hours worked on the holiday. Only hours worked will count toward overtime calculations. Exempt staff members who must work on a holiday are encouraged to work with their supervisors to arrange for alternative time off. Unused holiday time cannot be saved or accrued. Staff members do not receive holiday pay if a holiday occurs on a day they are not usually scheduled to work.

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Sick Time Eligibility

Marlboro College encourages you to stay home when you are sick, for your own sake as well as the health of others. If you are a full-time regular staff member, you earn one sick day per month to a maximum of 12 in a 12-month period, which may be used in increments of full or partial days if you:

- Are unable to be at work as scheduled because you are ill or injured,
- Must care for a sick or disabled family member,
- Attend a medical appointment for yourself or a dependent.

Unused sick time accumulates to a maximum of 40 days. Sick time may not be used as a substitute or supplement for vacation time. Supervisors may request medical documentation of the inability to attend work in cases of frequent or extended use of sick time for medical reasons. Unused sick time is not paid when a staff member's employment with Marlboro College ends.

Personal Time

Marlboro College offers personal time as paid days off for you to attend to home or community duties. Full-time staff members earn four personal days on their date of hire and on each anniversary of employment date thereafter. Personal time does not accrue; unused personal time from the previous year expires on each anniversary date. Unused personal time is not paid when a staff member's employment with Marlboro College ends. Your personal time may be used if you are unable to attend work for personal reasons. Some examples of personal time use may include:

- Attending a non-College Town Meeting or other civic engagements,
- Staying at home to care for children in the event of an unscheduled school closing or failure in the continuity of childcare services,
- Observation of a holiday not recognized by the College,
- Inclement weather.

Inclement Weather

In most circumstances, you are expected to travel to work in inclement weather, particularly if your work responsibilities directly contribute to the overall safety of the College community. Available personal time may be used when you must stay home in the following cases:

- You deem the roads unsafe between home and work,
- You must care for children during a school snow day,
- You rely on public transportation, which is not running due to weather.

If roads or childcare options improve when there is still the possibility of at least a half-day's work, you are expected to travel to work at that point. Similarly, you may use available personal time to leave work early when there are strong indications the roads in between are or are becoming unsafe. You must communicate with your supervisor of your intent to be absent, tardy or leave early due to inclement weather. No person should be put at unnecessary risk because of his or her employment.

In the rare event that the College must close, the College will announce a delayed start or an early leave, through campus email, notification on the College website or an announcement on the "events hotline" at 802-451-7151. It is the employees' responsibility to monitor these sources of information. A closure of the College announced by the College administration does not count against personal time.

Bereavement

In the event of the death of a close family member or loved one, bereavement pay is available to staff members meeting the eligibility requirements and according to the calculations in the "Eligibility and Calculations" subsection above. You may take up to five days of paid bereavement leave each year.

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Jury and Witness Duty Leave

The College recognizes your civic duty to serve on a jury or as a court witness. Jury and witness duty leave are available to staff members meeting the eligibility requirements and according to the calculations in the “Eligibility and Calculations” subsection above. If you are absent from work because you have been summoned to serve on a jury or have been required by subpoena to appear as a witness, the College will pay the difference between any stipends from the court and your regular pay. You will be required to submit your jury summons and evidence of payment. This benefit does not apply when a staff member appears in court as a plaintiff or defendant. Regardless of whether or not you are eligible for pay for jury or witness duty leave, you must notify your supervisor as soon as possible of any requirement to be absent from work to appear in court. If the court does not require your attendance for a full day or full-time, then you are expected to return to work whenever you are not required to be present in court.

Summer Hours

From mid-June through mid-August, Friday summer hours for all full-time staff members are 8:30 AM to 12:30 PM. These days will be posted on the Marlboro College website. In some cases it is highly impractical for a staff member to take the designated summer hours on Friday afternoons, the supervisor may offer an alternative equivalent option for the department or staff member. Business travel that takes place on summer Fridays should be discussed with the supervisor. Summer hours are not applicable for staff members not regularly scheduled to work on Friday afternoons.

Emergency Volunteer Time

There are many emergency volunteer opportunities, and Marlboro encourages your participation. You will be paid up to 15 volunteer hours per year if absent from work to respond to an emergency as a member of an emergency rescue unit such as the Red Cross, a volunteer fire department or any other first response emergency service. You must notify your supervisor and the human resources office upon hire or upon making a commitment to an emergency first response unit, and you may be required to submit evidence in order to qualify for this type of paid time off. Emergency first responders receive 15 hours on their date of hire and on each anniversary date thereafter. Emergency volunteer time does not accrue; unused emergency volunteer time from the previous year expires on each anniversary date. Unused emergency volunteer time is not paid when a staff member’s employment with Marlboro College ends. To assist in department workflow, volunteers should consult with supervisors and arrange for off-hours response time if feasible.

Family Medical Leave Act (FMLA)

All regular employees who have worked for Marlboro College for at least 12 months and at least 1,000 hours during the previous 12 months you are eligible for up to 12 weeks of unpaid leave within a calendar year. This is in accordance with the provisions of the Federal Family and Medical Leave Act of 1993 (FMLA) and the Vermont Parental and Family Leave Law of 1992 or other changes in the law. This leave will be granted:

- For the birth of a son or daughter and to care for the newborn child (leave for this purpose must conclude within 12 months after the birth);
- For the placement of a child for adoption or foster care with an employee and to care for the newly placed child (leave for this purpose must conclude within 12 months after the placement);
- To care for an immediate family member (spouse, child or parent) with a serious health condition as defined below; and
- When the employee is unable to work because of a serious health condition as defined below.

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- “Any qualifying exigency” arising out of the fact that the spouse, son, daughter or parent of the employee is on active duty or has been notified of an impending call to active duty status, in support of a contingency operation. By the terms of the statute, this provision requires the Secretary of Labor to issue regulations defining “any qualifying exigency.” In the interim, employers are encouraged to provide this type of leave to qualifying employees.

A serious health condition is an illness, injury, impairment or physical or mental condition that involves:

- Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice or residential medical care facility; or
- A period of incapacity requiring absence of more than three calendar days from work that also involves continuing treatment by (or under the supervision of) a qualifying health care provider; or
- Any period of incapacity due to pregnancy or for prenatal care; or
- Any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.); or
- Any absence to receive multiple treatments (including any period of recovery there from) by, or on referral by, a qualifying health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).
- Military Service: An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. This military-caregiver leave is available during “a single 12-month period” during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

Staff members may elect (but are not required) to use up all available paid time off while on leave. Use of paid leave does not extend the overall leave time to which the staff member is entitled. See below for information specific to maternity, paternity or adoption leaves.

During the Vermont and FMLA leave period, Marlboro College will maintain the employee’s health insurance at the regular employee cost. The College reserves the right to seek recovery of health insurance premium payments in the event an employee fails to return to work at the end of the leave. Arrangements for payment of the employee contributions must be made in advance with the senior financial management officer. The College will also maintain and pay for long-term disability income insurance and group term life insurance during the leave period. Marlboro College may require some form of certification necessitating the leave.

Maternity Leave Policy

All regular staff members who qualify for leave under the provisions of the Family Medical Leave Act (FMLA) may also qualify for some or all of the leave to be paid in order to give birth to and care for a newborn child, as provided in the College’s short-term disability plan. You may be eligible for leave if you work at least 20 hours a week, if you have been employed by the College for at least 12 consecutive months and if you have worked at least 1,000 cumulative hours prior to your maternity leave. In order to receive any pay for maternity leave, you must provide notice in writing to your department head and the human resources office at least 90 calendar days in advance of the first prospective day off. For details, consult the short-term disability plan documents.

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Adoption Leave Policy

All regular staff members who qualify for leave under the provisions of the Family Medical Leave Act (FMLA) may also qualify for some of the leave to be paid in order to accommodate the adoption process. To qualify, you must also work at least 20 hours a week, have been employed by the College for at least 12 consecutive months and have worked at least 1,000 cumulative hours. In order to receive any pay for paternity or adoption leave, you must provide notice in writing to their department head and the human resources office at least 90 calendar days in advance of the first prospective day off.

Eligible staff members may receive one week of full base pay for adoption leave. They are also welcome to use available sick, vacation or personal days in order to receive additional days of full pay; the payroll department and human resources office must be notified in writing of this decision at least 90 calendar days before the leave begins. Remaining time off will be unpaid and subject to the maximum number of days allowed under FMLA. Extenuating circumstances that prevent a staff member from being able to provide 90 days' notice will be addressed on a case-by-case basis taking into consideration the reasons why notice could not have been given within 90 days and to what extent it was out of the staff member's control.

Leave of Absence (beyond FMLA)

If you are a staff member who has worked for the College for at least three years, you are eligible to apply for an unpaid leave of absence for a period of up to two years. Leave requests must be submitted in writing at least four months before the requested leave is to begin. Your immediate supervisor may grant the leave with approval of the president, and contingent upon finding an appropriate temporary replacement. The College will make every reasonable effort to find an adequate replacement. If the College cannot find a replacement, the leave of absence may be denied or postponed.

When a staff member is on leave, Marlboro College will continue contributions toward insurance at the regular employer cost. Arrangements for payment of the employee contributions must be made in advance with the senior financial management officer. The College will also maintain and pay for long-term disability income insurance and group term life insurance during the leave period.

Unpaid Leave/Unpaid Time Off

If you are a non-exempt staff member, all your available vacation and personal time must be used prior to taking a day off without pay (unpaid leave or unpaid time off) except where otherwise required by law. When you wish to schedule unpaid time off you must obtain approval from your supervisor and mark this time as unpaid leave on your timecard. A non-exempt staff member who is absent from work and has no paid time off (vacation, personal or sick) available will not be paid for the day and must mark this time as unpaid leave on their timecard. If unscheduled unpaid leave becomes a reoccurring problem and/or causes a disturbance in the productivity of a department or in the staff member's work, it may be cause for discipline.

If you are an exempt staff member with no available paid time off (vacation, personal or sick), consult your supervisor to make individual arrangements regarding your schedule and pay if you must take a day off. Generally, exempt staff members are not permitted to take a day off without pay; however, if necessary and if possible, an exempt staff member may be able to make up the time missed. This does not apply to an unpaid leave of absence; see subsection "Leave of Absence (beyond FMLA)".

BENEFITS

Health Insurance

Marlboro College has two health insurance plans for you to choose from: a high deductible plan with a health savings account (HSA) and a preferred provider plan (PPO). These plans cover both your basic and major medical health insurance. All regular staff members who work 20 hours or more per week on an ongoing basis are eligible to join one of these plans. Temporary and student employees are not eligible for health insurance. Premiums are paid by the College with a contribution from the employee for individual, two-person and family coverage; dependents (lawful spouses, unmarried children under the age of 19, unmarried children between the ages of 19 and 24 who are enrolled as full-time students and domestic partners) may be covered. Please contact the human resources office for current employee/employer contribution rates. Eligible employees may join a health insurance plan 30 days after date of hire. After that, employees may only switch plans, enroll in, drop from a plan, or make changes to their plans during open enrollment or because of “qualifying events” (please contact the human resources office for information on qualifying events). Open enrollment will take place each year prior to the January 1 effective date for the health insurance renewal.

Health Benefit Continuation (COBRA)

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified dependents the option to continue health insurance coverage under the College’s health plan when a “qualifying event” would normally result in the loss of eligibility. Employees must be enrolled in the College’s health plan before the qualifying event occurs. Some common qualifying events are resignation, employment termination for a reason other than gross misconduct, death of the employee, a reduction in an employee’s hours, a leave of absence, divorce or a dependent child no longer meeting eligibility requirements as a result of age or full-time student status.

Under COBRA, the employee or dependent pays the full cost of coverage at the College’s group rate plus a two percent administration fee. Employees must notify the human resources office that a qualifying event occurred. The College provides each eligible employee with a written notice describing their rights and obligations under COBRA when the employee or dependent becomes eligible for coverage.

Employee Assistance Program (EAP)

The employee assistance program from EAP Network is a voluntary program available to you as a College employee. It is designed to allow you or your family members to seek confidential, professional counseling or assistance for help in resolving life problems, including marital problems, adolescence issues, drug and alcohol issues, elder care needs and financial or legal consulting. EAP Network will provide one to five sessions at no cost to you or your family members. Using the EAP program will not, in anyway, jeopardize your job security or promotional opportunities. It is a resource to offer anonymous assistance in resolving problems, which might otherwise have a detrimental effect on your job performance. The request for help may be initiated by any employee or family member by calling EAP Network at 800-333-6624, available 24 hours a day. Marlboro College does not learn of individual employees utilizing the service; however, the College does receive statistical information on the overall usage.

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Short-Term Disability

Short-term disability is available to eligible employees if you are temporarily unable to work because of sickness or injury as documented by a qualified health care provider. All regular and academic calendar staff members working at least 20 hours per week are eligible for a short-term disability income benefit after 30 days from date of hire. This benefit is fully funded by the College, not by an insurance company. All accumulated sick time must be used first. Following the use of all available sick time, employees will receive full basic earnings for up to 20 working days or until the employee is eligible to return to work, whichever comes first. Thereafter, a benefit equal to $\frac{2}{3}$ (or 66.67%) of basic earnings will be paid until the employee is either eligible to return to work or until 90 calendar days from the first day of a qualifying sickness or injury. The maximum monthly benefit will not exceed \$5,000.00. For more details, consult the plan documents.

Long-Term Disability

If you are unable to work after 90 days of recovery from sickness or injury, long-term disability insurance benefits are available to eligible employees. You are eligible after 30 days from date of hire as a regular or academic-calendar staff member working at least 20 hours per week. This premium is paid in full by the College; the eligible employee does not contribute to the plan. The policy provides an amount equal to 60% of basic earnings, not to exceed a maximum monthly benefit of \$6,500.00, in the event of a long-term disability. The benefit is payable after 90 days of continuous absence from work due to a disability that results from a qualifying sickness or injury. Special terms and restrictions apply. Please contact the human resources office to enroll in the plan or for more information. For more details, consult the plan documents.

Term Life Insurance

If you are a regular or academic-calendar staff member working at least 20 hours per week, you are also eligible for group term life insurance benefits after 30 days from date of hire. This benefit is paid in full by the College. The policy provides an amount equal to 100% of your annual earnings, rounded to the next higher \$1,000, if not already a multiple thereof, plus \$10,000 to a maximum of \$200,000. It is your responsibility as an employee to be sure that your beneficiary information is current. Special terms and restrictions apply. Please contact the human resources office to enroll in the plan or for more information. For more details, consult the plan documents.

Retirement Plan 403(b) (TIAA-CREF)

The College sponsors both a supplemental retirement account (SRA) plan and a defined contribution retirement plan. Participation in both plans is voluntary. Eligible employees may begin participation in and contributing to the SRA after 30 days from the date of hire. The College does not match your contributions to the SRA, but you may contribute to your SRA on a tax-deferred basis under Internal Revenue Service Code 403(b). Tax deferral means that you do not pay current income taxes on the contributions. However, you should expect to pay income taxes on benefits when those are paid to you.

You are eligible to participate in the defined-contribution plan after you complete one year of continuous service. For plan purposes, a year of service is defined as a 12-month period in which you work at least 1,000 hours. You must continue working at least 1,000 hours per year to maintain your eligibility for the defined-contribution plan. Contributions to the defined contribution plan are made by you and the College. If you contribute at least 1% but not more than 5% of salary, the College will equally match your contribution. Both your and the College's contributions to the defined contribution plan are made on a tax-deferred basis.

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You become immediately vested in both the SRA and defined-contribution plans. This means that your accumulation cannot revert to the College. This vesting entitles you to the contributions provided by the College, and to your contributions. The two retirement plans offer a variety of benefit payment options ranging from a lifetime pension income to lump sum payment of the accumulation attributable to your contributions.

The Plan is funded through Retirement Annuity contracts issued by TIAA and CREF. You select the investments for the College's contributions as well as your own. You may change your investment allocation at any time through use of TIAA-CREF's Automated Telephone Service or the internet at www.tiaa-cref.org.

More information about the retirement plan will be made available to you when the College first determines you are eligible to begin participation in the Plan. For further information regarding either plan or if you are already a participant in TIAA-CREF, you may request additional information or a copy of the Summary Plan Description from the human resources office.

Retirement Healthcare Benefit Program (Emeriti)

Marlboro College offers a retirement healthcare program for qualified employees. You must be a regular or academic-calendar staff member working at least 20 hours per week. The program offers an alternative or additional way for you to accumulate and invest funds during your working years in preparation for future medical costs and provides access to group health insurance in retirement. Marlboro College contributes a fixed dollar amount for employees 40 years of age or older that have worked for the College for at least one year. Eligible staff members at least 21 years of age may make voluntary contributions to the plan. Contributions by the College are tax free to the employee; however, voluntary contributions are made after-tax. All assets including earnings are paid out tax-free for retiree health benefits, including health insurance premiums. There are no contribution limits. Please contact the human resources office to enroll in the plan or for more information.

Marlboro College Course Credit or Class Audit

If you are a full-time, regular staff member, after three months of employment you are eligible to enroll in two undergraduate or graduate courses for credit or audit, excluding tutorials, each term without charge. Enrollment in those courses is based on the following provisions:

- Your enrollment is contingent upon permission from the dean of faculty for undergraduate courses and the permission from the director of academic programs for courses at the Graduate School.
- You may enroll in only one academic course per semester that is scheduled to meet during the course of your standard work schedule. The amount of scheduled work time missed is not to exceed three hours per week and any amount of work time missed must be made up during the same pay period.
- The aggregate number of courses that will be supported each term by the College will be limited according to the amount budgeted each term for this benefit. In the event that the cost of the total number of courses in which staff members are seeking enrollment exceeds the budget for that term, enrollment in courses will be first limited to one course per person and authorized on the basis of staff seniority as determined by date of hire. If funding remains after all interested staff members have enrolled in one class, on the basis of seniority, staff may enroll in a second course until funding for this benefit for that term is exhausted.

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Marlboro College Free Tuition Benefit for Family Members

As a member of the Marlboro College community, you understand the value of a Marlboro education and may also want to share this unique academic opportunity with your family. Subject to the admissions process, immediate family members of regular staff members are eligible to enroll in as many as 18 credits each semester or trimester without charge, except for special course fees stipulated in the catalog. Immediate family members of regular staff may also enroll in individual classes, without charge, subject to space availability in the class and approval of the dean of faculty for undergraduate courses and the associate dean of the Graduate School for graduate courses.

Tuition Exchange Program

If you are a full-time staff member, you and your dependents may be eligible for tuition assistance at other colleges and universities through the Tuition Exchange program. The Tuition Exchange (TE) is a non-profit association of 590 colleges and universities across the country. It was founded in 1952 with the intent of making careers in higher education more attractive. TE strives to achieve this through a reciprocal scholarship program, which finances college tuition for the children and other family members of staff and faculty employed at participating institutions, including Marlboro College.

Each year, 4,800 awards are provided through TE across the country at full tuition, or at a set rate if an institution's tuition is higher than the set rate maximum. Remitted tuition exchanges are an extension of tuition waivers at the home institution. All exchanges are accomplished through trading, no money changes hands and no accounting is done for variations in tuition. Eligible students may receive TE for a maximum of eight semesters or four years of undergraduate study.

You and your dependents (including children, adopted children or stepchildren through age 23) can participate in the TE program if you are a full-time staff member who has worked at Marlboro full-time for a minimum of two years. Part-time staff members are not eligible for TE. The student desiring a TE award must first be accepted for admission at the college or university they wish to attend. After the student is accepted, contact Marlboro College's director of financial aid for TE application information and forms.

Since the TE program assumes a state of balance between the number of outgoing and incoming TE students, it may be necessary in some years to limit the number of outgoing TE awards that are available to dependents of Marlboro College. In cases in which the number of eligible Marlboro College employees seeking to utilize a TE benefit is greater than the awards allotted to the College the TE benefit will be awarded on the basis of institutional seniority (time and years of continuous service) shall receive the benefit, regardless as to their employee classification.

Please see www.tuitionexchange.org for more information.

Meals and Dining Hall Duty

When you are on campus at mealtime in pursuit of your duties, you are entitled to that meal without charge. This privilege is extended to members of your family only at Community Dinners. Additional meals may be paid for in the dining hall. All members of the College community are expected to participate once per year in dining hall duty. This requires that you are present at the conclusion of lunch for about ten to fifteen minutes to tidy the dining hall, clear and wipe tables, transport compost to the farm, and put up chairs. Dining hall duty assignments are made by the crew chief, a community member hired by the Select Board to coordinate dining hall duty. The assignments are made at the beginning of the school year and are posted in the dining hall on a bulletin board as well as the daily *Town Crier* email. Exceptions to dining hall duty and rescheduling of dining hall duty may be made at the discretion of the dining hall crew chief. Failure to makeup a shift may subject you to a penalty of 10 hours

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of community service. Please read Article VI, Dining Hall, in the *Community Constitution* for more information on dining hall duty.

Professional Development Opportunities

Marlboro College appreciates that professional development can make you a more productive and engaged employee. You may request funds for enrollment in professional development courses, seminars and conferences that are relevant to your position. Participation in professional development is contingent upon approval, which is considered by your department head and according to scheduling constraints and the availability of funds. Please see your supervisor for more information on this benefit.

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APPENDIX

Corrective Action (Disciplinary Action)

NOTE: This section is most applicable for and relevant to staff members; however, the word “employee” is used throughout this section because supervisors may use these corrective action methods at their discretion for their other subordinates, as well, as appropriate for the situation and employment status.

There may be times when an employee fails to meet work performance expectations explained in their job descriptions or fails to follow College policies and other policies. These situations require corrective action, a process of communicating with an employee to improve unacceptable performance or behavior. The goal is to guide the employee to correct performance or behavior by identifying problems, causes and solutions, not to punish the employee. Corrective action may include one or more of the following: a verbal warning, written warning, administrative leave without pay, reduction of pay, demotion or dismissal (termination of employment). The College reserves the right to determine the appropriate method of corrective action in each situation. Generally, the College expects that a verbal warning should be enough to correct unsatisfactory performance or behavior. If there is no improvement or if there are repeat occurrences, a more progressive corrective action approach may be appropriate. The following list of corrective actions may not be comprehensive or appropriate for all situations. There is no promise that corrective action will follow a particular progression. The College reserves the right to determine the appropriate corrective action, and it may bypass one or all steps in its sole discretion. Supervisors may use other methods for correcting performance or behavior should they determine that a different method might be more successful. Documentation is an important element of the corrective-action process. Please notify the human resources office in writing (or email) of any corrective action taken, the reason and the performance or behavior expectation. Contact the human resources office for questions or concerns.

Verbal Warning: When unsatisfactory performance or behavior warrants a verbal warning, supervisors shall set a time and place to ensure privacy. In a conversation with just the employee (do not include co-workers, subordinates or any other person) begin with stating clearly that a verbal warning is being issued. Be specific in describing the unacceptable performance or behavior. Explain what are acceptable standards or explain what the policy is and provide any applicable written policy if available. Describe consequences of failing to correct their performance or behavior immediately and maintain the improved performance or behavior. Finally, the supervisor must notify the office in writing (email is acceptable) that a verbal warning was issued and explain the reason for the warning. This note shall be included in the employee file.

Written Warning: In cases where more than a verbal warning is warranted or if a verbal warning was issued and the unsatisfactory performance or behavior continues, a supervisor may issue a written warning. In some situations, it may be appropriate to advance past a verbal warning to a written warning. Depending on the situation, more than one written warning may be issued; however, if two or more written warnings have been issued and the problem continues, alternative corrective action may be required. The human resources office can assist a supervisor in composing a written warning. A written warning shall include a clear statement of the unsatisfactory performance or behavior and a reference to prior dates verbal or written warnings were issued. If a policy infraction occurred, the warning shall include a citation of the policy and attachments of any other documents that support the conclusions being made. The written warning shall also include a description of the impact of the unsatisfactory performance or behavior, an explanation of expectations and an explanation of further consequences should the unsatisfactory performance or behavior persist (such as an intent to suspend or dismiss). The supervisor shall present one copy of the written warning to the employee and review with the employee the content of the letter. The employee shall sign a copy of the letter in acknowledgement of receipt of the warning; signing the letter need not indicate agreement with the warning. The signed letter shall be forwarded to human resources office for inclusion in the employee’s personnel file.

Administrative Leave with or without Pay: A suspension from work may be warranted in more serious situations or after at least one prior warning. That leave may be with or without pay depending upon the circumstances warranting the suspension. The human resources office should typically be involved in coordinating and implementing such suspensions. A written explanation of the suspension shall be hand-delivered to the employee. The written explanation shall include a statement of the reason for the suspension, a reference of prior steps taken to correct the action and a description of the impact of continued unsatisfactory performance or behavior. The written suspension explanation shall also include the number of days of the suspension and the beginning and ending dates of the suspension. It shall also include an explanation of expectations upon return to work and an explanation of further consequences should the unsatisfactory behavior or performance continue.

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Reduction of Pay (within salary range) or Demotion to a Lower Classification: This alternative is available when a supervisor does not want to dismiss or suspend the employee, but judges that corrective action measures other than suspension or dismissal are necessary. This action may be temporary or permanent. A pay reduction shall not reduce an employee's pay below the lowest level of their pay class but shall be noticeable enough to cause a correction in performance or behavior. A pay reduction may not be a viable choice if the employee is already at or near the bottom of their pay class. A demotion may be appropriate in cases of inadequate work performance or inappropriate responsibilities for the employee. A decision to demote shall be based upon a reasonable expectation that the employee will perform successfully if demoted. Contact the human resources office to initiate this process.

Dismissal (Termination of Employment): This action may be appropriate in cases of particularly serious misconduct or poor performance, or if unsatisfactory performance or behavior continues after verbal or written warnings or alternative forms of corrective action have been tried. In very serious situations of gross misconduct or policy infractions, immediate dismissal may be the only appropriate corrective action. The corrective action policy does not apply to employees during probationary periods. Contact the human resources office for assistance in facilitating the dismissal process.

Serious policy infractions, severe unsatisfactory performance, behavior or gross misconduct may result in immediate dismissal without warning. Gross misconduct may include, but is not necessarily limited to: any act or behavior that may, in the College's judgment, seriously disrupt or disturb the normal operation of the institution; any work-related conduct which would subject the employee to criminal conviction; theft or dishonesty; gross insubordination; destruction of College property; falsification of records; misrepresentations; severe policy violations; acts of moral turpitude; or violence. Termination of employment due to gross misconduct may disqualify an employee from unemployment benefits.

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Computer Use Policy

Expectations for reasonable and ethical use of Marlboro College computing resources are congruent with the mission of the College. Computing resources are primarily intended to support the educational goals of the College; therefore, uses for academic and administrative purposes have priority. Moreover, computer users at Marlboro should "act responsibly within a self governing community". Responsible and ethical behavior, as it pertains to computer use at Marlboro College, includes but is not limited to the following rights and responsibilities.

1) Services and Resources

You may avail yourself of information technology systems (ITS) and services at the College appropriate for your role within in the community.

2) Privacy

You should be aware that data or electronic messages stored and/or transmitted by ITS are neither private nor confidential. Access and inspection of electronic data stored on Marlboro College servers will be governed by all standard College procedures and applicable U.S. and Vermont Laws.

3) Freedom of Expression

Following the AAUP 1967 Joint Statement on Rights and Responsibilities of Students, the College believes that community members, "should be free to examine and discuss all questions of interest to them, and to express opinions publicly and privately. They should always be free to support causes by orderly means that do not disrupt the regular and essential operation of the institution. At the same time, it should be made clear to the academic and larger community that in their public expressions or demonstrations [individuals in the community] speak only for themselves." These freedoms of expression extend to the use of computer and Internet resources.

4) Due Process

Marlboro's online communications are an extension of the College's physical community. Violations of College policies, bylaws, or the constitution that occur online shall be addressed in the same manner as if those violations had occurred in the physical community. Misuse of ITS will be handled in the same manner as other violations and infringements of College policies and community norms, by the deans' offices, community court, committee on sexual harassment, or other avenues as the occasion warrants. In a situation where a system administrator feels the integrity of a computer system or network has been seriously threatened by your behavior, he/she may immediately suspend your access pending further action by the appropriate authority.

6) Legal Behavior

As in any College endeavor, you are required to behave in a manner consistent with state and federal law. You are responsible for your own actions.

7) System Integrity

You should not act in any way that could reasonably be expected to damage or compromise ITS at the College. Likewise, you should not attempt to gain unauthorized access to or try to overwhelm the system resources. You may not share passwords or attempt to access any account not assigned to you.

8) Reasonable Comport

Like within the physical community at the College, your behavior through electronic communication media should support the "general assumption that a code of civilized behavior, suitable to adult citizens of a democratic community, will be followed by all members of the Marlboro College community." You should refrain from any use of ITS that would violate any other College policy including but not limited to the anti-harassment and sexual harassment policies.

9) College Logo and Name

You may not use the College logo in electronic media without authorization by the appropriate College body. Congruent with the College policy on campus organizations (handbook pages 33-34), no individual or group may use the name Marlboro in the title of its organization without registering such organization with the dean of student's office. Individuals may not represent themselves as official agents of the College.

10) Non-Profit

Personal use of the College's computing resources is not explicitly prohibited as long as it does not interfere with other users' access to resources for academic or administrative work and is not excessive.

11) Internet Service Provider Policies

Your use of the College's external Internet connection is also bound by any related policy of our upstream service provider(s). A violation of such policy by any individual user can jeopardize the entire College's Internet service connection. By using the College's Internet, you also agree to abide by these policies, listed below.

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Policy on Sexual Harassment

It is against the policies of Marlboro College, and illegal under state and federal law, for any student, faculty or staff to harass another student, faculty, staff or visitor because of sex. Marlboro College is committed to providing a workplace and educational environment that is free from this unlawful conduct. Harassment need not be intentional; the effect and characteristics of the conduct determine whether the behavior constitutes sexual harassment.

Individuals with supervisory or oversight responsibility (for example, staff supervisors or faculty) are responsible for promptly reporting to the Sexual Harassment and Sexual Misconduct Compliance Coordinator (hereafter referred to as the "Compliance Coordinator") any complaint or suspected and/or alleged acts of sexual harassment.

The College will provide a copy of this Policy to every student, faculty and staff, and extra copies will be available in the office of the Assistant to the President.

Sexual harassment is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

1. submission to that conduct is made either explicitly or implicitly a term or condition of employment or academic standing;
2. submission to or rejection of such conduct by an individual is used as a component of the basis for employment or academic decisions affecting that individual; or
3. the conduct has the purpose or effect of substantially interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working or academic environment.

Examples of sexual harassment include, but are not limited to the following, when such acts or behavior come within one of the above definitions:

- either explicitly or implicitly conditioning any term of employment (e.g. continued employment, wages, evaluation, advancement, assigned duties or shifts) or academic standing (e.g. admission, grades/evaluation, accessibility to classes/tutorials or plan work) on the provision of sexual favors;
- touching or grabbing a sexual part of an individual's body;
- touching or grabbing any part of an individual's body after that person has indicated, or it is known, that such physical conduct is unwelcome;
- continuing to ask an individual to socialize on- or off-duty when that individual has indicated she or he is not interested, including one who has been previously involved in a consensual relationship;
- displaying or transmitting sexually suggestive pictures, objects, cartoons or posters if it is known or should be known that the behavior is unwelcome;
- continuing to write sexually suggestive notes or letters if it is known or should be known that the individual does not welcome such behavior;
- referring to or calling an individual sexualized names if it is known or should be known that the person does not welcome such behavior;
- regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of an individual if it is known or should be known that the individual does not welcome such behavior;
- making derogatory or provoking remarks about or relating to an individual's sex or sexual orientation;
- engaging in harassing acts or behavior directed against an individual on the basis of his or her sex or sexual orientation;
- creating a hostile environment by pursuing harassing acts or behavior directed against a third person or persons; or
- engaging in off-duty conduct that falls within the above definition and affects the work or academic environment.

It is helpful to an investigation if the employee, student or faculty member keeps notes regarding events and the names of people that witnessed or were told of the harassment.

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Sexual Misconduct

Marlboro College expressly prohibits all forms of sexual misconduct as defined in this Policy. This Policy applies to all Marlboro College students, faculty and staff, as well as to participants in any Marlboro College program or activity, on-or off-campus. Impaired judgment due to alcohol or drug use does not excuse conduct that violates this Policy.

Definitions

"Sexual misconduct" is all sexual contact that takes place without effective consent of all parties involved.

"Effective consent" means a voluntary agreement to engage in a sexual act. Effective consent must be actively given - through words or actions - and it must be given freely and without coercion. The words or actions that make up effective consent should be mutually understandable to the parties involved. A reasonable person should be able to understand those words or actions, and the parties involved in the sexual act should indicate, through words or actions that would be understandable to a reasonable person, a willingness to do the same thing with each other, at the same time, in the same way.

Effective consent cannot be obtained by fraud or force (actual or implied), whether that force be physical force, threats, intimidation or coercion. A person who is the object of sexual aggression is not required to resist a sexual aggressor, physically or otherwise, and the absence of such resistance does not indicate consent. "Effective consent" does not include consent that is given by a person who is younger than 16, mentally disabled, intoxicated or otherwise impaired or unable to make a reasonable judgment concerning the nature or harmfulness of the activity.

It is always the responsibility of the person initiating a specific sexual activity to make certain the other person has given effective consent. Even if a person has consented to some form of sexual activity, that doesn't mean he or she has consented to others. And even when both parties have previously consented to sexual activity, circumstances may change, and conduct that was once welcome may later be unwelcome. It is the right of either party to withdraw consent at any point during sexual activity. Effective consent cannot be inferred from silence, a previous sexual relationship, a current sexual relationship, the way someone is dressed or their acceptance of dinner or an invitation for a date.

Sexual misconduct also includes sexual exploitation. "Sexual exploitation" means someone taking non-consensual or abusive sexual advantage of another person, for his or her own advantage or benefit, or for the advantage or benefit of anyone other than the one being exploited. Some examples of sexual exploitation include videotaping private sexual acts without the knowledge or consent of all parties; "peeping tom" behavior; or incapacitating someone with alcohol or other drugs with the intent of raping or sexually assaulting them. Sexual exploitation may occur regardless of whether sexual activity takes place.

Sexual misconduct in all its forms is an act prohibited, in separate ways, by Vermont law and Marlboro College policy. Sexual misconduct may include sexual assault, rape, date rape, or any act considered to be a violation of Vermont's laws against sexual assault and sexual exploitation. Thus, offenders may be prosecuted under Vermont criminal statutes and subject to disciplinary action by the College. The College may choose to pursue disciplinary action while criminal action is pending or even if criminal justice authorities choose not to prosecute.

Support and Resources

Marlboro College is committed to offering support to those who have experienced sexual harassment or sexual misconduct. The Compliance Coordinator provides immediate response, and the Total Health Center offers both individual counseling and health services. The Compliance Coordinator will discuss all available options with a person reporting sexual harassment or sexual misconduct, including criminal and civil options, as well as the College's sexual harassment and sexual misconduct complaint process. The College will also make these services available to people who have been indirectly involved in a sexual harassment or sexual misconduct situation, even if they were not the victims.

If You Have Been Sexually Violated

- Find a safe environment away from your attacker (it need only be temporary). When possible, ask a trusted person to stay with you and assist you with getting help.
- To obtain immediate medical care or to contact the police, phone 911 for emergency services. (To provide proof of a criminal offense, evidence must be preserved. Do not use the toilet, bathe, brush your teeth or change clothing prior to a medical/legal exam.)

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- On weekdays, contact the Compliance Coordinator (802-451-7123 or x123 on campus) who will connect you with medical/mental health resources.
- On nights and weekends, the Student Life Advisor (SLA) should be notified (802-283-5400). The SLA will contact the Compliance Coordinator.
- The Compliance Coordinator or a professional staff member from the Total Health Center will provide immediate assistance with safety issues such as relocation to a safe place and will support you throughout the emergency. A staff member from the Total Health Center will go with you or meet you at the hospital, stay with you during the interview process, assist you with getting to a safe place and help you with contacting other support persons. The Compliance Coordinator will assist you with filing a Marlboro College complaint (if desired) and connect you with health care and counseling resources.
- Services through the Total Health Center may be requested at any point after an incident of sexual harassment or sexual misconduct has occurred.
- For individuals who wish to seek counseling, confidential counseling resources at Marlboro College include College Counselors (258-9249, 258-9250) and Director of Health Services (258-9225). Resources outside of the College community include Women's Crisis Center (254-6954); Mental Health Services (254-0028 and 258-9250); and Brattleboro Hospital Emergency Room (257-8222).

Retaliation

Retaliation against an individual for reporting, in good faith, harassment, sexual harassment or sexual misconduct or for cooperating in the investigation of a complaint of such harassment or sexual misconduct is unlawful and violates this Policy. Retaliation includes, but is not limited to, materially adverse acts that affect the educational or work environment of any individual involved in the complaint or the investigation such as, intimidation, reprisal, ostracism, action altering the person's duties or assignments, work or academic environment because the individual reported harassment or sexual misconduct or cooperated in or supported a complaint or investigation of harassment or sexual misconduct. Any person who believes that he or she is subject to retaliation should follow the complaint resolution procedures of this Policy.

Marlboro College Complaint Procedure

If Marlboro College receives a complaint of sexual harassment, retaliation or sexual misconduct, or otherwise has reason to believe that such conduct has occurred, it will take prompt remedial action. Marlboro College is committed, and required by law, to take action if it learns of harassment or retaliation, even if the party does not wish to file a complaint. As much as possible, Marlboro College will protect the identity of the person making the complaint ("Complainant") and of the accused party or parties ("Respondent"), except as is reasonably necessary to complete a full and impartial investigation. In the event that a complaint is filed with the police or the state's attorney, and a criminal justice investigation ensues, Marlboro College will suspend proceedings under this Complaint Procedure until the criminal investigation or prosecution is concluded. Although the proceedings may be suspended, Marlboro College will take whatever action it deems necessary for the safety and wellbeing of the Complainant and the College community.

- The Complainant should report the situation as soon as possible to either the Compliance Coordinator (802-451-7123, or x123 on campus), to his or her supervisor, to the SLA on Duty (802-283-5400) or to the appropriate Dean.
- The Compliance Coordinator will meet with the Complainant to discuss the complaint and explain the options the Complainant can pursue: a confidential discussion in which no individual is identified, an informal complaint resolution procedure, which identifies the Respondent, or a formal complaint resolution procedure that initiates an investigation and hearing.
- Hypothetical Discussion in Which No Individual is identified. Under this option, the Complainant can speak with the Compliance Coordinator about the situation to seek feedback, advice or additional resources. Once a Respondent is identified by name, the conversation is no longer hypothetical and one of the following two procedures may be enacted.
- Informal Complaint Resolution Procedure. If the Complainant decides to pursue an informal resolution, the Compliance Coordinator will obtain information from the Complainant about the objectionable behavior and will discuss the Complainant's desired resolution. The Compliance Coordinator shall present this information to the Respondent in a meeting with the Complainant (if he or she chooses to attend) and the Compliance Coordinator. The Compliance Coordinator will explain the College's Policy on Harassment and Sexual Misconduct and the

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prohibition on retaliation. The Compliance Coordinator will obtain a commitment from the Respondent to comply with the College's Policy, which may include a written agreement outlining appropriate future conduct and behavior. The Compliance Coordinator will make a written record to be kept on file in the Compliance Coordinator's office. The Compliance Coordinator will inform both the Complainant and the Respondent that the Compliance Coordinator's observations and written records might be subpoenaed at a later date and could become evidence in a later civil or criminal proceeding or College proceeding. The Compliance Coordinator will encourage both the Complainant and the Respondent to seek advice. Either the Complainant or the Respondent may opt out of the informal resolution process at any point. If any party, including the Compliance Coordinator, is not satisfied with the progress or result of the informal complaint resolution procedure, the party may ask to begin the formal complaint resolution procedure.

- Formal Complaint Resolution Procedure. Any party involved in a claim of sexual harassment, sexual misconduct or retaliation may initiate the formal procedure.
 1. Within three (3) calendar days of the complaint or the request to move forward with the formal complaint resolution procedure, the Compliance Coordinator or designee shall notify the Complainant and the Respondent in writing that a complaint has been filed. The notification shall include any conditions to be observed during the investigation, for example, third party supervision, no contact or alternative grade review. The appropriate Dean or supervisor shall implement the conditions. The Compliance Coordinator will also identify for the Complainant and Respondent the members of the Panel on Harassment and Sexual Misconduct and inform them of their right to challenge the participation of any member because of conflict of interest.
 2. The Compliance Coordinator or designee ("Investigator") will conduct an investigation, which includes interviews of the Complainant, Respondent and any witnesses with relevant information. To the extent possible, the investigator shall keep the witnesses' identities confidential and shall notify the witnesses of their obligation to maintain the confidentiality of the investigation and to not retaliate. The Compliance Coordinator will again inform both the Complainant and the Respondent that the Compliance Coordinator's observations and written records might be subpoenaed at a later date and could become evidence in a later civil or criminal proceeding or College proceeding. The Compliance Coordinator will remind all parties that either the Complainant or the Respondent may opt out of the formal complaint resolution process at any point. Individuals wishing to opt out of the process should understand that once the College is notified of a claim of sexual harassment, sexual misconduct or retaliation, it has a legal obligation to investigate and take action if necessary.
 3. Within two (2) calendar weeks of the complaint, the Investigator will submit an accurate and comprehensive report to the Complainant, Respondent and the Sexual Harassment Panel ("Panel"). The Panel shall be composed of the Compliance Coordinator, two faculty, two staff members, and two students evenly divided between men and women. The staff and faculty members shall be chosen through an application process and appointed by the President in consultation with the standing Panel, for an indefinite term. The two student Panel members shall be elected by Town Meeting for a one-year term. With the assistance of the Total Health Center and the Dean of Students, the Compliance Coordinator will coordinate a comprehensive training at the start of the academic year for the Panel. This training shall include, but is not limited to, an in-depth review of this policy, general information about sexual harassment and sexual misconduct and a "mock hearing" of a case.
 4. The Complainant and the Respondent may submit written responses to the investigator's report within seven (7) calendar days of the date of the investigator's report.
 5. After considering the investigator's report and any responses from the Complainant or Respondent, the Panel shall set a date for hearing that shall be no later than ten (10) calendar days from the date of the written responses of the Complainant or Respondent. The hearing is closed. Either the Complainant or the Respondent may have an attorney or other advisor at the hearing; the College may have its attorney present. If a Panel member is unavailable or when there is a real or perceived conflict of interest, the Panel member must remove herself or himself from the proceedings, and the Compliance Coordinator shall appoint a substitute member, with the approval of the President.
 6. Complainant and Respondent will have the opportunity to present evidence to the Panel, including the testimony of witnesses. Only the Panel may question witnesses directly. Respondent and Complainant may provide written questions for the Panel to direct to witnesses. The Panel may exclude testimony of witnesses that it deems to be cumulative, irrelevant or disruptive. The Panel shall not receive evidence of or consider Complainant's past sexual history, except evidence of a previous sexual relationship with the Respondent. The Panel shall not receive evidence of or consider Respondent's past sexual history, except evidence of a

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- previous sexual relationship with the Complainant or evidence of conduct or behavior that is similar to the conduct or behavior that is the subject of the complaint. The parties or their advocates will have the opportunity to provide a written or oral summation in support of their position based on the evidence. The hearing will be audiotaped, except for the Panel's deliberations. The tape shall be the property of the College and will be kept in a locked cabinet in the Dean of Students' office for a period of eight years from the date of the Panel's decision. In the event of an appeal, the tape will be available for review.
7. Following the presentation of evidence, the Panel members will deliberate privately to determine if the Respondent's actions constituted sexual harassment, sexual misconduct or retaliation. The Panel shall make its findings within four (4) calendar days of the close of the hearing. The Panel shall apply the preponderance of evidence standard of proof, which means that the Panel's findings must be supported by evidence that the existence of the contested facts is more probable than not.
 8. If after hearing, the Panel finds that the Respondent's actions constitute sexual harassment or sexual misconduct, it will promptly forward its findings to the Complainant and Respondent, and forward its findings and recommendation for action to the Dean of Students, Dean of Faculty, or the President, who will determine the appropriate sanction. The Complainant may present a "victim impact statement" to assist in determining an appropriate sanction. When the Deans or the President determine the appropriate sanction, he or she shall notify the Respondent within three (3) calendar days of receiving the Panel's findings and recommendation for action. The Compliance Coordinator will notify the Complainant that the College has taken appropriate action. The findings and recommendation will be kept on file with the Compliance Coordinator and in the Respondent's personnel or student file.
 9. If the Panel finds that there is insufficient evidence to support the complaint, the Panel will advise both parties of this finding in writing.
 10. If the Panel finds that the Complainant intentionally made a false report of conduct that violates this Policy or provided false information during the investigation, the Panel shall recommend suitable action to the appropriate Dean or the President.
 11. Either the Complainant or the Respondent may appeal the decision of the Dean of Students to the Dean's Advisory Committee or the decision of the Dean of Faculty, as Chair of the Committee on Faculty, to the President within five (5) calendar days from the date of the Dean's decision. If the President has a conflict of interest, the faculty appeal will be considered by the Chair of the Board of Trustees. Staff may request reconsideration of the President's decision within five (5) days from the date of the decision in accordance with the staff grievance procedure. Appeals must be submitted in writing, detailing the specific reason(s) for the appeal. Appeals will normally be limited to the following grounds: (1) consideration of new evidence that was not reasonably available at the time of the formal investigation or hearing on the matter; (2) an allegation of substantial procedural error on the part of the Investigator or the Panel; or (3) the sanction imposed was disproportionate to the conduct violating the Policy. The designated committee or individual considering the appeal shall not conduct a new fact investigation but may consult with members of the Panel and shall have the authority to affirm, reverse or modify the decision and/or the penalty imposed, or to remand the matter to the College official imposing the sanction for further consideration. The decision on the appeal is the final appeal available internally to the College. Appeal determinations will generally occur within five (5) days from the receipt of the appeal.
 12. Potential remedies or sanctions may include but are not limited to: verbal or written warning, a signed contract describing commitment to future behavior, training, counseling, probation, leave of absence with or without pay, dismissal from employment or expulsion from school, temporary or permanent transfer to a different position, class or academic assignment, reassignment of work or academic work, or alteration of living or work environment.

Although individuals are encouraged to file a complaint of harassment or retaliation through Marlboro College's Complaint Resolution Procedure, the following agencies also process complaints of harassment:

1. Vermont Attorney General's Office
Civil Rights Unit, 109 State Street
Montpelier, VT 05602
tel: (802) 828-3172 (voice/TDD)
2. Equal Employment Opportunity Commission
John F. Kennedy Federal Building, Room 475
Boston, MA 02203
tel: (617) 565-3200 (voice), (617) 565-3204 (TDD)

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3. Office of Civil Rights
U.S. Department of Education
Region I, Regional Civil Rights Director, John W. McCormack POCH
Post Office Square, Rm 222
Boston, Massachusetts 02109-4557
tel: (617)223-9662 (voice), (617)223-9695 (TDD)

Portions of this policy have been adapted from The Antioch College Sexual Offense Prevention Policy and the Hamilton College policy on Sexual Misconduct.

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Alcohol and Other Drug Policy

Preamble: Marlboro College has the responsibility as a community to make public and maintain an alcohol and drug policy. This policy must reflect federal and state laws, while also remaining sensitive to the character of the Marlboro College community and the values that this Community upholds. While employees of Marlboro College are held to specific standards and expectations regarding the enforcement of the College's policy, responsibility for upholding the spirit and the terms of the College alcohol and drug policy is shared by all members of the College community, including faculty, staff and students. Students are adults and are expected to obey the law, and take personal responsibility for their actions. Educational efforts that increase knowledge and understanding will be provided on a regular and ongoing basis by the health center, the psychological counseling office and various academic departments.

Abuse of alcohol and drugs, either illicit or prescribed, threatens individual health, compromises educational development and undermines community integrity. This policy was developed through the joint participation of students, faculty and staff. It has been approved by the President and Town Meeting with the expectation that all community members will be familiar with and abide by the principles and particulars of this statement. This policy will be reviewed biennially by the dean's advisory committee.

ALCOHOL

Vermont State Law

Vermont State law forbids the sale or serving of alcoholic beverages to persons less than 21 years of age. The law states that it is illegal for a person under 21 to misrepresent his/her age in order to under the influence, to any degree, however slight, of alcohol, drugs, either illicit or prescribed or a combination of the two. The law forbids the sale or serving of alcohol to an intoxicated person.

College Regulations

As required by federal statute, Marlboro College prohibits the unlawful possession, use, distribution or working under the influence of alcohol by students and employees on College property or as a part of any of its sponsored activities.

1. The sponsors of College social events at which alcohol is served are responsible for adhering to state law and for meeting the general requirements outlined in this policy.
2. No alcoholic beverages will be served to persons less than 21 years of age at College events or events funded by Town Meeting. Sponsors of events are therefore required to check the ages of those being served alcohol.
3. Sponsors of College social events at which alcohol is served are responsible for ensuring that the amount of alcohol served does not lead to excessive drinking. The College urges sponsors of such events to keep all alcoholic beverages behind the bar so that only those assigned to pour, do so. The College prohibits serving alcoholic beverages to anyone who is intoxicated.
4. Sponsors of any College social event that serve alcohol will also serve a nonalcoholic beverage and food, both in an amount that will last the duration of the event.
5. Sponsors of any College social event that serve alcohol will provide transportation home to individuals requiring or wanting it.
6. The College forbids the coercion to drink or indulge and discourages any kind of group pressure to drink alcohol.
7. Individuals or groups that wish to purchase kegs for non-social committee or nonofficial College events at the College (such as a private party in a common room) must register the party with the dean's office at least two working days before the event. The purpose of the registration process is to ensure that the sponsors of the event fully understand the law regarding alcohol distribution and the serious liability that is involved with sponsoring such an event.
8. Consumption of alcoholic beverages in the dining hall during mealtimes shall be restricted to the stage area, unless such beverages are served as part of an event registered in advance with the dean of student's office.

Individual and Community Guidelines

1. The College encourages application of the specific College regulations and the general spirit of the policy at all privately held events.
2. In an effort to further the College's dedication to personal growth and responsible, safe living, the College encourages persons concerned about their own behavior to seek advice or assistance through the resident assistants, the student life advisors, the medical staff (counseling and health offices) or the deans. Furthermore, the College encourages persons concerned about the behavior of another to communicate with the other urging him or her to seek advice or assistance through College support offices. Counseling and medical resources are available on a confidential basis.

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3. The College encourages all efforts to provide education and information regarding alcohol and drug related issues and will publish and distribute local alcohol counseling and guidance resources. The College will arrange transportation when necessary for individuals seeking help outside the College area.

College Action

Alcohol related behavior that causes or can reasonably be expected to cause physical harm to persons, or damage to property, or is unreasonably disruptive will be subject to College discipline through the community court. Individuals found to be in violation of the terms of this policy will be referred to the dean of students' office, where they will be assessed a fine and required to complete a self-assessment regarding their substance use. Fines for each violation shall be equal to the value of two hours of the state minimum wage. Fines will be paid at the student accounts office. Failure to pay the assigned fine (\$) may result in community court action. The funds accumulated from fines will be used to support the sober driver program and to subsidize educational programming.

Violators of the terms of this policy will also be subject to community court action. Sanctions that the community court may impose range from formal warning through fines, community service, suspension, to expulsion and referral for prosecution. Employees who violate the standards of this policy are subject to sanctions levied through the personnel procedures and their supervisors, and these sanctions range from formal warning to termination of employment, and referral for prosecution.

At the discretion of the dean or other appropriate supervisory staff members and in consultation with the medical staff (health and/or psychological counseling offices), individuals may be referred to AA and/or required to seek out other counseling or guidance, or assistance programs off campus.

ILLCIT DRUGS

Vermont State Law

Marlboro College supports Vermont state laws pertaining to the possession and distribution of illicit drugs. These laws prohibit the use, sale or possession of regulated substances without a prescription. In the event that a member of the community becomes subject to legal action for the violation of these laws, the College will review the individual's status, and will take appropriate disciplinary action.

College Regulations

Marlboro College views the use, possession, manufacture of, distribution or working under the influence of non-prescribed narcotics, amphetamines, barbiturates, hallucinogens, cannabis or other controlled substances as a threat to the health, safety and welfare of the individual, the College community and the educational mission of the College. Abuse of alcohol and drugs, either illicit or prescribed, threatens individual health, compromises educational development and undermines community integrity.

Individual and Community Guidelines

The College encourages individuals needing help as a result of their drug use, to contact a resident assistant, a student life advisor, a member of the medical staff (health and psychological counseling offices), or the deans. Further, the College encourages persons concerned about the behavior of another to communicate with the other, urging him or her to seek advice and/or assistance through appropriate College support offices. Counseling and medical resources are available on a confidential basis.

The College supports all efforts to provide education in the area of drug abuse, and supports individuals seeking help with drug related problems. Information on local drug counseling and assistance programs is available through the health center, and the College will arrange transportation when necessary for individuals seeking help outside the College.

College Action

The College will take action, including requiring individuals to leave the College community and/or get professional help, when situations involving drugs occur in which the individual or the community is adversely affected. Offenses involving the use, possession or distribution of drugs will be subject to disciplinary action by the College, with sanctions ranging from formal warning to expulsion or termination of employment and referral for prosecution.

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