



## **Human Resources Policies and Procedures Manual Statement**

The contents of this Human Resources Policies and Procedures Manual are guidelines to managers and employees. Neither this manual nor any other guidelines, policies, practices or oral statements by any management representative shall constitute the creation of an employment contract. Mercy College has the right, with or without notice in any individual case or generally, to change any of its guidelines, policies, practices, working conditions or benefits at any time. The Human Resources Policies and Procedures will be posted on the intranet and it is the responsibility of each employee to review them at regular intervals to keep abreast of any changes that may have been made. New hires are required to sign an attestation acknowledging access to these policies and their responsibility to read the said policies at regular intervals to maintain currency.

No one is authorized to provide any employee with an employment contract or special arrangement concerning terms or conditions of employment unless the contract or arrangement is in writing and signed by an authorized Human Resources Representative. Employment with Mercy College may be terminated at any time with or without cause or reason and with or without notice by the employee or Mercy College.

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SUBJECT:	<b>Collective Bargaining Agreements</b>
REVIEWED AND REVISED: 11/8/05	
PRESIDENT'S APPROVAL: 11/8/05	

**I. POLICY**

- a. Mercy College recognizes that many of its employees are represented by collective bargaining units. To the extent that any of the policies contained herein conflict with the terms and conditions as set forth in a collective bargaining agreement, the collective bargaining agreement shall govern.
- b. Mercy College currently has a collective bargaining agreement with:
  - Local 2110 UAW AFL-CIO

SUBJECT:	<b>Employment-At-Will</b>
REVIEWED AND REVISED: 11/08/05	
PRESIDENT'S APPROVAL: 11/08/05	

## I. **POLICY**

- a. Mercy College's Human Resources Policies and Procedures Manual has been created solely to provide guidelines to managerial and supervisory employees for handling various employee related issues. This Manual **is not** a contract between Mercy College and any employee. Mercy College expressly reserves the right to modify, clarify, change or delete any of the policies contained therein without notice to employees at any time.
- b. Mercy College's Employee Handbook outlines the policies, rules and regulations related to employment at Mercy College. Each employee is responsible for reading and becoming familiar with the policies in the Employee Handbook and abiding by them during his/her employment. The Mercy College Employee Handbook is not a contract between Mercy College and any employee. Mercy College expressly reserves the right to modify, clarify, change or delete any of the policies contained therein without notice to employees at any time.
- c. Employment with Mercy College is at will except where a Collective Bargaining Agreement exists. Neither the Human Resources Policies and Procedures Manual nor the Employee Handbook nor any other communication (oral or written) by a management representative is intended to, in any way, create a contract of employment. Employment is voluntarily entered into by both parties and an employee is free to resign at any time. Similarly, Mercy College shall have the right to terminate an employment relationship where it believes it is appropriate at any time for any reason with or without cause.

SUBJECT:	<b>Rules of Conduct</b>
REVIEWED AND REVISED: 11/08/05	
PRESIDENT'S APPROVAL: 11/08/05	

**MERCY COLLEGE RULES:** Common sense, good judgment and appropriate personal behavior are part of the essential responsibility of every employee of Mercy College. The following are some but not all of the violations that are considered serious and may result in disciplinary action or termination:

1. Falsification of employment records or other College records
2. Excessive unauthorized absenteeism or lateness
3. Excessive socializing while working
4. Unauthorized absence from work area
5. Loafing or sleeping while on duty
6. Failure to follow instructions or refusal to accept a job assignment
7. Insubordination
8. Use of vile, intemperate or abusive language
9. Use or unauthorized possession of intoxicants on College premises, or reporting to work under the influence of alcohol
10. Illegal use and/or possession of narcotics
11. Possession of a weapon on Mercy College premises
12. Gambling, conducting raffles, pools or other games of chance or possession of gambling devices on College premises
13. Unauthorized sale of merchandise, tickets or services
14. Larceny, misappropriation, or unauthorized possession or use of property belonging to the College or to any other employee, or visitor

15. Negligent or deliberate destruction or misuse of College property or property of another employee, student or visitor.
16. Creating unsafe or unsanitary conditions, or contributing to such condition by an act of omission
17. Smoking in unauthorized areas
18. Unauthorized possession, use, copying or reading of College records, or disclosure of information contained in such records to unauthorized persons
19. Threatening, intimidating or coercing students, visitors or other employees
20. Fighting, horseplay, or other disorderly conduct or annoying visitors or other employees on College premises
21. Soliciting and/or accepting gratuities from visitors, vendors, occupants of College housing and off campus housing, or other employees
22. Unauthorized use of Mercy College telephones for personal business
23. Poor personal hygiene or improper clothing while on duty on College premises
24. Any willful act or conduct detrimental to Mercy College operations.

SUBJECT:	<b>CHANGE OF EMPLOYMENT STATUS</b>
REVIEWED AND REVISED: 11/8/05	
PRESIDENT'S APPROVAL: 11/8/05	

## **I. POLICY**

The "Personnel Action" form (PAF) must be executed to effect personnel actions.

## **II. PROCEDURE**

- a. A Human Resources Representative will complete the (PAF) form and forward it to the supervisor and executive representative responsible for that department for signature when one of the following actions occur:
  - An employee is to receive any adjustment in pay;
  - An employee is transferring from one department to another;
  - An employee changes job title, or employment status (for instance, Full Time to Part Time, Temporary to Full Time, or any other status changes);
  - An employee resigns, retires, and is terminated or reinstated by Mercy College.
- b. The PAF form should be returned to the Human Resources Department in advance of the effective date of the personnel action.
- c. In the case of termination, the supervisor will be required to sign the PAF immediately and forward time and attendance records to Payroll so that a final check can be prepared as soon as possible.
- d. When changes are required, the information should be sent to the Human Resources Department who will prepare the PAFs for signatures.

SUBJECT:	<b>Temporary Workers</b>
REVIEWED AND REVISED:	
PRESIDENT'S APPROVAL:	

**I. POLICY**

- a. It is the policy of Mercy College to retain temporary workers when appropriate.

**II. PROCEDURE**

- a. Supervisors may request temporary workers to replace someone on a leave of absence or when a job is for a limited duration.
- b. Requests for temporary workers must be made using the appropriate form available from the Human Resources Department (Personnel Request Form (PRF)—**See Appendix**). The forms should be submitted to the executive member responsible for the department for signature and then forwarded to Human Resources. The Department Manager making the request must identify funding by consulting with the Director of Budgeting.
- c. Approval from the Executive Staff member responsible for the department and Human Resources is required prior to the employment of any temporary worker.
- d. Temporary workers are not eligible for any Mercy College benefits.
- e. Temporary placements may be terminated at any time for any reason. Whenever possible, Mercy College will give advance notice to the worker of the anticipated duration of their temporary assignment. Notice of the anticipated duration of the assignment is not a guarantee of employment for any length of time.
- f. Temporary workers who undertake new temporary assignments are not converted to regular employees.
- g. Temporary workers may not be employed for more than 6 consecutive months.

- g. If a temporary worker seeks to change status to a regular employee, the following applies:
- The individual must complete the employment recruitment process including submitting an application for employment with College, an interview, and verification of references by Human Resources.
  - If the period of temporary placement exceeded three months of continuous employment, a performance review should be done when the change of status occurs unless the temporary placement spans several placements with Mercy College. If a salary increase is appropriate, it will be given at that time.
  - The employee will be given regular status as of the date the employee converts from temporary to regular status, and that date should be used for determining benefits eligibility.
- h. Temporary workers may not be employed for more than 6 consecutive months.

SUBJECT:	<b>Orientation Programs</b>
REVIEWED AND REVISED:	11/8/05
PRESIDENT'S APPROVAL:	11/8/05

## I. **POLICY**

It is the policy of Mercy College that all new employees attend an orientation program conducted by the Human Resources Department followed by a departmental orientation program conducted by his/her Supervisor. Employees who are promoted and/or transferred to a new position must also complete the departmental orientation program. The length of the departmental orientation program will vary depending on the position but will generally not exceed two (2) weeks.

## II. **PROCEDURE**

### a. **Human Resources Orientation**

Newly hired employees are required to attend an orientation program conducted by the Human Resources Department at which time the employee will be provided with the appropriate forms, including benefit, payroll and tax forms. The Employee Handbook will be distributed for review prior to the quarterly scheduled new hire orientation. Employees are responsible for ensuring timely submission of any and all forms to the Human Resources Department.

Once per quarter the Human Resources Department will conduct a new hire orientation. This orientation will be a standing meeting for all new hires hired up to that date to get acquainted with the college, its leadership, structure, corporate departments, mission, values and key policies and procedures. The Employee Handbook will be discussed at this orientation.

### b. **Departmental Orientation**

There is a departmental orientation for all newly employed staff. The supervisor will be responsible for providing the orientation. The departmental orientation will cover general departmental policy and procedures and will have added special content as indicated by job title. Ongoing discussions will be scheduled on an individual basis by the employee and their supervisor. The schedule below is a guide that may be applied as appropriate. The items covered in Day 1 through to 5 are mandatory for all departmental orientations.

## **Sample Schedule**

### **Day #1**

- Introduction to Staff.
- Tour of building with a focus on specific work area.
- Explanation of Services provided at the specific department.
- Review location of attendance sheets, if appropriate, schedules, personal space (lockers, office, staff lounge) procedure manuals.
- Review and sign job description.
- Discussion of work expectations and departmental culture.
- Discussion of probationary evaluation and annual evaluation process.
- Assignment to staff member for observation of job functions and schedule specific training, determined by job description.

### **Day #2**

- Review of observations/questions/concerns from Day #1.
- Review Policies and Procedures Manual(s) pertaining to specific job title and department.
- Assignment to observe and participate in specific work functions in work area.

### **Day #3**

- Review of observations/questions/concerns from Day #2.
- Review Policies and Procedures Manual(s) as appropriate.
- Review of Emergency Procedures:
  - Fire Plan
  - Disaster Plan
- Assignment to staff member for work in specific area (Shadowing & Observation).

### **Day #4**

- Review of observations/questions/concerns from Day #3.
- Discuss and plan for additional work experience and evaluation as necessary.
- Assignment to staff member for work day (Shadowing/Observation/Practice).

### **Day #5**

- Review of observations/questions/concerns from Day #4.
- Assignment to staff member for work day (Practice and Observation)
- Assignment to staff member for Day #6 - Day #10.

**Day # 6 - 10**

- Practice and review of policies as appropriate.
  - Cross-training as appropriate.
  - Debriefing conference to provide feedback on performance.
- c. Attendance at both orientation programs is mandatory.
- d. Attendance at orientation will be considered time worked for payroll purposes if it is on or after the date of hire.

SUBJECT:	<b>Job Descriptions</b>
REVIEWED AND REVISED:	11/8/05
PRESIDENT'S APPROVAL:	11/8/05

## **I. POLICY**

It is the policy of Mercy College to have written job descriptions for each authorized job title.

## **II. PROCEDURE**

- a. Job descriptions shall set forth the job title, essential job functions, duties and responsibilities, education required, experience required and other employment specifications, including physical demands where applicable.
- b. The job description and any subsequent changes to it shall be initiated by the Manager, who will then consult with the executive member to whom the department reports and the Human Resources Department in order to finalize the job description and assure that the job is properly compensated according to Mercy College salary administration plans. Job titles and salaries must be approved by Human Resources before implementation.
- c. The job description shall:
  - Provide a complete and factual basis for job classifications and evaluation;
  - Clarify job duties and responsibilities; and
  - Aid in supervision and discussion of job performance with the employee
- d. The job description must be discussed with new employees at the time of hire and annually at the time of their performance evaluation.
- e. An employee may, upon request, review his/her written job description with his/her Supervisor.
- f. All job descriptions must be signed and dated by the employee performing the job functions and his/her supervisor.

- g. All job descriptions shall include the following language “any other duties as may be assigned”. Job descriptions may state that the employee must have the ability to work in multiple locations regularly or to provide coverage without notice and with a minimum of disruption at the discretion of the President or his/her designees.
- h. Employees who feel that the “any other duties” is exorbitant may go to their executive staff member to discuss the issue.

SUBJECT:	<b>Employment References/Verification</b>
REVIEWED AND REVISED:	
PRESIDENT'S APPROVAL:	

## **I. POLICY**

It is the policy of Mercy College to verify employment references and performance information before a candidate is hired and to reply to routine inquiries for employment verification on current and former employees.

## **II. PROCEDURE**

- a. As part of the Mercy College application process, prospective employees will be required to sign an authorization for release of previous employment information and academic credentials.
- b. When requests for references come from other organizations, managerial and supervisory employees will be permitted to provide employment references only after completion of training provided by the Human Resources Department. Managers/Supervisors that have not been trained must refer all reference requests to the Human Resources Department. All other employees are prohibited from providing references on behalf of Mercy College.
- c. Information gained through reference checks is considered confidential and shall not be revealed to anyone who is not directly responsible for Mercy College's hiring decision. Employees reviewing their own personnel file may not review pre-employment records, including references.
- d. All requests by other organizations for employment verification and performance information must be accompanied by a signed authorization from the employee or such requests will not be honored.
- e. All other inquiries for information on former or current employees will be provided if requested by court order or by a Federal or State agency which possesses a legal mandate for the receipt of the information or to other organizations with a signed authorization from the employee for the release of the information.
- f. Such information will be limited to confirmation of dates of employment, salary, position held and any documented performance and/or disciplinary action as is stored in the personnel file of the employee.

SUBJECT:	<b>Immigration Reform and Control Act and The Illegal Immigration Reform and Immigrant Responsibility Act</b>
REVIEWED AND REVISED:	11/8/05
PRESIDENT'S APPROVAL:	11/8/05

## I. **POLICY**

- a. It is the policy of Mercy College to abide by the conditions of the Immigration Reform and Control Act of 1986 and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

- b. **Application of Immigration Reform and Control Act**

Mercy College shall not knowingly employ an unauthorized foreign national or a person who fails to provide documentation of employment eligibility. Mercy College will consider any action to discriminate in any aspect of employment on the basis of national origin, citizenship or intending citizenship as a violation of this policy except where a department/Unit has two equally qualified candidates for a position -- one a United States citizen or national, and one who is not a citizen or national. In such case the department/unit may hire the United States citizen or national without violating the policy. However, Mercy College will not engage in preferential hiring of United States citizens over legal resident aliens when such action would result in the failure to achieve hiring goals as required by Mercy College's Affirmative Action Plan.

1. **Procedure**

The Immigration Reform and Control Act of 1986 make it the responsibility of Mercy College to verify the identity and employment eligibility of all new employees. In order to comply with the provisions of the Immigration Reform and Control Act, all new employees must complete the I-9 Form which verifies identity and employment eligibility. Documents which establish identity and employment eligibility must also be presented to the Human Resources Department for processing and filing within three business days of the new employee's date of hire.

2. New hires will be notified by the Human Resources Department of the verification requirements of the act at the time initial employment is offered.
3. New hires will present in person to the Human Resources Department, not later than the third business day following the date

of hire, original documents demonstrating the individual's identity and authorization to work in the United States. Failure to meet the requirements of the IRCA within the specified time frame will result in immediate termination. The Human Resources Department will make copies of the documents for the employee's file. The required I-9 Form will be completed by the employee, certified by the Human Resources Department, and retained in the employee's confidential file with the supporting documentation.

c. **Application of the Illegal Immigration Reform and Immigrant Responsibility Act**

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 reduces the number of documents that a new employee must give employers to prove that he/she is authorized to work in the United States. Under this legislation the Immigration and Naturalization Service revised I-9 Form and the list of documents required to establish identity and employment authorization. This legislation works in conjunction with the Immigration Reform Control Act of 1986 (IRCA).

1. **Procedure**

Mercy College will abide by all the conditions of the Illegal Reform and Immigrants Responsibility Act. The Mercy College will therefore keep all employment verification forms (I-9 forms) for at least three years from the date of hire of the employee, or one year from your date of termination, whichever is longer.

2. Mercy College will make reasonable efforts to determine the legitimacy of new hires' employment verification within three days of your date of hire by inspecting the original documents submitted and making copies of same for the file. Mercy College is not necessarily liable if supporting documents are found to be fraudulent later on, but in such case the employee will be terminated and may face action from the United States Citizenship and Immigration Services up to and including criminal proceedings and/or deportation.

SUBJECT:	<b>Confidentiality</b>
REVIEWED AND REVISED: February 23, 2005	
PRESIDENT'S APPROVAL: February 23, 2005	

## **I. POLICY**

- a. It is the policy of Mercy College to abide by all applicable City, State and Federal laws protecting the confidentiality of health information including but not limited to medical and drug treatment information, protected by the New York State HIV Testing and Confidentiality Law, HIPAA, civil rights laws including the New York City Human Rights Law, the New York State Human Rights Law, the Vocational Rehabilitation Act of 1973 and the Americans With Disabilities Act of 1990.
- b. Mercy College recognizes that a close working relationship exists among students, vendors, donors, and employees. As a result of these relationships, employees have access to confidential information. Access to this information places Mercy College and all employees, vendors and donors in a special position of trust and professional responsibility. It is the policy of Mercy College that all confidential information will be retained in the work area and shared only with those individuals who have a specific job related "need to know".
- c. All new employees are required to read and sign the Mercy College Confidentiality Policy Statement during Human Resources Orientation.

## **II. DEFINITION**

"Confidential information" as defined in this policy shall include but is not limited to:

- Student grades, financial status and accounts;
- Employee health and other confidential records;
- Computer programs and applications
- Computer access "passwords";
- Planning documents and other business projects
- Employee personnel information
- Mercy College financial information designated as confidential information

## **III. APPLICATION**

- a. Unauthorized access and/or disclosure of confidential information is considered a violation of this policy and disciplinary action will be taken, up to and including termination against any employee deemed to have violated this policy.

- b. The application of this policy will be extended to both conveyance and acceptance of such information as listed without appropriate reporting to one's supervisor or appropriate Mercy College executive or manager.
- c. Employees will be provided with mandatory training regarding these policies as is required by regulatory agencies.

SUBJECT:	<b>Data Policy</b>
REVIEWED AND REVISED: February 23, 2005	
PRESIDENT'S APPROVAL: February 23, 2005	

## **POLICY**

Mercy College's Data Policy is based on the belief that data is an institutional asset and that it is every employee's responsibility to safeguard that asset and to ensure that data is valid when entered, accurately reported, protected and kept confidential as legal requirements and practice dictate. All employees should be fully aware that any misuse of Mercy College data, either intentionally or unintentionally, may lead to disciplinary action and/or legal action.

From the point of entry into various systems and records every effort must be taken to ensure that data is valid. Valid data means that data entry is edited against appropriate system tables, that data is transcribed accurately from physical records and that no data is knowingly entered into any system or record that is known to be incorrect or invalid.

## **PROCEDURE**

Once data is entered into the system, it supports a variety of decision-making activities and purposes. Data that is extracted from the computer systems must be validated by the individual doing the extraction to ensure that it accurately represents the information that it is intended to convey. This applies to both internally and externally reported data. Data includes not only specific student or employee information but also institutional information such as expenses, revenue, departmental or divisional activities. All data that is provided as a part of reports or other distribution activities must be identified as to date of extraction, data source, individual or department providing data and methodology of extraction or reporting. Data being reported externally must be provided by the data owner or validated as accurate by the data owner or Department of Institutional Research. Requests for information that is provided publicly through a newspaper or other means should be referred to the Director of Communications. The data owner is the department who is primarily responsible for the validity and data entry of certain data. For example, the Registrar is the data owner of all student registration information, Admissions is responsible for all application data and so on.

Since data is now available via self-service, through the Datamart and E-print, employees using these systems must take extra precautions to validate any data they extract or use from these systems. It is incumbent on the employee to understand the source and purpose of the data reported, to validate selection criteria as correct and to take whatever due diligence to ensure that data is clearly identified and explained. Data should be validated in terms of context or definition and timing in the administrative or academic cycle. Reports and extracts should include the reporting or extract date and/or timeframe that the data represents. Datamart training is required in order for

Datamart security to be issued and can be obtained through the Computer Center class offerings. Vice-President approval is required in order to enroll in Datamart training.

In addition, since these self-service applications allow an employee to extract data into a spreadsheet, several other requirements exist. An employee who extracts data and modifies that data must clearly document the modification and the purpose. An employee who knowingly modifies data and presents it as fact without documentation is subject to disciplinary action. In addition, an employee who downloads data to a personal computer hard drive is now responsible to ensure the security and confidentiality of that data from other non-authorized personnel. It is recommended that no employee download confidential data to a personal computer unless use of that data is part of their specific job duties and the personal computer is secured through physical means such as cable and lock and electronic means such as passwords.

Employees who work with student data need to be aware of and follow all regulations regarding release of that information. Student information and confidentiality is covered under the Family Education Rights and Privacy Act (FERPA). In brief, FERPA requires that student information, both personal and academic, can only be released to the student or the student's parents if the student is a dependent minor. Information cannot be released outside the institution unless either the student or the parent has provided their written approval for the release of the requested information. College faculty and staff should thoroughly familiarize themselves with FERPA and any additional institutional or departmental policies regarding the release of student information. FERPA regulations and information is available at <http://www.ed.gov/offices/OM/fpco/ferpalist.html>.

Printed reports with confidential or personal information should be destroyed by shredding when no longer needed. Original documents that are no longer required should be destroyed in accordance with department policy and legal retention requirements. As these requirements vary by department and type of document, each department should maintain their own policy regarding document retention.

To reiterate, all employees should be fully aware that any misuse of Mercy College data, either intentionally or unintentionally, may lead to disciplinary action and/or legal action.

## **FERPA: Basic Guidelines for Faculty and Staff**

### **FERPA**

The Family Education Rights and Privacy Act of 1974, commonly known as FERPA, is a federal law that protects the privacy of student education records. Students have specific, protected rights regarding the release of such records and FERPA requires that institutions adhere strictly to these guidelines. Therefore, it is imperative that the faculty and staff have a working knowledge of FERPA guidelines before releasing educational records.

### **Educational Records**

FERPA gives students the following rights regarding educational records:

- The right to access educational records kept by the school;
- The right to demand educational records be disclosed only with student consent;
- The right to amend educational records;
- The right to file complaints against the school for disclosing educational records in violation of FERPA.

Students have a right to know about the purpose, content, and location of information kept as a part of their educational records. They also have a right to expect that information in their educational records will be kept confidential unless they give permission to the school to disclose such information. Therefore, it is important to understand how educational records are defined under FERPA. Educational records are defined by FERPA as:

***Records that are kept in the sole possession of the [institution] are used only as a memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.***

Educational records are directly related to the student and are either maintained by the school or by a party or organization acting on behalf of the school. Such records may include:

- Written documents; (including student advising folders)
- Computer media;
- Microfilm and microfiche;
- Video or audio tapes or CDs;
- Film;
- Photographs.

Any record that contains personally identifiable information that is directly related to the student is an educational record under FERPA. This information can also include records kept by the school in the form of student files, student system databases kept in storage devices such as servers, or recordings or broadcasts which may include student projects.

### **Records Not Considered As Educational Records**

The following items are not considered educational records under FERPA:

- Private notes of individual staff or faculty; (NOT kept in student advising folders)

- Campus police records;
- Medical records;
- Statistical data compilations that contain no mention of personally identifiable information about any specific student.

Faculty notes, data compilation, and administrative records kept **exclusively** by the maker of the records that are **not accessible or revealed to anyone else** are not considered educational records and, therefore, fall outside of the FERPA disclosure guidelines. However, these records may be protected under other state or federal laws such as the doctor/patient privilege. As an attorney, I recommend that you check to make sure that you fully comply with these disclosure guidelines before disseminating any of this information.

### **Two Types of Educational Records**

There are two types of educational records as defined under FERPA. Each type of educational record is afforded different disclosure protections. Therefore, it is important for faculty and staff to know the type of educational record that is being considered for disclosure.

### **Directory Information**

Some information in a student's educational record is defined as directory information under FERPA. Under a strict reading of FERPA, the school may disclose this type of information without the written consent of the student. However, the student can exercise the option to restrict the release of directory information by submitting a formal request to the school to limit disclosure. Directory information may include:

- Name;
- Address;
- Phone number and email address;
- Dates of attendance;
- Degree(s) awarded;
- Enrollment status;
- Major Field of study.

Though it is not specifically required by FERPA, institutions should always disclose to the student that such information is considered by the school to be directory information and, as such, may be disclosed to a third party upon request. Institutions should err on the side of caution and request, in writing, that the student allow the school to disclose directory information to third parties.

### **Non-directory Information**

Non-directory information is any educational record not considered directory information. Non-directory information must not be released to anyone, including parents of the student, without the prior written consent of the student. Further, faculty and staff can access non-directory information only if they have a legitimate academic need to do so. Non-directory information may include:

- Social security numbers;
- Student identification number;
- Race, ethnicity, and/or nationality;
- Gender
- Transcripts; grade reports

Transcripts are non-directory information and, therefore, are protected educational records under FERPA. Students have a right to privacy regarding transcripts held by the school where third parties seek transcript copies. Institutions should require that students first submit a written request to have transcripts sent to any third party as the privilege of privacy of this information is held by the student under FERPA.

## **Release of Student Information**

### **Notification of Rights under the Family Educational Rights and Privacy Act of 1974**

In accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA), post-secondary students enrolled at Mercy College are hereby notified of their rights with respect to their education records. They are:

1. The right to inspect and review the student's education records within 45 days of the day the College receives a request for access.

Students should submit to the registrar, division head, vice chancellor, or other appropriate official, written requests that identify the record(s) they wish to inspect. The university official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the College official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

2. The rights to request an amendment of the student's education records that the student believes are inaccurate or misleading.

Students may ask the College to amend a record that they believe is inaccurate or misleading. They should write the College Official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the College decides not to amend the records as requested by the student, the College will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclose without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the

College in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the College has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks.

A school official has legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the College discloses education records without consent to officials of another school in which a student seeks or intends to enroll.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Mercy College to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education 600 Independence Ave., SW, Washington, DC 20202-4605.

FERPA further provides that certain information, designated as "public information," concerning the student may be released by the College unless the student has informed the College that such information should not be released.

Public information is limited to name, address, phone, major field of study, dates of attendance, admission or enrollment status, campus, school, college, division, class standing, degrees, awards, activities, sports, and athletic information.

Such public information shall be released freely unless the student files the appropriate "non-disclosure" form requesting certain public information not be released. This form is available from the Registrar's Office. Public information that cannot be restricted includes name, enrollment status, degrees, and dates of attendance.

### **Prior Written Consent**

In general, a student's prior written consent is always required before institutions can legitimately disclose non-directory information. Institutions may tailor a consent form to meet their unique academic needs. However, prior written consent must include the following elements:

- Specify the records to be disclosed;
- State the purpose of the disclosure;
- Identify the party or class of parties to whom the disclosure is to be made;
- The date;
- The signature of the student whose record is to be disclosed;
- The signature of the custodian of the educational record.

Prior written consent is not required when disclosure is made directly to the student or to other school officials within the same institution where there is a legitimate educational interest. A legitimate educational interest may include enrollment or transfer matters, financial aid issues, or information requested by regional accrediting organizations.

Institutions do **not** need prior written consent to disclose non-directory information where the health and safety of the student is at issue, when complying with a judicial order or subpoena, or where, as a result of a crime of violence, a disciplinary hearing was conducted by the school, a final decision was recorded, and the alleged victim seeks disclosure. In order for institutions **to be able to disseminate non-directory information** in these instances **FERPA requires that institutions annually publish the policies and procedures** that the institutions will follow in order to meet FERPA guidelines.

FERPA has strict guidelines regarding disclosing the educational records of dependent students. Though FERPA allows such disclosure, the act mandates that the institution first publish clearly delineated policies and procedures for the disclosure of these records. The institution must publish these guidelines annually in a format that is easily accessible to interested parties. Both the dependent student and parents should sign written disclosure agreements stating, at minimum, the following:

- The dependent student understands and allows parental access to these educational records;
- The dependent student and his/her parents have been given a copy of the institution's policies and procedures for the disclosure of students' records.

Most institutions charge their registrar's office with the responsibility to determine how their institutions will comply with FERPA disclosure requirements. Registrars commonly work with legal council in fashioning and publishing these guidelines. As advisors, it is advisable to check with your registrar's office if you have any questions or concerns before disclosing any student information to third parties.

## **Conclusion**

The Family Education and Privacy Act was enacted by Congress to protect the privacy of student educational records. This privacy right is a right vested in the student. Generally:

- Institutions must have written permission from the student in order to release any information from a student's educational record.
- Institutions may disclose directory information in the student's educational record without the student's consent.
- It is good policy for the institution to notify the student about such disclosure and to seek the written permission of the student to allow disclosure of any educational records including directory information.
- Institutions should give the student ample opportunity to submit a written request that the school refrain from disclosing directory information about them.
- Institutions must not disclose non-directory information about students without their written consent except in very limited circumstances.
- Institutions should notify students about their rights under FERPA through annual publications.
- When in doubt, it is always advisable to err on the side of caution and to not release student educational records without first fully notifying the student about the disclosure.

Finally, the school should always seek a written consent from the student before disseminating educational records to third parties.



SUBJECT:	<b>Code of Conduct Relating to Student Loan Programs</b>
ADOPTED:	04/2007
REVISED:	03/2010

## **1. Introduction, Scope, and Sanctions for Non-Compliance**

Student loan programs are essential to the fulfillment of Mercy College's educational mission. It is vitally important for the College and each person who works for the College to maintain the highest ethical and professional standards in connection with every aspect of these programs.

This Code of Conduct sets forth specific rules relating to the College's participation in various student loan programs. It applies to all officers, trustees, employees and agents of the College.

This Code of Conduct supplements any other Code of Conduct or rule which applies to College officers, trustees, employees and agents. If there is any difference between this Code of Conduct and any other Code or rule promulgated by the College, then the provision that is more restrictive is the one that governs.

This Code of Conduct has been promulgated pursuant to an Agreement on Code of Conduct between the College and the Office of the Attorney General of the State of New York. Any violation of this Code of Conduct may cause the College to violate its Agreement with the Office of the Attorney General, which in turn may result in severe consequences for the College. Any violation of the letter or spirit of this Code of Conduct will subject the person to disciplinary consequences up to and including termination.

Employees who in the normal scope of their work counsel students regarding options to finance their educational expenses are required to review and sign an attestation of understanding this policy once every academic year. Employees having functions related to financial aid including the staff in the following departments (Student Services, Systems Management Operations, Business Operations, and Student Services Support Center), Academic Advising, the PACT, Athletics, College Opportunity Program, and Admissions are required abide by this requirement. All senior managers and executives of the College are also required to review and sign an attestation of

understanding this policy once every academic year. The review period shall be determined and communicated to the affected employees by the Director of Human Resources. The signed attestation shall be placed in the employee's personnel file.

Managers of departments that perform functions as laid out above should schedule a minimum of one staff meeting per semester where this policy is discussed and all questions answered.

The College reserves the right to amend or modify this Code of Conduct at any time.

## **2. Prohibition of Certain Remuneration to College Employees**

No officer, trustee, employee, or agent of the College shall accept anything of more than nominal value (more than \$10) on his or her own behalf or on behalf of any other person or entity from or on behalf of a "Lending Institution" (defined below), except that this provision shall not be construed to prohibit any officer, trustee, director, employee, or agent of the College from conducting non-College business with any Lending Institution.

As used in the preceding sentence and throughout this Code of Conduct a "Lending Institution" is defined as:

- (a) any entity that itself or through an affiliate engages in the business of making loans to students, parents or others for purposes of financing higher education expenses or that securitizes such loans; or
- (b) any entity, or association of entities, that guarantees education loans; or
- (c) any industry, trade or professional association that receives money from any entity described above in subsections (a) or (b).

The prohibition set forth in provision includes, but is not limited to, a ban on any payment or reimbursement by a Lending Institution to a College employee for lodging, meals, or travel to conferences or training seminars.

Nothing in this provision or any other provision of this Code shall prevent the College from holding membership in any nonprofit professional association.

## **3. Limitations on College Employees Participating on Lender Advisory Boards**

No officer, trustee, employee, or agent of the College may receive any remuneration for serving as a member or participant of an advisory board of a Lending Institution, or receiving any reimbursement of expenses for so serving, provided, however, that participation on advisory boards that are unrelated in any way to higher education loans shall not be prohibited by the Agreement. Notwithstanding the above, this paragraph's prohibitions shall not apply to a trustee of the College, who is not an officer or employee of the College, and is uninvolved in the affairs of the College's financial aid office.

#### **4. Limitations on College Employees Owning Stock or Stock Options in Lenders**

Each officer, trustee, director, employee or agent of the College who has any involvement in any agreement or other arrangement between the College and a Lending Institution is prohibited from owning any stock or equity or option to purchase stock or equity in the Lending Institution.

This prohibition does not apply to stock or stock options owned by a mutual fund in which the officer, trustee, employee or agent of the College has shares, provided that the officer, trustee, director, employee or agent has no involvement in determining the holdings of the mutual fund.

#### **5. Prohibition of Certain Remuneration to the College**

The College may not accept on its own behalf anything of value from any Lending Institution in exchange for any advantage or consideration provided to the Lending Institution related to its education loan activity.

This prohibition includes but is not limited to the College's receipt from a Lending Institution of:

- (a) any form of "revenue sharing";
- (b) any form of "referral fees";
- (c) any computer hardware or software or other goods for which the College pays below-market prices; and
- (d) any printing costs or services.

Notwithstanding anything else in this provision, the College may accept assistance from a Lending Institution that is comparable to the kinds of assistance provided by the Department of Education to schools under, or in furtherance of, the Federal Direct Loan Program.

#### **6. Preferred or Recommended Lenders**

In the event that the College promulgates a list of preferred or recommended lenders or any similar ranking or designation (a "Preferred Lender List"):

- (a) every brochure, web page or other document that sets forth a Preferred Lender List must clearly disclose the process by which the College selected lenders for said Preferred Lender List, including but not limited to

the criteria used in compiling said list and the relative importance of those criteria;

- (b) every brochure, web page or other document that sets forth a Preferred Lender List or identifies any lender as being on a Preferred lender List shall state in the same font and same manner as the predominant text on the document that students and their parents have the right and ability to select the education loan provider of their choice, are not required to use any of the lenders on said Preferred Lender List, and will suffer no penalty for choosing a lender that is not on said Preferred Lender List;
- (c) the College's decision to include a Lending Institution on any such list and the College's decision as to where on the list the Lending Institution's name appears shall be determined solely by consideration of the best interests of the students or parents who may use the list without regard to the pecuniary interests of the College;
- (d) the constitution of any Preferred Lender List shall be reviewed no less than annually;
- (e) no Lending Institution shall be placed on any Preferred Lender List unless the Lending Institution provides assurance to the College and to student and parent borrowers who take out loans from the Lending Institution that the advertised benefits upon repayment will continue to inure to the benefit of student and parent borrowers regardless of whether the Lending Institution's loan are sold;
- (f) no Lending Institution that has an agreement to sell its loans to another unaffiliated Lending Institution shall be included on any Preferred Lender List unless such agreement is disclosed therein in the same font and same manner as the predominant text on the document in which the Preferred Lender List appears; and
- (g) no Lending Institution shall be placed on any one of the College's Preferred Lender Lists or in favored placement on any one of the College's Preferred Lender Lists for a particular type of loan, in exchange for benefits provided to the College or to the College's students in connection with a different type of loan.

## **7. Prohibition of Lending Institutions' Staffing of College Financial Aid Offices**

No employee or other agent of a Lending Institution may staff the College financial aid offices at any time.

## **8. Disclosure of Lending Institution's Provision of Services**

If a Lending Institution is engaged to perform any function of the College financial aid offices (including, for example, call center services), then this arrangement must be

disclosed to students or prospective students of the College or their parents who interact with employees of the Lending Institution in that context.

No employee or other agent of a Lending Institution shall ever be identified to students or prospective students of the College or their parents as an employee of the College.

## **9. Proper Execution of Master Promissory Notes**

The College shall not link or otherwise direct potential borrowers to any electronic Master Promissory Notes or other loan agreements that do not allow students to enter the lender code or name for any lender offering the relevant loan.

The College's link or direction referred to in the preceding sentence shall comply with paragraph 6(a) above.

## **10. School as Lender**

If the College participates in the "School as Lender" program under the federal statute that permits schools in certain circumstances to make direct loans to students, the College may not treat "School As Lender" loans any differently than if the loans originated directly from another lender. Every provision of this Code of Conduct applies equally to such "School as Lender" loans as if the loans were provided by another lender.

## **11. Prohibition of Opportunity Loans**

The College shall not arrange with a Lending Institution to provide any "Opportunity Loans" (defined below) if the provision of such Opportunity Loans prejudices any other borrower. The College shall not arrange with a Lending Institution to provide any "Opportunity Loans" unless the arrangement has been specifically approved by the President of the College in consultation with the Board of Directors and with the advice of legal counsel to the College.

For purposes of this Code of Conduct, "Opportunity Loans" refer to an arrangement whereby a lender agrees to make loans to students with poor or no credit history, or international students, who the lender claims otherwise would not be eligible for the lender's alternative loan program.



### **Code of Conduct Relating to Student Loan Programs**

I ..... was given the Mercy College Code of Conduct Relating to Student Loan Programs Policy. I had the opportunity to review the policy and I am also aware of the location of the policy online. I further attest that I fully understand the policy and will abide by the terms and conditions of this policy as a member of the College community.

Name: \_\_\_\_\_  
Employee Name (PLEASE PRINT)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

SUBJECT:	<b>Email Access/Management of Systems Accounts</b>
REVIEWED AND REVISED:	September 21, 2005
PRESIDENT'S APPROVAL:	September 21, 2005

## **I. POLICY**

It is the policy of Mercy College that all email accounts will be opened or closed with the approval of the Human Resources Department.

## **II. PROCEDURE**

All new requests for access to Exchange email must be made by the departmental manager by completing the online [Email Access Application Form](#) available through Pipeline. The form will be transmitted to HR, which will, upon receipt of the completed form, facilitate approval as appropriate and forward it to Computer Services for processing. Accounts will be opened after all the new hire documentation for the employee is received by Human Resources. Human Resource reserves the right to reassess email privileges should an individual's employment status change, and Exchange based email accounts (your name @mercy.edu) will be deactivated upon an employee's separation from employment at the College.

Email accounts in Pipeline will continue to be opened for all current students, faculty, professional associates, adjuncts and staff. Exchange based accounts for graduate assistants and student workers as well as professional associates and adjunct faculty who are engaged in administrative functions may be requested by department heads using the above mentioned form. Additional approval for the accounts for graduate assistants and student workers will be obtained from the Graduate Dean or the Coordinator of the Student Worker Program, respectively. Department heads are requested to inform the Human Resources Department of departures of individuals in these categories as soon as they occur.

Departmental email addresses may be requested using the [online departmental address request form](#) also available through Pipeline. Individual access rights to departmental addresses will be granted at the discretion of the requesting manager, chair, or director.

The updated faculty and staff directory can be accessed in Outlook, the College webpage and through Pipeline. It provides contact information for Please report any changes or corrections to [ostewart@mercy.edu](mailto:ostewart@mercy.edu) or [dbell@mercy.edu](mailto:dbell@mercy.edu).

SUBJECT:	<b>Anniversary Date</b>
REVIEWED AND REVISED: 11/8/05	
PRESIDENT'S APPROVAL: 11/8/05	

## I. **POLICY**

It is the policy of Mercy College to establish an anniversary date of employment for each employee for the purpose of determining benefit eligibility.

## II. **PROCEDURE**

- a. The initial date of regular employment is considered the basis for the employee's anniversary date.
- b. Accrued and authorized vacations, holidays and leaves of absence are not considered breaks in service and will not affect an employee's anniversary date.
- c. If a break in service does occur (i.e., the employee resigns and the employee is rehired), the anniversary date will be the most recent date of hire. The only exception to this policy would be in the case of a reduction in force (RIF) in which case the original anniversary date will remain, if the employee is recalled within ninety (90) days of the RIF. Where a Collective Bargaining Agreement exists the terms of the Agreement will supersede.
- d. If a part-time or temporary employee becomes a full-time regular employee, for purposes of determining eligibility for **health insurance benefits only** the original date of hire for the part time or temporary status will be used to calculate the appropriate waiting period. For purposes of determining additional benefits, the employee's hire date is the effective date of the full-time employment

## **Tuition Remission Policy**

### **Mercy Undergraduate Programs**

Full-time employees, after completing the introductory period at the College, will be eligible for tuition reimbursement on six (6) credits a semester. Any employee who wishes to take additional credits must pay for those credits. Employees who are in their last semester will be eligible for nine (9) credits so they may complete their degree in that semester. The Registrar's Office will need to confirm credit status in order for the Human Resources Department to approve nine (9) credits. Employees cannot exceed the 18-credit maximum in the academic year which begins on September 1st and ends on August 31st. Credits cannot be borrowed from one semester to another semester. Work schedules will not be rearranged to accommodate school schedules.

Part-time employees, after completing the introductory period, will be eligible for tuition reimbursement for Mercy College for twelve (12) credits a year. Employees will be eligible for tuition reimbursement on six (6) credits a semester. Any employee who wishes to take additional credits must pay for those credits. Employees who are in their last semester will be eligible for nine (9) credits so they may complete their degree in that semester. The Registrar's Office will need to confirm credit status in order for the Human Resources Department to approve nine (9) credits. Employees cannot exceed the 12-credit maximum in the academic year which begins on September 1st and ends on August 31st. Credits cannot be borrowed from one semester to another semester. Work schedules will not be rearranged to accommodate school schedules.

Certificate Programs- full or part-time employees who are accepted in a certificate program may enroll on a space available basis after completing the introductory period. The monetary value of six (6) credits a semester will be credited to the employee's account per semester. The College will not authorize full remission for an employee at the beginning of a certificate program. Dependents of employees who have completed one (1) year of service may enroll in undergraduate certificate programs on a space available basis.

Full-time employees with at least one (1) year of service may send, after acceptance in programs, a spouse, children, or parents without cost of tuition on a space available basis to undergraduate programs.

#### **Employee Termination or Resignation**

In the event that an employee (full/part-time) terminates or resigns from his position at the College, he will be responsible to reimburse the College for tuition on a prorated schedule. The same will be true for dependents of such employees.

**NOTE: Lab and Technology Fees, as well as books and supplies, are not covered under the Educational Assistance Program.**

SUBJECT:	<b>Performance Evaluation</b>
REVIEWED AND REVISED: 11/08/05	
PRESIDENT'S APPROVAL: 11/08/05	

## **I. POLICY**

- a. It is the policy of Mercy College to determine the effectiveness of the employee's performance in comparison to his/her job description, and to provide a line of communication between the employee and Supervisor to make sure both parties understand what is expected.
- b. The performance evaluation is used to measure all phases and aspects of employment, including but not limited to, the following: knowledge of job, quality/quantity, interpersonal skills, dependability, interest/motivation, cooperation, attendance and appearance.
- c. An essential component of this process is to identify potential growth opportunity and career development.
- d. The evaluation process is not intended to replace open honest discussion of performance related issues throughout the course of the employee's employment. Managers are therefore expected to provide continuous feedback to all employees all year round.

## **II. PROCEDURE**

- a. Employee evaluations will be conducted by each Supervisor and may include input from other team members or departments.
- b. Employees will be evaluated prior to completing ninety (60) days of continuous employment. Thereafter, all regular employees will be evaluated annually on or around the anniversary of their date of hire. Employees who have been promoted or transferred to a new position will have a new introductory period and will be subject to a new evaluation at the end of the introductory period. Human Resources will notify Managers 90 days in advance of the date that evaluations are due and will track compliance and report back to the executive representatives. Where a Collective Bargaining Agreement exists, the terms of the agreement will govern.

- c. Prior to meeting with the employee to review his/her performance, the immediate supervisor must review the evaluation with his/her supervisor who should at that time sign off on the evaluation.
- d. Employees must sign their evaluations, acknowledging that they have read and understood it.
- e. The employee's immediate Supervisor must sign the evaluation form and forward it to the Human Resources Department for inclusion in the employee's personnel file.
- f. Any employee who is not satisfied with the evaluation may submit a written response identifying his/her reasons for disagreement to the supervisor and Human Resources Department within ten (10) working days after his/her evaluation.
- g. Mercy College's policy to engage in performance evaluations does not alter Mercy College's policy of employment-at-will. Employment with Mercy College may be terminated at any time with or without cause or reason and with or without notice except where the terms of a Collective Bargaining Agreement provide otherwise.



## **Subject: Anti-Harassment Policy**

### **Reviewed and Revised: March 22, 2010**

#### **POLICY**

It is the policy of Mercy College to prohibit harassment of any employee, student or other member of the College community on the basis of race, color, national origin, ancestry, religion or religious creed, sex, sexual orientation, age, physical or mental disability, medical condition, genetic information or any other characteristic protected by federal, state or local law or by College policy.

This policy applies to all employees, students and other members of the College community.

This policy applies to conduct wherever and however it occurs. It applies not only to conduct that occurs on the College campus, but also off-campus. It applies not only to conduct that occurs in-person, but also to conduct that occurs over the telephone, by e-mail, through online social networking sites and by any other means or method of any kind.

Harassment can constitute not only a violation of College policy but also a violation of federal, state or local law. This policy applies is not limited to unlawful harassment, but also applies to any conduct that the College deems unacceptable, regardless of whether that conduct satisfies any legal definition of harassment.

It is also the policy of Mercy College not to permit any retaliation against any person who in good faith makes a complaint of harassment or participates in the investigation of a complaint of harassment.

Anyone who violates this policy, either by engaging in harassing conduct or by retaliating against anyone in connection with a complaint of harassment, will be subject to disciplinary action. For students, that disciplinary action may include any sanction up to and including dismissal. For employees, that disciplinary action may include any sanction up to and including termination of employment.

While this policy affirms the College's goal of establishing a work and educational environment that is free of harassment on the basis of any protected category, the policy in no way limits the College's authority to discipline or take remedial action in response to harassing conduct in any other context.

## **PROCEDURE**

### **Prohibition of Sexual Harassment**

The College is committed to providing an educational and working environment that is free from sexual harassment.

“Sexual harassment” includes sexual advances, requests for sexual favors, and any other verbal or physical conduct of a sexual nature when:

- a person's submission to such advances, requests or conduct is, either explicitly or implicitly, made a term or condition of employment or a term or condition of any educational status or opportunity;
- a person's submission to or rejection of such advances, requests or conduct is, either explicitly or implicitly, used as a basis for any employment or educational decision; or
- such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work or education by creating an intimidating, hostile, humiliating or sexually offensive environment.

It is not possible to list all of the types of conduct that may constitute sexual harassment. The following are examples of conduct that may constitute sexual harassment depending upon the totality of the circumstances, including the severity and pervasiveness of the conduct and the degree (if any) to which the conduct was welcomed by the person who was the object of it:

- direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits (e.g., favorable reviews, salary increases, promotions, continued employment, etc.);
- direct or implied requests by a teacher for sexual favors in exchange for actual or promised educational benefits (e.g., favorable grades or evaluations);
- unwelcome sexual advances - whether or not they involve physical touching;
- sexual epithets or jokes;
- comments about a person's body or a person's sexual activity, deficiencies, or prowess;
- displaying or sending sexually suggestive objects, pictures, posters, cartoons, e-mails, video clips or links to sexually explicit content;

- unwelcome leering, whistling, brushing against the body, sexual gestures, or suggestive or insulting comments;
- inquiries into or statements about a person's sexual experiences; and
- other sexually oriented statements or material.

### **Prohibition of Other Types of Harassment**

In addition to sexual harassment, the College also prohibits verbal or physical harassment when such conduct:

- creates an intimidating, hostile or humiliating work or educational environment;
- unreasonably interferes with a person's work or education; or
- otherwise adversely affects a person's employment or educational opportunities.

The College further prohibits the above conduct if such conduct is based on race, color, gender, religion, sexual orientation, age, national origin, disability or any other protected category. While it is not possible to list all of the types of conduct that might constitute such discriminatory harassment, the following are examples of conduct that – depending on all of the circumstances – could fall within this policy:

- epithets, slurs, negative stereotyping, or denigrating jokes that relate to a person's race, color, gender, religion, sexual orientation, age, national origin or disability or another protected category; or
- threatening, intimidating, or hostile acts that relate to a person's race, color, gender, religion, sexual orientation, age, national origin or disability or another protected category.

### **Sexual Harassment Training Program**

The College periodically will provide sexual harassment training programs for all employees. All employees must attend at least one sexual harassment training session within each calendar year, and may be required to sign an attestation or roster confirming their participation in such training and/or their receipt of this anti-harassment policy. Online training currently is accessible at <http://training.newmedialearning.com/psh/mercyc/index.htm>.

### **Consensual Relationships**

Sexual harassment may be at issue even in relationships that begin as consensual ones. In particular, such relationships can be problematic when one person in the relationship is, or could be perceived to be, in a position of institutional authority relative to the other person. Any relationship that exploits a

person's position of institutional authority is inappropriate. In order to avoid that possibility, it is the policy of the College that any relationship in which one person has, or reasonably could be perceived to have, institutional authority over another member of the College community must be disclosed as follows, so that the matter may be addressed as appropriate under the circumstances:

- Any College employee who is or becomes a party to a consensual relationship with another College employee with whom he or she has a direct reporting or other supervisory relationship must disclose that relationship to the Director of Human Resources.
- Any faculty member who is or becomes a party to a consensual relationship with a student – regardless of whether the student is in the faculty member's class – must disclose that relationship to the Associate Provost/Human Resources Liaison.
- Any non-faculty College employee who is or becomes a party to a consensual relationship with any student must disclose that relationship to the Director of Human Resources.

### **Initiating a Complaint or Report of Harassment or Retaliation**

Managers and Supervisors: Any person in a managerial or supervisory role who is aware of conduct that violates this policy, or who has reason to believe that conduct violating this policy may have occurred, must immediately report that information to the Human Resources Department Complaint Hotline, the General Counsel, or the Director of Human Resources.

Faculty and Staff: Any College employee who is the victim of harassment or retaliation, or who has reason to believe that another member of the College community is the victim of harassment or retaliation, must report this to the employee's manager/supervisor, the Human Resources Department's Complaint Hotline at (914) 674-7855, the General Counsel, or the Director of Human Resources.

Students: Any student who is the victim of harassment or retaliation, or who has reason to believe that another member of the College community is the victim of harassment or retaliation, should report this information to the Associate Dean for Student Engagement or other individuals as identified in the Students' Handbook.

### **Investigation and Disciplinary Proceedings**

All credible reports of harassment will be investigated promptly. The substance of the investigation will depend upon the nature of the complaint and any additional information that comes to light during the course of the investigation.

The confidentiality of any complaint will be maintained to the extent possible under the circumstances, taking into account the College's duty to fairly and thoroughly investigate and address incidents of alleged harassment or retaliation.

Harassment or retaliation by students: Where a complaint has been brought which alleges that a student has violated this policy, investigative and, if applicable, disciplinary proceedings will be handled in accordance with the provisions of the Student Handbook, available at <https://www.mercy.edu/cp/studenthandbook.pdf>.

Harassment or retaliation by faculty: Where a complaint has been brought which alleges that a faculty member has violated this policy, investigative and, if applicable, disciplinary proceedings will be handled in accordance with the process as outlined in the College's Affirmative Action Program (Appendix IV), available at: <https://www.mercy.edu/employees/pdf/affirmativeaction.pdf>. Any and all proceedings will be conducted with reference to the Faculty Handbook, when appropriate.

Harassment or retaliation by staff: Where a complaint has been brought which alleges that a non-faculty employee has violated this policy, investigative and, if applicable, disciplinary proceedings will be handled in accordance with the process as outlined in the College's Affirmative Action Program, available at <https://www.mercy.edu/employees/pdf/affirmativeaction.pdf>.

### **Non-Retaliation**

Retaliation against an individual who has complained about any form of harassment, and retaliation against individuals for cooperating with an investigation of a harassment complaint is unlawful and will not be tolerated by the College. Retaliation will result in disciplinary action up to and including termination of employment.



## **Attestation Concerning the College's Anti-Harassment Policy**

I attest that I have been made aware of the Mercy College Anti-Harassment Policy, including its availability on-line; that I have reviewed and fully understand the policy; and that I will comply with that policy as a member of the College community.

Name: \_\_\_\_\_  
Employee Name (PLEASE PRINT)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

SUBJECT:	<b>Substance Abuse and Drug-Free Workplace Policy</b>
REVIEWED AND REVISED:	11/8/05
PRESIDENT'S APPROVAL:	11/8/05

## **I. POLICY**

- a. Mercy College has a vital interest in ensuring a drug-free, safe, and healthful workplace for our employees in the provision of quality services to fulfill the college mission. The unlawful presence of controlled substances in the workplace conflicts with these vital interests and constitutes a violation of the public trust. For these reasons, we have established, as a condition of employment and continued employment, the following drug-free workplace policy.
- b. Employees may not use, possess or be under the influence of illegal drugs and/or alcohol at work on Mercy College's premises or while conducting business related activities elsewhere. The use, possession, manufacture, distribution, selling, of alcohol or illegal drugs is strictly prohibited on Mercy property and/or when on official business.

## **II. PROCEDURE**

- a. Employees may not come to work under the influence of alcohol or drugs even if consumed off premises.
- b. If an employee is required to take a controlled substance for medical reasons, which present symptoms of intoxication he/she will be required to provide appropriate documentation from his/her physician to the Human Resources Department. If in the judgment of Human Resources, in consultation with the supervisor, the employee cannot adequately perform the employee will be sent home until the employee can demonstrate that he/she is able to perform the essential functions of the job.
- c. Employees who need help in dealing with alcohol or drug abuse should contact your health insurance provider, the (EAP) Employee Assistance Program (ComPsych at 1-800-864-3577) or the Human Resources Department for information on treatment facilities. All requests for information relating to alcohol or drug abuse will remain confidential. It is the employee's responsibility to seek assistance from the EAP prior to reaching a point where his or her judgment, performance, or behavior has led to imminent disciplinary action. Participation in the EAP after the disciplinary process has begun may not preclude disciplinary action up to and including termination of employment.

- d. Employees suspected of being under the influence of a controlled substance or alcohol may be required to submit to a drug/alcohol screening and if such screening confirms the suspicion, he/she will be relieved of duty and will face disciplinary action up to and including termination.
- e. Employees convicted of the sale or possession of an illegal substance while employed by Mercy College will be terminated. Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify Mercy College of any criminal conviction for drug-related activity occurring in the workplace. The report must be made within five days of the conviction.
- f. Copies of this policy will be distributed to all employees upon hire for signature indicating their acknowledgement of having received, read and understood the policy. Employees with questions regarding this policy, its administration, or issues related to drug or alcohol use in the workplace should raise their concerns with the Human Resources Department without fear of reprisal.

SUBJECT:	<b>Solicitation</b>
REVIEWED AND REVISED:	
PRESIDENT'S APPROVAL:	

## I. **POLICY**

It is the policy of Mercy College to prohibit persons not employed by Mercy College to solicit or distribute literature in the workplace at any time for any purpose.

Mercy College recognizes that employees have interests in events and organizations outside the College. However, employees may not solicit or distribute literature concerning these activities during work time. (Work time does not include lunch periods, work breaks, or any other periods in which employees are not on duty.)

## II. **PROCEDURE**

- a. The posting of written solicitations on the College bulletin boards is restricted. These official bulletin boards display important information including employee announcements, internal memoranda, job postings, organization announcements, pay day notice and regulatory compliance posters such as workers' compensation insurance information, state disability insurance/unemployment insurance information, New York State and Federal Labor standards, and OSHA information.
- b. If an employee or a union representative has a message of interest to the College, they may submit it to the Human Resources Director for approval. All approved messages will be posted on those bulletin boards at each location previously designated by the union contract.
- c. Employees who are aligned with other charitable organizations and wish to solicit for financial or other support on behalf of these organizations may only do so on their own time. College resources (time, email, copiers, bulletin boards) should not be used to support individual charitable endeavors.

SUBJECT:	<b>Smoking</b>
REVIEWED AND REVISED:	
PRESIDENT'S APPROVAL:	

## **POLICY**

- a. Smoking is prohibited in all Mercy College buildings, including such areas as the bathrooms, fire escapes, and entrances/exits. For safety and compliance reasons, violations of this policy may result in disciplinary action up to and including termination.
- b. As a means to discourage smoking, Mercy College offers through the health benefit program a one time financial assistance to employees who participate in and successfully complete a smoking cessation program. If interested, please contact the Human Resources Department for more information.

SUBJECT:	<b>Conflicts of Interest &amp; Gifts Policy</b>
REVIEWED AND REVISED:	11/8/05
PRESIDENT'S APPROVAL:	11/8/05

## **I. POLICY**

It is the policy of Mercy College to prohibit its employees from engaging in any activity, practice, or conduct which conflicts with, or appears to conflict with, the interests of Mercy College, its employees, or its suppliers. Since it is impossible to describe all of the situations that may cause or give the appearance of a conflict of interest, the prohibitions included in this policy are not intended to be exhaustive and only include some of the more clear-cut examples. Contact the Human Resources Director for more specific information or questions about conflicts of interest.

## **II. PROCEDURE**

- a. Employees are expected to represent Mercy College in a positive and ethical manner. Thus, employees have an obligation to avoid conflicts of interest and refer questions and concerns about potential conflicts to their supervisor.
- b. Employees may not engage in, directly or indirectly either on or off the job, any conduct which is disloyal, disruptive, competitive, or damaging to Mercy College.
- c. Employees must disclose any material financial interest they or their immediate family have in any firm that does business with the Company or that competes with Mercy College. For the purposes of this policy, a relative is any person related by blood or marriage, or whose relationship with the employee is similar to that of persons related by blood or marriage. If employees have any influence on transactions involving purchases, contracts or leases, it is imperative that they disclose the existence of any actual or potential conflict of interest to an officer of Mercy as soon as possible so that safeguards may be established to protect all parties.
- d. Employees and their immediate family may not accept gifts, except those of nominal value, or any special discounts or loans from any person or firm doing, or seeking to do, business with Mercy College. A gift of nominal value includes inexpensive promotional pens, calendars, or notepads, cookies, popcorn, fruit or items of equivalent cash value. Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which Mercy does business, but

also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving Mercy.

- e. Gifts of greater value have on occasion been elicited and accepted by Mercy College for use in fundraising, celebrations, and employee recognition. In all such cases the donor is publicly acknowledged. The potential for such gifts should be directed to Human Resources.
- f. Determination of the acceptability of any gift which could test the cash value in (d) above must be reviewed by Human Resources.
- g. Any conflict or potential conflict of interest must be disclosed to Human Resources. Failure to do so will result in disciplinary action, up to and including termination.
- h. Management must sign a disclosure acknowledging reading and understanding this policy and return it to HR.



SUBJECT:	<b>Code of Conduct Relating to Student Loan Programs</b>
ADOPTED:	04/07

## **1. Introduction, Scope, and Sanctions for Non-Compliance**

Student loan programs are essential to the fulfillment of Mercy College's educational mission. It is vitally important for the College and each person who works for the College to maintain the highest ethical and professional standards in connection with every aspect of these programs.

This Code of Conduct sets forth specific rules relating to the College's participation in various student loan programs. It applies to all officers, trustees, employees and agents of the College.

This Code of Conduct supplements any other Code of Conduct or rule which applies to College officers, trustees, employees and agents. If there is any difference between this Code of Conduct and any other Code or rule promulgated by the College, then the provision that is more restrictive is the one that governs.

This Code of Conduct has been promulgated pursuant to an Agreement on Code of Conduct between the College and the Office of the Attorney General of the State of New York. Any violation of this Code of Conduct may cause the College to violate its Agreement with the Office of the Attorney General, which in turn may result in severe consequences for the College. Any violation of the letter or spirit of this Code of Conduct will subject the person to disciplinary consequences up to and including termination.

The College reserves the right to amend or modify this Code of Conduct at any time.

## **2. Prohibition of Certain Remuneration to College Employees**

No officer, trustee, employee, or agent of the College shall accept anything of more than nominal value (more than \$10) on his or her own behalf or on behalf of any other person or entity from or on behalf of a "Lending Institution" (defined below), except that this provision shall not be construed to prohibit any officer, trustee, director, employee, or agent of the College from conducting non-College business with any Lending Institution.

As used in the preceding sentence and throughout this Code of Conduct a “Lending Institution” is defined as:

- (a) any entity that itself or through an affiliate engages in the business of making loans to students, parents or others for purposes of financing higher education expenses or that securitizes such loans; or
- (b) any entity, or association of entities, that guarantees education loans; or
- (c) any industry, trade or professional association that receives money from any entity described above in subsections (a) or (b).

The prohibition set forth in provision includes, but is not limited to, a ban on any payment or reimbursement by a Lending Institution to a College employee for lodging, meals, or travel to conferences or training seminars.

Nothing in this provision or any other provision of this Code shall prevent the College from holding membership in any nonprofit professional association.

### **3. Limitations on College Employees Participating on Lender Advisory Boards**

No officer, trustee, employee, or agent of the College may receive any remuneration for serving as a member or participant of an advisory board of a Lending Institution, or receiving any reimbursement of expenses for so serving, provided, however, that participation on advisory boards that are unrelated in any way to higher education loans shall not be prohibited by the Agreement. Notwithstanding the above, this paragraph's prohibitions shall not apply to a trustee of the College, who is not an officer or employee of the College, and is uninvolved in the affairs of the College's financial aid office.

### **4. Limitations on College Employees Owning Stock or Stock Options in Lenders**

Each officer, trustee, director, employee or agent of the College who has any involvement in any agreement or other arrangement between the College and a Lending Institution is prohibited from owning any stock or equity or option to purchase stock or equity in the Lending Institution.

This prohibition does not apply to stock or stock options owned by a mutual fund in which the officer, trustee, employee or agent of the College has shares, provided that the officer, trustee, director, employee or agent has no involvement in determining the holdings of the mutual fund.

### **5. Prohibition of Certain Remuneration to the College**

The College may not accept on its own behalf anything of value from any Lending Institution in exchange for any advantage or consideration provided to the Lending Institution related to its education loan activity.

This prohibition includes but is not limited to the College's receipt from a Lending Institution of:

- (a) any form of "revenue sharing";
- (b) any form of "referral fees";
- (c) any computer hardware or software or other goods for which the College pays below-market prices; and
- (d) any printing costs or services.

Notwithstanding anything else in this provision, the College may accept assistance from a Lending Institution that is comparable to the kinds of assistance provided by the Department of Education to schools under, or in furtherance of, the Federal Direct Loan Program.

## **6. Preferred or Recommended Lenders**

In the event that the College promulgates a list of preferred or recommended lenders or any similar ranking or designation (a "Preferred Lender List"):

- (a) every brochure, web page or other document that sets forth a Preferred Lender List must clearly disclose the process by which the College selected lenders for said Preferred Lender List, including but not limited to the criteria used in compiling said list and the relative importance of those criteria;
- (b) every brochure, web page or other document that sets forth a Preferred Lender List or identifies any lender as being on a Preferred lender List shall state in the same font and same manner as the predominant text on the document that students and their parents have the right and ability to select the education loan provider of their choice, are not required to use any of the lenders on said Preferred Lender List, and will suffer no penalty for choosing a lender that is not on said Preferred Lender List;
- (c) the College's decision to include a Lending Institution on any such list and the College's decision as to where on the list the Lending Institution's name appears shall be determined solely by consideration of the best interests of the students or parents who may use the list without regard to the pecuniary interests of the College;
- (d) the constitution of any Preferred Lender List shall be reviewed no less than annually;
- (e) no Lending Institution shall be placed on any Preferred Lender List unless the Lending Institution provides assurance to the College and to student and parent borrowers who take out loans from the Lending Institution that

the advertised benefits upon repayment will continue to inure to the benefit of student and parent borrowers regardless of whether the Lending Institution's loan are sold;

- (f) no Lending Institution that has an agreement to sell its loans to another unaffiliated Lending Institution shall be included on any Preferred Lender List unless such agreement is disclosed therein in the same font and same manner as the predominant text on the document in which the Preferred Lender List appears; and
- (g) no Lending Institution shall be placed on any one of the College's Preferred Lender Lists or in favored placement on any one of the College's Preferred Lender Lists for a particular type of loan, in exchange for benefits provided to the College or to the College's students in connection with a different type of loan.

## **7. Prohibition of Lending Institutions' Staffing of College Financial Aid Offices**

No employee or other agent of a Lending Institution may staff the College financial aid offices at any time.

## **8. Disclosure of Lending Institution's Provision of Services**

If a Lending Institution is engaged to perform any function of the College financial aid offices (including, for example, call center services), then this arrangement must be disclosed to students or prospective students of the College or their parents who interact with employees of the Lending Institution in that context.

No employee or other agent of a Lending Institution shall ever be identified to students or prospective students of the College or their parents as an employee of the College.

## **9. Proper Execution of Master Promissory Notes**

The College shall not link or otherwise direct potential borrowers to any electronic Master Promissory Notes or other loan agreements that do not allow students to enter the lender code or name for any lender offering the relevant loan.

The College's link or direction referred to in the preceding sentence shall comply with paragraph 6(a) above.

## **10. School as Lender**

If the College participates in the "School as Lender" program under the federal statute that permits schools in certain circumstances to make direct loans to students, the College may not treat "School As Lender" loans any differently than if the loans originated directly from another lender. Every provision of this Code of Conduct applies equally to such "School as Lender" loans as if the loans were provided by another lender.

## **11. Prohibition of Opportunity Loans**

The College shall not arrange with a Lending Institution to provide any “Opportunity Loans” (defined below) if the provision of such Opportunity Loans prejudices any other borrower. The College shall not arrange with a Lending Institution to provide any “Opportunity Loans” unless the arrangement has been specifically approved by the President of the College in consultation with the Board of Trustees and with the advice of legal counsel to the College.

For purposes of this Code of Conduct, “Opportunity Loans” refer to an arrangement whereby a lender agrees to make loans to students with poor or no credit history, or international students, who the lender claims otherwise would not be eligible for the lender’s alternative loan program.

**Title:** Communication Devices  
**Effective Date:** January 01, 2009  
**Policy Number** 2009 - 001

### **Policy**

This policy applies to the use of all Mercy College supplied communication devices.

### **Internal Revenue Service Code**

The IRS considers cell phone use a taxable fringe benefit to the employee if business and personal use of the phone cannot be substantiated in detail – down to the stated purpose of each business call. In the absence of a call log, the IRS can treat all undocumented calls as personal and the value of those calls as taxable wages, even if the calls were mostly for business.

### **Policy Statement**

Mercy College has adopted the following policy to provide guidance regarding the use of Mercy College communication equipment.

Communication equipment and service is provided for Mercy College employees who meet certain eligibility criteria. All costs incurred for communication equipment and service is borne by each department. The responsibility for usage monitoring resides with the department. The cost of any personal use of communication equipment and service must be reimbursed to Mercy College. On a calendar quarterly basis the IT department will distribute copies of the three (3) previous communication bills to each employee. Example: bills for the 12/27 – 1/6, 1/7- 2/26 and 2/27 – 3/26 billing cycles will be sent to the employee in April.

### **Substantiation Requirement**

To meet IRS substantiation requirements, the employee, when they receive their quarterly communication bills, must substantiate in detail the business purpose of each call so that business calls can be distinguished from personal calls. Employees must keep copies of these documented communication bills as substantiation to their reimbursement to Mercy College for their personal calls.

The value of all the personal calls must be reimbursed to Mercy College on a quarterly basis.

Either of the following two methods is acceptable as reimbursement to Mercy College.

1. At rate of \$.07 (seven cents) per minute. Example: 18 minutes of personal use –  $18 \times .07 = \$1.26$  to be reimbursed to Mercy College. (Percentage of use method. Total monthly charge = \$56.26, total minutes 18, personal minutes 4, personal usage % -  $4/18 = 22\%$ .  $22\% \times 56.26 = \$12.38$ )

2. Percentage of use. Example: total monthly charge = \$59.11, total minutes 1,472, personal minutes 700, personal usage % -  $700/1472 = 48\%$ .  $48\% \times 59.11 = \$28.37$  to be reimbursed to Mercy College. (At rate of \$.07 (seven cents) per minute. 700 minutes of personal use –  $700 \times .07 = \$49.00$ ).

Reimbursement must be made by check made payable to Mercy College and forwarded to the Director of Accounts Payable and Purchasing located in the Southwest Annex on the Dobbs Ferry Campus along with the attached form within 20 days of receipt of the phone logs.

If no personal calls were made it should be so noted on the form.

The completed forms will be kept on file in the procurement office in conformance with the College's retention policy.

**Mercy College  
Reconciliation Form for  
Personal Use of College Provided Cell Phone Services**

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

**Cell Phone Number** \_\_\_\_\_

**\$.07 per call method** \_\_\_\_\_ **% use method** \_\_\_\_\_

<b>Month/Year</b>	<b>Total Charge on Bill</b>	<b>Personal Use Cost</b>
_____	_____	_____
_____	_____	_____
_____	_____	_____
<b><u>Total for Quarter</u></b>	_____	_____

**This completed form along with a check made payable to Mercy College for the total cost of personal use of College provided cell phone services must be sent to the Director of Accounts Payable and Purchasing located in the Southwest Annex on the Dobbs Ferry Campus within 20 days of receipt of the phone logs.**

**The user must indicate clearly by month if there was no personal use of College provided cell phone service.**

SUBJECT:	<b>Vacation Pay Advance</b>
REVIEWED AND REVISED:	
PRESIDENT'S APPROVAL:	

On an exception basis, employees may request their vacation pay in advance of their scheduled **approved** vacation. The college will permit an employee who has been employed for one full year to receive in advance of their vacation the amount that has accrued **but** not utilized at that time.

Employees are credited with six (6) months vacation time at the start of each fiscal year (July). The additional six (6) months is credited at the beginning of the second half of the fiscal year (January).

The advance will be processed as an employee loan to be repaid in full out of the vacation pay that will be processed in the normal time frame.

All advanced vacation pay needs to be approved by the employee's supervisor with notification to Payroll two (2) weeks prior to the time off.

**Please note that this is not to be a routine process, but only an exception process where there is a valid reason for the request. Also, it does not apply to normal college closings, such as the December holiday break.**

SUBJECT: **Paid Time Benefits Policy**

DEPARTMENT: **Human Resources**

REVIEWED AND REVISED: **July 11, 2008**

### **POLICY**

Mercy College will provide paid time benefits to those employees working twenty or more hours per week. Mercy College provides paid time in the following categories:

Vacation Time	Sick Time	Personal Time
Jury Duty Leave	Summer Days Off	Bereavement Leave
Closures owing to inclement weather conditions		Holidays

Mercy College reserves the right to alter or discontinue the provision of any of these benefits at any time, with or without notice. These policies are intended for Mercy College non-union exempt and non-exempt employees. Please see the Collective bargaining Agreement with Local 2110 if you are a member of the union.

### **Leave Approval**

Employees who wish to use paid benefit time in any of the categories listed above except holidays and official closures of the College, must complete request the leave in compliance with current College and departmental policies. Leave requests are not approved until the employee has received a response in writing indicating that the leave is approved. Where an employee has more than one supervisor, he/she must secure the approval of all supervisors before the leave request is deemed to be officially approved. Requests will be reviewed and approved based on a number of factors, including business needs and departmental staff levels at the time of the request.

### **Unpaid Time**

Time cards should not reflect unpaid time unless the employee has exhausted benefit time in all categories. The only exception to this rule is if the employee has requested vacation or personal time and only has sick time in the bank to cover the employee's absence.

### **Allotments and Carry-Over**

Paid benefit time allotments vary for vacation, personal and sick time. Refer to the allotment notes under each type of leave in the respective leave policy.

Questions regarding this policy should be directed to the Director of Human Resources.

SUBJECT: **Vacation Policy**  
DEPARTMENT: **Human Resources**  
REVIEWED AND REVISED: **July 11, 2008**

### Policy

Mercy College will provide vacation time benefits to those employees working twenty or more hours per week.

Upon termination of employment, employees will be paid for unused vacation time that has been earned through the last day of work, provided the employee provides the College with two (2) weeks' notice. Should the employee not provide the College with two (2) weeks' notice, the employee will forfeit the right to be paid for unused vacation time that has been earned. In cases of termination of employment by the Employer, the employee will not be eligible for payment of unused and earned vacation time. Vacation time may not be taken in less than half day increments. All employees should keep accurate records of their own vacation time taken. Vacation time balances are available on Banner Self-Service, accessible through Mercy Connect and on the pay stubs. Managers of each department are provided with a report from Human Resources of the leave balances for their direct reports so that they will have the information on which to base their decision to approve or disapprove a leave request.

### **Allotments and Carry-Over**

Vacation time is allocated in two allotments. The first allotment of a half years' vacation is posted on July 1 and the second half will be made on January 1. Employees who do not use any time from their July 1 allotment will carry over that balance into the second half of the year. Employees are allowed to carry five days from one fiscal year to another. Employees will not be paid for any carry-over days when their employment with the College ends.

Vacation time with pay is available to eligible employees. Vacation is accrued during the probationary period, but cannot be used until the probationary period is successfully completed. An employee who leaves before the end of the probationary period will not be paid out for any accrued vacation time.

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

### **Accruals and Length of Service**

Employees in the following employment classifications are eligible to earn and use vacation time as described in this policy:

\* Regular full-time employees

\* Regular part-time employees

Vacation accrual is pro-rated for part-time employees. The amount of paid vacation time employees receive each year increases with the length of employment as shown in the following schedule:

Accruals continued on next page

Clerical:

1 to 5 years of service: 10 days/year, accrued monthly at the rate of 0.833 days.

5 to 10 years of service: 15 days/year, accrued monthly at the rate of 1.250 days.

10+ years of service: 20 days/year, accrued monthly at the rate of 1.667 days.

Technical/Professional:

1 to 5 years of service: 15 days/year, accrued monthly at the rate of 1.25 days.

5 to 10 years of service: 20 days/year, accrued monthly at the rate of 1.667 days.

Administrative:

20 days/year, accrued monthly at the rate of 1.667 days.

The length of eligible service is calculated on the basis of the employee's employment anniversary.

SUBJECT: **Sick Time Policy**  
DEPARTMENT: **Human Resources**  
REVIEWED AND REVISED: **July 11, 2008**

### **Policy**

Mercy College will provide sick time benefits to those employees working twenty or more hours per week.

### **Allotments and Carry-Over**

Sick time is allocated at the start of the fiscal year (July 1) and is pro-rated for part-time employees. Sick time is not paid out upon separation from the College.

### **Sick Time**

Mercy College provides paid sick leave benefits to all eligible employees for periods of temporary absence due to illnesses or injuries. Eligible employee classifications are:

\* Regular full-time employees

\* Regular part-time employees

*Eligible employees hired prior to 7/1/02 will accrue sick leave benefits at the following rate:*

Clerical: 12 days per year (1.0 days for every full month of service, max 90 days)

Technical: 24 days per year (2.0 days for every full month of service, max 90 days)

Professional: 24 days per year (2.0 days for every full month of service, max 90 days)

Administrative: 30 days per year (2.5 days for every full month of service, max 180 days)

*Eligible employees hired on or after 7/1/02 will accrue sick leave benefits at the following rate:*

Clerical: 12 days per year (1.0 days for every full month of service, max 90 days)

Technical: 12 days per year (1.0 days for every full month of service, max 90 days)

Professional: 12 days per year (1.0 days for every full month of service, max 90 days)

Administrative: 30 days per year (2.5 days for every full month of service, max 180 days)

Sick leave benefits are calculated on the basis of a "fiscal year". Paid sick leave may be taken in one hour increments as necessary. Sick time must be used to take care of the illness of the employee (scheduled or unscheduled). Paid sick leave may not be used for the care of any dependent unless the illness and the dependent meet the standards of the Family Medical Leave Act. See the Mercy College FMLA Policy for details.

Employees who are unable to report to work due to illness or injury should notify their direct supervisor before the scheduled start of their workday if possible. The direct supervisor must also be contacted on each additional day of absence. If an employee is absent for three or more consecutive days due to illness or injury, a physician's statement must be provided verifying the illness and its beginning and expected ending dates. Such verification may be requested for other sick leave absences as well and may be required as a condition to receiving sick leave benefits. Before returning to work from a sick leave lasting over three 3 calendar, an employee must provide a physician's verification that he or she may safely return to work. This verification must be provided

no later than the day on which the employee is scheduled to return to work. For illnesses lasting over three 3 calendar days, see Mercy College FMLA Policy.

Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence and will not include any special forms of compensation, such as stipends, bonuses, and differentials. As an additional condition of eligibility for sick leave benefits, an employee on who will be or has been absent for more than five days must apply for any other available compensation and benefits, such as Short Term Disability or Workers' Compensation. Sick leave benefits will be used to supplement any payments that an employee is eligible to receive from disability insurance, workers' compensation or Mercy-provided disability insurance programs. The combination of any such disability payments and sick leave benefits cannot exceed the employee's normal weekly earnings.

Unused sick leave benefits will be allowed to accumulate until the employee has accrued a maximum of:

Clerical: 90 calendar days

Technical : 90 calendar days

Professional: 90 calendar days

Administrative: 180 calendar days

If the employee's benefits reach this maximum, further accrual of sick leave benefits will be suspended until the employee has reduced the balance below the limit.

**Employees with a minimum of five years of service who experience a catastrophic illness and who have used up all of their sick, vacation and personal days may borrow sick leave from the next year's allotment.**

Sick leave benefits are intended solely to provide income protection in the event of illness or injury, and may not be used for any other absence such as supplemental vacation days or holiday extension. Where employees are found to be using sick time to extend week-end or holidays or where there is a pattern of abuse of the use of sick time, such employees will be subject to disciplinary action. Unused sick leave benefits will not be paid to employees while they are employed or upon termination of employment.

### **Sick Time and FMLA**

An eligible employee may use sick leave benefits for an absence due to the illness or injury of a dependent as defined by the Family Medical Leave Act, (FMLA) if the illness rises to the level of a serious health condition as defined under the FMLA. Refer to the Mercy College FMLA Policy. Where an employee is absent from work for three or more consecutive days as a result of an illness, the employee must complete and return to the Human Resources Department, FMLA forms including the Certification of Health Care Provider Form to determine the employee's eligibility for coverage under the law. Where an employee is requesting sick time to take care of a legal dependent, the employee must complete and submit with the Leave

Request Form, and the FMLA forms including the Certification of Health Care Provider Form completed by the medical provider of the dependent.

SUBJECT: **Personal Time Policy**

DEPARTMENT: **Human Resources**

REVIEWED AND REVISED: **July 11, 2008**

**POLICY**

Mercy College will provide personal time benefits to those employees working twenty or more hours per week. Personal time should only be approved for emergencies and should therefore not be used as an extension of vacation or holidays. Personal days are not intended to be used as they are accrued by employees.

**Allotments and Carry-Over**

Personal time is allocated at the start of the fiscal year (July 1). Personal time is not paid out upon separation from the College and may not be carried over from one year to the next.

Regular full-time employees are allotted three personal days per year. Personal time is pro-rated for part-time employees. Personal time must be taken in half day increments. Where an employee's employment with the College ends prior to June 30<sup>th</sup>, the final paycheck of that employee is reduced by the number of days used but not accrued.

Managers should refrain from approving leaves for time not yet accrued except under extraordinary circumstances in which the approval of the Director of Human Resources must be sought. Questions regarding this policy should be directed to the Director of Human Resources.

SUBJECT: **Bereavement Policy**

DEPARTMENT: **Human Resources**

REVIEWED AND REVISED: **July 11, 2008**

**POLICY**

Mercy College will provide bereavement leave benefits to those employees working twenty or more hours per week. Employees may take bereavement leave when an immediate family member dies. Employees who wish to take bereavement leave should notify their supervisor immediately and should complete a Leave Request Form. Mercy College defines "immediate family" as the employee's spouse, domestic partner, parent, child, sibling, grandparents, and parents-in-law.

Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials.

**Bereavement leave must be taken within ten days of the passing of the relative. Management reserves the right to request proof of death and/or proof of relationship as part of the leave approval process.**

**Allotments**

Bereavement leave is only allotted as the need arises and cannot be carried from one year to the next.

Up to five (5) days of paid bereavement leave will be provided to eligible employees in the following classification(s):

Regular full-time employees                      Regular part-time employees

The schedule of the number of days for which an employee is eligible is outlined below.

Up to five (5) paid days per year will be granted for the death of a spouse, domestic partner, child, parent, or sibling.

Up to two (2) paid days per year will be granted for mothers-in-law, fathers-in-law and grandparents. An employee may request vacation time, personal time, or unpaid leave for any other close relationship of up to five (5) days, to a maximum of ten (10) days per year.

Please note that the days allotted are not per occurrence but per year. Leave taken against the allotment in one category does not affect the allotment in the other category within the maximums set for the year.

Questions regarding this policy should be directed to the Director of Human Resources.

SUBJECT: **Holiday Policy**

DEPARTMENT: **Human Resources**

REVIEWED AND REVISED: **July 11, 2008**

**POLICY**

Mercy College will provide paid holiday time to those employees working twenty or more hours per week. Eligible employees will access this benefit immediately upon assignment to an eligible employment classification. Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day. Eligible employee classification(s):

Regular full-time employees                      Regular part-time employees

Part-time employees will receive pro-rated holidays to the number of hours per week that they work. If a recognized holiday falls during an eligible employee's paid absence (such as vacation or sick leave), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

If eligible non-exempt employees work on a recognized holiday, they will receive holiday pay plus wages at their straight-time rate for the hours worked on the holiday.

Paid time off for holidays will not be counted as hours worked for the purposes of determining overtime.

**Holidays**

Mercy will grant paid holiday benefits to eligible employees on the holidays listed below:

- \* New Year's Day (January 1)
- \* Martin Luther King, Jr. Day (third Monday in January)
- \* Presidents' Day (third Monday in February)
- \* Memorial Day (last Monday in May)
- \* Independence Day (July 4)
- \* Labor Day (first Monday in September)
- \* Thanksgiving (fourth Thursday in November)
- \* Day after Thanksgiving
- \* Christmas Week (December 24 through January 1)

Questions regarding this policy should be directed to the Director of Human Resources.

SUBJECT: **Summer Days Off Policy**

DEPARTMENT: **Human Resources**

REVIEWED AND REVISED: **July 11, 2008**

**POLICY**

Mercy College will provide paid summer days off to regular full-time employees.

**Eligibility**

Regular full-time employees hired prior to September 1, 2008, will be eligible to take eight "Summer Days Off".

Regular full-time employees who are hired on or after September 1, 2008, will be eligible to take "Summer Days Off" as outlined in the schedule below:

After 1 full year of service: 1 day off

After 2 full years of service: 2 days off

After 3 full years of service: 3 days off

After 4 full years of service: 4 days off (Maximum)

Union employees should refer to the Collective Bargaining Agreement for the terms and conditions regarding summer days off.

Part-time employees are not eligible for Summer Days Off.

Employees wishing to use "Summer Days off" must follow the instructions disseminated by the Human Resources department each year. In all cases a Leave Request Form must be completed to request the days. Normal leave approval process will apply.

Questions regarding this policy should be directed to the Director of Human Resources.



## **Subject: Anti-Harassment Policy**

### **Reviewed and Revised: March 22, 2010**

#### **POLICY**

It is the policy of Mercy College to prohibit harassment of any employee, student or other member of the College community on the basis of race, color, national origin, ancestry, religion or religious creed, sex, sexual orientation, age, physical or mental disability, medical condition, genetic information or any other characteristic protected by federal, state or local law or by College policy.

This policy applies to all employees, students and other members of the College community.

This policy applies to conduct wherever and however it occurs. It applies not only to conduct that occurs on the College campus, but also off-campus. It applies not only to conduct that occurs in-person, but also to conduct that occurs over the telephone, by e-mail, through online social networking sites and by any other means or method of any kind.

Harassment can constitute not only a violation of College policy but also a violation of federal, state or local law. This policy applies is not limited to unlawful harassment, but also applies to any conduct that the College deems unacceptable, regardless of whether that conduct satisfies any legal definition of harassment.

It is also the policy of Mercy College not to permit any retaliation against any person who in good faith makes a complaint of harassment or participates in the investigation of a complaint of harassment.

Anyone who violates this policy, either by engaging in harassing conduct or by retaliating against anyone in connection with a complaint of harassment, will be subject to disciplinary action. For students, that disciplinary action may include any sanction up to and including dismissal. For employees, that disciplinary action may include any sanction up to and including termination of employment.

While this policy affirms the College's goal of establishing a work and educational environment that is free of harassment on the basis of any protected category, the policy in no way limits the College's authority to discipline or take remedial action in response to harassing conduct in any other context.

## **PROCEDURE**

### **Prohibition of Sexual Harassment**

The College is committed to providing an educational and working environment that is free from sexual harassment.

“Sexual harassment” includes sexual advances, requests for sexual favors, and any other verbal or physical conduct of a sexual nature when:

- a person's submission to such advances, requests or conduct is, either explicitly or implicitly, made a term or condition of employment or a term or condition of any educational status or opportunity;
- a person's submission to or rejection of such advances, requests or conduct is, either explicitly or implicitly, used as a basis for any employment or educational decision; or
- such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work or education by creating an intimidating, hostile, humiliating or sexually offensive environment.

It is not possible to list all of the types of conduct that may constitute sexual harassment. The following are examples of conduct that may constitute sexual harassment depending upon the totality of the circumstances, including the severity and pervasiveness of the conduct and the degree (if any) to which the conduct was welcomed by the person who was the object of it:

- direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits (e.g., favorable reviews, salary increases, promotions, continued employment, etc.);
- direct or implied requests by a teacher for sexual favors in exchange for actual or promised educational benefits (e.g., favorable grades or evaluations);
- unwelcome sexual advances - whether or not they involve physical touching;
- sexual epithets or jokes;
- comments about a person's body or a person's sexual activity, deficiencies, or prowess;
- displaying or sending sexually suggestive objects, pictures, posters, cartoons, e-mails, video clips or links to sexually explicit content;

- unwelcome leering, whistling, brushing against the body, sexual gestures, or suggestive or insulting comments;
- inquiries into or statements about a person's sexual experiences; and
- other sexually oriented statements or material.

### **Prohibition of Other Types of Harassment**

In addition to sexual harassment, the College also prohibits verbal or physical conduct that is based race, color, gender, religion, sexual orientation, age, national origin, disability or any other protected category where that conduct

- creates an intimidating, hostile or humiliating work or educational environment;
- unreasonably interferes with a person's work or education; or
- otherwise adversely affects a person's employment or educational opportunities.

While it is not possible to list all of the types of conduct that might constitute such discriminatory harassment, the following are examples of conduct that – depending on all of the circumstances – could fall within this policy:

- epithets, slurs, negative stereotyping, or denigrating jokes that relate to a person's race, color, gender, religion, sexual orientation, age, national origin or disability or another protected category; or
- threatening, intimidating, or hostile acts that relate to a person's race, color, gender, religion, sexual orientation, age, national origin or disability or another protected category.

### **Sexual Harassment Training Program**

The College periodically will provide sexual harassment training programs for all employees. All employees must attend at least one sexual harassment training session within each calendar year, and may be required to sign an attestation or roster confirming their participation in such training and/or their receipt of this anti-harassment policy. Online training currently is accessible at <http://training.newmedialearning.com/psh/mercyc/index.htm>.

### **Consensual Relationships**

Sexual harassment may be at issue even in relationships that begin as consensual ones. In particular, such relationships can be problematic when one person in the relationship is, or could be perceived to be, in a position of institutional authority relative to the other person. Any relationship that exploits a person's position of institutional authority is inappropriate. In order to avoid that possibility, it is the policy of the College that any relationship in which one person

has, or reasonably could be perceived to have, institutional authority over another member of the College community must be disclosed as follows, so that the matter may be addressed as appropriate under the circumstances:

- Any College employee who is or becomes a party to a consensual relationship with another College employee with whom he or she has a direct reporting or other supervisory relationship must disclose that relationship to the Director of Human Resources.
- Any faculty member who is or becomes a party to a consensual relationship with a student – regardless of whether the student is in the faculty member's class – must disclose that relationship to the Associate Provost/Human Resources Liaison.
- Any non-faculty College employee who is or becomes a party to a consensual relationship with any student must disclose that relationship to the Director of Human Resources.

### **Initiating a Complaint or Report of Harassment or Retaliation**

Managers and Supervisors: Any person in a managerial or supervisory role who is aware of conduct that violates this policy, or who has reason to believe that conduct violating this policy may have occurred, must immediately report that information to the Human Resources Department Complaint Hotline, the General Counsel, or the Director of Human Resources.

Faculty and Staff: Any College employee who is the victim of harassment or retaliation, or who has reason to believe that another member of the College community is the victim of harassment or retaliation, must report this to the employee's manager/supervisor, the Human Resources Department's Complaint Hotline at (914) 674-7855, the General Counsel, or the Director of Human Resources.

Students: Any student who is the victim of harassment or retaliation, or who has reason to believe that another member of the College community is the victim of harassment or retaliation, should report this information to the Associate Dean for Student Engagement or other individuals as identified in the Students' Handbook.

### **Investigation and Disciplinary Proceedings**

All credible reports of harassment will be investigated promptly. The substance of the investigation will depend upon the nature of the complaint and any additional information that comes to light during the course of the investigation.

The confidentiality of any complaint will be maintained to the extent possible under the circumstances, taking into account the College's duty to fairly and thoroughly investigate and address incidents of alleged harassment or retaliation.

Harassment or retaliation by students: Where there is probable cause to believe that a student has violated this policy, disciplinary proceedings will be handled in accordance with the provisions of the Student Handbook, available at <https://www.mercy.edu/cp/studenthandbook.pdf>.

Harassment or retaliation by faculty: Where there is probable cause to believe that a faculty member has violated this policy, disciplinary proceedings will be handled in accordance with the provisions of the Faculty Handbook.

Harassment or retaliation by staff: Where there is probably cause to believe that a non-faculty employee has violated this policy, disciplinary proceedings will be handled in accordance with the complaint provisions of the College's Affirmative Action Program, available at <https://www.mercy.edu/employees/pdf/affirmativeaction.pdf>.

### **Non-Retaliation**

Retaliation against an individual who has complained about any form of harassment, and retaliation against individuals for cooperating with an investigation of a harassment complaint is unlawful and will not be tolerated by the College. Retaliation will result in disciplinary action up to and including termination of employment.



## **Attestation Concerning the College's Anti-Harassment Policy**

I attest that I have been made aware of the Mercy College Anti-Harassment Policy, including its availability on-line; that I have reviewed and fully understand the policy; and that I will comply with that policy as a member of the College community.

Name: \_\_\_\_\_  
Employee Name (PLEASE PRINT)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date