



**Department of Human Resources**  
**UNIVERSITY OF MASSACHUSETTS BOSTON**  
**BENEFITED**  
**PRE-EMPLOYMENT PAPERWORK CHECKLIST**

***All new employees appointed to the University must complete Pre-Employment paperwork in order to be placed on the University's payroll system.***

**SECTION ONE:**

**1. Personal Data Questionnaire (PDQ)**

The appointee must complete, sign and date the bottom of the form.

**2. State Tax Form (M-4)**

The appointee must complete, sign and date the bottom of the form.

Note: The appointee can change his/her tax exemptions as often as he/she needs.

**3. Federal Tax Form (W-4)**

Same instructions as above.

The majority of the form is really a worksheet for determining the appropriate number of exemptions. Only the bottom half of the front page needs to be completed.

**\*\*Federal law mandates that Non-Resident Aliens adhere to specific requirements when completing the W-4 and/or Form 8233 (Tax treaties), please contact Human Resources for additional information.**

**4. Form I-9, Employment Eligibility Verification\*\*\*Please read instructions thoroughly \*\*\***

An appointee must provide documents within three days of employment that will verify identity as well as employment eligibility when completing the I-9 Form. Any one document that establishes both identity and employment eligibility (**List A:** e.g., U.S. Passport, Permanent Resident Card) would satisfy the requirements for I-9 identity and Employment Eligibility. Otherwise, a combination of documents is required. One type of document needs to establish identity (**List B:** e.g., Driver's license, School ID card with a photograph, voter's registration card) while the other needs to establish employment eligibility (**List C:** e.g., U.S. social security card, original birth certificate, un-expired employment authorization document issued by the Department of Homeland Security).

**5. University of Massachusetts Boston, Self Identification Form**

It is the policy of the University of Massachusetts to collect, maintain, and report certain ethnicity, race, disability, and Vietnam Era Veteran status information as required by the Office of Federal Contract Compliance Programs (OFCCP), the Equal Employment Commission (EEOC), the Institute of Educational Sciences, United States Department of Education (DOE), and other required Federal and state entities. Any data collected as part of this process will not be used to make employment-related decisions. For a complete copy of the University's policy on the collection, maintenance, and reporting of ethnicity, race, disability, and Veteran status information, please contact the Office of Diversity and Inclusion at 617-287-4818 or visit: [www.umb.edu/odi](http://www.umb.edu/odi)

***\*\*\*Completion of this form or any part of this form is strictly voluntary, but will enable the University to accurately report the diversity of its faculty and staff and to monitor the effectiveness of its affirmative action programs.***

## SECTION TWO:

### 1. Guide to the Conflict of Interest Law

The appointee will check off the appropriate box to acknowledge receipt of the guide and the responsibility of understanding its contents.

### 2. Guide to Political Activity (Public Employees and Fundraising)

The appointee will check off the appropriate box to acknowledge receipt of the guide and the responsibility of understanding its contents.

### 3. Sexual Harassment Policy

The appointee will check off the appropriate box to acknowledge receipt of the policy and the responsibility of understanding its contents.

### 4. Drug-Free Workplace Policy

The appointee will check off the appropriate box to acknowledge receipt of the policy and the responsibility of understanding its contents.

### 5. University of Massachusetts Policy on Fraudulent Financial Activities

The appointee will check off the appropriate box to acknowledge receipt of the policy the responsibility of understanding its contents.

### 6. University of Massachusetts Principles of Employee Conduct

The appointee will check off the appropriate box to acknowledge receipt of the policy and the responsibility of understanding its contents.

### 7. Benefits at a Glance: [http://www.umb.edu/hr/benefits/benefits\\_at\\_a\\_glance](http://www.umb.edu/hr/benefits/benefits_at_a_glance)

Explains briefly the various plans and resources offered by the University of Massachusetts Boston.

NOTE: These materials are published to highlight the benefits offered to employees of the University of Massachusetts Boston. It is not intended to provide all-inclusive information regarding benefits at the University. Eligibility for benefits may vary according to employee type, percentage of time and duration of appointment.

*\*\*All information is subject to change.*

Benefited employees are required to attend a New Employee Orientation which is conducted by our benefits office. For a listing of scheduled orientations, please visit our website:

[http://www.umb.edu/hr/benefits/new\\_employee\\_orientation/](http://www.umb.edu/hr/benefits/new_employee_orientation/) or contact the Department of Human Resources @ 617-287-5150

This is an important session and will enable the employee to complete important benefits-related paperwork. Included in the Pre-employment packet is a “*Benefits at a Glance*”, which explains briefly the various plans and resources, offered by the University of Massachusetts Boston.

## SECTION THREE:

### 1. STATE RETIREMENT PLAN - Retirement Savings Plan/New Member Enrollment Form

All active employees are required to contribute a percentage of their salary towards their retirement. This contribution is deposited into an annuity account on behalf of the member. A statement of the annuity account balance is mailed to all active members yearly. The amount you contribute into the system is defined according to when you entered state service. Refer to the Massachusetts State Employees Retirement System [Benefit Guide](#) for more detailed information.

<http://www.mass.gov/Ctre/docs/retirement/retguide.pdf>

## **2. Form SSA – 1945 (Windfall Elimination Provision)**

New Legislation {Section 419(c) of Public Law 108-203, the Social Security Protection Act of 2004} requires State and local government employers to provide a statement to employees hired January 1, 2005 or later in a job not covered under Social Security. The statement explains how a pension from that job could affect future Social Security benefits to which they may become entitled.

## **3. Direct Deposit**

Your payroll check will be deposited directly into your account: checking, savings, credit union, etc. The University now offers the ability to have your check deposited into a combination of up to four accounts. On the bottom of your personnel check, to the left side, you will locate a nine-digit Bank ID number (transit routing number) alongside these series of numbers will be your account number, WRITE CLEARLY and place these EXACT numbers on the direct deposit form. If the appointee wishes to have his/her check deposited into a savings account, he/she should contact the bank to get the Bank ID number (transit routing number) and account number.



***Department of Human Resources***

**UNIVERSITY OF MASSACHUSETTS BOSTON**

***BENEFITED***

***PRE-EMPLOYMENT PAPERWORK CHECKLIST***

**Section One (completed by appointee)**

- ☐ Personal Data Questionnaire (PDQ)\*
- ☐ State Tax Form (M4)\*
- ☐ Federal Tax Form (W4)\*
- ☐ Employment Eligibility Verification Form (I-9)\*  
(completed by appointee in Human Resources or designated personnel)
- ☐ Self-Identification Form\*\*\*

\*\*\*Completion of this form or any part of this form is strictly voluntary, but will enable the University to accurately report the diversity of its faculty and staff and to monitor the effectiveness of its affirmative action approach.

**Section Two (received by appointee)**

- ☐ Guide to the Conflict of Interest Law
- ☐ Guide to Political Activity (Public Employees and Fundraising)
- ☐ Sexual Harassment Policy
- ☐ Drug-Free Workplace Policy
- ☐ University Policy on Fraudulent Financial Activities
- ☐ University of Massachusetts Principals of Employee Conduct
- ☐ Benefits at a Glance (benefited employees only)

**Section Three (completed by appointee)**

- ☐ Retirement Savings Plan\*
  - ☐ State Retirement Board's New Member Enrollment Form  
(benefited employees only)
  - ☐ Form SSA-1945 (Windfall Elimination Provision)
- ☐ Direct Deposit

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I have completed the appropriate paperwork as indicated by an asterisk (\*) above. I have received and understand the information listed in Section Two. I also understand that my name will not be added to the University's payroll until all of the appropriate paperwork is completed.

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Signature

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Date



UNIVERSITY OF MASSACHUSETTS BOSTON  
DEPARTMENT OF HUMAN RESOURCES

PERSONAL DATA QUESTIONNAIRE

Social Security Number

First Name	Middle Name	Last Name	
Street Address			Telephone
City	State/Country	Zip Code	Marital Status <input type="checkbox"/> Single <input type="checkbox"/> Married
Birth Date**	Place of Birth	Gender <input type="checkbox"/> Male <input type="checkbox"/> Female	

\*\*If you are currently age 60 or over and starting a benefited position, you will be affected by Section 5 of Chapter 32 of the M.G.L. Please bring this fact to the attention of the Benefits Office Staff when you attend the New Employee Orientation.

<http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleIV/Chapter32/Section5>

Educational Data				
Educational Level	Degree	Major	School Name	Year Awarded
High School/Equivalent				
Technical Certificate				
College/University				
Master's Level Degree				
Doctorate				

EMERGENCY CONTACTS

	Name	Address	Telephone	Relationship
PRIMARY				
SECONDARY				

PRIOR SERVICE IN ANY MASSACHUSETTS GOVERNMENT AGENCY

If retired from any government agency: (CHECK) ☐

Name of Agency	From	To

"I attest that I have read and understood all of the contents of this form and that all of the information provided on this form is correct and complete to the best of my knowledge."

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

FORM  
M-4

MASSACHUSETTS EMPLOYEE'S WITHHOLDING EXEMPTION CERTIFICATE

Rev. 1/08



Print full name .....  
Print home address.....

Social Security no. ....  
City..... State ..... Zip .....

**Employee:**

File this form or Form W-4 with your employer. Otherwise, Massachusetts Income Taxes will be withheld from your wages without exemptions.

**Employer:**

Keep this certificate with your records. If the employee is believed to have claimed excessive exemptions, the Massachusetts Department of Revenue should be so advised.

**HOW TO CLAIM YOUR WITHHOLDING EXEMPTIONS**

1. Your personal exemption. Write the figure "1." If you are age 65 or over or will be before next year, write "2" .....
2. If married and if exemption for spouse is allowed, write the figure "4." If your spouse is age 65 or over or will be before next year and if otherwise qualified, write "5." See Instruction C.....
3. Write the number of your qualified dependents. See Instruction D.....
4. Add the number of exemptions which you have claimed above and write the total .....
5. Additional withholding per pay period under agreement with employer \$ .....
  - A. ☐ Check if you will file as head of household on your tax return.
  - B. ☐ Check if you are blind.
  - C. ☐ Check if spouse is blind and not subject to withholding.
  - D. ☐ Check if you are a full-time student engaged in seasonal, part-time or temporary employment whose estimated annual income will not exceed \$8,000.

**EMPLOYER: DO NOT withhold if Box D is checked.**

I certify that the number of withholding exemptions claimed on this certificate does not exceed the number to which I am entitled.

Date..... Signed .....

**THIS FORM MAY BE REPRODUCED**

**THE COMMONWEALTH OF MASSACHUSETTS, DEPARTMENT OF REVENUE**

**A. Number.** If you claim **more** than the correct number of exemptions, civil and criminal penalties may be imposed. You may claim a smaller number of exemptions. If you do not file a certificate, your employer must withhold on the basis of no exemptions.

If you expect to owe more income tax than will be withheld, you may either claim a smaller number of exemptions or enter into an agreement with your employer to have additional amounts withheld.

You should claim the total number of exemptions to which you are entitled to prevent excessive overwithholding, unless you have a significant amount of other income.

**If you work for more than one employer at the same time, you must not claim any exemptions with employers other than your principal employer.**

If you are married and if your spouse is subject to withholding, each may claim a personal exemption.

**B. Changes.** You may file a new certificate at any time if the number of exemptions **increases**. You **must** file a new certificate within 10 days if the number of exemptions previously claimed by you **decreases**. For example, if during the year your dependent son's income indicates that you will not provide over half of his support for the year, you must file a new certificate.

**C. Spouse.** If your spouse is not working or if she or he is working but not claiming the personal exemption or the age 65 or over exemption, generally you may claim those exemptions in line 2. However, if you are planning to file separate annual tax returns, you should not claim withholding exemptions for your spouse or for any dependents that will not be claimed on your annual tax return.

If claiming a wife or husband, write "4" in line 2. Using "4" is the withholding system adjustment for the \$4,400 exemption for a spouse.

**D. Dependent(s).** You may claim an exemption in line 3 for each individual who qualifies as a dependent under the Federal Income Tax Law. In addition, if one or more of your dependents will be under age 12 at year end, add "1" to your dependents total for line 3.

**You are not allowed to claim "federal withholding deductions and adjustments" under the Massachusetts withholding system.**

**If you have income not subject to withholding, you are urged to have additional amounts withheld to cover your tax liability on such income. See line 5.**

**IF YOU CLAIM THE SAME NUMBER OF EXEMPTIONS FOR MASSACHUSETTS AND U.S. INCOME TAXES,  
COMPLETE U.S. FORM W-4 ONLY.**

# Form W-4 (2011)

**Purpose.** Complete Form W-4 so that your employer can withhold the correct federal income tax from your pay. Consider completing a new Form W-4 each year and when your personal or financial situation changes.

**Exemption from withholding.** If you are exempt, complete **only** lines 1, 2, 3, 4, and 7 and sign the form to validate it. Your exemption for 2011 expires February 16, 2012. See Pub. 505, Tax Withholding and Estimated Tax.

**Note.** If another person can claim you as a dependent on his or her tax return, you cannot claim exemption from withholding if your income exceeds \$950 and includes more than \$300 of unearned income (for example, interest and dividends).

**Basic instructions.** If you are not exempt, complete the **Personal Allowances Worksheet** below. The worksheets on page 2 further adjust your withholding allowances based on itemized deductions, certain credits, adjustments to income, or two-earners/multiple jobs situations.

Complete all worksheets that apply. However, you may claim fewer (or zero) allowances. For regular wages, withholding must be based on allowances you claimed and may not be a flat amount or percentage of wages.

**Head of household.** Generally, you may claim head of household filing status on your tax return only if you are unmarried and pay more than 50% of the costs of keeping up a home for yourself and your dependent(s) or other qualifying individuals. See Pub. 501, Exemptions, Standard Deduction, and Filing Information, for information.

**Tax credits.** You can take projected tax credits into account in figuring your allowable number of withholding allowances. Credits for child or dependent care expenses and the child tax credit may be claimed using the **Personal Allowances Worksheet** below. See Pub. 919, How Do I Adjust My Tax Withholding, for information on converting your other credits into withholding allowances.

**Nonwage income.** If you have a large amount of nonwage income, such as interest or dividends, consider making estimated tax payments using

Form 1040-ES, Estimated Tax for Individuals. Otherwise, you may owe additional tax. If you have pension or annuity income, see Pub. 919 to find out if you should adjust your withholding on Form W-4 or W-4P.

**Two earners or multiple jobs.** If you have a working spouse or more than one job, figure the total number of allowances you are entitled to claim on all jobs using worksheets from only one Form W-4. Your withholding usually will be most accurate when all allowances are claimed on the Form W-4 for the highest paying job and zero allowances are claimed on the others. See Pub. 919 for details.

**Nonresident alien.** If you are a nonresident alien, see Notice 1392, Supplemental Form W-4 Instructions for Nonresident Aliens, before completing this form.

**Check your withholding.** After your Form W-4 takes effect, use Pub. 919 to see how the amount you are having withheld compares to your projected total tax for 2011. See Pub. 919, especially if your earnings exceed \$130,000 (Single) or \$180,000 (Married).

## Personal Allowances Worksheet (Keep for your records.)

<b>A</b>	Enter "1" for <b>yourself</b> if no one else can claim you as a dependent . . . . .	<b>A</b> _____				
<b>B</b>	Enter "1" if: <table><tr><td>• You are single and have only one job; or</td><td rowspan="3">} . . . . .</td></tr><tr><td>• You are married, have only one job, and your spouse does not work; or</td></tr><tr><td>• Your wages from a second job or your spouse's wages (or the total of both) are \$1,500 or less.</td></tr></table>	• You are single and have only one job; or	} . . . . .	• You are married, have only one job, and your spouse does not work; or	• Your wages from a second job or your spouse's wages (or the total of both) are \$1,500 or less.	<b>B</b> _____
• You are single and have only one job; or	} . . . . .					
• You are married, have only one job, and your spouse does not work; or						
• Your wages from a second job or your spouse's wages (or the total of both) are \$1,500 or less.						
<b>C</b>	Enter "1" for your <b>spouse</b> . But, you may choose to enter "-0-" if you are married and have either a working spouse or more than one job. (Entering "-0-" may help you avoid having too little tax withheld.) . . . . .	<b>C</b> _____				
<b>D</b>	Enter number of <b>dependents</b> (other than your spouse or yourself) you will claim on your tax return . . . . .	<b>D</b> _____				
<b>E</b>	Enter "1" if you will file as <b>head of household</b> on your tax return (see conditions under <b>Head of household</b> above) . . . . .	<b>E</b> _____				
<b>F</b>	Enter "1" if you have at least \$1,900 of <b>child or dependent care expenses</b> for which you plan to claim a credit . . . . . ( <b>Note.</b> Do <b>not</b> include child support payments. See Pub. 503, Child and Dependent Care Expenses, for details.)	<b>F</b> _____				
<b>G</b>	<b>Child Tax Credit</b> (including additional child tax credit). See Pub. 972, Child Tax Credit, for more information. • If your total income will be less than \$61,000 (\$90,000 if married), enter "2" for each eligible child; then <b>less</b> "1" if you have three or more eligible children. • If your total income will be between \$61,000 and \$84,000 (\$90,000 and \$119,000 if married), enter "1" for each eligible child plus "1" <b>additional</b> if you have six or more eligible children . . . . .	<b>G</b> _____				
<b>H</b>	Add lines A through G and enter total here. ( <b>Note.</b> This may be different from the number of exemptions you claim on your tax return.) ▶ For accuracy, <b>complete all worksheets that apply.</b> <table><tr><td>• If you plan to <b>itemize</b> or <b>claim adjustments to income</b> and want to reduce your withholding, see the <b>Deductions and Adjustments Worksheet</b> on page 2.</td><td rowspan="3">} . . . . .</td></tr><tr><td>• If you have <b>more than one job</b> or are <b>married and you and your spouse both work</b> and the combined earnings from all jobs exceed \$40,000 (\$10,000 if married), see the <b>Two-Earners/Multiple Jobs Worksheet</b> on page 2 to avoid having too little tax withheld.</td></tr><tr><td>• If <b>neither</b> of the above situations applies, <b>stop here</b> and enter the number from line H on line 5 of Form W-4 below.</td></tr></table>	• If you plan to <b>itemize</b> or <b>claim adjustments to income</b> and want to reduce your withholding, see the <b>Deductions and Adjustments Worksheet</b> on page 2.	} . . . . .	• If you have <b>more than one job</b> or are <b>married and you and your spouse both work</b> and the combined earnings from all jobs exceed \$40,000 (\$10,000 if married), see the <b>Two-Earners/Multiple Jobs Worksheet</b> on page 2 to avoid having too little tax withheld.	• If <b>neither</b> of the above situations applies, <b>stop here</b> and enter the number from line H on line 5 of Form W-4 below.	<b>H</b> _____
• If you plan to <b>itemize</b> or <b>claim adjustments to income</b> and want to reduce your withholding, see the <b>Deductions and Adjustments Worksheet</b> on page 2.	} . . . . .					
• If you have <b>more than one job</b> or are <b>married and you and your spouse both work</b> and the combined earnings from all jobs exceed \$40,000 (\$10,000 if married), see the <b>Two-Earners/Multiple Jobs Worksheet</b> on page 2 to avoid having too little tax withheld.						
• If <b>neither</b> of the above situations applies, <b>stop here</b> and enter the number from line H on line 5 of Form W-4 below.						

----- Cut here and give Form W-4 to your employer. Keep the top part for your records. -----

<b>Form W-4</b> Department of the Treasury Internal Revenue Service		<b>Employee's Withholding Allowance Certificate</b>		OMB No. 1545-0074 <b>2011</b>	
1 Type or print your first name and middle initial.		Last name		2 Your social security number	
Home address (number and street or rural route)		3 <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Married, but withhold at higher Single rate. <b>Note.</b> If married, but legally separated, or spouse is a nonresident alien, check the "Single" box.			
City or town, state, and ZIP code		4 If your last name differs from that shown on your social security card, check here. You must call 1-800-772-1213 for a replacement card. ▶ <input type="checkbox"/>			
5 Total number of allowances you are claiming (from line H above or from the applicable worksheet on page 2)		5			
6 Additional amount, if any, you want withheld from each paycheck . . . . .		6		\$	
7 I claim exemption from withholding for 2011, and I certify that I meet <b>both</b> of the following conditions for exemption. • Last year I had a right to a refund of <b>all</b> federal income tax withheld because I had <b>no</b> tax liability <b>and</b> • This year I expect a refund of <b>all</b> federal income tax withheld because I expect to have <b>no</b> tax liability. If you meet both conditions, write "Exempt" here . . . . . ▶		7			

Under penalties of perjury, I declare that I have examined this certificate and to the best of my knowledge and belief, it is true, correct, and complete.

**Employee's signature**

(This form is not valid unless you sign it.) ▶

**Date ▶**

8 Employer's name and address (Employer: Complete lines 8 and 10 only if sending to the IRS.)	9 Office code (optional)	10 Employer identification number (EIN)
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**Deductions and Adjustments Worksheet****Note.** Use this worksheet *only* if you plan to itemize deductions or claim certain credits or adjustments to income.

<b>1</b>	Enter an estimate of your 2011 itemized deductions. These include qualifying home mortgage interest, charitable contributions, state and local taxes, medical expenses in excess of 7.5% of your income, and miscellaneous deductions . . . . .	<b>1</b>	\$ _____
<b>2</b>	Enter: $\left\{ \begin{array}{l} \$11,600 \text{ if married filing jointly or qualifying widow(er)} \\ \$8,500 \text{ if head of household} \\ \$5,800 \text{ if single or married filing separately} \end{array} \right\}$ . . . . .	<b>2</b>	\$ _____
<b>3</b>	<b>Subtract</b> line 2 from line 1. If zero or less, enter "-0-" . . . . .	<b>3</b>	\$ _____
<b>4</b>	Enter an estimate of your 2011 adjustments to income and any additional standard deduction (see Pub. 919)	<b>4</b>	\$ _____
<b>5</b>	<b>Add</b> lines 3 and 4 and enter the total. (Include any amount for credits from the <i>Converting Credits to Withholding Allowances for 2011 Form W-4 Worksheet</i> in Pub. 919.) . . . . .	<b>5</b>	\$ _____
<b>6</b>	Enter an estimate of your 2011 nonwage income (such as dividends or interest) . . . . .	<b>6</b>	\$ _____
<b>7</b>	<b>Subtract</b> line 6 from line 5. If zero or less, enter "-0-" . . . . .	<b>7</b>	\$ _____
<b>8</b>	<b>Divide</b> the amount on line 7 by \$3,700 and enter the result here. Drop any fraction . . . . .	<b>8</b>	_____
<b>9</b>	Enter the number from the <b>Personal Allowances Worksheet</b> , line H, page 1 . . . . .	<b>9</b>	_____
<b>10</b>	<b>Add</b> lines 8 and 9 and enter the total here. If you plan to use the <b>Two-Earners/Multiple Jobs Worksheet</b> , also enter this total on line 1 below. Otherwise, <b>stop here</b> and enter this total on Form W-4, line 5, page 1	<b>10</b>	_____

**Two-Earners/Multiple Jobs Worksheet** (See *Two earners or multiple jobs* on page 1.)**Note.** Use this worksheet *only* if the instructions under line H on page 1 direct you here.

<b>1</b>	Enter the number from line H, page 1 (or from line 10 above if you used the <b>Deductions and Adjustments Worksheet</b> )	<b>1</b>	_____
<b>2</b>	Find the number in <b>Table 1</b> below that applies to the <b>LOWEST</b> paying job and enter it here. <b>However</b> , if you are married filing jointly and wages from the highest paying job are \$65,000 or less, do not enter more than "3" . . . . .	<b>2</b>	_____
<b>3</b>	If line 1 is <b>more than or equal to</b> line 2, subtract line 2 from line 1. Enter the result here (if zero, enter "-0-") and on Form W-4, line 5, page 1. <b>Do not</b> use the rest of this worksheet . . . . .	<b>3</b>	_____
<b>Note.</b> If line 1 is <b>less than</b> line 2, enter "-0-" on Form W-4, line 5, page 1. Complete lines 4 through 9 below to figure the additional withholding amount necessary to avoid a year-end tax bill.			
<b>4</b>	Enter the number from line 2 of this worksheet . . . . .	<b>4</b>	_____
<b>5</b>	Enter the number from line 1 of this worksheet . . . . .	<b>5</b>	_____
<b>6</b>	<b>Subtract</b> line 5 from line 4 . . . . .	<b>6</b>	_____
<b>7</b>	Find the amount in <b>Table 2</b> below that applies to the <b>HIGHEST</b> paying job and enter it here . . . . .	<b>7</b>	\$ _____
<b>8</b>	<b>Multiply</b> line 7 by line 6 and enter the result here. This is the additional annual withholding needed . . . . .	<b>8</b>	\$ _____
<b>9</b>	Divide line 8 by the number of pay periods remaining in 2011. For example, divide by 26 if you are paid every two weeks and you complete this form in December 2010. Enter the result here and on Form W-4, line 6, page 1. This is the additional amount to be withheld from each paycheck . . . . .	<b>9</b>	\$ _____

**Table 1**

Married Filing Jointly		All Others	
If wages from <b>LOWEST</b> paying job are—	Enter on line 2 above	If wages from <b>LOWEST</b> paying job are—	Enter on line 2 above
\$0 - \$5,000 -	0	\$0 - \$8,000 -	0
5,001 - 12,000 -	1	8,001 - 15,000 -	1
12,001 - 22,000 -	2	15,001 - 25,000 -	2
22,001 - 25,000 -	3	25,001 - 30,000 -	3
25,001 - 30,000 -	4	30,001 - 40,000 -	4
30,001 - 40,000 -	5	40,001 - 50,000 -	5
40,001 - 48,000 -	6	50,001 - 65,000 -	6
48,001 - 55,000 -	7	65,001 - 80,000 -	7
55,001 - 65,000 -	8	80,001 - 95,000 -	8
65,001 - 72,000 -	9	95,001 - 120,000 -	9
72,001 - 85,000 -	10	120,001 and over	10
85,001 - 97,000 -	11		
97,001 - 110,000 -	12		
110,001 - 120,000 -	13		
120,001 - 135,000 -	14		
135,001 and over	15		

**Table 2**

Married Filing Jointly		All Others	
If wages from <b>HIGHEST</b> paying job are—	Enter on line 7 above	If wages from <b>HIGHEST</b> paying job are—	Enter on line 7 above
\$0 - \$65,000	\$560	\$0 - \$35,000	\$560
65,001 - 125,000	930	35,001 - 90,000	930
125,001 - 185,000	1,040	90,001 - 165,000	1,040
185,001 - 335,000	1,220	165,001 - 370,000	1,220
335,001 and over	1,300	370,001 and over	1,300

**Privacy Act and Paperwork Reduction Act Notice.** We ask for the information on this form to carry out the Internal Revenue laws of the United States. Internal Revenue Code sections 3402(f)(2) and 6109 and their regulations require you to provide this information; your employer uses it to determine your federal income tax withholding. Failure to provide a properly completed form will result in your being treated as a single person who claims no withholding allowances; providing fraudulent information may subject you to penalties. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation, to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their tax laws; and to the Department of Health and Human Services for use in the National Directory of New Hires. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by Code section 6103.

The average time and expenses required to complete and file this form will vary depending on individual circumstances. For estimated averages, see the instructions for your income tax return.

If you have suggestions for making this form simpler, we would be happy to hear from you. See the instructions for your income tax return.





## SELF ID FORM

### MISSION STATEMENT

The Office of Diversity and Inclusion is charged with strengthening the University tradition of diversity by developing and implementing a strategic and integrated approach to advancing a University-wide climate that respects, values and supports the academic, social and personal development of diverse faculty, staff and students.

### PLEASE READ ALL INSTRUCTIONS CAREFULLY BEFORE COMPLETING THIS FORM

**Anti-Discrimination Notice:** It is an unlawful employment practice for an employer to fail or refuse to hire or discharge any individual, or otherwise to discriminate against any individual with respect to that individual's terms and conditions of employment, because of such individual's race, color, religion, sex, or national origin.

The University of Massachusetts, Boston is subject to certain governmental recordkeeping and reporting requirements for the administration of civil rights laws and regulations. In order to comply with these laws and regulations, it is important that our recordkeeping and reporting information is accurate.

Submission of this information is voluntary and refusal to provide it will not subject you to any adverse treatment. The information will be entered into the University of Massachusetts Boston's Human Resource Information System and may be used in accordance with the applicable laws and regulations concerning equal employment opportunity.

### PLEASE ANSWER THE FOLLOWING QUESTIONS

Name:

Position Hired For:

Gender: ☐ Female ☐ Male

Race/Ethnicity – You may mark **only one** box

☐ **Hispanic or Latino:** a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.

☐ **White** (Not Hispanic or Latino): a person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

☐ **Black or African American** (Not Hispanic or Latino): a person having origins in any of the black racial groups of Africa.

☐ **Native Hawaiian or Other Pacific Islander** (Not Hispanic or Latino): a person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

☐ **Asian** (Not Hispanic or Latino): a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

☐ **American Indian or Alaska Native** (Not Hispanic or Latino): a person having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.

☐ **Two or More Races** (Not Hispanic or Latino): all persons who identify with more than one of the above five races.

☐ **Decline to State:** If you choose not to self-identify your race/ethnicity and/or gender, the federal government requires The University of Massachusetts, Boston to determine this information by visual survey and/or other available information.

<b>Vietnam-era veteran:</b>  <input type="checkbox"/> No  <input type="checkbox"/> Yes  [(A) Served on active duty for more than 180 days and was discharged or released with other than a dishonorable discharge, or (B) was discharged or released from active duty for a service-connected disability, if any part of such active duty was performed: (i) in the Republic of Vietnam between 2/28/61 and 5/7/75, or (ii) in all other areas between 8/5/64 and 5/7/75.]	<b>Special disabled veteran:</b>  <input type="checkbox"/> No  <input type="checkbox"/> Yes  [(A) Entitled to disability compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by Veteran's Administration for disability (1) rated at 30% or more, or (2) rated at 10% or 20% as determined under section 1506 of Title 38, U.S.C., to have a serious employment disability, or (B) discharged/released from active duty for a disability incurred or aggravated in the line of duty)]*
<b>Disability:</b>  <input type="checkbox"/> No  <input type="checkbox"/> Yes  [Any person who has a physical or mental impairment which substantially limits a major life activity, has had a History of such impairment, or is regarded as having such an impairment.]*	<b>Other eligible veterans:</b>  <input type="checkbox"/> No  <input type="checkbox"/> Yes  [Veterans who have served on active duty during a war, or in a campaign or expedition for which a campaign badge has been authorized.]

How did you hear of this position? Please specify:

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\*IF YOU NEED A REASONABLE ACCOMMODATION, PLEASE CONTACT HUMAN RESOURCES - 617-287-5150

For Additional Information, Please contact Office of Diversity and inclusion.

[Diversity@umb.edu](mailto:Diversity@umb.edu)

617-287-4818



## Department of Human Resources

### POLICY & GUIDANCE MEMORANDUM

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#### **#2008-07: State Ethics Law**

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This memorandum contains the annual notice of significant features of the State Ethics Law (M.G.L. c.268A).

The conflict of interest law, M.G.L. c. 268A imposes "standards of conduct" on all state, county and municipal employees.

#### **Incompatible Employment**

First, § 23 (b)(1) prohibits public employees from accepting other employment involving compensation of substantial value, the responsibilities of which are inherently incompatible with the responsibilities of his public office.

Example: a police officer would be prohibited from serving as a private security guard in his town because his duties as a law enforcement official are incompatible with the demands of his private employer.

#### **Unwarranted Privileges**

Section 23(b)(2) prohibits a public employee from using or attempting to use his or her official position to secure for himself or others unwarranted privileges or exemptions which are of substantial value and which are not properly available to similarly situated individuals;

Example: A governmental official may not use his governmental time or resources, such as office space, word processors, telephones, photo copiers or fax machines, to conduct a private business. Section 23(b)(2) dictates that the use of public time and resources must be limited to serving public rather than private purposes.

The Commission has also emphasized that the use of one's public position to solicit or coerce special benefits, of substantial value, for oneself or others will constitute a use of one's official position to secure unwarranted privileges or exemptions not properly available to similarly situated individuals. In addition, the Commission has advised municipal officials that they must apply objective criteria to their official duties and that if, for example, a board member cannot be objective about a matter, he should abstain.

## **Appearance of Conflict**

Section 23(b)(3) prohibits a public employee from acting in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy the public employee's favor in the performance of his or her official duties, or that he or she is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his or her appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.

Section 23(b)(3) has often been described as the section that covers "appearances" of conflicts of interest. The statute as it currently reads, however, does not use the term "appearance." It is worth emphasizing that §23(b)(3) prohibits acting "in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude" that the official would be unduly influenced or unduly favor any party or person.

Example: A reasonable person could conclude that a board of health member might favor or disfavor his cousin's application. Although the cousin is not a member of his immediate family under §19, the family link would implicate §23(b)(3). To dispel such a reasonable conclusion, the board of health member should make a written disclosure to his appointing authority, describing the relevant facts of the family relationship and the official action, prior to his acting as a board member. If the board member were popularly elected, she must make a disclosure that is "public in nature." The Commission has advised that elected municipal officials should make such disclosures in writing and file them as public records with their municipal clerk. In some circumstances, it may also be prudent to reiterate the disclosure as part of the meeting minutes.

## **Confidential Information**

Section 23(c)(1) prohibits a current or former municipal employee from accepting "employment or engag[ing] in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position." Section 23(c)(2) prohibits him from "improperly disclos[ing] material or data within the exemptions to the definition of public records as defined by section seven of chapter four, and were acquired by him in the course of his official duties nor use such information to further his personal interest."

## **Adequate disclosure**

Section 23(d) provides that "any activity specifically exempted from any of the prohibitions in any other section of this chapter shall also be exempt from the provision of this section. The state ethics commission . . . shall not enforce the provisions of this section with respect to any such exempted activity."

Example: Because adequate disclosure may be part of complying with §§19 or 20 (which were discussed in previous Ethics Primers), a municipal employee may comply with the disclosure requirements of §23(b)(3) by complying with the former. For further guidance regarding whether more than one disclosure is required, you should review the matter with municipal counsel or contact the Ethics Commission.

For additional information, call the State Ethics Commission at (617) 727-0060 or visit their website at: <http://www.state.ma.us/ethics>.



## Department of Human Resources

### POLICY & GUIDANCE MEMORANDUM

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#### #2009-07: Political Activity

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With the election approaching, it is important to understand what we, as public employees, may or may not do in support of political candidates or ballot questions. Massachusetts General Law Chapter 55 generally covers campaign finance, but also includes sections covering the rights and limitations of public employees and the use of public buildings.

Public employees (other than elected officials) may not:

- Sell or distribute tickets for a fundraising event to benefit any political candidate or political committee or solicit attendance at such an event;
- Otherwise ask for contributions to support any candidate or political committee (federal, state, county or local) or a ballot question;
- Host a political fundraising event;
- Accept donations or payment for admission at a political fundraising event or accepting money at the door of a political fundraising event;
- Sign a fundraising letter or advertisement on behalf of a candidate or political committee;
- Permit his/her name to be listed on campaign stationery as an officer, member or supporter, if the stationery is used to solicit funds for a political purpose;
- Provide persons raising money for a candidate or committee with the names of individuals who would then be solicited;
- Providing general or specific advice to a political campaign with regard to fundraising strategies

However, a public employee may:

- Make a contribution to a candidate or political committee or attend a political fundraiser;
- Serve as a member of a political committee or hold a committee position (other than treasurer or any other position that involves fundraising);

- Perform any service for a campaign that does not involve fundraising, such as holding signs, stuffing envelopes, signing endorsement letters (as long as those letters do not also ask for money) or working at political fundraisers in a non-fundraising capacity, such as setting up tables or preparing food (not collecting money at the door).
- Meet with anyone, including other public employees, for political purposes, as long as no fundraising activity takes place;
- Raising money for humanitarian, charitable or educational causes or other issues not related to elections.

The use of public buildings is more restrictive: No one may use a public building:

- to ask for or receive contributions to *any* political committee or candidate;
- as a return address for contributions or use a phone number in the building as a contact for buying tickets to a fundraiser;
- to post an advertisement or a circular selling tickets to a fundraiser or otherwise seeking contributions

Finally, no public resources (including paid time, telephones, computers, copiers, and/or office supplies) may be use for political campaign purposes.

A complete guide to campaign finance is available on the Office of Campaign & Political Finance's website at [www.mass.gov/ocpf/guides/guide\\_pub\\_emp.pdf](http://www.mass.gov/ocpf/guides/guide_pub_emp.pdf). Specific questions can be directed to the Office at (617) 979-8300.

**UNIVERSITY OF MASSACHUSETTS BOSTON**  
**SEXUAL HARASSMENT POLICY AND PROCEDURES**  
**(Doc. T92-037)**

**I. POLICY**

Sexual harassment is sex discrimination and, therefore, a violation of federal and state law. It is the policy of the University of Massachusetts that no member of the University community may sexually harass another. For purposes of this policy and consistent with federal regulations, sexual harassment is defined as follows:

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of sexual nature constitute sexual harassment when: 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic work, 2) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual, or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working or academic environment.

It is the policy of the University to protect the rights of all persons within the University community by providing fair and impartial investigations of all complaints brought to the attention of appropriate officials. Any member of the University community found to have violated this Sexual Harassment Policy will be subject to disciplinary action.

**II. PROCEDURES**

The University of Massachusetts at Boston will administer the Sexual Harassment Policy and Procedures under the Sexual Harassment Office.

These procedures are available to any person who, at the time of the acts complained of, was employed at or was enrolled as a student at the University of Massachusetts Boston. However, any person who files a complaint with any outside agency or court shall be deemed to have waived his/her rights to an internal University proceeding.

No individual shall be penalized by the University for participating in the procedures stipulated here, nor shall any retaliation be permitted. Complaints of retaliation should be addressed to the Sexual Harassment Office or, where formal proceedings have been initiated, to the respondent's Vice Chancellor, who, in consultation with the Sitting Panel, shall immediately attempt to address and resolve the issues (see section B.7).

**Informal Resolution**

Because of the emotional and moral complexities surrounding most sexual harassment incidents, every effort should be made to resolve the complaint on an informal basis.

A. Complaints of sexual harassment should, whenever possible, be discussed informally in the first instance by the complainant with the respondent's department head or staff



supervisor, in hopes that the department head/supervisor may effect an informal resolution.

- B. If this approach is either unacceptable to the complainant or unavailing, the complaint should be reported to the Sexual Harassment Officer. The Sexual Harassment Officer will inform the complainant concerning the Sexual Harassment Policy and Procedures and will counsel him or her concerning options for proceeding.

The Sexual Harassment Officer may rule that a complaint is (a) frivolous, or (b) outside the purview of the Sexual Harassment Policy and Procedures and decline to pursue it further; such ruling is subject to appeal by the complainant to the Sexual Harassment Hearing Board, which is empowered to instruct the Sexual Harassment Officer to entertain the case.

Upon certification that a complaint is non-frivolous and within the purview of this Policy and Procedures, the complainant may elect to file a written Informal Complaint Form. Upon the filing of this form, the Sexual Harassment Officer shall **attempt** an informal resolution of any complaint of sexual harassment, provided it is brought **within 180 calendar days of the alleged act**. In his/her neutral capacity, the Sexual Harassment Officer shall inform the parties of all possible courses of action, such as informal resolution and formal hearing, and of campus support and counseling services.

**Steps of the Informal Resolution Process:**

1. The Sexual Harassment Officer will counsel the complainant concerning options for responding to the problem on his/her own initiative (e.g. through oral or written communication to the respondent). If the complainant expresses willingness to proceed in this fashion, the Sexual Harassment Officer shall provide guidance and support to the complainant, throughout the process.
2. If this approach is either unacceptable to the complainant or unavailing, the Sexual Harassment Officer will undertake an Informal Hearing Process, in an attempt to reach a disposition agreeable to both complainant and respondent, to include the following.
  - a. a private informal hearing with the complainant;
  - b. a private informal hearing with the respondent;
  - c. if deemed necessary, an informal hearing among the Sexual Harassment Officer, the complainant and the respondent.
  - d. The Sexual Harassment Officer shall normally complete his/her investigation and all efforts to arrive at an informal resolution within thirty (30) calendar days of receipt of the complaint, unless extraordinary circumstances dictate otherwise. When it is determined, as a result of the Sexual Harassment Officer's review, that an incident of sexual harassment has in fact occurred, the Sexual Harassment Officer's attempts to arrive at informal resolution shall be guided by concern to

provide appropriate relief to the aggrieved party while sensitizing the person at fault to the effects of such behavior.

- e. Upon completion of the review, the Sexual Harassment Officer shall send a confidential report to both parties and to the Chancellor, outlining his/her findings. If a resolution is reached that has been agreed to by both parties, the Sexual Harassment Officer shall include the terms of that resolution in the report. The Chancellor shall move to implement any sanctions called for by the terms of the resolution.

The Sexual Harassment Officer shall ensure that all communications shall be kept confidential. He/she may not be called to testify at any University hearing regarding these privileged communications unless otherwise agreed by both parties.

If no Informal Complaint Form is filed by the complainant, no written records shall be kept. Where an informal resolution process is initiated, written records indicating the nature of the complaint, the names of the parties, and a dated copy of the terms and the resolution (if any) shall be kept by the Sexual Harassment Officer for a period of eight years. Such records shall normally be available only to the complainant, the respondent, the Sexual Harassment Officer and the Chancellor; they shall be made available to the respondent's Vice Chancellor in the event that, in accordance with these procedure, this or any subsequent charge of sexual harassment against the respondent or any charge of retaliation by the respondent is brought before the Vice Chancellor for review. These records are also available pursuant to a judicial subpoena, subject to the provisions of the University's Fair Information Practices Regulations (Doc. T77-059).

In extraordinary circumstances and for good cause, the Sexual Harassment Officer may, at his or her discretion, rule that the Informal Resolution Process may be omitted, and a complainant may move directly to Formal Proceedings.

## **Formal Proceedings**

### **1. Hearing Process**

#### **a. Filing a Complaint**

If informal proceedings do not result in resolution, or if the resolution agreed upon is not carried out, or if the Sexual Harassment Officer rules that the Informal Resolution Process may be omitted, the Sexual Harassment Officer shall advise the complainant of his/her right to a formal hearing. The Sexual Harassment Officer shall review the formal procedures for both parties.

If the complainant decides to proceed with a formal hearing, a formal written complaint shall be filed with the respondent's Vice Chancellor. The complaint shall state, clearly and concisely, the facts which are the grounds for the proceeding and the relief sought. Within two (2) working days the complaint shall be forwarded by the Vice Chancellor to the Sexual Harassment Officer in his/her capacity as coordinator of the Sexual -504.20-

Harassment Hearing Board and to the respondent, with notice that an answer must be filed with the Vice Chancellor within ten (10) calendar days.

The respondent's answer shall contain full, direct and specific responses to each claim in the complaint, admitting to, denying or explaining the material facts. The Vice Chancellor shall forward the answer to the complainant within two (2) working days of its filing.

It shall be the Sexual Harassment Officer's responsibility to appoint a Sitting Panel, schedule a hearing date, and notify the respective parties at least twenty-one (21) calendar days before the hearing. The hearing will be scheduled and held no later than forty-five (45) calendar days after the formal written complaint has been filed, unless continued by the Board pursuant to Section d, ii, 6 or 7 below.

b. Composition of the Hearing Board

The Chancellor, in consultation with the appropriate governing and administrative bodies, shall appoint a 12-member Sexual Harassment Hearing Board. The Sexual Harassment Officer shall act as the coordinator of the Board.

The Hearing Board shall be composed of 3 faculty members, 3 members of the professional staff, 3 classified employees and 3 students.

Appointments will be guided by consideration of continuity, experience, and sensitivity to the concerns of those most profoundly affected by sexual harassment. Insofar as possible the Board shall reflect the diversity of the campus community. The membership of each constituency shall include at least one woman and one man. Members are to serve for staggered terms of three years.

The members of the Board shall act at all times to preserve the confidentiality of complainants and respondents. Board members shall participate in sexual harassment training workshops designed to sensitize them to the issues encompassing sexual harassment, including confidentiality, and the hearing procedures herein.

c. The Sitting Panel

Upon notice of a formal complaint, the Sexual Harassment Officer shall designate 5 members of the Board to serve as Sitting Panel. The Sitting Panel shall normally include two Board members from the respondent's constituency (faculty, professional or classified staff, students), two from the complainant's, and a fifth drawn from a neutral constituency. In such case as the complainant and respondent come from the same constituency, or Board members disqualify themselves in sufficient numbers to make the normal configuration of the Panel impossible, the Sitting Panel shall normally include three Board members from that constituency, the remaining membership to be chosen by the Sexual Harassment Officer from neutral constituencies; but in no case shall a student **-504.21-**

sit on a case which does not involve students. The Sitting Panel shall elect a Presiding Officer at its first meeting.

The function of a Sitting Panel is to hear and consider testimony and other relevant, reliable evidence, to make findings of fact, to determine whether the University Policy on Sexual Harassment has been violated, and, if so, to recommend appropriate penalties and relief.

d. Duties and Powers of the Presiding Officer and the Sitting Panel

The Presiding Officer shall have the following specific duties:

1. To ensure an orderly presentation of evidence and issues;
2. To ensure that a record is made of the proceedings; and
3. To ensure that a fair, independent, impartial decision based on the issues and evidence presented at the hearing is issued by the Sitting Panel no later than fourteen (14) calendar days, or thirty (30) calendar days when briefs are submitted, after the conclusion of the hearing.

The Sitting Panel shall have the following specific duties or prerogatives:

1. To conduct a fair hearing to ensure that all the rights of the parties are protected;
2. To define issues;
3. To receive and consider all relevant and reliable evidence of the kind which reasonable people are accustomed to rely upon in the conduct of serious business;
4. To assist all those present in making a full and free statement of the facts in order to bring out all the information necessary to decide the issues involved;
5. To ensure that all parties have full opportunity to represent their claims orally, or in writing, and to secure witnesses and evidence to establish their claims;
6. To continue the hearing to a subsequent date to permit either party to produce additional evidence, witnesses, and other material;
7. To change the date, time or place of the hearing on its own motion or upon request of any party, for good cause shown and upon due notice to the parties;

8. To permit the parties or their representatives to submit briefs within fourteen (14) calendar days of the conclusion of the hearing, on the condition that notification of intent to file is made to the Presiding Officer of the Panel within three (3) calendar days of the conclusion of the hearing;
9. By majority vote to rule on all questions of fact; interpretations of rules, regulations and policies; penalties and relief; and such requests as are made during the hearing.

b. Hearing Procedure

1. Unless otherwise agreed by a majority of the Sitting Panel (pursuant to Numbers 6, 7 or 9 of the preceding section), a closed hearing shall be held within forty-five (45) calendar days of the receipt of the formal complaint by the Sexual Harassment Officer.
2. Each party shall be afforded the opportunity to hear all the testimony; to examine all the evidence; to respond to any adverse testimony; to present evidence and witnesses; to advance any pertinent arguments on his/her own behalf; and to file a brief within fourteen (14) calendar days of the conclusion of the hearing, on the condition that notification of intent to file is made to the Presiding Officer of the Panel within three (3) calendar days of the conclusion of the hearing.
3. Each party shall have the right to be accompanied, advised and/or represented by up to two members of the campus community (not legal counsel) at any stage of the proceedings. <sup>1</sup>
4. The hearing shall be tape-recorded by the Sitting Panel, the tape to remain the property of the University. Subsequently, either party shall have supervised access to the tape through the Sexual Harassment Officer.
5. The proceedings before the Sitting Panel shall be as follows (unless waived or modified by the parties at such point as the respondent admits his/her guilt):
  - a. The Presiding Officer shall read the charge(s) and allow the respondent to either admit to or challenge the allegations;
  - b. First the complainant, then the respondent may present a brief opening statement;

<sup>1</sup>N.B.: Each party is free to retain legal counsel for advise, but may not bring legal counsel to University proceedings. **-504.23-**

c. First the complainant, then the respondent will present any and all evidence and testimony germane to the allegations, with the following provisions:

i. each party may question evidence and testimony introduced by the other;

ii. each party may rebut any inferences drawn by the other

d. First the complainant, then the respondent may briefly summarize his/her case to the Board.

c. Decision of the Sitting Panel

After the hearing and the filing of briefs (if any), the Sitting Panel shall convene for private deliberations to determine whether the University's Policy on Sexual Harassment has been violated. If so, the Panel will make findings of fact and propose penalties for the respondent and relief for the complainant.

The Panel's findings of fact and its proposal of penalty and relief shall be based solely on the testimony and evidence presented at the hearing and in the briefs (if any). In making its determination, the Panel will examine the totality of the circumstances, such as the nature of the sexual harassment and the context in which the alleged incident(s) occurred. Penalties should reflect the severity of the incident(s).

Possible penalties for employees shall include, but not limited to, oral admonition, written reprimand, to be included in the individual's personnel file, probation, suspension with or without pay, ineligibility to receive merit pay for a state period of time, involuntary demotion, removal from administrative duties within a department, required professional counseling, and dismissal.

Possible penalties for students shall include, but not be limited to, oral admonition, disciplinary reprimand, disciplinary probation, suspension from the University for a stated period of time, and expulsion from the University.

The Sexual Harassment Officer shall review the Panel's proposed penalty in conjunction with any records of previous sexual harassment violations by the respondent and, if evidence of recidivism is found, may adjust the severity of the Panel's proposal accordingly.

In cases (a) where the respondent has been found guilty of sexual harassment and (b) where the Panel finds substantial reason to believe that the complainant may have been unfairly treated with respect to a grade, the Panel shall have the power to mandate to the respondent's **-504.24-**

department or program that the department or program appoint a committee of three faculty members to determine the student's grade. Unless extraordinary circumstances dictate otherwise, final determination of the student's grade by this committee shall be made within thirty (30) calendar days of the Panel's referral of the case to the department of program.

Within fourteen (14) calendar days, or, if briefs are to be submitted, within thirty (30) calendar days of the hearing, the Panel's written decision (including findings of fact and recommendations for penalty and relief, if any) shall be forwarded to the complainant, the respondent, and the appropriate Vice Chancellor.

The Sitting Panel's decision shall be implemented within ten (10) calendar days, unless a review at the Vice Chancellor's level is requested within that period.

## **2. Standard of Proof**

In cases where the allegations of sexual harassment are contested by the respondent, a violation of the Policy on Sexual Harassment shall be found only when there is a preponderance of evidence that a violation occurred. The Sitting Panel, the Vice Chancellors, and Chancellor shall be bound to make their determinations based on this standard of proof.

## **3. Vice Chancellor's Review**

Either party may request review within ten (10) calendar days of the date of the Panel's decision by filing a written petition with the respondent's Vice Chancellor. The petition shall set forth in detail the specific grounds upon which review is sought. The Vice Chancellor shall immediately forward a copy of the petition to the Sitting Panel and the other party. Upon review, the Vice Chancellor may affirm the decision of the Panel; request specific findings from the Panel; remand the matter for further hearing (either for reconsideration or because additional evidence has been presented which, for good reason, could not be presented at the hearing); or, following due consultation with the Sitting Panel, set aside or modify the decision, if he/she determines that the substantial rights of any party may have been prejudiced because the Panel's decision is:

- a. unsupported by substantial evidence; or
- b. in violation of constitutional provisions, academic freedom, or these procedures; or
- c. arbitrary, in abuse of discretion or in excess of the Panel's powers; or
- d. reflective of arbitrary or unreasonable adjustment in severity by the Sexual Harassment Officer on the basis of respondent recidivism.

The Vice Chancellor shall make his/her determination upon consideration of the entire record, indicating specific reasons for any change of the Panel's decision. Within twenty-one (21) calendar days of the request for review, his/her final written decision shall be sent to the complainant, the respondent and the Sitting Panel. This 21-day period shall include any time allotted to the Panel upon request of the Vice Chancellor for specific findings or further hearings. The final decision of the Vice Chancellor shall be implemented without delay.

#### **4. Reconsideration by the Chancellor**

Either party may request reconsideration within ten (10) calendar days of the date of the Vice Chancellor's decision by filing a written petition with the Chancellor. The provisions and procedures of the Vice Chancellor's review (see previous section) shall apply to the Chancellor's reconsideration. The decision of the Chancellor shall constitute final University disposition of the matter, and the parties shall, upon the rendering of the Chancellor's final decision, have exhausted their administrative remedies within the University.

#### **5. Retaliation**

No reprisal or retaliation of any kind shall be taken against any person participating in these procedures. Where there is an allegation that retaliatory action has been taken, immediate review of such allegation shall be granted by the respondent's Vice Chancellor. The person alleging retaliatory action shall set forth in detail, in a written petition, the facts which are the grounds for the allegation and the relief sought. The Vice Chancellor shall immediately notify the respondent of the charge and request a written response. If a case of retaliatory action is established to the satisfaction of the Vice Chancellor, in consultation with the Sitting Panel, the Vice Chancellor shall take immediate action to redress any and all negative consequences resulting from such retaliatory action.

#### **6. Retention of Records**

Records of the hearing process and any review or reconsideration shall be kept by the Affirmative Action Office for eight years. During that period, the records shall be available only to the Sexual Harassment Officer, the respondent's Vice Chancellor or the Chancellor. The records are also available pursuant to a judicial subpoena, subject to the provisions of the University's Fair Information Practices Regulations (Doc. T77-059). -

**504.26-**



**UNIVERSITY OF MASSACHUSETTS DARTMOUTH  
EQUAL OPPORTUNITY AND ANTI-HARASSMENT  
COMPLAINT PROCEDURES  
(Doc. T92-037)**

*Revised 11/6/02*

**I. UNIVERSITY POLICY AND CAMPUS RESPONSIBILITY**

These procedures are designed to implement the University's policies which require equal opportunity for all members of the University community and prohibit harassment of any member of the University community. Pursuant to Board of Trustees policies (Doc. T92-034 and T92-037), the University is committed to enforcing the requirements of applicable federal and state laws, including but not limited to Title VII of the Civil Rights Act of 1964 and Chapter 151B of the Massachusetts General Laws.

Furthermore, it is the policy of the University of Massachusetts to promote a University community that is free of harassment of any type, including sexual harassment. Harassment consists of unwelcome conduct, whether verbal or physical, that is based on a characteristic protected by law, such as sex, race, color, national origin, religion, age, disability, veteran status and/or sexual orientation. The University will not tolerate harassing conduct that affects employment or educational conditions, that interferes unreasonably with an individual's school or work performance, or that creates an intimidating, hostile, or offensive work or school environment.

Harassment of employees or students occurring on campus, in connection with work-related travel, and/or University sponsored events will not be tolerated. Further, retaliation against an individual who has complained about harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated.

The University takes allegations of harassment or violation of equal opportunity seriously and will respond promptly to complaints. Where it is determined that inappropriate conduct has occurred, the University will act promptly to eliminate the conduct and will impose corrective action as necessary, including disciplinary action where appropriate, which may include termination of employment or school-related discipline. Each campus is responsible for disseminating and enforcing the policy and procedures so that each member of the University community is aware of the policy and held responsible for his/her behavior. -

**504.27-**

## II. DEFINITIONS

### *Equal Opportunity*

Equal opportunity means the right to enjoy equal opportunity in employment, admission to, and participation in the University's programs and activities, the provision of University services, and the selection of vendors who provide services or products to the University, without regard to an individual's race, color, religion, sex, age, sexual orientation, national origin, disability, or veteran status.

### *Harassment*

"Harassment" means unwelcome conduct, whether verbal or physical, that is based on a characteristic protected by law. Harassment includes, but is not limited to:

1. Display or circulation of written materials or pictures that are degrading to a person or group as previously described.
2. Verbal abuse or insults about, directed at, or made in the presence of an individual or group as previously described.

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

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

Under these definitions, direct or implied requests by a faculty member, supervisor or other individual in a position of work or school authority for sexual favors in exchange for actual or promised job or school benefits such as favorable reviews, salary increases, promotions, increased benefits, continued employment, better grades, recommendations or other advantages constitutes sexual harassment.

The definition of sexual harassment is broad. In addition to the above examples, other unwelcome sexually oriented conduct, whether intended or not, that has the effect of creating a school or work environment that is hostile, offensive, intimidating or humiliating to either male -504.28-

or female students or employees also may constitute sexual harassment. Such conduct may include but is not limited to sexual epithets, jokes, comments, inquiries or gossip regarding one's sex life or sexual activity; displaying sexually suggestive objects, pictures or cartoons; and unwelcome leering, whistling, or brushing against the body or sexual gestures.

Unwelcome conduct may be considered harassment or sexual harassment depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness.

### **III. COMPLAINT PROCEDURES**

#### **A. Responsible Persons and Covered Individuals**

1. All members of the University community share responsibility for avoiding, discouraging and reporting any form of harassment or discrimination. The primary responsibility for ensuring that a proper investigation and resolution of discrimination or harassment complaints rests with the Assistant Chancellor for Equal Opportunity, Diversity, and Outreach (hereinafter, Assistant Chancellor/EO) or designee, who will administer the policy and procedures described herein.
  - a. The Assistant Chancellor/EO or designee will receive complaints, advise complainants and respondents about the University's procedures and options for responding to complaints, conduct investigations, and determine its findings.
  - b. The Vice Chancellors, Associate Chancellors, and Assistant Chancellors (hereinafter, Vice/Associate/Assistant Chancellors), working with the Assistant Chancellor/EO or designee, will see that all supervisors on the Dartmouth campus receive information and training concerning discrimination and harassment and understand the responsibilities of supervisors when complaints are received. In addition, the Vice/Associate/Assistant Chancellors have other responsibilities as described herein.
2. These procedures are available to any member of the University community who believes that he or she has been discriminated against or harassed. In addition, applicants; visitors; guest lecturers; contractors, their agents and employees may use these procedures where applicable to bring complaints against members of the University community whom they believe have engaged in discrimination or harassment in the course of the educational, work or other official activities of the University, such as sporting events or lectures. Members of the University community consist exclusively of students, faculty, and other full and part-time employees of the University of Massachusetts Dartmouth. These procedures are available regardless of whether the person alleging discrimination or harassment (the "complainant") has filed a complaint with any outside agency or court.
3. The Vice Chancellor for Student Affairs will be notified whenever the person accused of discrimination or harassment (the "respondent") is an undergraduate student. If the respondent is a graduate student, the Vice Chancellor for Academic Affairs/Director of the Graduate School will be notified. Whenever the respondent is an undergraduate or graduate student, the University reserves the right, in the sole discretion of the Assistant

Chancellor/EO or designee (but in consultation with the complainant), to follow the investigation and hearing procedures described in the Student Code of Conduct and Student Judicial Code instead of and in lieu of these procedures.

4. Those found to be in violation of the University of Massachusetts' discrimination or harassment policy will be subject to disciplinary sanctions. Disciplinary sanctions shall be based on the nature and severity of the offense as well as any record of prior disciplinary action imposed on the respondent. In general, sanctions may include, but are not limited to, one or more of the following: public apologies, public reprimands, written warnings, letters of reprimand, attendance at appropriate workshops, and, in the case of employees, suspension, denial of merit pay for a specified period of time, involuntary demotion, removal from administrative or supervisory duties, and/or termination of employment. Students may also be issued oral reprimands, put on disciplinary probation, suspended from the residence halls and/or the University for a stated period of time, and/or expelled from the residence halls and/or the University. In investigating complaints under this procedure, the University may impose discipline for inappropriate conduct without regard to whether the conduct constitutes a violation of the law and may take corrective action even if the conduct does not rise to the level of violating the University's equal opportunity and anti-harassment policies.

#### B. Initiating Complaints

- 1 . Prompt reporting of discrimination or harassment is in the best interest of the entire University community and is essential to a fair, timely and thorough investigation. Accordingly, complaints should be filed as soon as possible following the incident(s) at issue.
2. Notwithstanding any provision of this policy, the University reserves the right to investigate and take action on its own initiative in response to behavior and conduct which may constitute discrimination or harassment or otherwise be inappropriate, regardless of whether an actual complaint has been filed.
3. Attorneys are not permitted to be present or participate in the complaint procedures.
4. Initiating the Process:
  - a. In order to initiate a proceeding under this policy, the aggrieved individual(s) must first file an oral or written complaint with the Assistant Chancellor/EO or designee. The complainant initiates a filing process by meeting with the Assistant Chancellor/EO or designee who will explain the complaint procedures. When initiating the complaint process, the complainant should provide the following information:
    - i. all relevant facts, including the date(s) of the occurrence(s), the identity of all parties, the location(s) and circumstances of the behavior at issue, and any other information the complainant feels is relevant; **-504.30-**

- ii. the specific nature of the discrimination or harassment involved in the complaint;
- iii. other individuals who might be aware of or have knowledge of the situation;
- iv. what actions, if any, the complainant has taken as a result of the incident(s); and
- v. what remedy or relief is being sought (although the imposition of any particular remedy is in the discretion of the University).

### **C. Complaint Investigation**

1. After the complainant has provided the appropriate information, the Assistant Chancellor/EO or designee will conduct an investigation as appropriate to determine whether there has been a violation of the University's policy. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. When the Assistant Chancellor/EO or designee has completed the investigation he/she will, to the extent appropriate, inform the person filing the complaint and the respondent of the results of that investigation.

2. If the Assistant Chancellor/EO or designee determines that inappropriate conduct has occurred, he/she will recommend corrective action to the appropriate Vice/Associate/Assistant Chancellor in the case of a student, or to the individual's supervisor and the Vice/Associate/Assistant Chancellor responsible for the appropriate work unit in the case of an employee. Disciplinary or other action will be approved by the appropriate Vice Chancellor consistent with Section III, (A) (4) of the Equal Opportunity and Anti-Harassment Complaint Procedures.

1. Any individual who is aggrieved by disciplinary action imposed as a result of an investigation may, within ten working days of the imposition of the action, file a written appeal to the Chancellor. The Chancellor or designee will review the results of the Assistant Chancellor/EO or designee's investigation, the decision of the Vice/Associate/Assistant Chancellor, and the discipline imposed and will make a final decision regarding the discipline. Nothing in these procedures is intended to interfere with the right of any member of the University community to utilize other applicable grievance or appeal procedures following the imposition of corrective action.

2. Not all discrimination or harassment complaints require a detailed investigation process. Some complainants may wish to explore informal alternatives, which may involve, but are not limited to, one or more of the following:

- a. The Assistant Chancellor/EO or designee may counsel the complainant concerning options for responding to the problem on his/her own initiative, for example through oral or written communication with the respondent or the respondent's department head/supervisor (in the case of an employee) or an appropriate administrator (in the case of a student).

- b. The Assistant Chancellor/EO or designee may arrange for a meeting(s) and/or distribution of relevant policy statements and/or other forms of educational materials to the appropriate department, residential area, etc.
  - c. If both complainant and respondent agree, the Assistant Chancellor/EO or designee may arrange and facilitate a meeting between the parties in an attempt to reach a mutually acceptable resolution.
  - d. Other options may be pursued which are consistent with applicable laws and/or University policies and procedures.
- 3. It is the intention of the University that the process described herein be the sole process for investigating complaints of discrimination or harassment. Nothing in these procedures is intended to interfere with the University's right to investigate and take appropriate action with respect to any other conduct or behavior.
  - 4. The University reserves the right to discipline members of the University community who bring false complaints of discrimination. No complaint will be considered "false" solely because it cannot be corroborated.
  - 5. These procedures may be modified, revised or amended at the discretion of the University.

#### **IV. STATE AND FEDERAL REMEDIES**

In addition to the above, employees who believe they have been subjected to harassment may file a complaint with the respective state agency and/or the EEOC. Using the University's complaint process does not prohibit an employee from filing a complaint with these agencies. Each agency has a specific time period for filing a claim: the United States Equal Employment Opportunity Commission (EEOC) allows at least 180 days (may be longer in some circumstances), and the Massachusetts Commission Against Discrimination (MCAD) allows 300 days from the alleged incident or when the complainant became aware of the incident.

##### **The United States Equal Employment Opportunity Commission (EEOC)**

John F. Kennedy Federal Building, Room 475

Government Center

Boston, MA 02203

617 565 3200

TDD 617 565 3204 -504.32-

**The Massachusetts Commission Against Discrimination (MCAD)**

Boston Office: Springfield Office: Worcester Office:

One Ashburton Place, Room 601 424 Dwight Street, Room 220 22 Front Street, 5<sup>th</sup> Floor

Boston, MA 02108 Springfield, MA 01103 P.O. Box 8038

617 727 3990 413 739 2145 Worcester, MA 01641

508 799 6379

Students may also file complaints with the Massachusetts Commission Against Discrimination at the address listed above or with:

**The United States Department of Education**

**Office for Civil Rights**

John W. McCormack Post Office & Courthouse, Room 701

Boston, MA 02109-4557

617 223 9662

TDD 617 223 9695



## Department of Human Resources

### POLICY & GUIDANCE MEMORANDUM

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#### **#2008-06: Drug-Free Workplace**

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University policy requires that the following notice be distributed each year throughout the UMass Boston community.

The University of Massachusetts Boston, in accordance with both federal legislation and existing University policy, is committed to providing a drug-free, healthful, and safe environment for all employees.

In the event that an employee is observed to be under the influence of drugs or alcohol during work hours, appropriate disciplinary action is to be taken. The progression of actions, from the least to the most severe, is the following:

1. The immediate supervisor will discuss his/her concerns and observations with the employee. He/she will recommend that the employee seek professional assistance and will suggest a referral to a substance abuse counseling/rehabilitation program. This will occur on an informal (verbal) basis and will not be included in the employee's personnel record. Appropriate arrangements will be made to ensure that the employee reaches his/her home safely that day.
2. Should there be a repeat occurrence, a formal written warning will be given, and again, the employee will be encouraged to utilize the services of a counseling/rehabilitation program.
3. Any continued use by the employee of drugs and/or alcohol at work will result in a suspension from work ranging from one to five days. At this time, the employee will be required to utilize the services of a counseling/rehabilitation program as a condition of employment.
4. Further use in the workplace of drugs and/or alcohol or failure to utilize the services of a counseling/rehabilitation program will result in a longer suspension and/or termination.

All employees will have available the appropriate hearing and grievance procedures during these disciplinary actions.

In addition, under the terms of the Drug Free Workplace Act, any employee engaged in the performance of a federal grant must, as a condition of employment, notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such a conviction.

Upon notification by an employee the University must, within 30 days of receiving such notification with respect to any employee who is so convicted:(1) Take appropriate personnel



action against such an employee, up to and including termination, or (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program. The University recognizes alcohol and drug dependency as an illness and a major health problem. Alcohol is the number one drug problem in the country. Drinking alcohol has acute effects on the body. It impairs judgment, vision, coordination and speech and often leads to dangerous risk-taking behavior. These may include drunken driving, injuries and serious accidents. Nearly half of all accidental deaths, suicides and homicides are alcohol related. The misuse of alcohol is often involved in violent behavior, acquaintance rape, unintended pregnancies, and the exposure to sexually transmitted diseases. Long-term excessive drinking and drug use can lead to a wide variety of health problems in many different organ systems.

The use of drugs and alcohol can cause physical and psychological dependence. They can interfere with memory, sensation and perception. Drugs impair the brain's ability to synthesize information. Regular users of drugs develop tolerance and physical dependence often experienced by withdrawal symptoms. The psychological dependence occurs when the drug taking becomes central to the user's life.

### **Finding Help for Alcohol and Other Drug Problems**

Many people with alcohol or other drug problems can be treated successfully entirely on an outpatient basis and do not have to interrupt their work and home lives. Outpatient programs exist in a variety of settings, including community mental health centers, family service agencies, private physicians' and therapists' offices, and specialized treatment facilities.

Inpatient services, designed for those with more serious alcohol problems, can be found in hospitals, residential care facilities and community half-way houses.

### **Paying for Treatment**

If you are covered by an insurance plan through the Group Insurance Commission or another healthcare provider, your insurance will pay for a portion of treatment for alcohol or other drug problems. Each plan has different provisions, but all provide some level of coverage. Contact your plan for information as to how you access treatment.

### **Employee Assistance Program**

UMass Boston is pleased to offer LifeWorks to all its employees. LifeWorks is a comprehensive employee assistance program that provides confidential consultants you can call on the phone 24/7, as well as an award-winning website where you can read helpful articles, order free materials and resources, and much more.

To contact LifeWorks, call 888-267-8126 or visit LifeWorks online at [www.lifeworks.com](http://www.lifeworks.com) (user id:umass, password: lifeworks). To speak with a Spanish speaking consultant, call 888-732-9020. ~~For TTY/TDD service, call 800-346-9188. For additional information about how~~

April 3, 2008

University of Massachusetts Boston  
Department of Human Resources  
100 Morrissey Blvd.  
Boston, Massachusetts 02125  
(617) 287-5150  
[www.umb.edu/hr](http://www.umb.edu/hr)

to use the program or about LifeWorks' management line for supervisors and managers, contact the Department of Human Resources at 617/287-5150.

### **The Health Education and Wellness Center of University Health Services**

The Health Education & Wellness Center is staffed by persons who can provide information about local referral resources available to you even if you do not have medical insurance. The Health Education & Wellness Center also has a variety of brochures and pamphlets, as well as general information related to alcohol and other substance abuse issues.

The Health Education & Wellness Center also provides training to the campus community on a number of topics related to substance abuse. For more information about the services of the Health Education & Wellness Center stop by the Campus Center room 2017, call 287-5680, or visit their website at [www.umbwellness.org](http://www.umbwellness.org).

### **Summary of Massachusetts Substance Abuse Laws**

- Massachusetts law prohibits the sale or delivery of alcoholic beverages to persons under 21 years of age, with a fine of up to \$2,000 and 1 year imprisonment, or both, for violations. Misrepresenting one's age or falsifying an identification to obtain alcoholic beverages is punishable by a fine of \$200 and up to 3 months imprisonment.
- A first conviction for driving under the influence of alcohol has a penalty of a \$500 up to \$5,000 fine, a revocation of one's driver's license, up to two½ years in prison, and mandatory participation in an alcohol rehabilitation program.
- Cities and towns in Massachusetts prohibit public consumption of alcohol and impose fines for violations. The Metropolitan District Commission also prohibits public consumption of alcohol in its parks.
- Criminal penalties for the illicit use of controlled substances ("drugs") vary with the type of drug. In general, narcotics, addictive drugs, and drugs with a high potential for abuse, have heavier penalties.
- Possession of controlled substances is illegal without valid authorization. While penalties for possession are generally not as great as for manufacture and distribution of drugs, possession of a relatively large quantity may be considered distribution. Under both State and Federal laws, penalties for possession, manufacture and distribution are much greater for second and subsequent convictions. Many of these laws dictate mandatory prison terms and require that the full minimum term be served.
- Massachusetts law makes it illegal to be in a place where heroin is kept and to be "in the company" of a person known to possess heroin. Anyone in the presence of heroin at a private party risks a serious drug conviction. Sale and possession of "drug paraphernalia" is also illegal in Massachusetts.

- It is illegal in Massachusetts to aid or abet a person under the age of 18 in dispensing, distributing or possessing with the intent to distribute or sell a controlled substance. Conviction leads to a minimum term of five years in prison.

### **Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance**

- 21 U.S.C. 844(a)

1st conviction: Up to 1 year imprisonment and fined at least \$1,000 but no more than \$100,000, or both.

After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2,500

After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5,000 but no more than \$250,000, or both.

special sentencing provision for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years and fined up to \$250,000, or both, if:

- (a) 1st conviction and the amount of crack possessed exceeds 5 grams.
- (b) 2nd crack conviction and the amount of crack possessed exceeds 3 grams.
- (c) 3rd or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

- **21 U.S.C. 853(a)(2) and 881 (a)(7)**

**Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment. (See special sentencing provisions re: crack)**

- **21 U.S.C. 881(a)(4)**

**Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.**

- **21 U.S.C. 844a**

**civil fine of up to \$10,000 (pending adoption of final regulations.)**

- **21 U.S.C. 853a**

**Denial of Federal benefits, such as student loans, grants, contracts, and professional commercial licenses, up to 1 year for the first offense, up to 5 years for second and subsequent offenses.**

- **18 U.S.C. 922(g)**

**Ineligible to receive or purchase a firearm.**

- **Miscellaneous**

**Revocation of certain Federal licenses and benefits, e.g., pilot licenses, public housing tenancy, etc., are vested within the authorities of individual Federal agencies**

**UNIVERSITY OF MASSACHUSETTS  
FRAUDULENT FINANCIAL ACTIVITIES GUIDELINES  
(Doc. T00-051)**

**GUIDELINES**

These Guidelines are issued pursuant to the **Board of Trustees' Policy Statement on Fraudulent Financial Activities (Doc. T00-051, adopted August 2, 2000)**. Described herein are the steps to be taken when fraud, misappropriation, or similar dishonest activities are suspected.

Each campus will be responsible for developing procedures designed to comply with this University Guideline and informing all employees of the Policy on Fraudulent Financial Activities.

**GENERAL PROTOCOL – REPORTING PROCEDURE**

Anyone who believes fraud has occurred should report such incident. Employees are protected under Massachusetts General Law, Chapter 149, section 185, from retaliatory actions by the employer.

Use the channel of communication with which you are most comfortable. Accordingly, you may report your concerns to your immediate supervisor, department head, campus audit liaison, vice chancellor, chancellor, and/or directly to the University Auditor's Office or their campus police department.

Immediate supervisors, department heads, campus audit liaisons, vice chancellors, and chancellors must report all apparent cases of fraud brought to their attention to the University Auditor's Office, and if appropriate, to their campus police department. Please see the last section of this guideline for situations deemed Non-Fraud Irregularities, and reference the definition of fraud in Doc. T00-051.

**RESPONSIBILITIES**

University administrators and all levels of management are responsible for establishing and maintaining proper internal controls that provide security and accountability for the resources entrusted to them.

Administrators should be familiar with the risks and exposures inherent in their areas of responsibility and be alert for any indications of improper activities, misappropriation, or dishonest activity.

If the situation warrants immediate action – for example, obvious theft has taken place, security is at risk, or immediate recovery is possible – management and non-managerial staff receiving reports should immediately contact the responsible campus police department. In addition, follow the “General Protocol - Reporting Procedure.”

Responsibilities of management and non-managerial staff for handling fraudulent activities include the following:

- Insure that notification promptly reaches the University Auditor's Office and the campus police department. Refer to the “General Protocol - Reporting Procedure.”
- Do not contact the suspected individual to determine facts or demand restitution. Under no circumstances should there be any reference to “what you did”, “the crime”, “the fraud”, “the forgery”, “the misappropriation”, etc.
- Managers should consult with campus or University human resources departments and University Counsel to determine if any immediate personnel actions are necessary.

- *Do not discuss the case, facts, suspicions, or allegations with anyone*, unless specifically directed to do so by the University Counsel, campus police, human resources, or the University Auditor's Office.
- Direct all inquiries from any suspected individual, his or her representative, or his or her attorney to the University General Counsel. Direct all inquiries from the media to the campus news office.

The University Auditor's Office may investigate any suspected dishonest or fraudulent activity, which, in its opinion, may represent risk of significant loss of assets or reputation to the University. The University Auditor's Office may work with internal or external departments, such as the University General Counsel's Office, University and campus human resources departments, campus police departments, and Commonwealth law enforcement agencies, as circumstances may require.

Campus management will support the University's responsibilities and will cooperate with the University Auditor's Office and law enforcement agencies in the detection, reporting, and investigation of fraudulent acts, including prosecution of offenders. The University Auditor's Office has full, free and unrestricted access to all records and personnel of the University. Every effort should be made to effect recovery of University losses from responsible parties or through University insurance coverage.

*Great care must be taken in dealing with suspected fraudulent activities to avoid any incorrect accusations, alerting suspected individuals that an investigation is under way, violating any person's right to due process, or making statements that could lead to claims of false accusation or other civil rights violation.*

## **INVESTIGATION RESPONSIBILITIES**

The University Auditor's Office will evaluate reported situations involving possible impropriety in financial matters pertaining to the University and make inquiries to the extent necessary to determine whether the allegation has substance. The campus audit liaison will be kept apprised of these activities. *The University Auditor's Office is available and receptive to receiving relevant information on a confidential basis and may be contacted directly whenever a fraudulent activity is suspected.*

When warranted, an internal investigation will be conducted. The Auditor's Office will proceed as follows if evidence is uncovered showing possible dishonest or fraudulent activities.

- Notify the campus audit liaison, respective area management and University General Counsel.
- Advise management to meet with the campus human resources director to determine if any immediate disciplinary personnel actions should be taken.
- Coordinate the notification of insurers and filing of claims with the Treasurer's Office Risk Manager. The Treasurer is responsible for notifying the bonding companies and filing bonding claims.
- Advise the campus on requirements to notify the Office of the State Auditor as required by Chapter 647 of the Acts of 1989.
- If federal funds are involved, determine the required federal reporting in cooperation with University General Counsel.

- If illegal activity is indicated, the responsible campus police department will be notified to coordinate the investigation. If illegal activity appears to have occurred, the findings will be reported to the appropriate agency for review, such as the District Attorney and/or Attorney General. This will be coordinated with University General Counsel.
- The University Auditor's Office will review the results of any investigations with responsible management and cognizant administrators as necessary, making recommendations for improvement to the systems of internal control.

### **NON-FRAUD IRREGULARITIES**

Identification or allegations of acts outside the scope of this policy, such as personal improprieties or irregularities, whether moral, ethical, or behavioral, safety or work environment related, or complaints of discrimination or sexual harassment, should be resolved by the respective area management in conjunction with human resources and/or reference to any other existing University guidance or resource. Examples include the scholarly and research misconduct policy, the principles of employee conduct, the policy against intolerance, the sexual harassment policy, and the MGL Chapter 268A conflict of interest law (this list is not all-inclusive). The campus Ombuds Office or Equal Opportunity Office may also be of assistance.

The University Auditor's Office or University General Counsel may be contacted if guidance is needed to determine if an action might constitute fraud as defined in this policy.

**DOC. T96-136, as amended**

**Passed by the BoT**

**12/4/96**

**PRINCIPLES OF EMPLOYEE CONDUCT  
UNIVERSITY OF MASSACHUSETTS**

Institutions of higher education are entrusted with great resources and commensurably great responsibilities. They must meet their mission of research, teaching, and service in ways that truly enrich the society that supports them and truly serve the students, parents, and alumni who in joining the university community become life-long members of the extended university learning family. College and university leaders play a key role in assuring that high standards of ethical practice attend to the delivery of services to their various constituents and to the custody and use by all their faculty, staff and students of the resources entrusted to them. The University of Massachusetts embraces the values expressed in these Principles of Employee Conduct and expects their observance by all its employees.

University employees are entrusted with public resources and are expected to understand their responsibilities with respect to conflicts of interest and to behave in ways consistent both with law and with University policy.

University employees are expected to be competent and to strive to advance competence both in themselves and in others.

The conduct of University employees is expected to be characterized by integrity and dignity, and they should expect and encourage such conduct by others.

University employees are expected to be honest and conduct themselves in ways that accord respect to themselves and others.

University employees are expected to accept full responsibility for their actions and to strive to serve others and accord fair and just treatment to all.

University employees are expected to conduct themselves in ways that foster forthright expression of opinion and tolerance for the view of others.

University employees are expected to be aware of and understand those institutional objectives and policies relevant to their job responsibilities, be capable of appropriately interpreting them within and beyond the institution, and contribute constructively to their ongoing evaluation and reformulation.

The University is responsible for communicating to University employees the content of these Principles of Employee Conduct and for ensuring that the standards of conduct contained herein are met.

The University expects to provide its employees:



a work environment that is professional and supportive;

a clear sense of the duties of their job, the procedures for performance review, and access to relevant University policies and procedures;

within the scope of each employee's assigned areas of authority and responsibility, the duty to exercise appropriate judgment and initiative in performing duties;

the right to seek appropriate review of matters that violate the ethical principles contained in these Principles.

C

## Statement Concerning Your Employment in a Job Not Covered by Social Security

**Employee Name:** \_\_\_\_\_

**Employee ID #** \_\_\_\_\_

**Employer Name:** University of Massachusetts Boston

**Employer ID#** UMS/1271

Your earnings from this job are not covered under Social Security. When you retire, or if you become disabled, you may receive a pension based on earnings from this job. If you do, and you are also entitled to a benefit from Social Security based on either your own work or the work of your husband or wife, or former husband or wife, your pension may affect the amount of the Social Security benefit you receive. Your Medicare benefits, however, will not be affected. Under the Social Security law, there are two ways your Social Security benefit amount may be affected.

### **Windfall Elimination Provision**

Under the Windfall Elimination Provision, your Social Security retirement or disability benefit is figured using a modified formula when you are also entitled to a pension from a job where you did not pay Social Security tax. As a result, you will receive a lower Social Security benefit than if you were not entitled to a pension from this job. For example, if you are age 62 in 2005, the maximum monthly reduction in your Social Security benefit as a result of this provision is \$313.50. This amount is updated annually. This provision reduces, but does not totally eliminate, your Social Security benefit. For additional information, please refer to the Social Security publication, "Windfall Elimination Provision."

### **Government Pension Offset Provision**

Under the Government Pension Offset Provision, any Social Security spouse or widow(er) benefit to which you become entitled will be offset if you also receive a Federal, State or local government pension based on work where you did not pay Social Security tax. The offset reduces the amount of your Social Security spouse or widow(er) benefit by two-thirds of the amount of your pension.

For example, if you get a monthly pension of \$600 based on earnings that are not covered under Social Security, two-thirds of that amount, \$400, is used to offset your Social Security spouse or widow(er) benefit. If you are eligible for a \$500 widow(er) benefit, you will receive \$100 per month from Social Security,  $\$500 - \$400 = \$100$ . Even if your pension is high enough to totally offset your spouse or widow(er) Social Security benefit, you are still eligible for Medicare at age 65. For additional information, please refer to the Social Security publication, "Government Pension Offset."

### **For More Information**

Social Security publications and additional information, including information about exceptions to each provision, are available at [www.socialsecurity.gov](http://www.socialsecurity.gov). You may also call toll free 1-800-772-1213, or, for the deaf or hard of hearing, call the TTY number 1-800-325-0778, or contact your local Social Security office.

**I certify that I have received Form SSA-1945 that contains information about the possible effects of the Windfall Elimination Provision and the Government Pension Offset Provision on my potential future Social Security benefits.**

**Signature of Employee** \_\_\_\_\_

**Date** \_\_\_\_\_

**Information about Social Security Form SSA-1945,  
Statement Concerning Your Employment in a Job Not Covered by Social Security**

New legislation [Section 419(c) of Public Law 108-203, the Social Security Protection Act of 2004] requires State and local government employers to provide a statement to employees hired January 1, 2005 or later in a job not covered under Social Security. The statement explains how a pension from that job could affect future Social Security benefits to which they may become entitled.

Form SSA-1945, **Statement Concerning Your Employment in a Job Not Covered by Social Security**, is the document that employers should use to meet the requirements of the law. The SSA-1945 explains the potential effects of two provisions in the Social Security law for workers who also receive a pension based on their work in a job not covered by Social Security. The Windfall Elimination Provision can affect the amount of a worker's Social Security retirement or disability benefit. The Government Pension Offset Provision can affect any possible Social Security benefit entitlement as a spouse or an ex-spouse.

Employers must:

- Give the statement to the employee prior to the start of employment;
- Get the employee's signature on the form; and
- Submit a copy of the signed form to the pension paying agency.

Social Security will not be setting any additional guidelines for the use of this form.

Copies of the SSA-1945 are available online at the Social Security website, [www.socialsecurity.gov/form1945](http://www.socialsecurity.gov/form1945). Paper copies can be requested by email at [oplm.oswm.rqct.orders@ssa.gov](mailto:oplm.oswm.rqct.orders@ssa.gov) or by fax at 410-965-2037. The request must include the name, complete address and telephone number of the employer. Forms will not be sent to a post office box. Also, if appropriate, include the name of the person to whom the forms are to be delivered. The forms are available in packages of 25. Please refer to Inventory Control Number (ICN) 276950 when ordering.



UNIVERSITY OF MASSACHUSETTS BOSTON  
DEPARTMENT OF HUMAN RESOURCES

DIRECT DEPOSIT FORM

**Instructions:** Direct Deposits are distributed to accounts in order of the priority, starting with Deposit Priority 1. The total of the percentages cannot exceed 100%. "New" and "Update" deposits will take one pay period to take effect.

EMPLOYEE INFORMATION

First Name	Middle Name	Last Name	
Employee ID	Telephone	Department	<input type="checkbox"/> Staff <input type="checkbox"/> Student

DEPOSIT INFORMATION

<input type="checkbox"/> New <input type="checkbox"/> Update <input type="checkbox"/> Delete	Effective Date	Status <input type="checkbox"/> Active <input type="checkbox"/> Inactive	Account Type <input type="checkbox"/> Checking <input type="checkbox"/> Savings
	Deposit Type: (CHECK ONE) <input type="checkbox"/> Balance <input type="checkbox"/> Percent: <input type="checkbox"/> Amount:		
	Bank ID (Routing Number)	Account Number	Priority

<input type="checkbox"/> New <input type="checkbox"/> Update <input type="checkbox"/> Delete	Effective Date	Status <input type="checkbox"/> Active <input type="checkbox"/> Inactive	Account Type <input type="checkbox"/> Checking <input type="checkbox"/> Savings
	Deposit Type: (CHECK ONE) <input type="checkbox"/> Balance <input type="checkbox"/> Percent: <input type="checkbox"/> Amount:		
	Bank ID (Routing Number)	Account Number	Priority

<input type="checkbox"/> New <input type="checkbox"/> Update <input type="checkbox"/> Delete	Effective Date	Status <input type="checkbox"/> Active <input type="checkbox"/> Inactive	Account Type <input type="checkbox"/> Checking <input type="checkbox"/> Savings
	Deposit Type: (CHECK ONE) <input type="checkbox"/> Balance <input type="checkbox"/> Percent: <input type="checkbox"/> Amount:		
	Bank ID (Routing Number)	Account Number	Priority

<input type="checkbox"/> New <input type="checkbox"/> Update <input type="checkbox"/> Delete	Effective Date	Status <input type="checkbox"/> Active <input type="checkbox"/> Inactive	Account Type <input type="checkbox"/> Checking <input type="checkbox"/> Savings
	Deposit Type: (CHECK ONE) <input type="checkbox"/> Balance <input type="checkbox"/> Percent: <input type="checkbox"/> Amount:		
	Bank ID (Routing Number)	Account Number	Priority

AUTHORIZATION AGREEMENT FOR EMPLOYEE DIRECT PAYROLL DEPOSIT(S)

I hereby authorize the University of Massachusetts to deposit my net pay as indicated above at the financial institution(s) named above. I understand the University of Massachusetts may cause my account to be adjusted to the extent necessary to correct any over-deposit and I agree to hold the above named financial institution(s) harmless for any erroneous deposits or adjustments not caused by the financial institution(s).

It is also understood that I may terminate this agreement at any time by written notification to the University of Massachusetts. Any such notification to the University of Massachusetts shall be effective only with respect to the entries initiated by the University after receipt of such notification and reasonable opportunity to act upon it. Any such notification to the bank by the employee is unacceptable. The bank may terminate this agreement by written notice to the employee for just cause.

Employee

Date

Human Resources Designee

Date