

Bard College

EMPLOYEE HANDBOOK

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This manual is for the employees of Bard College and its affiliates, including Levy Institute, BGIA, Bard Graduate Center, and the Bard High School Early Colleges

(Not intended for the employees of Simon's Rock or Longy)

Office of Human Resources
Ludlow Administration Building, Lower Level
845-758-7428
www.bard.edu/employment

Introduction

This Handbook is designed to acquaint you with Bard College and provide you with information about working conditions, employee benefits, and policies affecting your employment. You should read, understand, and comply with all provisions of the Handbook. It describes many of your responsibilities as an employee, and outlines the programs developed by Bard College to benefit employees.

Bard College reserves the right to change or rescind any and all of the policies contained herein with or without notice. If a change affects a term or condition of employment which is governed by a current union contract, such change shall be made in accordance with such contract and/or applicable law. Furthermore, any policy governed by an accepted union contract will supersede the policy within this Handbook. The College employs people in a number of states, and it endeavors to create its policies in accordance with all applicable state laws. In the event that any of the policies in this Handbook contravene state law, the state law shall overrule the policy and apply. This handbook supersedes all previous guidelines and employee handbooks. No provision of this policy alters the at-will nature of employment at Bard College.

Bard College General Information

Bard College offers a vast amount of information concerning the College's history, location, campus maps, student programs, employment opportunities, and general College communication through its website: www.bard.edu. In addition, the College's intranet site, Inside Bard (www.bard.edu/inside), allows staff, faculty, and students access to various internal processes, policies, and general information. Employees should review these websites and their links to assist them in becoming more familiar with Bard College. To find out more about all Bard programs, visit: www.bard.edu/network. Other affiliated websites include www.bhsec.bard.edu and www.bgc.bard.edu. Faculty should refer to their faculty contract regarding their nature of employment and applicable policies.

The Office of Admission offers campus tours for new employees (and prospective students) allowing employees to learn about and become familiar with the Bard campus. Tours are scheduled at various times during the week and last for 1½ hours. To schedule a tour, please call the Office of Admission at 845-758-7472.

All employees are required to obtain an identification card. You may be asked to present this card at any time to identify yourself as a Bard College employee. ID cards may be obtained from Buildings and Grounds after obtaining a form with your ID number from the Office of Human Resources. ID numbers will only be generated for new employees after pertinent forms are completed with the Office of Human Resources. (*Not applicable for BHSECs; BGC employees should refer to the BGC onsite identification card process*).

All vehicles utilizing campus-parking facilities on a continual basis must be registered with the Office of Safety and Security. Employees are asked to present a valid driver's license, proof of registration, and current insurance card from the state in which the vehicle is registered. Issued stickers should be placed on the driver's side rear window. Employees are prohibited from parking in a handicap accessible or reserved parking space unless applicable. Vehicles not registered with Safety and Security or improperly parked may be towed off campus at the owner's expense. Once a tow truck is dispatched, the vehicle's owner and/or operator are responsible for the tow charge whether or not the vehicle is towed. Employees may contact the Office of Safety and Security at 845-758-7460 for further information.

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Employment Policies

Equal Employment Opportunity

Bard College is an equal opportunity employer committed to treating all individuals equitably with respect and dignity. In order to provide equal employment opportunities and advancement for all, employment decisions will be based on merit, qualifications, and abilities. The College does not discriminate in employment opportunities or practices on the basis of an individual's actual or perceived race (including traits historically associated with race), creed, color, religion, sex, sexual orientation, gender identity, transgender status, reproductive health decision-making of an individual or an individual's dependents, national origin, ancestry, age, physical or mental disability (including pregnancy-related conditions), genetic information, predisposition or carrier status, marital or familial status, domestic violence victim status, military or veteran status, criminal conviction history, protected activity (such as opposition to or reporting of prohibited discrimination or harassment), known relationship or association with any member of a protected class, arrest or caregiver record, unemployment status, salary history, hair and/or hair style, or any other characteristic protected under applicable federal, state and/or local law. This policy governs all aspects of employment, including but not limited to, hiring, training, job assignment, compensation, promotion, discipline, termination, and access to benefits and employee development.

Any employee with questions or concerns about any type of discrimination or harassment in the workplace is encouraged to bring these issues to the attention of their immediate supervisor, the Office of Title IX and Nondiscrimination, or the Director of Human Resources. Retaliation is prohibited, and employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action including, without limitation, termination of employment.

Immigration Law Compliance

Bard College is committed to employing only individuals who are authorized to work in the United States, and does not unlawfully discriminate on the basis of citizenship or national origin. In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with Bard College within the past three years, or if their previous I-9 is no longer retained or valid. Employees whose immigration status, employment authorization or employment authorization documents expire should file the necessary application or petition well in advance to ensure they maintain continuous employment authorization and valid employment authorization documents. It is the employees' responsibility to ensure that their employment authorization documents remain valid at all times. Bard College will conduct reverification where required to do so by law. Employees may raise questions or complaints about immigration law compliance to the Director of Human Resources without fear of reprisal.

Accommodation for Employees with Disabilities and Pregnancy-Related Conditions

Bard College is committed to complying fully with the Americans with Disabilities Act (ADA) and applicable state and local law in ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a nondiscriminatory basis. Hiring procedures have been reviewed to provide persons with disabilities competitive employment

opportunities. Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position.

Bard College will endeavor to make reasonable accommodations for the known physical or mental limitations of a qualified applicant or employee with a disability, unless doing so will result in an undue hardship for the College.

To request an accommodation, employees should complete the Accommodation Request Form here: www.bard.edu/humanresources/forms.

Once this request form has been received, the College will engage in an interactive process with the employee to explore potential reasonable accommodations while considering both the employee's disability-related limitation and the employee's essential job functions. This process requires active participation by the employee and the College; failure to engage in the interactive process may result in a delay and/or denial of a request for accommodation. During this interactive process, the College may request medical documentation to support an employee or applicant's request for accommodation. Requests for documentation will be limited to information regarding the nature of a medical condition, the functional limitations, the need for accommodation, the anticipated duration of the medical condition, and need for accommodation. The College encourages employees to suggest specific reasonable accommodation that will allow them to perform their job. However, the College is not required to make the specific accommodation requested and may provide an alternative accommodation.

Requests for emotional support animals as a reasonable accommodation should be made in accordance with this policy.

All information concerning disabilities and related accommodation will be considered confidential and will be released only in accordance with the requirements of applicable law.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as job assignments, classifications, organizational structures, position descriptions, and lines of progression and seniority lists. Leave of all types will be available, if eligible, to all employees on an equal basis.

Reasonable accommodations for pregnancy may include modifications to an employee's schedule and or to their assignments in order to allow the employee to perform the essential requisites of the job. Examples of potential reasonable accommodations include: (i) changes to work schedules and/or assignments; (ii) additional breaks for water or snack breaks or to rest; and (iii) physical modifications to a work station including the addition of a fan or seat.

Bard College is committed to not discriminating against any qualified employee or applicant because they are related to or associated with a person with a disability. Bard College will follow any state or local law that provides qualified individuals with disabilities greater protection than the ADA. This policy is neither exhaustive nor exclusive. Bard College is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws.

Employment Categories

All Bard College employees are designated as either “Exempt” or “Nonexempt” from federal and state wage and hour laws. These classifications do not guarantee employment for any specified period of time. If an employee has questions about their classifications, or believes they have been misclassified, they should contact the Office of Human Resources.

Exempt employees are excluded from specific provisions of federal and state wage and hour laws. The salary paid to employees classified as exempt is intended to pay for all hours worked during each work week, regardless of the employee’s scheduled or reported hours. Nonexempt employees are entitled to overtime pay under the specific provisions of federal and state laws. An employee’s classification may be changed after state and federal criteria have been met. Employees whose classifications have been changed will receive written notification from the Office of Human Resources.

In addition to the above categories, each employee will have an additional employment status:

Regular full-time employees are those who are not in a temporary or introductory status, and who are regularly scheduled to work in a budgeted position requiring a minimum of 35 hours per week for 52 weeks per year. Generally, they are eligible for the Bard College benefit package, subject to the terms, conditions, and limitations of each benefit program.

Academic year employees are those who are regularly scheduled to work in a budgeted position during the academic calendar, July 1st through June 30th. Generally, they are eligible for the Bard College benefit package, subject to the terms, conditions, and limitations of each benefit program. (BHSECs: Academic Year is September 1st through June 30th). These employees are also called “10 month Employees” and must work a minimum number of hours to qualify for the benefit program (1,300 hours).

Regular part-time employees are those who are not assigned to a temporary or introductory status and who are regularly scheduled to work in a budgeted position less than the full-time work schedule, but at least 20 hours per week. Regular part-time employees are eligible for some benefits sponsored by Bard College subject to the terms, conditions, and limitations of each benefit program.

Introductory employees are those whose performance is being evaluated to determine whether further employment in a specific position or with Bard College is appropriate. Bard College has established the introductory period to be 90 calendar days, initiating on the first day of employment.

Casual employees are those who work less than 20 hours per week and/or those who work at the convenience of the College and the employee. Casual employees retain that status unless and until notified of a change. While casual employees receive all legally mandated benefits (such as workers’ compensation insurance, New York State Disability Insurance and Social Security), they are ineligible for all of Bard College’s other benefit programs, unless otherwise provided for under the terms of the applicable benefit plans.

Temporary employees are those who are hired seasonally on a full-time or part-time basis, as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change. While temporary employees receive all legally mandated benefits (such as workers’ compensation insurance, New York State Disability Insurance

and Social Security), they are ineligible for all of Bard College's other benefit programs, unless otherwise provided for under the terms of the applicable benefit plans.

Job Descriptions

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

Employees should remember that job descriptions do not necessarily cover every task or duty that might be assigned, and that additional responsibilities may be assigned as necessary. Job descriptions are also subject to change based on operational needs and departmental priorities. Contact the Director of Human Resources if you have any questions or concerns about your job description and/or duties.

Job Posting and Employee Referrals

Bard College provides employees an opportunity to indicate their interest in open positions and advance within the organization according to their skills and experience. In general, notices of all job openings are posted on www.bard.edu/employment, although Bard College reserves its right to not post a particular opening.

To be eligible to apply for a posted job, employees must have performed competently for at least 6 months in their current position. Employees who have a written warning on file or are on probation or suspension are not eligible to apply for posted jobs. Eligible employees can only apply for those posted jobs for which they possess the required skills, competencies, and qualifications.

To apply for an open position, employees should submit a resume and cover letter listing job-related skills and accomplishments to the Office of Human Resources. The candidate's cover letter should detail qualifying attributes received from current experiences with Bard College, and prior work experience and/or education.

Bard College recognizes the benefit of developmental experiences, and encourages employees to talk with their managers about career plans. Managers are encouraged to support employees' efforts to gain experience and advance within the organization. An applicant's manager may be contacted to verify performance, skills, and attendance. Any staffing limitations or other circumstances that might affect a prospective transfer may also be discussed.

Bard College also encourages employees to identify friends or acquaintances that are interested in employment opportunities, and to refer qualified outside applicants for posted jobs. Employees should not make commitments or oral promises of employment. An employee should submit referrals, resumes, and/or completed application forms to the Office of Human Resources for consideration.

Employment Applications

Bard College relies upon the accuracy of information contained in the application materials, as well as the accuracy of other data presented throughout the hiring process. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the

individual from further consideration for employment or, if the person has been hired, discipline up to and including termination of employment.

Mandatory Background Checks

Purpose

The purpose of this policy is to ensure the safety and well-being of the Bard College campus community. This Policy establishes mandatory requirements for conducting job-related background checks on applicants, employees, contractors, and volunteers. It applies to individuals whose roles: (1) involve direct or indirect contact with, or access to, current and prospective students under the age of 18, and/or (2) have access to, or responsibility for, confidential or financial information, student educational records or health information, privacy laws, the safety of individuals or campus property, and/or licensures, among other areas.

This Policy is designed to comply with all applicable federal and state laws, including, but not limited to, New York child protection statutes, Article 23-A of the New York Correction Law, the New York SHIELD Act, the New York Human Rights Law, New York's Clean Slate Act, and federal requirements under the Fair Credit Reporting Act (FCRA), and Equal Employment Opportunity Commission (EEOC) guidance.

Scope

This policy applies to positions that meet at least one of the following:

- Master key access to the residence and other facilities;
- Direct responsibility for the care, safety, and security of students, or safety and security of personal or College property;
- Direct responsibility for the care, instruction, and safety and security of minors;
- Direct access to, or responsibility for, financial information, cash and cash equivalents;
- Extensive authority over the financial resources of the College;
- Access to, or responsibility for, College finance modules (i.e. Banner, ADP);
- Direct access to, or responsibility for, controlled substances or hazardous materials;
- Responsibility for operating commercial vehicles, machinery or toxic systems that could cause accidental death, injury, or health problems;
- A requirement for a professional license, certificate, or degree, the absence of which would expose the College to legal liability and/or adverse public reaction;
- Direct access to and/or responsibility for protected, personal, or other sensitive data.

Departments with positions that have these responsibilities include, but are not limited to:

- All Simon's Rock at Bard employees
- Safety and Security members and management
- Buildings & Grounds Department members and management
- Environmental Services Department members and management
- Information Technology Department
- Human Resources
- Finance Department
- Residence Life & Housing
- Health, Counseling, and Wellness
- Office of Title IX and Nondiscrimination

- Athletics & Recreation
- Student Financial Services
- Nursery School and Children's Center
- Dining Services
- Senior Administration

This Policy also applies to all volunteers, contractors, and others, as requested and/or required by law.

The College reserves the right to conduct background checks on applicants or existing employees in other positions, as determined at the College's discretion.

For most employees, background checks will include, but are not limited to, criminal record checks and sexual registry clearinghouse. The nature and scope of background checks will be determined based on the specific requirements of the employee's position and the level of interaction with minors. For example, child-care workers, coaches, medical professionals, and security officers are required to have more extensive background checks as part of their certification processes. The College also reserves the right to expand the scope of a background check depending on the responsibilities of the position.

Consent Requirement

All current employees and job applicants must sign a written consent form authorizing Bard College to conduct the background check.

Refusal to provide consent will result in:

- For job applicants: Disqualification from consideration for employment.
- For current employees: Disciplinary action, up to and including termination of employment.

Falsification or Omission

If an employee or job applicant is found to have falsified or omitted information during the background check process, Bard College reserves the right to:

- Deny employment to the applicant.
- Take disciplinary action against the employee, up to and including termination of employment.

Guidelines

A conviction or prior arrest will not necessarily bar an individual from employment or continued employment. The College shall consider the following factors to determine whether a prior criminal offense(s) precludes the individual from holding their position:

- The specific duties and responsibilities of the position held or being sought.
- The bearing, if any, the criminal offense(s) may have on the fitness or ability of the individual to perform the job duties or responsibilities of the position held or being sought.
- The amount of time that has passed since the offense(s) was (were) committed and the individual's age at the time of such offenses.
- The seriousness of the offense(s).
- The public policy of the State of New York that encourages the employment of individuals with prior convictions.
- The College's belief in rehabilitation through education.
- Information produced by the individual regarding their rehabilitation and good conduct.
- The legitimate interest of the College in protecting the safety and welfare of specific individuals on campus, the general public, or property.

Compliance with Laws

All background checks will be conducted in compliance with applicable federal, state, and local laws, including but not limited to laws governing privacy, anti-discrimination, and employee rights.

Confidentiality

All information obtained through the background check process will be treated as confidential and will only be used for employment-related purposes. Access to background check information will be restricted to authorized personnel involved in the hiring or employment decision-making process.

Employees have the option to request and receive a copy of their background check results at the same time the College receives the results.

Periodic Updates

Bard College reserves the right to conduct periodic background checks on current employees as deemed necessary to ensure ongoing compliance with this policy, as well as for position transfers or promotions. Employees will be notified in advance of any periodic background checks and will be required to provide updated consent.

Appeal Process

Employees or applicants may appeal the results of a background check if they believe the information is inaccurate or incomplete. Appeals must be submitted in writing to the Director of Human Resources within seven (7) days after the College notifies a current or prospective employee of its decision regarding employment based on the results of a background check.

As part of the appeal process, Human Resources will conduct a confidential consultation with the Dean of the College, Vice President for Administration, and/or hiring manager or volunteer sponsor on matters which may adversely impact the employee's appointment. The applicant will be given an opportunity to review the background check results and submit an explanation in accordance with state and federal law.

The appeal process will apply independent of any rights the individual may have under the Fair Credit Reporting Act or the grievance process set forth in an applicable collective bargaining agreement.

Access to Personnel Files

Bard College maintains a personnel file on each employee. The personnel file includes information such as the employee's job application, resume, records of training, documentation of performance appraisals, salary increases, and other employment and benefit records. Personnel files are the property of Bard College and access to the information they contain is restricted. Generally, only managers and administrators of Bard College who have a legitimate reason to review information in a file are allowed to do so. Employees who wish to review their own file should contact the Director of Human Resources. With reasonable advance notice, current employees may review their own personnel files in the Office of Human Resources and in the presence of a Human Resources staff member. Employees may not copy, alter, remove, or add information from their personnel files without the express written permission of the Director of Human Resources.

Personal Data Changes

It is the responsibility of each employee to promptly notify Bard College of any changes in personal data. Personal mailing addresses, telephone numbers, employee names, number and names of dependents, beneficiary changes, individuals to be contacted in the event of an emergency, educational accomplishments, and other such information should be accurate and current at all times. If any of your personal data has changed, please notify the Office of Human Resources immediately.

Introductory Period

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

All new and rehired employees work on an introductory basis for the first 90 calendar days after their date of hire. Employees who are promoted or transferred within Bard College must complete a secondary introductory period of the same length with each assignment to a new position. Any significant approved absence (an absence of over 2 weeks days) will automatically extend an introductory period by the length of the absence. If Bard College determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended for a specified period. Satisfactory completion of the Introductory Period should not be construed as creating a contract or guaranteeing employment for any specific duration.

In cases of promotions or transfers within Bard College an employee who, in the sole judgment of the administration, is not successful in the new position, can be removed from that position at any time during the secondary introductory period. If this occurs, the employee may be allowed to return to their former job or to a comparable job for which the employee is qualified, depending on the availability of such positions and Bard College's needs. Upon satisfactory completion of the initial introductory period, employees enter the "regular" employment classification.

Employee Management and Performance Review

Open and ongoing communication between employees and supervisors is critical to building and maintaining a positive and productive work environment. Supervisors are encouraged to schedule regular meetings with employees to check in and provide feedback. Feedback sessions can include position description review, goal setting, work prioritization, and talking through challenges. It is also an opportunity for employees to ask for the support, resources, and guidance needed to fulfill the duties of the position.

In addition to ongoing feedback meetings and check-ins, an annual review process, scheduled and conducted by the supervisor, provides the opportunity for employees and supervisors to have an open and honest dialogue about work performance. Recognizing accomplishments, identifying areas that need improvement, and setting professional development goals are also important in this process. The College supports the performance review process as a tool for professional growth and does not base merit increases on performance review outcomes.

The Office of Human Resources is available to provide guidance, training, and resources to supervisors on the performance management process. Support is also available for employees on navigating workplace challenges. Performance review templates can be found on the Office of Human Resources website.

Managerial and Staff Development

The policy of the College is to provide opportunities for the management and staff to attend meetings, conferences, and other educational sessions that provide desired training, depth of understanding in technical areas, or ideas helpful to the development or operation of the College. The College will normally pay the necessary training costs and provide managerial and staff training time. Management approval to attend these training opportunities is required. Approval consideration includes the department's ability to manage effectively with the employee's absence and available funds.

Salary and Compensation for Non-Union Employees

To fulfill its mission, Bard maintains a compensation program directed to attracting and retaining a qualified and inclusive workforce. The College uses a combination of base pay, benefits, paid time off, supports for work-life balance, and additional features such as access to tuition and educational opportunities for employees and their families and access to full, year-round campus programming. Whenever possible, the College provides annual increases in wages and salaries to all regular employees. The amount of yearly increases is determined by the Chief Financial Officer, in conjunction with a fiscal year budget approved by the Board of Trustees.

Salary Adjustments Outside of COLA

Requests for salary adjustments outside of COLA are reviewed yearly and must be submitted by the employee's supervisor to the Director of Human Resources by May 1st. A written proposal and rationale, signed by the Supervisor and Vice President and/or Dean, when applicable, must be formally submitted in writing, in order to be considered. A follow up meeting and/or additional information may be requested upon review. Requests for salary increases are not guaranteed and may be denied, deferred, or made contingent upon external funding, restructuring, or other potential changes within the department. A decision will be issued to the supervisor from the Office of Human Resources.

Outside Employment

Employees may hold outside jobs as long as they meet the performance standards of their job with Bard College. All employees will be judged by the same performance standards and will be subject to Bard College's scheduling demands, regardless of any existing outside work requirements.

If Bard College determines that an employee's outside work interferes with performance or the ability to meet the requirements of their position at Bard College, the employee may be asked to terminate the outside employment.

Outside employment that constitutes a conflict of interest, or engagement in a conflict of interest in the course of outside employment, is prohibited and is cause for immediate termination of employment and other disciplinary action. Bard College reserves all legal and equitable rights and remedies in the event of a conflict of interest which violates the terms of this policy.

Timekeeping

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

Nonexempt employees should accurately record the time they begin and end their workday, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Lunch hours are unpaid time. Overtime work must always be approved before it is performed. It is the employees' responsibility to certify the accuracy of all time recorded. The supervisor will review before submitting it for payroll processing.

Exempt employees must accurately record the use of their vacation, personal and sick time. Upon leaving the College, eligible employees will be paid out unused earned and accrued vacation time, provided they have a record of reporting their time used to Payroll in a consistent manner.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action up to and including termination of employment. If an employee believes that their time has been improperly recorded for any reason, they are obligated to bring this to the attention of their immediate supervisor or the Office of Human Resources.

Paydays and Payroll

It is the policy of Bard College to pay employees on a regular basis, and in a manner so that the amount, method, and timing of wages comply with any applicable laws or regulations. Payroll dates and additional information is available on the Payroll Office website here: www.bard.edu/payroll. Bard College takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

Employees may, and are encouraged to, have their pay directly deposited into a financial institution of their choice if they provide advance written authorization to the Office of Human Resources. Employees will receive an itemized statement of wages when Bard College makes direct deposits.

The law requires that Bard College make certain deductions from every employee's compensation. Among these are, but not limited to, applicable federal, state, and local income taxes and court-ordered involuntary deductions. Bard College also must deduct Social Security and Medicare taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base." Bard College matches the amount of Social Security taxes paid by each employee.

Bard College offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs.

If you have questions concerning payroll and/or why deductions were made from your paycheck, you may contact the Payroll Office or Office of Human Resources for assistance.

The College does not condone improper deductions from employees' pay, and endeavors to ensure that unauthorized wage deductions, payroll errors, and the like do not occur. Employees should review each payroll deposit for errors, and report any mistakes to the Office of Human Resources or the Payroll Office immediately. Employees will not be subject to any form of retaliation for raising a concern over payroll or other issues concerning the calculation of their pay. If your paycheck is lost, please notify the Payroll Office (payroll@bard.edu) immediately. Unfortunately, the College cannot take responsibility for any lost or stolen paycheck when an employee alone is responsible for the loss.

Work Schedules

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

BGC considers security and maintenance nonexempt employee workweeks to be 8 hours a day, 5 days a week.

Nonexempt employees will be provided rest and meal breaks in accordance with New York state law. Nonexempt employees will receive a 60-minute unpaid meal break. Rest breaks may not be used in conjunction with the meal break. Nonexempt employees are prohibited from performing any work duties during a meal break. If a nonexempt employee does not receive their full 60-minute meal break or has their meal break interrupted, they must let their manager know as soon as possible. Employees may not work through their meal breaks or skip meal breaks to leave work early.

Overtime

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive a supervisor's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour restrictions. Overtime pay is based on actual hours worked and will be paid on any hours worked over 40 hours per week at a rate of 1.5 times the regular rate. Time off on sick leave, personal time, vacation leave, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations.

Failure to work scheduled overtime, or overtime worked without prior authorization from the supervisor, may result in disciplinary action up to and including termination of employment.

Certain positions at the College have been designated as exempt under the Fair Labor Standards Act (FLSA). The salary paid to employees classified as exempt is intended to pay for all hours worked during each work week, regardless of the employee's scheduled or reported hours.

Emergency Closings

At times, emergencies require the closing of a work facility. When operations are officially closed due to emergency conditions, the time off from scheduled work will be paid if the closing falls during an

employee's regularly scheduled shift. In cases where weather conditions are poor, but do not warrant the closing of the College, employees who fail to report for work must use a personal or vacation day. If an employee does not have any time available, the employee will not be paid for the day. Nonexempt employees who report to work on a day when facilities are subsequently closed due to emergency conditions will be paid at their call-in pay rate for at least four hours, or the amount of hours in their regularly scheduled shift, whichever is greater. Contact the Director of Human Resources if you have additional questions.

Progressive Discipline

The best disciplinary measure is the one that does not have to be enforced, and comes from strong leadership, fair supervision, and all employees conducting themselves in a professional manner while fulfilling the duties and expectations of their jobs. The College's own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform, and impartial. The Employee Conduct and Work Rules policy includes examples of problems that may result in immediate suspension or termination of employment. However, the problems listed are not all necessarily serious offenses, and correction may be better served through progressive discipline. The goal of progressive discipline is that employee problems can be corrected at an early stage, benefiting both the employee and College. Management may choose to use progressive discipline at its discretion.

Employment with Bard College is based on mutual consent, and both the employee and Bard College have the right to terminate employment at will, with or without cause or advance notice.*

**For employees subject to collective bargaining agreements, the provisions of the relevant collective bargaining agreements replace these policies and procedures for at-will employment and progressive discipline.*

Employment Termination

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

Voluntary – If you decide to leave your employment with Bard College, we ask that you give at least two weeks' notice. In cases where your job departure will significantly impact critical services and/or operations, we ask that you give at least three weeks notice, when practicable. This will give the College additional time to make the necessary adjustments to continue services and operations with the least description to those most affected.

Involuntary – While the decision to commence employment is consensual, the same is not always true when the time comes to end the employment relationship. As an at-will employer, the College reserves the right to end the employment relationship at any time, with or without cause or notice.

Reduction in Force – While the College hopes to continue to grow staffing appropriately and provide employment opportunities, business conditions, member demand, and other factors are unpredictable. Changes or downturns in any of these or other areas could create a need to restructure or reduce the number of people employed. In such an event, the College retains full discretion to select which employee(s) will be laid off.

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

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

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

Reference Requests

All reference requests should be directed to the Office of Human Resources. No other member of management or employee is authorized or permitted to release references for a current or former employee. The College will only confirm dates of employment and position held.

Nondiscrimination, Sexual Harassment, and Workplace Violence Policies

Policy Against Discrimination and Harassment

Bard College is committed to providing a learning and working environment free from discrimination and harassment. The College is an equal opportunity employer committed to treating all individuals equitably, with respect and dignity. The College prohibits harassment and discrimination in admission, employment, and administration of its programs and activities on the basis of sex, gender, race (including traits historically associated with race), color, national origin or citizenship, religion, age, disability (including pregnancy-related conditions), gender identity or expression, transgender status, sexual orientation, predisposing genetic characteristics or carrier status, marital or familial status, veteran status, military status, domestic violence victim status, known association or relationship with someone in a protected classification, or any other characteristic protected by federal, state, or local law.

The full policy can be accessed at: www.bard.edu/nondiscrimination/policies.

Gender-Based Misconduct Policy

Bard College is committed to preventing, responding to, and remedying occurrences of gender-based misconduct. To that end, the Gender-Based Misconduct Policy prohibits all forms of gender-based misconduct. The College provides services and support for individuals who have been impacted by gender-based misconduct, as well as accessible, prompt, thorough, and impartial methods of investigation and resolution of incidents of gender-based misconduct.

The full policy can be accessed at: www.bard.edu/nondiscrimination/policies.

Forms to make Title IX and other types of harassment and discrimination complaints are available here: www.bard.edu/nondiscrimination/forms. A complaint form is also available in [Appendix A](#).

Workplace Sex-Based Harassment Prevention

In compliance with New York State law, the College provides for the following notifications concerning workplace sexual harassment. The following does not replace, and is instead in addition to, the College's [Gender-Based Misconduct Policy](#). As previously stated, the College also maintains its [Policy Against Discrimination and Harassment](#) which addresses other forms of discrimination and harassment.

Sexual harassment, a form of gender-based discrimination, is unwelcome verbal or physical behavior based on a person's gender. Sexual harassment is further defined and explained in the College's Gender-Based Misconduct Policy; the procedures for reporting, investigating, and adjudicating complaints of sexual harassment are likewise contained in that policy. Employees are reminded that sexual harassment includes harassment based on sex/gender, which includes unwelcome sexual conduct, or offensive or discriminatory conduct based on sex/gender, self-identified or perceived gender, gender identity, gender expression, sexual orientation, and transgender status, as well as harassment based on sex-stereotyping. Sexual harassment may be demonstrated by unequal treatment based on any of the forgoing factors.

The College's Gender-Based Misconduct Policy applies to all employees. It also applies to interns (paid and unpaid) and individuals who are not employees of the College but who are employees of

contractors, subcontractors, vendors, consultants, and other persons who provide services in the College's workplace.

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer or industry sponsored events or parties. Calls, texts, emails, and social media usage by employees or other individuals covered under this policy can constitute unlawful workplace sexual harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours. Harassment can occur when employees are working remotely from home as well. Any behaviors outlined above that leave an employee feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the employee or covered individual is at home when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.

Sexual harassment is a form of employee misconduct. A College employee who is experiencing sexual harassment or suspects that another employee is being harassed should contact a supervisor or manager, the Office of Human Resources, or the Office of Title IX and Nondiscrimination. A College supervisor or manager who receives a complaint or information about workplace sexual harassment is required to take appropriate action. Appropriate action may include immediately intervening if harassment is witnessed by the supervisor or manager. In addition to being subject to discipline if they themselves engage in sex discrimination, sexually harassing conduct, or retaliation, persons with supervisory authority over other College employees will be subject to discipline for knowingly allowing sexual harassment to continue.

Discrimination of any kind, including sexual harassment, is a violation of our policies, is unlawful, and may subject the College to liability for the harm experienced by targets of discrimination. Harassers may also be individually subject to liability and employers or supervisors who fail to report or act on harassment may be liable for aiding and abetting such behavior. College employees at every level who engage in harassment or discrimination, including managers and supervisors who engage in harassment or discrimination or who allow such behavior to continue, will be penalized for such misconduct.

An individual who has experienced harassment may file a complaint with the College only, may file a complaint with an enforcement agency in addition to filing with the College, or may file only with an enforcement agency.

Employees may use the forms found here: www.bard.edu/nondiscrimination/forms or in [Appendix A](#).

In situations that involve workplace sexual harassment, the College will conduct a prompt and thorough investigation that is fair to all parties. If an investigation ends with the finding that workplace sexual harassment occurred, the College will proceed with appropriate responsive action to investigate and remedy offensive workplace behavior, as applicable. All employees, including managers and supervisors, are required to cooperate with any internal investigation of workplace sexual harassment.

College Employees are Bystanders and are Encouraged to Report

Any College employee witnessing sexual harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to sexual harassment is required to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.
2. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
3. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
4. A bystander takes notes on the harassment incident to benefit a future investigation; and
5. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not okay.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace. The College reserves the right to take action to correct, including to discipline, behaviors that violate the College's professional conduct expectations even if the conduct does not violate the law. Therefore, not all situations that violate College policy necessarily will constitute a violation of the law or allow for a legal remedy.

New York State Division of Human Rights

The New York State Division of Human Rights (DHR) enforces the Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., which prohibits sexual harassment in employment in New York State, and protects employees, and other individuals working in an employer's workplace. A complaint alleging a violation of the Human Rights Law based on sexual harassment may be filed either with DHR or in New York State Supreme Court.

Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court. The one year or three years is counted from the date of the most recent incident of harassment. Complaining internally to the College does not extend your time to file a claim with an enforcement agency or in court. You do not need an attorney to file a complaint with an enforcement agency and there is no cost to file with an enforcement agency.

The DHR will investigate the complaint to determine if unlawful harassment occurred and if the circumstances amount to a violation of the law. If unlawful discrimination is found after a hearing, the DHR or the court may award relief, which varies, but may include requiring the employer to take action to stop the harassment, or redress the damage caused, including reversing an unlawful employment action, paying monetary damages, attorneys' fees, and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, 718-741-8400, www.dhr.ny.gov. The DHR can be contacted at 888-392-3644. For more information about filing a complaint, visit www.dhr.ny.gov/complaint. The website also contains contact information for DHR's regional offices across New York State.

The Division of Human Rights has a hotline set up specifically for sexual harassment. Individuals can call the sexual harassment hotline at 1-800-HARASS3 (427-2773) for more information about filing a sexual harassment complaint. This hotline can also provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone.

The United States Equal Employment Opportunity Commission (EEOC)

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An employee must file a complaint with the EEOC within 300 days from the conduct giving rise to the complaint. The EEOC also investigates complaints but does not hold hearings or award relief. The EEOC may take other action, including pursuing cases in federal court on behalf of complaining parties or issuing a Right to Sue Letter permitting the individual to file a complaint in federal court. Federal courts may award remedies if discrimination is found to have occurred. There is no cost to file a complaint with the EEOC.

The EEOC can be contacted by calling 1-800-669-4000 (1-800-669-6820 (TTY)) or visiting their website at www.eeoc.gov or via email at info@eeoc.gov. If an individual files an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the individual's right to proceed in federal court.

New York City Commission on Human Rights

The New York City Human Rights Law protects all individuals against discrimination based on gender, which includes sexual harassment in the workplace, in housing, and in public accommodations like stores and restaurants. Employees may also file complaints of sexual harassment with the New York City Commission on Human Rights. Employees have three years to file claims of gender or sexual harassment with the NYC Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 22 Reade Street, 1st Floor, New York, New York; call 311 or 212-306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

More information is available at:

- www1.nyc.gov/assets/cchr/downloads/pdf/materials/SexHarass_Notice-8.5x11.pdf
- www1.nyc.gov/assets/cchr/downloads/pdf/materials/SexHarass_Notice8.5x14_sp-US_FINALVERSION.pdf

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. An employee who believes that a crime has been committed, or if the employee believes they are in physical danger, is urged to file a report with the local police department immediately.

Retaliation

Unlawful retaliation is any action that could discourage a worker from coming forward to make or support a claim of discrimination or sexual harassment. The adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- Made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- Testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- Opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- Reported that another employee has been sexually harassed; or
- Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Reporting Sexual Harassment

Preventing sexual harassment is everyone’s responsibility. Bard College cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager, Human Resources or to the Title IX Coordinator (titleix@bard.edu). Anyone who witnesses and/or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, or the Office of Human Resources. All faculty and professional staff are designated as Mandated Reporters/Responsible Employees and must notify the Office of Human Resources or the Title IX Coordinator (titleix@bard.edu).

Reports can be made verbally or in writing. Employees can report to Human Resources by completing the Sexual Harassment Complaint Form ([Appendix A](#)) and sending the completed form to hr@bard.edu, or to the Title IX Coordinator using the Title IX Reporting Form here: www.bard.edu/nondiscrimination/forms

Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to the Office of Human Resources or the Title IX Coordinator at titleix@bard.edu.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

Additionally, all supervisors must take steps to create a workspace free of bias, discrimination, harassment, and retaliation. Supervisors and managers should consult with the Office of Human Resources or the Office of Title IX and Nondiscrimination if they become aware of conduct that may

violate this Policy. Supervisors who fail to report suspected violations of Bard's Policy Against Discrimination and Harassment may be subject to disciplinary action.

Contact the Local Police Department

If harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. The College encourages community members experiencing such harassment to contact the local police department.

Consensual Relations Policy

Bard College prohibits sexual, dating, or romantic relationships ("intimate relationships") when one individual has actual or perceived power or authority over the other individual. Entering into these types of relationships may compromise freely given consent and undermine the trust and integrity that are essential to Bard's learning and working environment. Relationships where one individual has actual or perceived power or authority over the other individual, can give rise to unconscious or perceived bias and favoritism, thereby undermining the College's inclusive environment and intellectual climate.

Accordingly, faculty, administrators, and other employees who educate, supervise, employ, coach, or who make educational or employment decisions and/or recommendations, should understand the fundamentally unbalanced nature of the relationship and not enter into these intimate relationships. The responsibility and obligation to follow this policy falls upon the person in a position of authority and not the student or subordinate.

The following intimate relationships are prohibited at Bard:

- (i) Faculty member/instructional staff and student;
- (ii) Advisor and student;
- (iii) Administrator/Non-student staff and student;
- (iv) Coach and student-athlete; and
- (v) Dean/Supervisor/Manager and employee over whom they have supervisory control.

This is not an exhaustive list and there may be other relationships where a power differential exists, which may also violate this policy. "Student" shall mean an individual who is enrolled and/or participating in any of Bard College's educational programs. In the context of employment at Bard, "supervisory authority" is defined as having the ability to materially impact another individual's employment. This includes, but is not limited to: hiring, promoting, managing, disciplining, scheduling, evaluating, and compensation.

Consensual intimate relationships between graduate students and faculty members not in the same degree granting program should be disclosed to the Director of Human Resources but are not necessarily prohibited. In certain instances, exemptions may be granted for intimate relationships between staff and students when it can be demonstrated that the relationship would not interfere with or compromise Bard's learning and working environment; these relationships must be disclosed to the Director of Human Resources.

If an intimate relationship already exists - or if a relationship not previously prohibited becomes prohibited due to a change in circumstances - the person in power or authority should recuse themselves of the supervisory or academic responsibility. The relevant supervisor or Dean may, in consultation with the Director of Human Resources or the Vice President for Student Affairs, set

reasonable conditions so that there is no actual or perceived conflict of interest, abuse of authority, exploitation, bias, and/or preferential treatment. This policy does not prohibit pre-existing relationships or joint appointments where both people are working within the same academic department. In these cases, as stated in the [Faculty Handbook](#), the College prohibits an individual from participating in activities or decisions (including, but not limited to, evaluations) that may reward or penalize another faculty member with whom they had or have a romantic or sexual relationship. Please contact the Dean of the College's office (doc@bard.edu) for a copy of the Faculty Handbook.

Individuals who violate this policy will be referred to the appropriate office or department at Bard. When allegations of gender-based misconduct exist, they will be addressed by Bard's [Gender-Based Misconduct Policy](#). The College may take additional steps as deemed necessary.

Workplace Violence

Workplace violence includes acts or threats of physical violence, including intimidation, harassment, and/or coercion, that involve or affect the College or that occur on any of Bard College properties. This prohibition against threats and acts of violence applies to all persons involved in College operations, including, but not limited to, Bard College personnel, casual workers, temporary employees, and anyone else on Bard College property or conducting College business off College property. Violations of this policy, by any individual, may lead to disciplinary and/or legal action as appropriate including, without limitation, termination of employment.

Workplace violence is any intentional conduct that is sufficiently severe, offensive, or intimidating to cause an individual to reasonably fear for their personal safety or the safety of their family, friends, and/or property such that employment conditions are altered, or a hostile, abusive, or intimidating work environment is created. Workplace violence may involve any threats or acts of violence occurring on College premises, regardless of the relationship between the College and the parties involved in the incident. It also includes threats or acts of violence that affect the business interests of the College, or that may lead to an incident of violence on College premises. Threats or acts of violence occurring off College premises that involve employees, agents, or individuals acting as a representative of the College may also constitute workplace violence. Specific examples of conduct that may constitute threats or acts of violence under this policy include, but are not limited to, the following:

- Threats or acts of physical or aggressive contact directed toward another individual;
- Threats or acts of physical harm directed toward an individual or their family, friends, associates, or property;
- The intentional destruction or threat of destruction of College property or another employee's property;
- Harassing or threatening phone calls;
- Surveillance;
- Stalking;
- Veiled threats of physical harm or similar intimidation; and
- Any conduct resulting in the conviction under any criminal code provision relating to violence or threats of violence that adversely affects the College's legitimate business interests.

Workplace violence does not refer to occasional comments of a socially acceptable nature. These comments may include references to legitimate sporting activities, popular entertainment, or current events. Rather, it refers to behavior that is personally offensive, threatening, or intimidating.

Any person who engages in a threat or violent action on College property may be removed from the premises as quickly as safety permits and may be required, at the College's discretion, to remain off College premises pending the outcome of an investigation of the incident.

If you receive, overhear, or otherwise become aware of any threatening communications from an employee or outside third party, you are required to report it to the Office of Safety and Security immediately. Do not engage in either physical or verbal confrontation with a potentially violent individual. If you encounter an individual who is threatening immediate harm to an employee or visitor to the premises, contact an emergency agency (such as 911) immediately.

All reports of work-related threats will be kept confidential to the extent possible, and will be investigated. Employees are expected to report any observations of violence or threatened violence. Employees also must participate in an investigation of any suspected or actual cases of workplace violence.

Retaliation against any employee for reporting observations of violence or threatened violence will not be tolerated; any retaliation against an employee for reporting observations of violence or threatened may result in discipline, up to and including termination. When threats are made or acts of violence are committed by an employee, a judgment will be made by the College as to what actions are appropriate with respect to that employee, including potential medical evaluation and/or disciplinary action up to and including termination.

Important Note: Bard College will make the sole determination of whether, and to what extent, the College will act upon threats or acts of violence. In making this determination, the College may undertake a case-by-case analysis in order to ascertain whether there is a reasonable basis to believe that workplace violence has occurred.

Rules Regarding Workplace and Employee Conduct

To ensure orderly operations and provide the best possible work environment, Bard College expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization. It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- Theft, sale, or inappropriate removal or possession of College property
- Theft or inappropriate removal or possession of personal property
- Soliciting or accepting gifts in contravention of the College's policies
- Falsification of timekeeping records
- Working under the influence of alcohol or illegal drugs, or misuse of prescription drugs
- Employee fraternization with students
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace while on duty, or while operating College-owned vehicles or equipment.
- Fighting or threatening violence in the workplace
- Boisterous or disruptive activity in the workplace
- Negligence or improper conduct leading to damage of College-owned or employee-owned property
- Insubordination or other disrespectful conduct toward colleagues
- Violation of safety or health rules
- Smoking in prohibited areas
- Sexual or other unlawful or unwelcome harassment or discrimination
- Possession of dangerous or unauthorized materials, such as explosives or firearms, on the campus
- Excessive absenteeism or any absence without notice
- Unauthorized use of telephones, mail or email systems, or other College-owned equipment
- Unauthorized disclosure of confidential information
- Violation of any of the policies contained in this Handbook
- Unsatisfactory performance or conduct
- Unsatisfactory language or gestures

Employment with Bard College is at the mutual consent of Bard College and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice. It is the College's policy and intention to apply these rules in compliance with all applicable laws and regulations, including the National Labor Relations Act, as well as federal and state discrimination laws.

Business Ethics and Conduct

The successful business operation and reputation of Bard College is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

The continued success of Bard College is dependent upon our students' trust, and we are dedicated to preserving that trust. Employees owe a duty to Bard College and its students to act in a way that will merit their continued trust and confidence. Bard College will comply with all applicable laws and regulations in furtherance of this goal, and expects its administrators, faculty and staff to conduct

business in accordance with the letter, spirit, and intent of all relevant laws, and to refrain from any illegal, dishonest, or unethical conduct. In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed openly with your manager and, if necessary, with the Director of Human Resources for advice and consultation.

Compliance with this policy of business ethics and conduct is the responsibility of every Bard College employee. Disregarding or failing to comply with this standard of business ethics and conduct could lead to disciplinary action including, without limitation, termination of employment.

Confidentiality

Information about Bard College, its employees, suppliers, and vendors is to be kept confidential and shared only with individuals who need to know it and who are authorized to receive this information. If in doubt as to whether information should be divulged, err in favor of not divulging information and discuss the situation with management.

All records and files maintained by the College are confidential and are the property of the College. Records and files are not to be disclosed to any outside party without the express permission of management. Confidential information includes, but is in no way limited to: financial records; personnel and payroll records regarding current and former employees; the identity of, contact information for, and any other account information on members, vendors, and suppliers; inventions, programs, trade secrets, formulas, techniques, and processes; and any other documents or information regarding the College's operations, procedures, or practices. Confidential information may not be removed from College premises without express authorization. Employees may not use confidential information obtained during or through employment with the College for purposes other than to benefit the College. The College reserves the right to avail itself of all legal or equitable remedies to prevent impermissible use of confidential information, or to recover damages incurred as a result of the impermissible use of confidential information.

Publicity/Statements to the Media

All media inquiries regarding the College and its operations must be referred to the Associate Vice President of Communications, or designee. No employees, unless specifically designated by management, are authorized to make those statements. If contacted by the media, an employee should acknowledge that they are not authorized to speak on behalf of the College, and refer the media representative to the Director of Communication. Any employee wishing to write and/or publish an article, paper, or other publication on behalf of the College must first obtain approval from the Associate Vice President of Communications at 845-758-7412. (Not applicable to BGC and BHSECs).

Privacy Laws and External Inquiries

Bard College is subject to privacy laws that require protection of student, employee, and institutional information. Therefore, if a government agency or law enforcement official produces an inquiry, Bard personnel should politely inform the government official or law enforcement officer that College employees are required by College policy to contact the designated College official for further guidance. Bard personnel should not release College documents or records, formally or informally, without contacting and receiving explicit guidance and/or authorization from the designated College official: faculty (VP and Dean of the College), staff (VP for Administration), undergraduate students (VP for

Student Affairs), graduate students (Dean of Graduate Studies), international and network programs' students and personnel (EVP and VP for Academic Affairs).

If a law enforcement agent attempts to serve a search warrant or subpoena upon an employee, the employee must immediately contact the Office of Safety and Security, which will then contact the designated College official and College counsel. Bard employees should politely inform the agent that the Office of Safety and Security and designated College officials are required to be contacted, per College policy.

Conflicts of Interest

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes the framework within which Bard College wishes to operate. These guidelines provide general direction. Employees with additional questions or who seek further clarification on issues related to the subject of acceptable standards of operation or conflicts of interest should contact the Office of Human Resources.

Transactions with outside firms must be conducted within a framework established and controlled by the executive level of Bard College. Business dealings with outside firms, contractors, or vendors should not result in unusual gains for those firms. Unusual gain refers to, without limitation, bribes, product bonuses, special fringe benefits, unusual price breaks, or other windfalls designed to ultimately benefit the employer, the employee, or both. Promotional plans that could be interpreted to involve unusual gain require specific executive-level approval.

An actual or potential conflict of interest occurs when an employee or an employee's relative is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of Bard College business dealings. For the purposes of this policy, "relative" is defined as spouse, domestic partner, parent, sibling, child, niece, nephew, cousin, aunt, uncle, step-relative, in-law, grandparent, grandchild, or member of the same household. For the purpose of this policy "significant other" means an individual with whom a current employee is in a romantic, amorous, or sexual relationship. No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees or their relatives have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to an executive-level administrator of Bard College, as soon as possible, the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which Bard College 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 Bard College.

The determination of whether an actual or potential conflict of interests exists is in the sole discretion of the College, which will make its determination based on the individual facts and circumstances of each situation.

Gifts

Employees must decline or return any gift or gratuity valued in excess of fifty dollars (\$50) from any member, vendor, supplier, or other person doing business with the College. When doing so, please

explain that the College prohibits employees from accepting gifts or gratuities in order to ensure that business decisions, transactions, and services are provided on an objective and professional basis.

Attendance and Punctuality

To maintain a safe and productive work environment, Bard College expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on Bard College. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their manager as soon as possible in advance of the anticipated tardiness or absence. Poor attendance and excessive tardiness are disruptive and may lead to disciplinary action, up to and including termination of employment.

Personal Appearance

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image Bard College presents to other employees and visitors. During business hours or when representing Bard College, you are expected to present a clean, neat, and tasteful professional appearance. You should dress and groom yourself according to the requirements of your position and accepted social standards. Dress and personal appearance, such as hair, beards, and jewelry, must never pose a safety issue as they relate to your job. The College will not discriminate against an employee because of their hair texture or protective hairstyles (including braids, locks, and twists) and does not prohibit the wearing of attire, clothing, or facial hair in accordance with the requirements of an employee's religion. The College will reasonably accommodate employees' disabilities and religious requirements, unless the required accommodation creates an undue hardship. Employees requesting an accommodation related to this policy should contact or be referred to the Office of Human Resources.

No Smoking Policy

Bard College intends to help provide a safe and smoke-free work environment for our students and our employees. With this goal in mind, and because of the serious health issues surrounding cigarette smoking, we explicitly prohibit the smoking of cigarettes, pipes and other tobacco products in College buildings, College vehicles and while College employees are engaged in their employment. To allow for those employees who do smoke, smoking is permitted only while 25 feet or more from a College building, and only while an employee is on a permitted break from work.

Employee Personal Property

Employees should not bring valuables to work. Any item of value should be kept in a secure location. The College assumes no responsibility for the loss, theft, or damage of employees' personal property.

Use of College Property

All College property—including, but not limited to, desks, storage areas, work areas, file cabinets, credenzas, computer systems, office telephones, cellular telephones, modems, fax machines, duplicating machines, and vehicles—must be used properly and maintained in good working order. Employees who lose, misappropriate, or misuse College property may be personally liable for the replacement or repair of the item and may be subject to discipline, up to and including termination.

The College reserves the right, at all times and without prior notice, to inspect and search any and all of its property to determine whether any College policy has been violated, or when necessary for purposes of promoting safety in the workplace or compliance with applicable law. These inspections may be conducted during or after business hours and in the presence or absence of the employee.

Sign Posting Policy

The following policy is intended to provide a reasonable level of posterage and publicity on campus consistent with community standards. Everyone is advised to be mindful that our College community is made up of students, faculty, staff, alumni, and members of the local community.

This policy applies to any form of posting on Bard College's campus or inside of Bard's buildings. For the purpose of this policy, the term posting is defined as any size flier, flag, poster, banner, chalking, or any other display.

Posters should include the full name of the sponsoring office or individual. The sponsor should also include the event date or the date by which the poster will be removed. All posters are expected to be taken down within 7 days of the end of an event. Posters not related to an event should be taken down after 14 days. There is a limit of one copy of a poster per bulletin board. You should not cover any other posters. Posters may not advertise or condone the use of alcohol or illegal substances.

Groups and individuals from outside of the Bard community are prohibited from posting on campus unless sponsored by a Bard student organization, academic program, or administrative office.

Posting is permitted in approved areas only. Postings are not allowed on doors, windows, or walls. The Dean of Student Affairs Office must approve any exceptions. Some bulletin boards are designated for specific use and may require special permission and/or appropriateness of sponsor or topic. Please check with individual departments regarding their building's posting policies. If a board is not specifically identified, it is available for general posting by anyone. Posters should be affixed with pushpins. Stickers or postings that use glue adhesives will be considered vandalism, and their sponsors are subject to restitution for damages.

Bard College fosters and supports the exchange of information and expression of ideas. To that end, students are not allowed to remove postings that they find offensive. Any concerns over postings should be brought to the attention of: (i) the Dean of Student Affairs Office; (ii) the Office of Student Activities; (iii) the Office of the Dean of the College; (iv) the Office of Inclusive Excellence; or (v) the Office of Title IX and Nondiscrimination. The College reserves the right to investigate any posting. Postings that violate Bard's Free Speech Policy, Policy Against Discrimination and Harassment, or another College policy may be removed by the College, and sponsors may be subject to disciplinary action.

Sponsors wishing to post signs, banners, posters, or decorations of exceptional size on any part of campus property not covered by the policies listed above are responsible for obtaining prior approval from the Dean of Student Affairs Office.

This policy does not apply to postings from the Office of Safety and Security or Environmental Services regarding health or safety issues or items of concern to the community.

Use of Electronic Information Systems

Bard College provides electronic information systems for the campus community in order to support the educational mission of the College. These systems serve important needs for our faculty, staff, and students. Electronic mail messages, like telephone and paper mail communications, are private and privileged exchanges deserving protection and security. The College views with most serious concern any fraudulent action or any violation of security related to electronic communications and is prepared to take appropriate corrective and punitive actions in response to such behavior.

The rights, freedoms, and responsibilities inherent in the use of electronic information systems are rooted in the declarations of both the Bard College Statement on Academic Freedom and the Bard College Community Standards of Behavior. Therefore, the College expects that the community of people who use electronic information resources will do nothing in that action which infringes upon the rights of others on this campus or elsewhere and will not apply campus information systems in any fraudulent ways.

NOTICE: Do not expect privacy on College computers, tablets, cellular phones, smartphones, similar equipment, internet, websites, or other electronic media. Every employee who uses the College's computers and related equipment, internet, websites, or other electronic media consents to the College's monitoring and auditing of their use.

Additional user information should be reviewed at <https://www.bard.edu/it>.

Thus, all users agree to the following:

1. College computer facilities will not be used for activities that are in violation of campus, local, state, or federal rules and laws. This includes, but is not limited to:
 - Copyright infringement;
 - Theft;
 - Vandalism;
 - Software piracy (the unauthorized duplication or use of copyrighted software);
 - Media piracy (the unauthorized duplication and distribution of copyrighted text, still image, video, and audio files e.g. MP3); and
 - Sending messages that encourage or promote violation of the above or other College, local, state, or federal regulations.
2. Use of College computer facilities for commercial purposes or personal profit is forbidden with the exception of the publication of scholarly works, which may incidentally provide revenues to the author(s).
3. Users will respect an individual's right to privacy and freedom of expression and will not read, copy, or print material written by others that is not intended for public inspection. Inappropriate use includes:
 - Sending messages in such a way that makes them appear as though they originated from a different person or that deliberately misrepresent yourself or your authority;
 - Sending messages that are severely abusive or threaten an individual's safety or for sexual, ethnic, religious, or other unlawful harassment, or which violate any of the College's policies on harassment, violence, or discrimination;

- Sending or forwarding chain letters;
 - Deliberately flooding a user's mailbox with automatically generated mail;
 - Sending mail that is deliberately designed to interfere with proper mail delivery or access;
 - Attempting to gain access to another person's files regardless of the intent or result;
 - Broadcasting messages to large numbers without regard to the relevance of the material;
 - Sending messages or engaging in other conduct intended to suppress or disrupt debate; and
 - Sending messages that are designed to interfere with normal system operation.
4. Users will refrain from any activity that threatens the integrity of the computer systems at Bard. This includes, but is not limited to:
- Modification of system services and utilities;
 - Permitting others to access College resources from outside of Bard;
 - Installing any hardware or software that threatens the integrity of the overall campus network, "hacking" or other sabotage;
 - Activities that interfere with public access to computer resources.
5. Users must not visit inappropriate websites while using the College's electronic equipment. A website is not appropriate if it displays images or other content depicting violence, sexually explicit material, racially offensive material, or any other material which is offensive to the College's employees, vendors, or guests or is disruptive to the College's business.
6. Every user is personally responsible for the integrity of the account assigned to that individual. Usernames are not transferable to other users or publicly distributable without prior authorization from the Henderson Computer Resource Center.
7. Computer passwords and any other security access information should not be disclosed to anyone who is not authorized to have that information. Managers must see that any computer passwords are changed after an employee leaves the department.
8. The privacy protection afforded to employees does not extend past the employees date of termination.

Violations of these rules will be reported to the appropriate campus judicial body. Any punitive actions will be determined by that body and could include disconnection from the campus network. In addition, any violations may result in discipline, up to and including termination.

Nothing in this policy is intended to infringe upon an employee's rights under Section 7 of the National Labor Relations Act.

Use of Phone and Mail Systems

Employees should limit incoming and outgoing local personal telephone calls to free periods (breaks and lunch). Employees should practice discretion when making local personal calls and may be required to reimburse Bard College for any charges resulting from their personal use of College telephones, if applicable.

The use of Bard College's pre-paid postage and/or stamps for personal correspondence is not permitted.

Operation of Vehicles

Employees driving on College business – whether in a rented vehicle, an employee’s own vehicle, or any other vehicle – are not permitted to engage in unauthorized activity or travel. The rental of vehicles for College business is limited to authorized employees. These vehicles must only be used in work-related activities and may not be used for personal business or activities without the express prior approval of management.

All employees authorized to rent vehicles for use in conducting College business must possess a current, valid driver’s license and an acceptable driving record. Any employee wishing to operate a College vehicle must have a valid defensive driving certificate. Any change in license status or driving record must be reported to management immediately. From time to time, the College and its insurance carrier may request reports from the Department of Motor Vehicles regarding the license status and driving record of employees whose job responsibilities include driving. In the event that the license status or driving record of any employee whose job responsibilities include driving becomes unacceptable to management or the College’s insurance carrier, that employee may be restricted from driving, reassigned, suspended, or terminated, at management’s discretion. All employees must report violations and changes in license status to the Office of Human Resources immediately after they occur.

A valid driver’s license must be in your possession while operating a vehicle off or on College property. It is the responsibility of every employee to drive safely and obey all traffic, vehicle safety, and parking laws or regulations. Drivers must demonstrate safe-driving habits at all times. The College provides employees with parking in non-reserved spaces on a first-come/first-served basis. Some parking spaces may be reserved for disabled drivers, vehicles belonging to the College, or others. The College will not be responsible for any damage to vehicles or their contents while parked on College property. *(Not applicable to BHSECs, BGC.)*

Distracted Driver Policy

Bard College is committed to ending the epidemic of distracted driving and seeks to increase employee safety and eliminate unnecessary risks behind the wheel. Employees must adhere to all federal, state, and local rules and regulations regarding the use of cell phones and other handheld electronic devices when driving on College time, for College purposes, and/or within a College owned vehicle. Employees should not use a College-issued cell phone while operating a personal vehicle. Employees may not use a handheld cell phone while operating a vehicle, regardless of whether the vehicle is in motion or stopped at a traffic light. This includes, but is not limited to: answering or making phone calls; engaging in phone conversations; and reading or responding to emails or other messages. If College employees need to use their phones while driving, they must do so only after parking in a lawfully designated area. College employees found breaching this policy while operating College owned vehicles will be subject to disciplinary proceedings.

Security

EMERGENCY PHONE #7777 (845-758-7777)

The Bard College Office of Safety and Security is an integral part of the Bard community sensitive to all employee needs. It is a service-oriented organization that aims to provide a safe environment conducive to learning, living and working while supporting academic, organizational and personal freedoms. Security Officers and dispatchers are highly trained, proud professionals dedicated to

serving the College. Employees should be alert at all times and should immediately report the presence of any suspicious persons to a member of management or security.

BGC: *EMERGENCY PHONE #300*; *Employees and guests are required to sign in and out at the entry of each building.*

Solicitation and Distribution

In the interest of maintaining productivity and a proper business environment:

- Non-employees are prohibited from soliciting or distributing materials on College property at any time;
- Employees may not distribute or circulate any non-College written or printed material on working time or in any work areas at any time;
- Employees may not engage in solicitation of another employee for any purpose during their working time, or during the working time of the employee at whom the solicitation is directed; and
- Employees may not use College property for personal business endeavors during working time and delivery and/or storage of items related to personal business endeavors on College property is also prohibited.

“Working time” includes all time for which an employee is paid and/or is scheduled to be performing services for the College; it does not include breaks and meal periods. “Work areas” include areas in which College work is performed or business activity may be conducted but does not include cafeterias or break rooms.

This policy does not restrict College-sponsored and administered events, activities, and initiatives, such as blood drives.

Health & Safety

The health and safety of employees and others on College property are of critical concern to Bard College. The College intends to comply with all health and safety laws applicable to our business.

To this end, the College must rely upon employees to ensure that work areas are kept safe and free of hazardous conditions. Any unsafe conditions or potential hazards should be reported to Human Resources, even if the problem appears to be corrected. Any suspicion of a concealed danger present on the College’s premises, or in a product, facility, piece of equipment, process, or business practice for which the College is responsible, should be brought to the attention of the Director of Human Resources.

Employees, members, vendors, and other guests are not allowed to smoke in College facilities at any time. Smoking is not allowed in work areas, College restrooms, College-owned vehicles or any vehicle used for College business.

Community Standards of Behavior

The College strives to provide an environment that is supportive of, and conducive to, the maximum intellectual, psychological, social, physical, and spiritual growth of its students. In this spirit, below are expected standards of behavior and responsibilities required by all members of the campus community,

including those members who live, work, and study here, as well as alumni/ae, visitors, patrons, guests, contractors, and others.

- To treat all members of the College community in a civil and respectful manner.
- To respect the property of individuals, groups, and the College itself.
- To act as good citizens.
- To behave in a manner consistent with the policies and procedures of the College.
- To carry and present valid identification to authorized College officials upon request.
- To observe all duly established College, local, state, and federal regulations.

Open-Door Policy

As a member of the College community, you are encouraged to bring employment-related questions, feedback, and concerns to your direct supervisor. If your supervisor is unable to resolve the issue, or you do not feel comfortable contacting your supervisor, you may contact the Director of Human Resources to assist in resolving the matter. Any employee having an issue has the right to be heard and may expect fair consideration without the fear of retaliation.

While the College provides you with this opportunity to communicate your concerns, please understand that not every situation can be resolved to your satisfaction. Even so, Bard College believes that open communication is essential to a successful work environment and all employees are free to raise concerns. The College does not tolerate retaliation against employees who use this “open-door” procedure. Employees will not be penalized for raising a problem or issue in a reasonable manner as prescribed by this policy. However, this policy does not prevent or limit the College from taking disciplinary action against any employee for reasons other than using this “open-door” procedure.

Whistleblower Policy

Bard College is committed to the highest possible standards of ethical and legal conduct. Consistent with this commitment, this Whistleblower Policy aims to provide avenues for employees, volunteers, directors, and officers (each, a “Protected Person”) to raise concerns about suspected misconduct, dishonesty, and fraud on a confidential and, if desired, anonymous basis. Thereafter, the College can address and correct inappropriate conduct and actions, and to provide reassurance that Protected Persons will be protected from reprisals or victimization for whistle-blowing in good faith. As employees and representatives of the College, Protected Persons are expected to practice honesty and integrity in fulfilling their responsibilities and are required to comply with all applicable laws and regulations.

This policy is not intended as a vehicle for reporting violations of the College’s applicable human resources policies, problems with co-workers or managers, or for reporting issues related to alleged employment discrimination or sexual or any other form of unlawful harassment, all of which should be dealt with in accordance with the College’s personnel policies.

Reporting Procedure

It is the responsibility of all Protected Persons to report in good faith any concerns they may have regarding actual or suspected activities which may be illegal or in violation of the College’s policies including, but not limited to, fraud, theft, embezzlement, accounting or auditing irregularities, bribery, kickbacks, and misuse of the College’s assets, as well as any violations or suspected violations of high business and personal ethical standards, as such standards relate to the College (each, a “Concern”), in accordance with this Whistleblower Policy.

Any Concerns should be reported as soon as practicable to the Vice President for Administration (the “Compliance Officer”). Any questions with regard to the scope, interpretation, or operation of this Whistle-blower Policy should also be directed to the Compliance Officer. The Compliance Officer is responsible for investigating and resolving all reported Concerns and shall advise the Audit Committee of the Board of Trustees of all reported Concerns.

Compliance Officer Contact Information

- Phone: 845-758-7431
- Mail: Vice President for Administration, Bard College, P.O. Box 5000, Annandale-on-Hudson, New York 12504.
- Protected Persons can also contact the Chair of the Committee directly. The Chair may be contacted by phone: 914-945-0580; or by mail: Post Office Box 2524, Briarcliff Manor, New York 10510.

Accounting and Auditing Matters

The Audit Committee of the Board shall address all reported Concerns regarding corporate accounting practices, internal controls, or auditing (“Accounting Concerns”). The Compliance Officer shall immediately notify the Audit Committee of any Accounting Concern, and shall work with the committee until its resolution. Promptly upon receipt, the Audit Committee shall evaluate whether a Concern constitutes an Accounting Concern and, if so, shall promptly determine what professional assistance, if any, it needs in order to conduct an investigation. The Audit Committee will be free in its sole discretion to engage outside auditors, counsel or other experts to assist in the investigation and in the analysis of results.

Investigating the Concern

The Compliance Officer may delegate the responsibility to investigate a reported Concern to one or more employees of the College or to any other individual, including persons not employed by the College, selected by the Compliance Officer, provided that the Compliance Officer may not delegate such responsibility to an employee or other individual who is the subject of the reported Concern or in a manner that would compromise either the identity of an employee who reported the Concern anonymously or the confidentiality of the Complaint or resulting investigation. Notwithstanding anything herein to the contrary, the scope, manner, and parameters of any investigation of a reported Concern shall be determined by the Compliance Officer and the Audit Committee in its sole discretion and the College and its employees shall cooperate as necessary in connection with any such investigation.

Further Information

The amount of contact between the complainant and the Committee will depend on the nature of the issue and the clarity of information provided. Further information may be sought from the complainant.

Report to Complainant

The Compliance Officer will acknowledge receipt of each reported Concern within five business days, but only to the extent the reporting person’s identity is disclosed or a return address is provided. All

reports will be promptly investigated; the scope of any such investigation being within the sole discretion of the Audit Committee, and appropriate corrective action will be taken, if warranted by the investigation.

Document Retention

The Audit Committee shall retain as a part of the records of the Committee any such complaints or concerns for a period of at least seven years. All such reports are confidential to the College and such records will be considered privileged and confidential.

No Retaliation

No Protected Person who in good faith reports a concern shall suffer intimidation, harassment, retaliation, discrimination, or adverse employment consequence because of such a report. Any employee of the College who retaliates against someone who has reported a Concern in good faith is subject to discipline up to and including termination of employment.

Additionally, no employee shall be adversely affected because they refuse to carry out a directive which, in fact, constitutes corporate fraud or is a violation of state or federal law.

Confidentiality

The College takes seriously its responsibility to enforce this Whistleblower Policy and therefore encourages any person reporting a Concern to identify themselves so as to facilitate any resulting investigation. Notwithstanding the foregoing, in reporting a Concern, a Protected Person may request that such report be treated in a confidential manner (including that the College take reasonable steps to ensure that the identity of the reporting person remains anonymous). Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation. Every effort will be made to protect the complainant's identity.

Acting in Good Faith

Anyone filing a complaint shall act in good faith and have reasonable grounds for believing the information reported indicates misconduct, dishonesty, or fraud. Any employee who maliciously reports a violation of this policy, or reports a knowingly false violation, will be subject to discipline, up to and including termination.

Environmental Policy

Bard College strives to provide a healthy and safe environment and to protect the quality of the air, water, and land. The College has adopted an environmental policy that calls for reduced consumption, increased recycling, conservation, and prevention practices at its sources. All members of the College community are encouraged to incorporate ideals of sustainability into everyday choices including purchasing, transportation, energy and water usage, and disposal of waste. The College has a recycling collection program, and the staff is encouraged to sort and collect bottles and cans, cardboard, and various paper products.

“Choose Blue To Reuse” Program

Bard College has a reuse program using the Blue recycling bins, located in each building. The purpose of this program is to reduce Bard's purchasing costs by reusing office materials (folders, organizing

materials, etc.) Employees are asked to place Bard office materials with remaining useful life that the department no longer needs, or in the event you are switching or leaving an office and cannot bring your materials, in the Blue bin. Bard Office of Sustainability (BOS) collectors will take these to the Salvaged Office Supply (SOS) room in the basement of Brook House for reuse. In return, employees are to use these surplus materials prior to submitting purchasing requests. (*Not applicable to BHSECs & BGC.*)

Cartridge Collection

Bard collects used toner and ink jet cartridges and returns them for reuse and a credit. Employees are to use toner collection boxes located around campus.

Other Environmental Programs

For a description of other programs and additional information, contact the Sustainability Coordinator at 845-758-7180 or visit <https://bos.bard.edu>.

Energy Policy

Bard is committed to a policy of energy efficiency and energy conservation, particularly during this time of rising utility costs, tighter budgets, and, at times, new construction on campus. Specific measures individuals can undertake to promote energy conservation on campus include:

- Close windows and doors of air conditioned spaces;
- Turn off computers, office equipment, air conditioners, and personal heaters when not in use;
- Turn off lights when you will be gone for more than 15 minutes;
- Enable power management features of personal computers, especially computer monitors;
- Restrict use of window AC; and
- Refrain from using personal heaters.

Employment Benefits

Eligible employees at Bard College are provided a wide range of benefits. A number of the programs (such as Social Security, workers' compensation, state disability, and unemployment insurance) cover all employees in the manner prescribed by law. Benefits eligibility is dependent upon a variety of factors, including employee classification.

BHSECs: Benefits eligibility for Bard High School Early Colleges faculty on the Bard College payroll, requires being employed at one of the BHSEC campuses on a half-time, or greater than half-time, schedule during the entire academic year during which benefits are sought. Half time is defined as a minimum of two and a half days in attendance at one of the BHSEC campuses for the entire academic year and teaching of two full-credit (3 or more credits) courses at a BHSEC each semester. Benefits eligibility assumes a contract extended by Bard College for both semesters of the BHSEC academic year during which benefits are sought. Those hired for a single semester at BHSEC, regardless of the time fraction, are not eligible for benefits.

The Office of Human Resources will identify the programs for which you are eligible. Some benefit programs require contributions from the employee. The descriptions of the benefits provided in this Handbook are necessarily brief. Additional information can be obtained by reading the applicable summary plan description, policy, program or plan document. These materials are available on the [Office of Human Resources website](#). We urge that you read the complete description of each benefit before making benefit choices. The following benefit programs are available to eligible employees:

- Supplemental Retirement Plan;
- Retirement Plan;
- Bereavement Leave;
- Educational Financial Assistance;
- Nursery School;
- Health Insurance;
- Dental Insurance;
- Short and Long Term Disability;
- Flexible Spending Account (Medical & Dependent Care);
- Commuter Benefit Plan;
- Paid Holidays;
- Employee Assistance Program;
- Vacation Benefits;
- Sick Time/Personal Time;
- Family Leave;
- Jury Duty/National Guard;
- Life Insurance;
- Supplemental Life Insurance;
- Vision Care;
- Health Savings Account;
- Prescription Plan;
- Medicare Education; and
- Legal and Identity Theft Protection.

Eligible employees electing to participate in Bard College's benefit plans or programs are bound by the terms of the governing plan, program, and policy documents. If you have questions regarding the plans,

programs, or policies, you may request a copy of the governing documents by contacting the Director of Human Resources.

For all benefits offered by Bard College, the administrator of the applicable benefit plan, program, or policy has the discretionary authority to interpret the terms of that plan, program, or policy, and such interpretation will be binding on all interested parties to the fullest extent permitted by law. Bard College reserves the right to modify or terminate its benefit plans, programs, and/or policies from time to time.

Vacation Benefits

Vacation time off with pay is available to regular full-time and regular part-time employees, working a minimum of 1,300 hours per fiscal year (July 1–June 30), to provide opportunities for rest, relaxation, and personal pursuits. The amount of paid vacation time employees receive each year increases with the length of their employment, and accrues as shown in the following schedule:

EXEMPT EMPLOYEES

Years of Service	Vacation Time
Between the date of hire and June 30th Days are accrued at the rate of 1.25 days/month	None
In the 1st full fiscal year Includes vacation days accrued from the date of hire through the previous June 30th	0 –15 days, based on hire date
In the 2nd through 4th fiscal years 12 months x 1.25 days/month	15 days
In the 5th fiscal year Based on the blend of old (1.25) and new (1.67) accrual rates	15-20 days, based on hire date
In the 6th through 9th fiscal years 12 months x 1.67 days per month	20 days
In the 10th fiscal year Based on the blend of old (1.67) and new (2.09) accrual rates	20-25 days, based on hire date
In the 11th fiscal year and beyond 12 months x 2.09 days/month	25 days

NONEXEMPT EMPLOYEES

Years of Service	Vacation Time
Between the date of hire and June 30th Days are accrued at the rate of .834 days/month	None
In the 1st full fiscal year Includes vacation days accrued from the date of hire through the previous June 30 th	0 –10 days, based on hire date
In the 2nd through 4th fiscal years 12 months x .834 days/month	10 days
In the 5th fiscal year Based on the blend of old (.834) and new (1.25) accrual rates	10-15 days, based on hire date
In the 6th through 9th fiscal years 12 months x 1.25 days per month	15 days
In the 10th fiscal year Based on the blend of old (1.25) and new (1.67) accrual rates	15-20 days, based on hire date
In the 11th fiscal year and beyond 12 months x 1.67 days/month	20 days

PART-TIME EMPLOYEES

Years of Service	Vacation Time Prorated based on normal hours worked
Between the date of hire and June 30th Days are accrued at the rate of .834 days/ month	None
In the 1st full fiscal year Includes vacation days accrued from the date of hire through the previous June 30 th	0 –10 days, based on hire date
In the 2nd through 4th fiscal years 12 months x .834 days/month	10 days
In the 5th fiscal year Based on the blend of old (.834) and new (1.25) accrual rates	10-15 days, based on hire date
In the 6th through 9th fiscal years 12 months x 1.25 days per month	15 days
In the 10th fiscal year Based on the blend of old (1.25) and new (1.67) accrual rates	15-20 days, based on hire date
In the 11th fiscal year and beyond 12 months x 1.67 days/month	20 days

Temporary, seasonal, casual, faculty or employees working less than 12 months are not eligible for paid vacation time. No vacation time may be taken until after successful completion of the employee's first fiscal year of employment. Vacation time is therefore banked & available for use on July 1 each year.

Managers should ensure that all employees take their vacation time each year. Vacation time may not be carried over into the following fiscal year, except with approval of management and the Director of

Human Resources or Senior Management. In rare cases when vacation carry-over is approved, this time must be taken within the first two months of the following fiscal year. You must request vacation as far in advance as possible. Vacations will be scheduled so as to provide adequate coverage of job and staff requirements. Management will make the final determination in this regard. If a recognized holiday falls during an eligible employee's paid absence (such as vacation), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied. Vacation will not be given during unpaid leaves of absence or other periods of inactive service. Any abuse of vacation time may lead to disciplinary action including, without limitation, termination of employment.

(BGC employees may carry over up to 10 days of vacation into the next fiscal year, 5 of those days must be used by August 31st.)

If you resign or are terminated from the College, you are eligible to receive pay for unused accrued vacation unless you:

- Have less than six months of service;
- Do not give two weeks working written notice (if resigning);
- Cause your own termination by misconduct as determined by the Director of Human Resources;
- Act in a manner detrimental to the College after the resignation is submitted; or
- Hold an Executive or Senior Administrator position (in which case you forfeit all unused vacation time upon departure from the College).

Holidays

Bard College will normally grant holiday time off to all employees on the holidays listed below:

- New Year's Day (January 1);
- Martin Luther King, Jr. Day;
- Memorial Day;
- Juneteenth (June 19);
- Independence Day (July 4);
- Labor Day (BGC holiday only);
- Thanksgiving and the day after Thanksgiving; and
- Holiday break (Days between Christmas and New Year's) (Actual dates will require an annual review and approval by Bard Senior Management).

Holidays will be posted annually on the [Office of Human Resources website](#). These holidays are determined and approved by Senior Management. Bard College will grant paid holiday time off to all eligible employees immediately upon assignment to an eligible employment classification.

Non-union hourly employees who are designated "essential personnel" will not automatically be granted the above holidays as time off, but may be granted them upon advance request if the needs of the College permit. 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. Holiday pay will not be used in the calculation for overtime. Employees will not be allowed to add vacation or personal time onto the Holiday break for an extended vacation. Any abuse of holiday time may lead to disciplinary action including, without limitation, termination of employment.

Eligible employee classification(s):

- Regular full-time employees; and
- Regular part-time employees (only those normally scheduled to work on that day).

If a holiday falls on a weekend day, it is usually observed on the preceding Friday or the following Monday. Holiday observance will be announced in advance. 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.

Non-union hourly employees scheduled to work or called to work on a Bard approved paid holiday, will be compensated at twice (2 times) their hourly rate for the number of hours worked. Any hours remaining of the holiday will be paid at their regular rate of pay. For example, employee "A" has a standard work-day of 7 hours and is asked to work for three hours on an official paid holiday. Employee "A" will be paid twice the hourly rate for the three hours worked for Bard, and regular holiday pay for the remaining 4 hours.

Workers Compensation Insurance

Bard College provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.

Employees who sustain work-related injuries or illnesses must inform their manager and Human Resources immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible. Failure to make timely reports may jeopardize an employee's eligibility for benefits.

Sick Leave Benefits

Bard College's sick leave benefits incorporate the leave requirements under New York State Paid Sick Leave law (NYPSSL) and the New York City Earned Safe and Sick Time laws (NYCESSL) (for New York City based employees only). An eligible employee may use sick leave benefits for an absence due to their own illness/injury/doctor's appointment, or that of a child, parent, or spouse/domestic partner of the employee as well as for the purposes prescribed under NYPSSL and NYCESSL. NYPSSL and NYCESSL run concurrently.

Regular full-time employees, who have successfully completed their introductory period, are eligible for accrued sick leave of 1.25 days per month, and may be carried over into the next fiscal year up to a maximum of 45 days. Paid sick leave must be used in 1-hour increments. An eligible employee may use sick leave benefits for an absence due to his or her own illness/injury/doctor's appointment, or that of a child, parent, or spouse/domestic partner of the employee.

Part-time benefits eligible employees are eligible to receive any accrued sick leave of 1.25 days per month based on a normal workweek schedule, and may be carried over into the next fiscal year up to a maximum of 45 days.

Employees who are unable to report to work due to illness or injury should notify their manager before the scheduled start of their workday. Managers must be contacted on each additional day of absence. Bard College reserves the right to require proof of illness if an employee is absent for three or more

consecutive days due to illness or injury. Such verification may be requested for other sick leave absences as well and may be required as a condition to receiving sick leave benefits. Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence. For any extended medical leave, an employee will be required to provide proof of medical clearance and ability to perform the essential functions of their job before the employee returns to work. Any documentation required in such instances will be limited to that permitted by applicable law. Employees will not be required to disclose confidential information to use NYPSL.

Employees will accrue one hour of NYPSL for every 30 hours worked. NYPSL will accrue up to a maximum of 56 hours in each calendar year. Leave will begin to accrue on an employee's first day of employment. Seasonal employees who "maintain an ongoing relationship with their employer maintain their leave accruals through such breaks in employment." Paid sick leave must be used in at least 1-hour increments. Sick leave may be carried over into the next fiscal year up to a maximum of 45 days. However, employees will not be permitted to use more than 56 hours of NYPSL in any calendar year. Unused sick leave benefits will be allowed to accumulate to a maximum of 45 days for full-time and part-time employees.

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 including, without limitation, absences for routine medical, dental, diagnostic or hospital appointments, which are excluded from sick leave, but may be covered by personal leave. Once all sick days are used, earned vacation days may be used in lieu of sick days, or additional time off, if allowed, will be unpaid.

Your sick leave benefits will be fully integrated with other benefits available to you (holiday, vacation, personal) so that at no time will you be paid more than your regular compensation. Any abuse of sick time may lead to disciplinary action including, without limitation, termination of employment. Employees will not accrue sick leave during unpaid leaves of absence. Accumulated sick time will not be paid to employees at termination of their employment from Bard College. At the conclusion of an employee's use of NYPSL, the employee will be returned to the employee's previously held position.

More information and differences between NYPSL and NYCESSL are noted in [Appendix B](#).

Personal Leave

On successful completion of your introductory period, regular full-time employees may use up to 5 of their accumulated sick leave days per year as personal days. If not taken, these 5 days will revert back to sick days.

Part-time benefit-eligible employees, who have successfully completed their introductory period, may use up to 5 of their accumulated sick leave days per year as personal days based on their current work week schedules. These personal days will be adjusted according to workweek schedules, i.e. if you work 25 hours per week (5 hours per day), you would be eligible for 5 personal days at 5 hours per day. If not taken, these 5 days will revert back to sick days.

Personal leave must be taken in 1-hour increments with permission of management. Except in emergencies, requests for personal leave should be made at least one day in advance. Bard College reserves the right to deny any request. Employees will not accrue personal leave during an unpaid leave of absence. Any abuse of personal time may lead to disciplinary action including, without limitation, termination of employment.

Additional Paid Prenatal Personal Leave (Effective January 1, 2025)

In addition to New York State Paid Sick and Safe Leave, employees may take up to 20 hours of paid prenatal personal leave during any 52-week calendar period. Paid prenatal personal leave may be taken in hourly increments. Paid prenatal personal leave may be used for the health care services received by an employee during their pregnancy or related to such pregnancy, including physical examinations, medical procedures, monitoring and testing, and discussions with a health care provider related to the pregnancy. The College will not require the disclosure of confidential information as a condition of providing paid prenatal personal leave. Paid prenatal personal leave will be paid at the employee's regular rate of pay, or the applicable minimum wage rate, whichever is greater. Use of paid prenatal personal leave is not considered hours worked for purposes of calculating overtime. Unused prenatal personal leave under this policy will not be paid at separation.

Enforcement and Retaliation

Employees will not be discharged, threatened, penalized, or in any other manner discriminated or retaliated against because they have exercised their rights to request and use sick leave or (effective January 1, 2025) prenatal personal leave under this policy and applicable law.

Lactation Accommodation

Employees have the right to express breast milk in the workplace pursuant to federal and New York law.

The College provides employees who are nursing with paid break time for 30 minutes and permits employees to use existing paid break time or mealtime for time in excess of 30 minutes to express breast milk for the employee's nursing child each time such employee has a reasonable need to express breast milk for up to 3 years after the birth of a child.

Upon request of the employee who chooses to express breast milk in the workplace, the College will designate a room or other location which will be made available as a lactation space for use by such employee to express breast milk. Such room or other location will be a place that is:

1. In close proximity to the work area;
2. Well-lit;
3. Shielded from view; and
4. Free from intrusion from other persons in the workplace or the public.

Lactation spaces will provide, at minimum, a chair, a working surface, nearby access to clean running water, and, if the workplace is supplied with electricity, an electrical outlet. Lactation spaces provided by the College will not be a restroom or toilet stall.

If the sole purpose or function of a lactation space is not dedicated for use by employees to express breast milk, the room or other location will be made available to the employee when needed and will not be used for any other purpose or function while in use by the employee. The College will provide notice to all employees as soon as practicable when a room or other location has been designated for use by employees as a lactation space.

Where compliance with the lactation space requirements set forth above is impracticable because it would impose an undue hardship on the College by causing significant difficulty or expense when

considered in relation to the size, financial resources, nature, or structure of the College's business, the College will make reasonable efforts to provide a room or other location, other than a restroom or toilet stall, that is in close proximity to the work area where the employee can express breast milk in privacy.

If the workplace has access to refrigeration, the College will extend such access to refrigeration for the purposes of storing the expressed milk.

Employees may submit a request for a room or other location for use by employees to express breast milk by contacting hr@bard.edu. The College will respond to such requests within 5 business days.

Employees will not be discharged, threatened, penalized, or in any other manner discriminated against or retaliated against for exercising their rights under this policy and applicable law.

Bereavement Leave

Employees who wish to take time off due to the death of an immediate family member should notify their supervisor immediately. Regular full-time employees will be paid 5 days bereavement leave for spouse or life partner, child, or parent; 3 days for sibling, grandparent, grandchild, or in-law; and 1 day for any other family member. Additional time may be granted upon request, but such time will be charged to vacation or personal time, or may be taken without pay, in the event that benefit time is not available. Bereavement pay is calculated based on the base pay rate at the time of absence.

Leaves of Absence

Bard College may grant a leave of absence in certain circumstances. You should notify your manager and the Office of Human Resources in writing as soon as you become aware that you may need a leave of absence. The College will consider your request in accordance with applicable law and the College's leave policies. You will be notified whether your leave request is granted or denied. If you are granted leave, you must comply with the terms and conditions of the leave, including keeping in touch with your manager or the Office of Human Resources during your leave, and giving prompt notice if there is any change in your return date.

You must not accept other employment or apply for unemployment insurance while you are on a leave of absence. Acceptance of other employment while on leave will be treated as a voluntary resignation from employment at the College. Upon return from a leave of absence, you will be credited with the full employment status that existed prior to the start of the leave. You may be eligible to continue your medical insurance coverage during your leave under the provisions of COBRA. The Office of Human Resources is able to give you additional information on this subject.

You may be required to use accrued vacation concurrently with an unpaid leave of absence. Sick leave benefits may be used during occupational medical leave. Any vacation or sick leave payments will be coordinated with any state disability, workers' compensation, or other wage reimbursement benefits for which you may be eligible so that at no time will you be paid more than your regular compensation.

Family and Medical Leave Act (FMLA)

The Family and Medical Leave Act of 1993 (FMLA), as amended, requires employers with 50 or more employees to provide eligible employees with unpaid leave. There are two types of leave available: the basic 12-week leave entitlement and the military family leave entitlements described in this policy.

Eligibility for FMLA Leave

Employees are eligible for FMLA leave if they have worked for the College for at least 12 months (the 12 months need not be consecutive) and have worked at least 1,250 hours during the 12-month period before commencement of the leave (hours paid, but not worked, and unpaid leave will not be counted in determining the 1,250 hours of service), and the employee works at a site with 50 or more employees within a 75 mile radius.

FMLA gives employees the right to up to twelve weeks (60 working days) of leave without pay in the following situations:

- The birth or adoption of a child, or the initiation of foster care;
- The need to care for the serious health condition (defined below) of a spouse, domestic partner, child, or parent;
- A serious health condition sustained by the employee which leaves the employee incapable of performing the functions of the employee's job;
- Qualifying Exigency: for exigencies relating to a spouse's, son's, daughter's, or parent's ("covered family members") active duty or call to active duty from the Armed Forces, National Guard, or Reserve component of the Armed Forces in support of a contingency operation (including but not limited to attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings); and
- Military Caregiver: Up to 26 weeks (during a single 12-month period) to care for a spouse, parent, child or next of kin who is a covered servicemember during a single 12-month period. For purposes of this policy, a covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred or aggravated in the line of duty on active duty that may render the servicemember medically unfit to perform their duty for which the servicemember is undergoing medical treatment, recuperation or therapy, is in outpatient status, or is on temporary disability retired list. This also includes veterans who are undergoing medical treatment for a serious injury or illness that was incurred or aggravated in the line of duty while on active duty at any time during the five years preceding the date of treatment.

Serious Health Condition

The term "serious health condition" means an illness, injury, impairment, or physical or mental condition involving either inpatient care or continuing outpatient care by an authorized health provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents a qualified family member from participating in school or other daily activities.

Employee's Responsibilities When Requesting FMLA Leave

If the need for leave is foreseeable, the employee must notify their supervisor(s) and Accounting/Human Resources at least 30 days before the FMLA leave begins. When 30 days' notice is not possible, the employee must give notice as soon as practicable (or within 1 or 2 business days) of learning of the need for leave, except in extraordinary circumstances. Failure to provide such notice may be grounds for delaying the start of the FMLA leave or denying the request for leave.

If the need to use FMLA leave is not foreseeable, the employee must notify their supervisor(s) and Accounting/Human Resources as soon as practicable (or within 1 or 2 business days). Employees are

expected to provide notice in accordance with this Policy, as well as the College's usual and customary notice requirements, which means that notice of the need for unforeseeable FMLA leave should ordinarily be given prior to the start of the employee's workday, absent unusual circumstances. Failure to provide such notice may be grounds for delaying the start of the FMLA leave or denying the request for leave.

The employee will be asked to fill out a Request for Leave of Absence Form and the appropriate medical certification form, which can be obtained from Accounting/Human Resources. Furthermore, when submitting a request for leave, the employee must provide sufficient information for the College to determine if the leave might qualify for FMLA leave, and also provide information on the anticipated date when the leave would start, as well as the anticipated duration of the leave.

Employer Responsibilities

When an employee requests leave, the College will inform the employee whether they are eligible for leave under the FMLA and provide the employee with written notice of their rights and responsibilities. The College will also inform the employee whether the leave will be designated as FMLA-protected, and if so, provide information on the amount of leave that will be counted against the employee's 12 or 26 week entitlement.

Medical Certification

The College will require that an employee's request for leave to care for the employee's spouse, son, daughter, or parent with a serious health condition, or due to the employee's own serious health condition that makes the employee unable to perform the functions of the employee's position, be supported by written medical certification issued by an appropriate health care provider providing the medical attention. Additionally, if an employee is requesting either Qualifying Exigency Leave or Military Caregiver Leave, the employee must also provide appropriate certification.

When the employee requests leave, the College will notify the employee of the requirement for certification and when it is due. The employee must provide the requested certification to the College within 15 calendar days after the College's request, unless to do so is not practicable despite the employee's diligent, good faith efforts. Failure to provide requested certification in a timely manner may result in denial of leave until it is provided.

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

The College may require verification of the need for leave by requesting that the employee obtain a second or third medical opinion. Failure to obtain the second and/or third medical opinion(s), where applicable, will result in the denial of FMLA leave. Where permissible, the College may also require subsequent medical recertification and/or an annual certification. Failure to provide requested certification within 15 days, unless it is not practicable to do so despite the employee's diligent, good faith efforts, may result in the delay of further FMLA leave.

Intermittent Leave

Leave because of a serious health condition involving an employee or an employee's spouse, child, or parent, or either type of Military Family Leave may be granted on an intermittent basis (in separate blocks of time due to a single health condition) or on a reduced-schedule leave (reducing the number of hours worked per workweek or workday) when necessary, because of the nature of the medical condition and the scheduling of medical treatments. Leave may not be taken on an intermittent basis or on a reduced work schedule when used to care for the employee's own child during the first year following birth, or to care for a child placed with the employee for foster care or adoption, unless both the College and the employee have expressly agreed to such leave in writing. However, when FMLA is running concurrently with New York Paid Family Leave (PFL), employees are permitted to take leave intermittently (in full day increments) to bond with a new child following the birth, adoption, or placement in foster care.

When planning medical treatment, employees must consult with the College and make reasonable efforts to schedule leave so as not to unduly disrupt the College's operations.

If leave is unpaid, the College will reduce the employee's salary based on the amount of time actually taken. In addition, while an employee is taking recurring leave on an intermittent or reduced-schedule basis for *foreseeable*, planned medical treatments, the College may temporarily transfer or assign the employee to another position or an alternative position that better accommodates the recurring leave and which has equivalent pay and benefits.

Health Insurance/Benefits

During the period of FMLA of 12 weeks or less, the College will maintain employee's health insurance coverage on the same basis as if they were still working. Whether employees are paid or not, they must continue to make timely payments of their share of the premiums for such coverage. During unpaid leave, premiums for other benefit coverages (e.g. life, LTC, etc.) will be covered by the College and the amount(s) paid will be deducted from the employees' wages upon returning to work.

If paid leave is substituted for unpaid FMLA leave, the College will deduct the employee's group medical premium as a regular payroll deduction. If leave is unpaid, the employee will be responsible for continuing to pay the premium by mailing it on a monthly basis to the College. The premium payment is due on the first day of each month.

The employee's coverage and the coverage of all enrolled dependents will be terminated if the payment of the employee's premium is more than 30 days late. If the payment is more than 15 days late, the College will send the employee a letter to this effect. If the College does not receive the payment for outstanding benefit premium within 15 days after the date of that letter, the employee's coverage will terminate for non-payment of their insurance premium.

Ordinarily, COBRA will be applied if an employee fails to return to work at the end of a combined total of 12 weeks of leave or if an employee's medical insurance coverage lapses for non-payment of premiums. The College shall be entitled to recover the insurance premium paid to maintain such coverage during the period of leave pursuant to FMLA if the employee fails to return from such leave after the period of leave has expired, for a reason other than: (a) the continuation, recurrence, or onset of a serious health condition that entitles the employee to leave under the applicable provisions of FMLA; or (b) other circumstances beyond the control of the employee.

Substitution of Accrued Paid Leave

Employees on unpaid FMLA leave will not accumulate paid time off and are required to substitute all forms of available accrued paid time off (PTO) for their unpaid leave. The substitution of PTO for unpaid leave time does not extend the 12-week leave period. Furthermore, in no case can the substitution of PTO for unpaid leave time result in the receipt of more than 100 percent of an employee's normal wages. An employee's FMLA leave runs concurrently with other types of leave or paid time taken during the FMLA leave.

Employees who are on a leave of absence that is covered by payments such as disability benefits, Paid Family Leave or Workers' Compensation benefits will not be required to substitute accrued paid leave while receiving these benefit payments. However, the College and the employee may agree to have accrued paid leave supplement the disability, Paid Family Leave or Workers' Compensation benefits to the extent permitted by state law. **Any leave of absence taken pursuant to an applicable disability law, Paid Family Leave, NYPSSL, NYCESSL or Workers' Compensation law will be run concurrently with FMLA leave where the reason for leave qualifies under these laws.**

Reporting While on Leave

While on leave, employees may be required to contact Human Resources to report on their status and intent to return to work. In addition, the employee must give notice as soon as practicable, within 3 business days, if the dates of the leave change, are extended, or were unknown initially.

Return to Work at the Conclusion of FMLA Leave

Prior to the exhaustion of FMLA leave, employees will be responsible for notifying Accounting/Human Resources, in writing, regarding their intention to return to work.

An employee (whose leave was occasioned by the employee's own serious health condition that made the employee unable to perform their job) will be required to present medical certification from the health care provider that they are able to resume work. This certification must specifically address the employee's ability to perform the essential functions of their job. Failure to provide such medical certification may result in delay or denial of reinstatement.

Whenever possible, employees who return at the end of the approved leave time will be restored to the position they held when the leave began. If the same position is not available, the employee will be restored to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. An exception to this policy of restoration may be made with respect to "key employees" (i.e., salaried employees in the top 10% of the College's payroll).

Fraud

An employee who fraudulently obtains FMLA leave or who uses FMLA in a fraudulent manner is subject to disciplinary action, up to and including termination.

Military Leave

Regular full-time and part-time employees are eligible for leave without pay upon entering military service. Employees may be entitled to reemployment rights and retention of full seniority benefits for all prior service upon reemployment under the Uniformed Services Employment and Reemployment

Rights Act, the NYS Military Law and the Sailors and Soldiers Civil Relief Act. Employees will need to bring military service orders to management for review prior to commencement of leave.

Employees who are on military leave may elect to continue health and dental benefits at their own expense in accordance with applicable laws, codes, rules, and regulations. As with other leaves of absence, failure to return to work or to reapply within applicable time limits may result in termination of employment.

Military Spouse Leave

Employees who work a minimum of 20 hours per week and are a spouse of an active-duty military, National Guard, or Reserve person are eligible for up to 10 days of unpaid leave while the military spouse deployed during a period of military conflict to a combat theater or zone is home on leave. Notice should be given as soon as possible.

Jury Duty/National Guard

Bard College encourages employees to fulfill their civic responsibilities by serving jury duty when required. Employee classifications that qualify for paid jury duty leave are:

- Regular full-time employees; and
- Regular part-time employees.

You must notify your manager and the Office of Human Resources of the need for time off for jury or witness duty as soon as a notice or summons from the court or a subpoena is received. You will be required to provide verification from the court clerk confirming your service as a juror. When an employee is called to serve on jury duty, the College will pay the difference between any New York state-mandated jury fee and the employee's regular pay. Salary is continued in full, based on your normal workweek schedule. The employee will be required to endorse reimbursement checks for the jury fee to the Business Office. Either Bard College or the employee may request an excuse from jury duty if, in Bard College judgment, the employee's absence would create serious operational difficulties. Bard College will continue to provide health insurance benefits for the full term of the jury duty absence.

Leaves of absence for other civic duties, such as National Guard service, should be planned ahead of time and discussed with the employee's supervisor as early as possible. This leave will be taken without pay. Employees who are on military leave may elect to continue group health and dental benefits at their own expense in accordance with applicable law.

Health Benefits Continuation (COBRA)

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified dependents the opportunity to continue health insurance coverage under Bard College's group health plans when a "qualifying event" results in the loss of coverage. Some common qualifying events are: termination of employment; death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements. COBRA applies to the health, dental, medical flexible spending account, and EAP benefits offered by the College.

Under COBRA, the employee or dependent pays the full cost of coverage at Bard College's group rates plus an administration fee. Bard College provides each eligible employee with a written notice

describing rights granted under COBRA when the employee becomes eligible for coverage under Bard College's health insurance plans. The notice contains important information about the employee's rights and obligations and should be reviewed carefully.

Educational Assistance

Not applicable to BGC and BHSECs

Bard College recognizes that the skills and knowledge of its employees are critical to the success of the organization. The educational assistance program encourages personal development through formal education so that employees can maintain and improve job-related skills or enhance their abilities to compete for reasonably attainable jobs within Bard College.

Bard College will provide educational assistance to regular full-time and part-time employees working a minimum of 1300 hours per fiscal year in a budgeted benefits eligible position who have completed at least 6 months of satisfactory service. Eligible employees may take up to two courses per semester, for credit or as auditors, in the Bard College undergraduate program without charge provided that space is available after all paying students have registered. Regular tuition is charged for courses taken in the graduate programs. To maintain eligibility employees must remain on the active payroll and be performing their job satisfactorily through completion of each course. Spouses of all employees are welcome to enroll in undergraduate and graduate programs at regular tuition rates.

Employees must receive their manager approval for any absences from work to attend classes. Employees are expected to make up any work hours missed due to their enrollment in any undergraduate or graduate classes. Permission forms are available from the Office of Human Resources in order to participate in courses.

Tuition Remission

Not applicable to BGC and BHSECs

After one complete year of service, benefit-eligible employees may apply to enroll their dependent children at the College and Simon's Rock undergraduate programs as part-time or full-time students. To qualify as "dependents," employee's children must be of college age, unmarried, have no dependents of their own, and meet any other applicable requirements of the Internal Revenue Code. Dependents are expected to meet the same selectivity standards of admission as all other students. All available financial aid sources must be sought, and it is the responsibility of the employee to secure these funds when available. Remaining tuition costs are waived. Fees for room, board, books, lab, application fees, and other student fees are the responsibility of the dependent or the employee. Dependents should apply through the Office of Admission, and eligibility will be confirmed through the Office of Human Resources once the dependent has been accepted.

Bard's MBA in Sustainability will offer a 75% discount on tuition for up to two employees per year who have completed three years of full-time service at Bard. Please reach out to Katie Boyle, kboyle@bard.edu, for more details. To maintain eligibility employees must remain on the active payroll and be performing their job satisfactorily through completion of each course.

Tuition Exchange

Not applicable to BGC and BHSECs

Bard College participates in a tuition exchange scholarship program with other member institutions across the country. After three years of continuous employment, benefit-eligible employees may apply to enroll their dependent children to receive tuition assistance or waivers for undergraduate programs at participating institutions. To qualify as “dependents,” employees’ children must be of college age, unmarried, have no dependents of their own, and meet any other applicable requirements of the Internal Revenue Code. These scholarships should not be considered a fringe benefit. The scholarships are competitive awards, and family members eligible for the program are not guaranteed an award. Applications open each November, and are open through February. Contact the Office of Human Resources for applications, and visit www.tuitionexchange.org for a list of participating schools.

Abigail Lundquist Botstein Nursery School and Children’s Center

The College offers benefit-eligible employees the opportunity to enroll dependent children ages 3-5 in our early childhood education program located on the Bard College campus. The program operates from 8:30 a.m. to 5:15 p.m., M-F and runs from September through June. The Children’s Center is a program for 3-year-old children and the Nursery School serves 4-year-old children. The curricular part of the program, from 8:30 to 11:30 a.m., is free for benefit-eligible employees.

Please note that enrollment is dependent upon availability and is subject to the terms and conditions of the program.

Childcare is available to help meet the needs of working parents in the Bard Community. This service is fee-based. It runs from September through June, M-F from 11:30 a.m. to 5:15 p.m., subject to availability.

For more information, please call the Children’s Center at 845-758-7444 or the Nursery School at 845-758-7480.

Health Insurance

Regular full-time and part-time employees, working a minimum of 1,300 hours per fiscal/plan year in a budgeted benefits-eligible position, are eligible to receive health benefits on the first day of the month after 30 days of employment, subject to all terms and conditions of the agreement between Bard College and the insurance carrier. Employees are required to contribute a portion of their pay through payroll deduction to the cost of their chosen health benefit package. This amount may vary each year and will be posted on the [Office of Human Resources website](#) (and in hard copy) during the open enrollment period.

Bard College will pay 50% of the individual Medicare supplemental health insurance premium for any regular full-time and part-time employees working a minimum of 1,300 hours per fiscal year, and for any employees who retire after completing 10 years of continuous service with the College in a budgeted benefits-eligible position. This coverage will continue as long as payments are made in a satisfactory manner. If coverage is terminated, it cannot be reinstated. Note: this benefit is only available to employees who are enrolled in a health plan at the time of their retirement and are Medicare eligible.

Dependent Coverage

For purposes of health benefits, dependent coverage is available to individuals who meet the plan's definition of dependent, which generally includes an employee's spouse, eligible domestic partner, and children to the end of the month following attainment of age 26.

Children are defined as: children or step children, legally adopted children, and children in accordance with qualified medical child support order for whom the employee is the proposed adoptive parent and who is dependent on the employee during the waiting period prior to the adoption being final. This also includes unmarried children of any age who are unable to work or support themselves because of mental illness, developmental disability or mental retardation as defined in the New York State Mental Hygiene Law, or because of a physical handicap (a physician must certify the disability).

Domestic partners must complete an Affidavit of Domestic Partnership and an additional tax liability may apply. Please consult with your tax advisor for further information. Contact the Office of Human Resources for information on eligibility and coverage.

Dependents can be added or removed from coverage only during the annual open enrollment period or if a qualifying event occurs that allows a mid-year change (e.g., birth, adoption, marriage, or divorce). Please review the summary plan description for additional detail regarding dependent coverage.

Adding or Removing Dependents

Dependents can be added to health insurance at these times only:

1. During an employee's initial eligibility period at Bard College, or any of our affiliates;
2. Open enrollment period—Bard College holds an annual open enrollment period during which all employees have the opportunity to change from one health plan to another or to add dependents. The open enrollment period is for changes taking effect at the beginning of the Plan Year, July 1.
3. Life Status Change—Dependents may be added within 30 days of a life status change. Life status changes include:
 - Birth or adoption;
 - Marriage or divorce;
 - Death of a spouse/domestic partner; and
 - Spouse/domestic partner loses employment and/or benefits.

Employees with a Spouse or Domestic Partner Enrolled in Health Benefits

For benefit eligible employees with a spouse or domestic partner who is also employed by Bard College and benefit eligible, the following rules apply:

- You must notify Human Resources if both individuals will be enrolling in Bard College health benefits.
- Both employees have the option to enroll in separate individual plans, as opposed to electing other coverage.
- If enrolling in Family coverage the salary tier for the contribution rate to the premium will be determined based on the employee with the higher salary.
- If enrolling in Employee plus Spouse coverage the salary tier for the contribution rate to the premium will be determined based on the employee with the higher salary.

Health insurance plan rates are available via the benefit guide at the beginning of each open enrollment period. The benefit guide can be found on the Human Resources page on the Bard website.

Dental Insurance

Regular full-time and part-time employees, working a minimum of 1,300 hours per fiscal year in a budgeted benefits-eligible position, are eligible to receive dental benefits on the first day of the month after 30 days of employment, subject to all terms and conditions of the agreement between Bard College and the insurance carrier.

Employee Assistance Program

Bard College offers an Employee Assistance Program (EAP) to all employees in a budgeted benefits-eligible position and their families at the time of their hire. The EAP provides access to free, confidential help with a range of personal and family issues. In addition, the EAP provides referral and case management for other work/life needs such as childcare, elder care, and debt counseling. The EAP is available 24 hours a day/7 days a week for crisis intervention, and during regular business hours for counseling appointments.

Flexible Spending Accounts

Regular full-time and part-time employees, working a minimum of 1,300 hours per fiscal year in a budgeted benefits-eligible position, may participate in the Flexible Spending Accounts Program (FSA) on the first day of the month after 30 days of employment, subject to all terms and conditions of the agreement between Bard College and the FSA Program Administrator. Employees can reduce taxes by electing a Medical/Dental Spending Account and/or Dependent Care Assistance Spending Account for dependent day-care costs for unreimbursed medical and dental expenses for your family and/or an Individual Insurance Spending Account for insurance premiums you pay for yourself or your children. Through payroll deduction, you may contribute up to the maximum amount permitted by the Internal Revenue Code to both the Medical FSA and Dependent Care FSA. The reductions, taken each pay period over a fiscal year, will be credited to the Spending Accounts maintained by Bard for your benefit. As you incur medical/dental, dependent care, and other eligible expenses, your Spending Accounts may be used to reimburse you for these costs, and will not be subject to federal or state or Social Security taxes.

Authorization is required for Bard College to deduct these funds from your pay. After your enrollment, you may use these accounts to reimburse you for the cost of services that are provided after the date of your enrollment and during the remainder of the calendar year. The account will remain open for 90-days after the close of the year (June 30th) to pay for these expenses for services provided within the Plan Year. Funds remaining in your FSA up to the limit imposed by the Internal Revenue Code at the end of the 90-day period (September 30th) may be rolled over into the new Plan Year. Any funds in excess of this amount will be forfeited. Careful consideration should be made as to how much to contribute to these accounts. You will not be allowed to change your election unless permitted by IRS regulations.

Health Savings Accounts

Health Savings Accounts (HSA) are tax-exempt accounts where funds grow to pay for IRS eligible medical expenses. Bard College offers an HSA account for those enrolled in the Empire HD HSA plans. An HSA is the employee's account. If you switch jobs, the HSA goes with you. Your money rolls over every year. There is no "use it or lose it" requirement. In order to open an HSA, you must have a qualified High Deductible Health Plan. Employees can contribute their own funds up to the annual IRS limit. The IRS determines the guidelines for qualified HSAs. HSA eligible guidelines and information on processing medical and RX expenses under an HSA plan can be found in the Bard College Benefit Guide on the [Human Resources website](#).

Commuter Benefit Plan

After successful completion of your introductory period, regular full-time and part-time employees working a minimum of 1,300 hours per fiscal year, in a budgeted benefits-eligible position may participate in the Commuter Benefit Plan. The Commuter Benefit Plan is an IRS plan that allows employees to set aside monthly pre-tax dollars (up to the applicable Internal Revenue Code limit) from their compensation to pay for parking or mass transit expenses in relation to commuting to and from their workplace. Eligible employees participating in the plan may carry over any unused amount into the next calendar year. Election for this benefit may be changed monthly, if necessary. This benefit is limited to specific transportation services. Please contact the Office of Human Resources for additional information.

Life Insurance/AD&D

Life insurance offers you and your family important financial protection. Bard College provides a basic life insurance plan of \$12,000 for regular full-time and part-time employees working a minimum of 1,300 hours per fiscal year in a budgeted benefits-eligible position. Employees may also purchase supplemental life insurance, spouse life insurance, and dependent children life insurance.

Accidental Death and Dismemberment (AD&D) insurance provides protection in cases of serious injury or death resulting from an accident. AD&D insurance coverage is provided as part of the basic life insurance plan.

Short-Term Disability

Bard College provides a short-term disability (STD) benefits plan, which coordinates with NYS Disability Insurance, to regular full-time working 4 consecutive weeks and part-time employees working 25 days of consecutive employment, who are unable to work because of a qualifying disability due to an injury or illness. Employees are required to use their sick leave benefit for the first 7 consecutive calendar days of the disability. The STD benefit will then pay 50% of your weekly average pay, with a maximum of \$170.00 per week, for a 26-week period. This benefit will be paid subject to all terms and conditions of the agreement between Bard College and the insurance carrier, and in accordance with NYS law. Disabilities arising from pregnancy or pregnancy-related illness are treated the same as any other illness that prevents an employee from working. Under no circumstances will an employee ever receive more than 100% of their regular compensation. Sick time may be used in conjunction with this benefit. Contact the Office of Human Resources for further information.

Long Term Disability

After successful completion of one year of service, Bard College provides a long-term disability (LTD) benefit plan, which coordinates with NYS Disability Insurance, to regular full-time and part-time employees working a minimum of 1,560 hours per fiscal year in a budgeted benefits-eligible position, who are unable to work after the 26 weeks of STD coverage ceases. A LTD benefit of 60% of your monthly eligible compensation will be paid up to a monthly maximum of \$10,000. This benefit will be paid subject to all terms and conditions of the agreement between Bard College and the insurance carrier. Under no circumstances will an employee ever receive more than 100% compensation.

Retirement Plan

College Contributed Retirement Plan

Bard College is a participating institution with TIAA. All employees who work 1,000 hours per year or more are eligible based on the terms of the plan. After successful completion of two years of continuous service, employees are eligible to receive a College contribution of 10% of their eligible compensation. Plan specifics may be obtained from the Office of Human Resources or, if applicable, in the most recent accepted union contract.

The Office of Human Resources will contact you when you are eligible to participate. This benefit will be paid subject to all terms and conditions of the agreement between Bard College and TIAA. The [Office of Human Resources website](#) has full details of the TIAA retirement account contracts and additional information can be obtained by reviewing the summary plan description for the plan.

Employee Contributed Supplemental Retirement Plan

Immediately upon hire, all employees are eligible to participate in a tax-deferred Supplemental Retirement Annuity Plan. Participants may contribute pre-tax or after-tax funds through payroll deduction each pay period to a maximum annual limit set by the IRS. Plan specifics may be obtained from the Office of Human Resources.

Other Benefits

In addition to the benefits listed in this Handbook, Bard College offers to its employees other benefit opportunities. Contact the Office of Human Resources for specifics on each of the following programs:

- Bookstore Discount;
- Stevenson Gymnasium;
- Concerts, Lectures & Events;
- Library Privileges; and
- Outside Discounts.

Appendix A: Sexual Harassment Complaint Form

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to the Office of Human Resources located in the basement of the Ludlow Administration Building; email: hr@bard.edu; phone: 845-758-7428. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: www.ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name:

Title:

Email:

Work Address:

Work Phone:

Select Preferred Communication Method: ☐Email ☐Phone ☐In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

Email:

Work Address:

Work Phone:

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made about:

Name:

Title:

Work Address:

Work Phone:

Relationship to you: ☐Supervisor ☐Subordinate ☐Co-Worker ☐Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? ☐Yes ☐No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

The last question is optional, but may help the investigation.

5. Have you previously complained or provided information (verbal or written) about related incidents?
If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: _____

Date: _____

Appendix B: Sick Leave Benefits

These sick leave benefits incorporate the leave requirements under New York State Paid Sick Leave law (NYPSSL) and the New York City Earned Safe and Sick Time laws (NYCESSL) (for New York City based employees only). NYPSSL and NYCESSL run concurrently. Any differences are noted in this policy.

An eligible employee may use sick leave benefits for an absence due to their own illness/injury/doctor's appointment, or that of a child, parent, or spouse/domestic partner of the employee as well as for the purposes prescribed under NYPSSL and NYCESSL.

Note for Employees who work in New York City. The provisions of NYPSSL and this section also applies to employees who work in New York City but are not eligible to participate in the company's sick leave program. Leave under NYCESSL has been incorporated into this policy unless noted otherwise. NYC-based employees may use leave for all NYPSSL purposes as listed below and additionally for leave needed in the event their job or their child's school closes due to a public emergency under the provisions of the NYCESSL.

Definitions

The following definitions are applicable to this policy:

- **Confidential Information** means individually identifiable health or mental health information, including but not limited to, diagnosis and treatment records from emergency services, health providers, or drug and alcohol abuse prevention or rehabilitation centers. Confidential information also means information that is treated as confidential or for which disclosure is prohibited under another applicable law, rule, or regulation.
- **Domestic Partner** shall have the same meaning as Domestic Partner, as set forth in section 2961(6-a) of the New York Public Health Law.
- **Family Member** is defined as an employee's child (including biological child, adopted child, foster child, a legal ward, or a child for whom the employee stands "in loco parentis"), spouse, domestic partner, parent (including biological parent, foster parent, step-parent, adoptive parent, legal guardian, or an individual who stood "in loco parentis" to the employee as a minor child), sibling, grandchild or grandparent, and the child or parent of an employee's spouse or domestic partner. For New York City based employees, the definition of "family member" also includes any other individual whose close association is the equivalent of a family relationship.
- **Family Offense** includes any offense enumerated in section 812(1) of the New York Family Court Act, where such acts are between current and former members of the same family or household, as defined therein.
- **Human Trafficking** means an act or threat of an act that may constitute sex trafficking, as defined in section 230.34 of the Penal Law, or labor trafficking, as defined in section 135.35 and 135.36 of the Penal Law.
- **Mental Illness** shall have the same meaning as mental illness, as set forth in section 1.03(20) of the New York Mental Hygiene law
- **Preventative Medical Care** means routine health care including but not limited to screenings, checkups, and patient counseling to prevent illnesses, disease, or other health problems.
- **Sexual Offense** means any act, or threat of an act, specified within Article 130 of the New York State Penal Law.
- **Stalking** means any act, or threat of an act, which constitutes the crime of stalking as defined by Article 120 of the New York State Penal Law.

Eligible full-time employees will accrue PTO on a monthly basis which includes one hour of NYPSL for every 30 hours worked. NYPSL will accrue up to a maximum of 56 hours in each calendar year. Newly hired employees will accrue NYPSL on their first day of work. NYPSL is also available for part-time, temporary and seasonal employees. Temporary and seasonal employees will accrue NYPSL at a rate of 1 hour per every 30 hours worked by the employee, up to a maximum of 56 hours in each calendar year (January 1 – December 31). Leave will begin to accrue on an employee's first day of employment. Seasonal employees who "maintain an ongoing relationship with their employer maintain their leave accruals through such breaks in employment."

The amount of sick days accrued is set forth below. This leave amount meets or exceeds the requirements of NYPSL and NYCESSL.

Regular full-time employees, who have successfully completed their introductory period (except in the case of NYPSL accruals where accruals begin immediately), are eligible for accrued sick leave of 1.25 days per month. Sick leave may be carried over into the next fiscal year up to a maximum of 45 days. Paid sick leave must be used in at least 1-hour increments.

Part-time benefits eligible employees are eligible to receive any accrued sick leave of 1.25 days per month based on a normal workweek schedule, and may be carried over into the next fiscal year up to a maximum of 45 days.

An employee's unused NYPSL will be carried over to the next calendar year. However, employees will not be permitted to use more than 56 hours of NYPSL in any calendar year.

Reasons for Leave for NYPSL purposes

An eligible employee may take leave under this policy for the following reasons:

1. The mental or physical illness, injury, or health condition of the employee, regardless of whether such illness, injury, or health condition has been diagnosed or requires medical care at the time that such employee requests such leave, as well as the diagnosis, care or treatment of the same;
2. The mental or physical illness, injury, or health condition of an employee's family member, regardless of whether such illness, injury, or health condition has been diagnosed or requires medical care at the time that such employee requests such leave, as well as the diagnosis, care or treatment of the same;
3. An absence from work when an employee or an employee's family member has been the victim of domestic violence, a family offense, sexual offense, stalking, or human trafficking, including leave to:
 - a. Obtain services from a domestic violence shelter, rape crisis center, or other services program;
 - b. Participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or the employee's family members;
 - c. Meet with an attorney or social services provider to obtain information and advice on, and prepare for and participate in, any criminal or civil proceeding;
 - d. File a complaint or domestic incident report with law enforcement;
 - e. To enroll children at a new school;
 - f. Meet with a district attorney's office; and
 - g. Take any other actions necessary to ensure the health or safety of the employee or the employee's family member, or to protect those who associate or work with the employee.

****An employee who has committed domestic violence, a family or sexual offense, stalking, or human trafficking is not eligible for leave under 3(a)-(f), nor may this leave be used on behalf of an employee's family member who has engaged in any of these.**

For purposes of this policy, "family member" is defined as an employee's child (including biological child, adopted child, foster child, a legal ward, or a child for whom the employee stands "in loco parentis"), spouse, domestic partner, parent (including biological parent, foster parent, step-parent, adoptive parent, legal guardian, or an individual who stood "in loco parentis" to the employee as a minor child), sibling, grandchild or grandparent, and the child or parent of an employee's spouse or domestic partner.

Employees who are unable to report to work due to illness or injury should notify their manager before the scheduled start of their workday. The manager must also be contacted on each additional day of absence. Bard College reserves the right to require proof of illness if an employee is absent for three or more consecutive days due to illness or injury. Such verification may be requested for other sick leave absences as well and may be required as a condition to receiving sick leave benefits. Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence. For any extended medical leave, an employee will be required to provide proof of medical clearance and ability to perform the essential functions of their job before the employee returns to work. An employee may be required to provide medical documentation supporting their need for use of leave for a NYPSL purpose, amount of leave needed, and return date when they are absent for 3 or more consecutively scheduled shifts. Any documentation required in such instances will be limited to that permitted by applicable law. Employees will not be required to disclose confidential information to use NYPSL.

Unused sick leave benefits will be allowed to accumulate to a maximum of 45 days for full-time and part-time employees. 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 including, without limitation, absences for routine medical, dental, diagnostic or hospital appointments, which are excluded from sick leave, but may be covered by personal leave. Once all sick days are used, earned vacation days may be used in lieu of sick days, or additional time off, if allowed, will be unpaid.

NYC-based employees will receive written disclosures on leave accruals, use, and balance available to them for NYCESSL purposes.

It is your responsibility to apply for any disability benefits, through the Office of Human Resources, for which you may be eligible as a result of illness or disability, including New York State Disability Insurance, workers' compensation insurance, and/or any short-term disability insurance benefits for which you qualify.

NYPSL and Interaction with Other Benefits - NYPSL and NYCESSL may run concurrently with an employee's leave under the Family and Medical Leave Act (FMLA) and Paid Family Leave (PFL), and other statutory benefits, when applicable.

Your sick leave benefits will be fully integrated with other benefits available to you (holiday, vacation, personal) so that at no time will you be paid more than your regular compensation. Any abuse of sick time may lead to disciplinary action including, without limitation, termination of employment. Employees will not accrue sick leave during unpaid leaves of absence. Accumulated sick time will not be paid to employees at termination of their employment from Bard College. At the conclusion of an employee's use of NYPSL, the employee will be returned to the employee's previously held position.

Employees Covered Under a Collective Bargaining Agreement

The employment terms set out in this policy work in conjunction with, and do not replace, amend, or supplement any terms or conditions of employment stated in any collective bargaining agreement that a union has with the College.

Employee Handbook Receipt Acknowledgement

I have received a copy of the Employee Handbook and understand that it is my responsibility to read and comply with the policies and requirements contained within it, including any future revisions made to it.

Bard College reserves the right to revise this Employee Handbook. I understand that the most up-to-date version of the Employee Handbook will be online at all times and that it is my responsibility to comply with that version.

No written or oral statements or representations can change any provisions of this Employee Handbook, with the exception of a written employment agreement. No provision of this policy alters the at-will nature of employment at Bard College.

Employee's signature

Employee's name (print)

Date