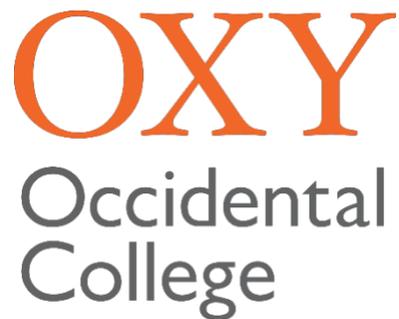


Occidental College Employee Handbook



Published: May 2003

Revised: March 1, 2021

**RECEIPT AND ACKNOWLEDGMENT OF A HANDBOOK
FOR THE STAFF AND ADMINISTRATORS OF OCCIDENTAL COLLEGE**

PLEASE PRINT NAME: _____

DEPARTMENT NAME: _____

I acknowledge that I have received a copy of the Employee Handbook for Occidental College, effective . March 1, 2021I understand that this Handbook contains important information about Occidental (“Oxy” or the “College”) College’s general personnel policies, practices and procedures and about my privileges and obligations as its employee.

I agree to read, and comply with this Handbook during my employment at Occidental College. I also understand that this Handbook may be amended at any time and that Occidental College may rescind, or add to, any policies, practices, and procedures described in the Handbook at any time. Occidental College will advise employees of material changes accordingly within a reasonable time.

I further understand that any policy updates and/or revisions will be communicated by email from Human Resources and posted on the College HR web site and the HR web portal.

I understand and agree that in the absence of a fully executed individual employment contract that expressly provides otherwise, my employment with the College is at-will and can be terminated by either me or the College at any time without cause or prior notice, and nothing in this Handbook should be interpreted to the contrary. Consistent with the At-Will Employment policy, I also understand that the College has the right to transfer, reassign, suspend, or demote an employee and/or reduce an employee’s pay and benefits at any time, with or without notice or cause.

EMPLOYEE SIGNATURE: _____

DATE: _

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Using This Handbook

This handbook is designed to acquaint you with Occidental College and its employment policies; to provide you with general information about your benefits and responsibilities; and to familiarize you with the many opportunities at Occidental that may be of interest to you.

This handbook is intended for staff and administrators as well as casual staff and student employees. In general, the Faculty Handbook will address matters pertaining to faculty members. Similarly, the Collective Bargaining Agreement governs primary matters pertaining to terms and conditions of employment for members of the bargaining unit. However, several of the policies contained in this handbook apply to all employees (including faculty members and members of the bargaining unit), including but not limited to the Discrimination, Harassment, and Retaliation Policy and the Sexual Misconduct Policy.

Please understand that this handbook only highlights College policies, practices and benefits for your personal education. This handbook does not provide contractual rights and is not intended to convey a guarantee of continued employment, or any term, privilege or condition of employment. In fact, absent a contractual agreement to the contrary, all College employees are and will remain at-will, terminable at either party's discretion for any reason, with or without notice, except where prohibited by law.

In order to retain necessary flexibility in the administration of policies and procedures, the College reserves the right to amend, supplement or rescind its benefits, policies and any other provisions of this handbook, other than the at-will provisions, in its sole discretion at any time. As policies and benefits are revised, the Associate Vice President & Chief HR Officer will maintain a current electronic copy of this handbook on the Occidental website at <https://www.oxy.edu/human-resources/employee-handbook>. The Associate Vice President & Chief HR Officer will distribute updated pages to you upon request.

Occidental College is constantly striving to review its policies, to achieve excellence in service to students, parents and other constituents, and to maintain positive relations with its employees. Employees are encouraged to bring suggestions for improvements to the attention of their supervisors or department heads. By working together, the College hopes that it will share with its employees a sincere pride in the workplace and the quality educational environment that we are all here to provide.

EMPLOYMENT

Equal Employment Opportunity and Addressing Discrimination and Harassment

The College fully complies with equal employment laws, ordinances and regulations for all employees and applicants for employment. It is the College's policy to provide equal employment opportunity for all employees and applicants for employment in all employment decisions including promoting, hiring, training, compensation, benefits, transfers, leaves of absence terminations, layoffs and employee programs for all qualified individuals, regardless of race, color, religion (including religious dress and grooming), sex (including pregnancy, perceived pregnancy, childbirth, breastfeeding, and related medical conditions), gender, gender identity, gender expression, national origin (which includes language use and possession of a driver's license issued to persons unable to prove their presence in the United States as authorized under federal law), ancestry, citizenship, age, physical disability, mental disability, medical condition (including genetic characteristics and genetic information), family care status, military caregiver status, military status, veteran status, marital status, domestic partner status, sexual orientation, status as victim of sexual assault, domestic violence, or stalking, enrollment in public assistance program, or any other basis protected by local, state, or federal laws.

Further, the College is committed to providing a workplace free of unlawful discrimination and harassment on the basis of any of the characteristics set out above for students, faculty, administrators, staff, and visitors. Occidental does not discriminate on the basis of any protected class in its educational, extracurricular, athletic, or other programs. The College also prohibits retaliation against a person who reports, complains about, or who otherwise participates in good faith in any proceeding related to this Policy.

The College complies with Title VI and VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, the Immigration and Nationality Act, Title IX of the Education Amendments of 1972, the California Fair Employment and Housing Act, California Unruh Civil Rights Act, and all other applicable federal, state, and local laws addressing discrimination and equal opportunity.

For information about the types of conduct that constitute impermissible discrimination and harassment, the College's internal procedures for addressing complaints of discrimination and harassment, the legal remedies available through and complaint procedures of the appropriate state and federal agencies and directions on how to contact these agencies, please refer to the following:

- The College's Sexual Misconduct Policy available at <https://www.oxy.edu/sexual-respect-title-ix/policies-procedures>

- The College's Discrimination, Harassment, and Retaliation Policy, available at <https://www.oxy.edu/student-handbook/general-college-policies/discrimination-harassment-retaliation>; and
- The College's Staff Grievance Procedure, a copy of which is in Appendix B of this Handbook and at https://www.oxy.edu/sites/default/files/assets/HR/HR_Complaint-Process-2017.pdf

It is the responsibility of every manager and employee to conscientiously follow these policies and procedures. Any employee having any questions regarding these policies and procedures should discuss them with Human Resources.

Whistleblower Policy

All members of the College community are expected to adhere to the highest standards of ethical and legal conduct in carrying out their duties and responsibilities for the College. The College is committed to operating in compliance with applicable laws and regulations and College policies.

The College has adopted this Whistleblower Policy in an effort to encourage good-faith reports of suspected wrongdoing without fear of retaliation. The College will investigate such reports and will take appropriate action against anyone found to have engaged in conduct that violates the law or College policy (including this Whistleblower Policy). Such action may include disciplinary action by the College or civil or criminal prosecution, when warranted.

Reports of Suspected Wrongdoing: this Whistleblower Policy pertains to the reporting and investigation of suspected “wrongdoing” committed by an employee of the College in the course of conducting College business.

For purposes of this policy, wrongdoing is defined as: a) a violation of state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation, or b) a violation of College policy, when the violation involves accounting or financial matters or misuse of College resources. Examples of violations of College policy that constitute “wrongdoing” may include, but are not limited to:

- theft of cash or of other College property;
- misappropriation or misuse of the College’s resources, such as funds, supplies, or other property;
- fraud or falsification of accounting or financial reports or records;
- falsification of work hours as reported on time sheets by employees;
- inappropriate allocation or spending of College funds;
- inappropriate authorization of the use of College funds or resources; and
- unauthorized alteration or manipulation of computer files.

Additionally, such conduct, in some instances, may constitute a violation of law.

Pursuant to the Defend Trade Secrets Act of 2016, employees will be immune from criminal and civil liability under any Federal or State trade secret law for the disclosure of a trade secret that is made: (a) in confidence to a governmental official or entity of the United States, a State, or a political subdivision of a State, if such entity has lawful authority with respect to that violation, (b) to an attorney representing the employee, solely for the purpose of reporting or investigating a suspected violation of law or for use in an anti-retaliation lawsuit, or (c) in a complaint or other document filed in a lawsuit or other proceeding, if such filing is made under seal and does not disclose the trade secret, except pursuant to court order.

How to Report Complaints

The College expects and requires employees to report any suspected wrongdoing. An employee may report a concern covered by this policy directly to the President or the Associate Vice President & Chief HR Officer. However, if for any reason an employee is not comfortable

reporting to any of these individuals or does not believe the issue is being properly addressed, the employee may report the matter to the Chair of the Board of Trustees. The contact information is contained at the end of this section.

Reports can be made in person, by telephone, or in writing. Reports may also be submitted anonymously. However, only reports with sufficient information to support an investigation can be acted upon. The College may contact those who have made a report to gather additional information and ask follow-up questions, if necessary.

The College encourages employees to report suspected wrongdoing based on whatever information is available to the employees. Where feasible, however, the person making the report should provide the name(s) and title(s) of the employee(s) against whom the allegation(s) are being made and a specific description of the misconduct, including dates, times, and any other relevant information needed to substantiate the allegation(s). In addition, the person making the report should note how they came to know this information, such as from first-hand observation, a report they received from another person or persons, etc.

Confidentiality

Reports of suspected wrongdoing will be handled with sensitivity, discretion and confidentiality to the extent allowed by the circumstances and the law. Generally, this means that such reports will only be shared with those who have a need to know so that the College can conduct an effective investigation, determine what action needs to be taken based on the results of any such investigation, and in appropriate cases, engage with law enforcement personnel.

Policy Against Retaliation

The College prohibits retaliation against an employee who reports information that the employee has reasonable cause to believe discloses suspected wrongdoing to a government or law enforcement agency, to a person with authority over the employee or to another employee who has the authority to investigate, discover, or correct the violation or noncompliance. This policy also extends to employees who assist in the investigation of such a report, or who provide information to, or testify before, any public body conducting an investigation, hearing, or inquiry. An employee who believes that he or she has been retaliated against for reporting suspected wrongdoing may file a written complaint with any of the persons listed below. The College will promptly investigate any complaint of retaliation and take appropriate corrective measures if allegations of retaliation are substantiated.

Questions: Questions related to the interpretation of this policy should be directed to the Associate Vice President & Chief HR Officer. Listed below you will find the contact information for the President, the Associate Vice President & Chief HR Officer, and Chair of the Board of Trustees.

Contact Information

President Harry Elam Occidental College, www.helam@oxy.edu; Associate Vice President, Chief HR Officer, Randy Glazer Occidental College, rglazer@oxy.edu, 323-259-2526; and Chair of the Board of Trustees Stephen Rountree, c/o Occidental College Office of the President, 323-259-2526.

Employment Policy and the Employment Relationship

At-Will Employment

Employment for non-bargaining unit employees is at-will and may be terminated by either the College or the employee at any time, with or without notice or cause, except where prohibited by law. Consistent with this at-will employment policy, the College also has the right to transfer, reassign, suspend, demote, and discipline an employee, and/or reduce an employee's pay and benefits at any time, with or without notice or cause, except where prohibited by law. This at-will employment relationship cannot be modified except by express written agreement.

No statement or policy in this handbook or any other statement or policy or practice shall limit the right to terminate at-will or otherwise change the College's at-will employment policy.

Job Postings/Hiring

The hiring of all regular staff and administrative personnel must be completed through Human Resources in coordination with the hiring manager and in accordance with Equal Employment Opportunity policies and procedures. In order to begin the recruitment process, the hiring manager will contact Human Resources to seek approval to fill an existing position, or create a new position. Human Resources and the hiring manager will work to determine the department's needs, create and/or revise the job posting and any position description questionnaire, determine the appropriate salary range, and determine the appropriate recruitment and selection process. Part of this process requires budget and finance office approval.

Internal Job Postings

In order to promote the career development of our employees, it is the College's goal to fill positions from within the College whenever qualified candidates are available.

The College will generally post all jobs on the College's website either before or while posting the position externally. However, the College has the sole discretion not to post a position and reserves the right to hire externally, even if an internal qualified candidate is available.

Pre-Employment Verifications, Reference and/or Background Checks

Occidental College has a long-standing commitment to provide a safe and secure environment for all of its students, faculty, staff and visitors. Occidental College therefore has enacted a policy requiring the completion of background checks for all candidates who have received a conditional offer of employment. The policy is intended to create a safe environment for students, staff, faculty and visitors to OXY, especially given recent and increasing instances across the country of weapons on campus and concerns about responses to sexual assault allegations. Most institutions of higher education require background checks of all new

employees as it is a basic and essential element of risk management in furtherance of the important goal of campus safety.

Members of the faculty and administration are invited to participate in a Background Check Advisory Panel (“BCAP”). The BCAP will be a three member panel taken from a pool of six total pool volunteers (3 faculty and 3 staff to be chosen from the volunteers by the Dean of the College for faculty and the Associate Vice President & Chief HR Officer for staff). The three member BCAP will be convened in each case where the background check results have revealed a criminal conviction. Where the candidate is applying for a faculty position, the BCAP will include two faculty and one staff member from the pool. Where the candidate is applying for a staff position, the BCAP will include two staff and one faculty member from the pool. The three members convened in each case will be chosen by lottery from the respective faculty and staff pool. Except, however, if a chosen individual is unavailable, another available member of the pool may serve in his/her place. The disclosure of a criminal offense is not an automatic disqualification for a faculty or staff position at Occidental College. The BCAP will help determine whether there is a legitimate and non-discriminatory business purpose to withdraw the conditional offer of employment and will make a written recommendation to hire, not hire, or to hire with conditions to the final decision maker. The nature of the offense, the date of the offense, the surrounding circumstances, and the relevance of the offense to the position will be considered. The final decision to hire, not hire, or to hire with conditions will be made by the Dean of the College (for faculty hires), and the Chief Operating Officer (for staff hires), in consultation with the Associate Vice President & Chief HR Officer and General Counsel, when necessary.

As a condition of hire for a staff position and for appointment to a faculty position, Occidental College requires that all candidates who have received a conditional offer of employment complete an application form (if they have not already done so) and consent to a background check. Satisfactory completion of a background check, along with pre-employment verifications and references are required as a condition of employment, but only as permitted by federal, state, and local law, including the City of Los Angeles Fair Chance Initiative for Hiring Ordinance. For purposes of this policy, current employees who are applying for a new position will be treated as new applicants.

The application form and background check will adhere to the following basic principles:

The scope of the application form and background check is limited to information that Occidental College has determined is potentially relevant for the respective position.

The background check will not include:

- A credit report or a search of bankruptcy court records (except in the case of staff applicants for positions involving access to personal information, financial records, and/or controlling financial resources);
- A search of family court records;
- Drug or alcohol testing;

- Fingerprinting; and
- Civil court records

The background check will include:

- A verification of educational credentials and history;
- A verification of employment history;
- A criminal background check, including:
 - Federal, state, and county criminal records for relevant jurisdictions within the past seven years
 - Relevant sex offender registries
 - Outstanding writs and warrants (not arrests)
- Social Security traces (to verify identification)

The candidate has the right to receive notice of the background check and has a right to receive a copy of the background check report. The candidate also has the right to dispute the accuracy and/or completeness of the report with the agency that conducts the report. These rights are further explained in the “Summary of Your Rights Under the Fair Credit Reporting Act,” which is provided with the background check disclosure and consent form. Occidental College may deny the appointment in the case of faculty or hire in the case of staff based on information in the background check report if it has a legitimate and non-discriminatory business purpose for doing so.

Occidental College will endeavor to maintain confidentiality with respect to the information included in the background check report. The information will only be disclosed to those who need to know in order to make a hiring decision which may include the Associate Vice President & Chief HR Officer, Dean of the College (for faculty hires), Chief Operating Officer (for staff hires) and the three member BCAP convened when called for under this policy. Each member of the BCAP shall execute a confidentiality agreement prior to reviewing the background check report in every case. Legal Authorization to Work in the United States

The College is required by the Federal Immigration Reform and Control Act to ensure that all employees are authorized to work in the United States. Therefore, all new hires are required to complete Section 1 of the Form I-9 (Employment Eligibility Verification) on or before the first day of employment and are required to produce original documents to evidence identity and employment eligibility.

If an employee provides documentation indicating that his/her work authorization has an expiration date, updated documentation must be given to the College before the expiration date. All offers of employment and continued employment are conditioned on furnishing evidence of

identity and legal authority to work in the United States as required by federal law. Any employee who is found to have presented a false or fraudulent document to the College as evidence of work authorization or identity is subject to immediate termination of employment.

Independent Contractors

Although independent contractors are not employees of the College, in order to ensure compliance with all applicable laws, supervisors and department heads may not contract with or utilize the services of these individuals without the express prior written authorization of the Associate Vice President & Chief HR Officer.

Orientation and Training

During your first day on the job and or on scheduled orientation dates, you will typically be scheduled to attend an orientation session in Human Resources. This meeting will cover employment policies, practices and procedures and will provide information about your employment, including information concerning the College's culture and values and your employment benefits.

All employees are required to complete anti-discrimination/ harassment training every 2 years. Newly hired employees and new supervisors are required to complete the training within 6 months of their hire date. Employees who are designated as Campus Security Authorities under the Jeanne Clery Campus Safety & Security Act ("Clery Act") are required to complete training regarding their reporting obligations under the Clery Act upon designation and at least once per year throughout their employment.

Introductory Period

A new employee's first 6 months (180 days) of continuous employment or an existing employee's first 180 continuous days after assuming a new set of job responsibilities are considered the "Introductory Period." During this time, your supervisor will be observing your performance and ability to meet job requirements. During and at the end of the introductory period, your performance will be evaluated and a decision made concerning regular or continuing employment. If your performance is considered satisfactory or better, you may be retained and become a regular employee. If your performance is considered unsatisfactory or borderline, at any time within the first 180 days, the College may decide to end your employment, or the College may extend your introductory period for an additional period of time not to exceed 60 days to further evaluate your performance and suitability for the job.

During and after the introductory period your employment is "at-will" and does not affect your eligibility for benefits. Our right to terminate your employment or change the terms and conditions of your employment, at any time, with or without cause, as described in the At-Will Employment policy contained in this Handbook, is not altered by this policy.

Job Descriptions

Each employee shall be provided with a position description. Be aware that your job responsibilities may change at any time during your employment. From time to time, you may be asked to work on special projects or to assist with other work necessary or important to the operation of your department or the College. Your cooperation and assistance in performing such additional work is expected and appreciated. The College reserves the right, at any time, with or without notice, to alter or change job responsibilities, job titles, reassign or transfer job positions, or assign additional job responsibilities with or without additional compensation.

Drug and Alcohol Policy

In accordance with applicable law, the College maintains a drug-free workplace policy. The use or abuse of alcohol and other drugs, whether on or off the job, can adversely affect an employee's work performance, efficiency, safety and health, and constitutes a potential danger to the welfare and safety of others. Further, the use of these substances increases the risk for a number of health-related and other medical, behavioral, and social problems. The College believes the following policy will assist in providing a safe, drug-free, secure environment for the protection of our employees and students.

Rules and Standards of Conduct

The following rules and standards of conduct apply to all employees:

- Employees are prohibited from unlawfully manufacturing, distributing, selling, offering to sell, dispensing, possessing, purchasing or using illegal drugs or controlled substances at any time either during work hours or non-work hours, including meal and break periods. Employees are expected to report to work unimpaired by illegal or controlled substances.
- The College will not condone abusive or inappropriate use of alcohol, including incidence of drunkenness or any level of intoxication during normal work hours or while performing work for the College. Employees are expected to report to work unimpaired by alcohol.
- The College is not a "dry" campus. On occasion, the College hosts or facilitates events where alcohol is served. While participating in business related or College social events where alcohol is served, employees are expected to use good judgment in consuming alcohol, drink moderately, remain responsible, professional and sober at all times, and abide by all state and federal laws related to alcoholic beverages, including laws which prohibit the operation of a vehicle while under the influence.

Nothing in this policy is meant to prohibit the appropriate use of over-the-counter medication or other medication that can legally be prescribed under both federal and state law, to the extent that it does not impair an employee's job performance or safety or the safety of others. Employees who take over-the-counter medication or other medication that can legally be prescribed under both federal and state law to treat a disability should inform their supervisor and/or Human Resources if they believe the medication will impair their job performance, safety or the safety of others or if they believe they need a reasonable accommodation before reporting to work while under the influence of that medication. For more information on how to request a reasonable accommodation, please refer to the College's Reasonable Accommodation Policy.

Employees who violate these rules and standards of conduct may be subject to discipline, up to and including termination of employment and may be referred for prosecution for unlawful conduct. The College also supports enforcement, by applicable law enforcement agencies, of all local, state and federal laws and ordinances. Violations of local, state, and federal laws and ordinances for unlawful possession or distribution of drugs and alcohol may result in misdemeanor or felony convictions and/or the imposition of other legal sanctions, including but not limited to fines, imprisonment, forfeiture of personal and real property, loss of driving privileges, and required attendance at substance abuse education or treatment programs.

California State Alcoholic Beverage Laws and Penalties

All colleges must abide by federal, state and local laws and all campus policies incorporate such laws into college life. The laws of the State of California specify that people under the age of 21 may not consume, possess or distribute alcohol. In addition, it is unlawful for any person to sell, furnish or give any alcoholic beverage to anyone under the age of 21. Minors who use false identification in order to obtain alcoholic beverages are guilty of a misdemeanor. In compliance with state and local laws, Occidental prohibits the illegal use of alcohol on College property and as part of any College-sponsored activity (on- or off-campus).

Violations of federal, state or local law, even within regularly scheduled College facilities, occur at the risk of the individuals and are not the responsibility of the College.

California laws regarding the use of alcoholic beverages are highlighted below and are accurate as of January 2021. The laws are abbreviated for general use and may not cover all situations. It is the responsibility of the server or consumer of alcoholic beverages to be aware of, and abide by, all federal, state and local laws and ordinances.

Examples of common offenses and penalties include:

1. Open Container: Possession of any can, bottle, or other receptacle containing any alcoholic beverage that has been opened, or a seal broken, or the contents of which have been partially removed, in any city and county owned public place can result in a fine (California *Business And Professions Code* section 25620 (a)).
2. Driving Under the Influence (DUI): Driving under the influence with a blood alcohol content (BAC) level of .08 or higher or driving under the influence of a drug or combination of both is a misdemeanor with possible fines, county prison sentence, and driver's license suspension (California *Vehicle Code* sections 23152 (a) & (b)).
3. Cycling Under the influence (CUI): Bicycling under the influence of an alcoholic beverage can result in jail sentencing and a base fine of \$250. Riders under 21 may also lose their driver's license for one year (California *Vehicle Code* section 21200.5).
4. Providing False Identification: Attempting to purchase alcohol using false identification can result in jail time and a minimum fine of \$250 or community service hours (California *Business and Professions Code* section 25661).

5. Selling Alcohol without a License: is a misdemeanor (California *Business and Professions Code* section 23301).
6. Drunk in Public (DIP): Public intoxication is considered disorderly conduct, which is a misdemeanor offense and can result in jail time and a fine (California *Penal Code* section 647(f)).
7. Furnishing Alcohol to a Person Under 21 or an Intoxicated Person: Selling or furnishing alcohol to a person under 21 or to an obviously intoxicated person is a misdemeanor (California *Business and Professions Code* section 25658)
8. For Employees under the age of 21, the following shall apply:
 - A. Minor in Possession (MIP): Any person under the age of 21 years who has any alcoholic beverage in their possession on any street or highway or in any public place or in any place open to the public is guilty of a misdemeanor and shall be punished by a fine of \$250 or the person shall be required to perform not less than 24 hours or more than 32 hours of community service hours (California *Business and Professions Code* sections 25661 and 25662(a)).
 - B. Driving Under the Influence (DUI) While Under Age 21: Drivers under 21 with a BAC of .05 or higher can have their vehicles towed and driver's license suspended, be charged a fine, and be required to complete a mandatory alcohol education program of three months or longer (California *Vehicle Code* sections 23136 and 23140).
 - C. Under 21 Purchase of Alcohol: Any person under the age of 21 years who purchases any alcoholic beverage in any on-sale premises (*e.g.*, bar or licensed club or restaurant) is guilty of a misdemeanor (California *Business and Professions Code* section 25658(b)).

Drug Offenses and Penalties

The unlawful use, possession, distribution, manufacturing, or dispensing of illegal drugs is prohibited by Occidental College. Criminal Sanctions under California Law for the unlawful possession or distribution of illegal drugs and alcohol include the following:

1. Possession of Controlled Substances: Imprisonment in county jail for possession of specified controlled substances, including opium derivatives and cocaine (*Health and Safety Code Section* 11350).

2. Selling of Controlled Substances: Imprisonment in State prison for two to four years for possession or sale of specified controlled substances including opium derivatives and cocaine (*Health and Safety Code* Section 11351).
3. Possession of Marijuana: A person in possession of less than 28.5 grams of marijuana is subject to an infraction and may be fined; possession of more than 28.5 grams shall be punished by imprisonment in county jail and/or a fine (*Health and Safety Code* Section 11357).
4. Possession with Intent to Sell Marijuana: shall be punished by imprisonment (*Health and Safety Code* Section 11359).
5. Distribution of Prescription Drugs: it is unlawful for any person who is not a pharmacist to manufacture, compound, furnish, sell, or dispense any dangerous drug or dangerous device, or to dispense or compound any prescription (*Business and Professions Code* Section 4051 (a)).
6. Under the Influence of Controlled Substance: No person shall use or be under the influence of any controlled substance. Any person convicted of violating this is guilty of a misdemeanor and shall be sentenced to up to one year in a county jail up to five years of informal probation, drug counseling and/or community service. (*Health and Safety Code* Section 11550 (a)).

Health Risks

The risks associated with the use of illegal drugs and other substances and the abuse of alcohol and pharmaceuticals are numerous and include short-term and long-term physical and mental impairment, emotional and psychological deterioration, and potentially devastating effects on family, friends, and colleagues. Potential health risks include nausea, vomiting, cancer, liver damage, elevated blood pressure, psychotic episodes, hallucinations and, in some cases, death. Other potential risks include sustaining or causing personal injury, being charged with driving under the influence or while intoxicated, and poor job performance. Further information about the health effects of alcohol is included in Appendix A of this Handbook. Further information about the health effects of controlled substances is included in Appendix B of this Handbook.

Testing

To the full extent permitted by law, the College reserves the right to require all applicants for employment to submit to testing procedures designed to detect the presence of illegal drugs and/or alcohol. Further, to the full extent permitted by law, the College reserves the right to test current employees for illegal drugs or alcohol, in cases where the College has reasonable suspicion that the employee is violating this policy.

Treatment and Rehabilitation

The College encourages and will reasonably accommodate employees with chemical dependencies (alcohol or drug) to seek treatment and/or rehabilitation, including through an unpaid leave where such leave would constitute a reasonable accommodation. Employees may

also use any accrued, unused sick leave and vacation before taking unpaid leave for this purpose. Please note that, if time off qualifies for a Family and Medical Leave, the employee is required to use applicable Family and Medical Leave and the time will be counted against the employee's entitlement under the Family and Medical Leave Act and California Family Rights Act.

It is the responsibility of each employee to seek and accept assistance **before** alcohol and drug problems lead to corrective action, including termination. An employee's decision to seek assistance before alcohol and drug problems lead to disciplinary action will not be used as the basis for corrective action and will not be used against the employee in any disciplinary proceedings. At the same time, performance standards must be maintained, and alcohol or drug abuse will not be an acceptable excuse for performance that requires corrective action. Employees who wish to discuss options for treatment and/or rehabilitation related to chemical dependencies may contact Randy Glazer, Associate VP Chief HR Officer. In addition, the College provides an Employee Assistance Program ("EAP") for full-time employees. Employees who do not wish to contact Human Resources may contact the EAP provider directly at 1-800-854-1446 (Multi-lingual).

Conflict of Interest

Occidental College employees have an obligation to avoid conflict, or any appearance of conflict, between their personal interests and the interests of the College in dealing with any organization or individual having, or seeking to have, any business relationship with the College.

A conflict of interest exists in any situation in which a person having authority to make decisions on behalf of Occidental College, who, as a result of that authority can potentially benefit personally, either directly or indirectly, from an entity or person conducting business with the College.

The following are examples of potential conflict of interest situations:

1. The employee or a member of his or her immediate family has an existing or potential financial or other interest that impairs or might appear to impair, that person's independent, unbiased judgment in the discharge of his or her responsibilities to the College.
2. The employee has a significant business relationship with any person or firm engaging in, or seeking to engage in, business with the College.
3. The employee accepts gratuities, including gifts with a retail value of \$25.00 or more, any amount of cash or special favors, from a vendor, contractor or anyone doing business with the College within a calendar year.
4. The employee is consulting in an area that creates a potential for conflict. This includes not-for-profit voluntary or other service if it violates material interests of the College. In these cases, the employee may be required to sign a non-disclosure agreement.

Any employee who feels that there is a potential conflict of interest situation in which he or she could possibly become involved should disclose this situation to his or her supervisor, Dean or Vice President immediately. Failure to disclose any such conflict or potential conflict shall subject the employee to appropriate disciplinary action including termination.

Employment of Relatives

Relatives of current employees may be considered for employment at the College contingent on a careful review conducted by the hiring department and the designated Human Resources representative regarding the employment relationship and its impact on the College. The review will consist of an evaluation of the existence of actual or potential problems with morale, safety, security, supervision, confidentiality, or conflicts of interest. Relatives include an employee's biological and step relationships, as well as relationships arising from domestic partnerships.

If two employees marry or become related, they are required to report their change in status to Human Resources within 10 business days of the event. If the potential problems noted above exist, reasonable accommodations will be explored and implemented to attempt to eliminate the potential problems.

The College reserves the right to determine that other relationships, which are not specifically covered by this policy, represent actual or potential conflicts of interest as well. The individuals in such a situation will be subject to the above stated policy.

Outside Employment

College policies do not prohibit an employee from holding another job outside the College, as long as the employee can effectively meet the performance standards for his/her position with the College. Employees who hold outside jobs may be required to sign a non-disclosure agreement. The employee should think seriously about the effects that such extra work might have on the limits of endurance, overall personal health, and effectiveness with the College. All employees will be held to the same standards of performance and scheduling demands. The College policy will not permit exceptions to standards for punctuality, absenteeism, and overtime, among others, for employees who also hold outside jobs.

Employee Classifications and Designations

The following classifications and designations are used in referring to various employment categories and positions in the handbook:

Full-time Employees -- Employees who are regularly scheduled to work 30 or more hours per week. Employees in this category are eligible for employee benefits.

Part-time Employees -- Employees who are regularly scheduled to work fewer than 30 hours per week. Part-time employees regularly scheduled to work from 20 to 29 hours per week are eligible for prorated paid holidays and participation in the Retirement plan. Sick leave accrual and eligibility are discussed fully below. Part-time employees regularly scheduled to work fewer than 20 hours per week are not eligible for any College-sponsored benefits.

Administrators -- Employees who hold salaried, non-instructional positions with primary responsibility for the management of a department; or the conduct of a central support, or service function of the College, and who are expected to regularly exercise discretion and independent judgment which impact directly on the planning and implementation of the policies, and operations of that function. Salaried employees are paid a predetermined amount that is intended to compensate them for all hours worked each week. It is understood that hours of work may fluctuate based on the time required to accomplish job assignments and requirements. Administrators include senior administrative officers such as the President and Vice Presidents, Deans, Directors and Assistant and Associate Directors, Librarians and other professionals. Administrators who take on other responsibilities at the College separate from their primary role will not be paid in addition to their salary. Notwithstanding the foregoing, an exemption from this rule may be granted from Human Resources and the Vice President of the division seeking the exemption.

Staff -- Employees who hold clerical, technical and paraprofessional support positions in administrative, academic or service departments; these positions are typically paid on an hourly basis.

Non-exempt Employees -- Employees who hold positions that are covered by the overtime provisions of the Fair Labor Standards Act, California Wage Orders, and any other applicable laws and regulations. These include clerical, some technical and paraprofessional support positions that are paid on an hourly basis.

Exempt Employees -- Employees whose positions are classified as executive, administrative or professional (including faculty) under the definitions of the Fair Labor Standards Act, California Wage Orders, and any other applicable laws and regulations, and who are exempt from the overtime requirements. Exempt employees are paid a predetermined amount that is intended to compensate them for all hours worked each week. It is understood that hours of work may fluctuate based on the time required to accomplish job assignments and requirements. Such employees include faculty, certain administrators, certain other professional and supervisory positions at the College.

Academic Year Employees -- Employees who are regularly scheduled to work during the academic year and who are scheduled for unpaid leaves during the summer months and/or academic break periods. Since all employees are hired for an unspecified duration, these classifications do not guarantee employment for any specific length of time. Employment is at the mutual consent of the employee and the College. Accordingly, either the employee or the College may choose to end the employment relationship at will, at any time, with or without cause or advance notice.

Promotions and Transfers

It is the desire of Occidental College to have employees perform the type of work for which they are best qualified and that they find most satisfying, and to encourage and promote the professional growth of employees. Toward that end, based upon the employee's qualifications (including such factors as training, experience, ability, past performance, and length of service), preference may be given to current employees, whenever possible, in filling available positions.

Positions are posted on the Human Resources website. Such announcements will be posted for at least five working days before a selection is made or a position offer extended.

Individuals are encouraged to inquire at the Human Resources Department if they are interested in more information about a position. Generally, applications for promotion or transfer will be considered only when applicants have been in their present positions for at least six months and have completed their introductory period. The Associate Vice President & Chief HR Officer has the authority to waive this provision, if warranted.

Employees may request an interview to discuss their qualifications, and to determine if a change to the vacant position is in the best interests of the employee and the College. Applicants for promotion or transfer will be reviewed by the Human Resources representative and, if qualified for the position, will be referred to the hiring department for consideration and the possibility of an interview. At the request of the employee, initial inquiries will be held in confidence. Although employees are encouraged to advise their supervisors from the onset, they are not required to do so when they first apply. However, they are required to do so if they are offered, and accept, the opportunity for an in-person interview with the hiring department.

While it is the College's policy to promote from within, this does not preclude advertising open positions off-campus and interviewing external applicants. The College seeks to recruit the most appropriately qualified individuals and will always give full consideration to current College employees. When a promotion or transfer is offered and accepted, every effort will be made to accommodate the interests of both departments involved. If an employee is selected for promotion or transfer to another department, both departments will collaborate on the timing of the transfer.

Employees who transfer to a new position shall be categorized as Introductory Employees for a period of up to 180 days for the purpose of assessing their ability to perform assigned tasks. This status will not impact the employees' continued participation in the benefits program, provided that they maintain the required work schedule for eligibility. Their performance appraisal date will be adjusted to coordinate with the date of transfer or promotion.

The College reserves the right to assign employees commensurate with their experience, skills, knowledge, and abilities, and where appropriate to the needs of the institution. If it should become necessary for the institution to transfer an individual from one department to another, the employee will be notified as far in advance as possible.

Attendance and Punctuality

Employees are expected to report to work when scheduled, on time, and prepared to start work. Employees must remain at work for their entire work schedule, except for meal periods or when required to leave on authorized College business. Late arrival, early departure, or other absences from scheduled hours are disruptive and must be avoided unless the employee has made arrangements for such departures from scheduled hours with the supervisor or the Associate Vice President & Chief HR Officer.

When late or absent from work, you are expected to follow this reporting procedure: During regular business hours, call and speak to your supervisor, your supervisor's designee, or department head as soon as you know you will be late or unable to report for work, and no later than the beginning of your scheduled start time. If you leave a message during non-business hours, you are required to call back during business hours and speak directly to your supervisor or department head. Do not communicate through co-workers.

Employees must provide an honest reason or explanation for the absence or tardiness and provide the expected duration of any absence. Unless other arrangements have been made through your supervisor or Human Resources, you must contact the supervisor on a daily basis during your absence.

Excessive absenteeism or tardiness will not be tolerated and will result in corrective action, up to and including termination. Absenteeism is considered excessive when an employee appears to use leave indiscriminately and/or without justification or when a pattern of excess or abuse develops.

Employees that are absent due to illness for 5 or more consecutive work days are required to notify both their supervisor and Human Resources regarding their absences. Upon request, an employee who is absent due to illness for 5 or more consecutive work days must submit documentation consistent with the Medical Certifications section, below.

Except as otherwise provided by law, if an employee fails to report to work without proper notification to his/her supervisor, department head, or Human Resources and the absence continues for a period of 3 successive workdays, the College will consider that the employee has abandoned his/her employment and has voluntarily resigned.

Confidentiality of Information

In performing their duties, employees may have access to confidential information including, but not limited to, proprietary business and financial information relating to the College and personal confidential information related to students, applicants, employees, alumni, volunteers, donors or others. This includes information that is machine readable, viewed online, in print, in other media or received verbally.

College employees must hold any confidential information in trust and confidence and should take all reasonable steps to safeguard and protect such materials from improper disclosure (*e.g.*, password protecting computers and/or storing/filing confidential paperwork in a locked drawer/cabinet, etc.).

Confidential information to which employees have access is to be shared only as appropriate and only as the business need requires. The disclosure of confidential information to others who do not have a legal right to the information may violate the Family Educational Rights and Privacy Act of 1974 (FERPA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Gramm-Leach-Bliley Act (GLBA), and/or other federal and state laws.

When in doubt as to whether certain information is or is not confidential, prudence dictates that no disclosures be provided without first clearly establishing that such disclosure has been authorized by appropriate supervisory or management personnel. This basic policy of caution and discretion in the handling of confidential information extends to both external and internal disclosure.

College employees may not remove confidential information from a College department or office, or duplicate/photograph/digitize confidential information, unless authorized by the College to do so. Upon termination of employment, the conclusion of an assignment, or as directed by a supervisor, employees must return all such materials and copies thereof to their proper location in the department or office.

Any employee who misuses or otherwise improperly discloses confidential information will be subject to disciplinary action, up to and including termination of employment, except as set forth in the Whistleblower Policy above.

Reference Requests

No employee may provide any confidential or personal information (*e.g.*, verifications of employment, employment references, or comments regarding performance) to non-employees regarding current or former employees. Any employee who receives a request for such information must refer the request to the Human Resources Department. Only Human Resources representatives are authorized to provide information regarding current or former employees. Human Resources will normally verify only dates of employment and job title. Compensation information will only be verified when the written request includes the authorized signature of the employee. Full disclosure of information may be required when mandated by legal documents or government entities.

Termination of Employment Relationship

Resignation

Employees are asked to provide as much advance notice of their decision to resign as possible. Although employees have the same right as the College to terminate the employment relationship at will, at any time, the College would appreciate notice of an intention to resign wherever it is possible to do so, of at least two weeks' notice. Providing such notice does not change the at-will nature of the employment relationship or waive the rights of both the College and the employee to terminate the employment relationship at any time. Notice should be communicated in writing to both the department supervisor and the Human Resources Department. The College does not maintain a severance pay policy or a pay-in-lieu-of-notice policy, though it reserves the right to provide severance pay, pay in lieu of notice, or to provide compensation in excess of that which it owes, as it determines appropriate in its sole discretion.

Exit Interviews

A Human Resources representative will attempt to schedule an exit interview with each employee who leaves the College. While the College hopes every employee will choose to participate in an exit interview, employees are not required to do so and their participation or non-participation will not affect their legal rights to receive final pay upon termination of the employment relationship.

Return of Property

Employees are obligated to return property of the College to the College upon request, at the commencement of an extended leave of absence, or at the time of termination of employment. Such property includes, but is not limited to, the following: computer equipment (desktops, laptops, mobile devices, software, disks, flash drives or other computer-related equipment); reports; files; business cards; memoranda; records; credit cards; card key passes; door and file keys; tools; equipment; uniforms; other physical and personal property; and any copies of same, which the employee has received, prepared or helped prepare in connection with his/her employment with the College. Any property obtained through College funds also is considered College property and must be returned under the same conditions outlined above.

Eligibility for Rehire

If an employee leaves the College and is re-hired within a period of time less than their prior years of service but no greater than five years, the College may count the prior service credit toward seniority for purposes of tuition benefit eligibility, vacation accrual rate and service award recognition. In such cases, the date of rehire becomes the new anniversary date of employment for purposes of enrollment in insurance plans. Employees who were previously enrolled in the College's retirement annuity plan or satisfied the eligibility requirements prior to termination may be able to re-enroll upon re-hire.

COMPENSATION

Working Hours

The College operates on a standard 40-hour schedule each week consisting of five 8-hour days for regular, full-time employees. While most departments operate from Monday through Friday, some departments maintain hours of operation also on Saturday and Sunday. Regular College business hours are 8:00 a.m. to 5:00 p.m. The College's standard workweek begins at 12:01 a.m. on Sunday and ends at 12 midnight the following Saturday, regardless of the actual days worked during that period. Each work week stands alone for overtime purposes.

Employees who work in certain departments may be assigned to specific shifts other than the 8:00 a.m. to 5:00 p.m. time period. Supervisors may require employees to work overtime, or to work hours other than those normally scheduled, whenever necessary. Employees should direct questions about work hours to their supervisors.

Division or department heads may propose the implementation of alternative work schedules, as appropriate, due to business necessity. These schedules must comply with federal and state guidelines as well as College policy. All division or department heads must consult with the Associate Vice President & Chief HR Officer before implementing an alternative schedule to ensure implementation is consistent with existing law. The Associate Vice President & Chief HR Officer has discretion to decide whether to permit implementation of any alternative work schedule.

Rest and Meal Periods

All non-exempt employees who work more than five hours in a day are provided with, and must take, an uninterrupted, unpaid 30- to 60-minute meal period during which the employee is relieved of, and not permitted to perform, any work duties. Such meal period must be taken no later than the fifth hour of work. This meal period may be waived by mutual consent of the employee and the College if (and only if) the employee's day's work will be completed in six hours or less. Any such waiver must be in writing and approved by a supervisor in advance of the waived meal period.

All non-exempt employees who work ten or more hours in a day are provided with, and expected to take, a second uninterrupted, 30- to 60-minute meal period during which the employee is relieved of, and not permitted to perform, any work duties. Such meal period must be taken no later than the tenth hour of work. This second meal period may be waived by mutual consent of the employee and the College if (and only if) the employee's day's work will be completed in twelve hours or less **and** the employee's first meal period was not waived. Any such waiver must be in writing and approved by a supervisor in advance of the waived meal period.

All non-exempt employees who work an eight-hour shift enjoy two 15-minute work-free rest periods per shift, one within each four-hour period of work. These breaks may not be combined or added to any employee's meal period, or be used to cover late arrivals or early departures. Rest periods are provided on College-paid time.

Rest and meal periods are intended to provide employees an opportunity for rest and relaxation. Accordingly, they should be enjoyed away from employee work areas. Lounge areas, the Tiger Cooler in the Samuelson Pavilion, the Marketplace in the Johnson Student Center, and various outdoor eating areas are available on campus for this purpose. Rest and meal periods should be scheduled by the department supervisor to ensure that departmental services will be covered during the employees' periods of rest.

Non-exempt employees are required to record the beginning and end of their meal periods on their time sheets or Kronos record. Non-exempt employees should not deduct any time on their time sheets, or Kronos records for rest breaks; however, non-exempt employees must self-monitor their rest periods and ensure that they take them every day. Non-exempt employees should immediately notify Human Resources of any discrepancies, unrecorded work hours, or missed meal or rest periods.

Any employee who violates this Rest and Meal Periods policy and procedures may be subject to disciplinary action, up to and including immediate termination of employment.

Time Records

As mandated by federal and state laws, as well as College policy, all non-exempt/hourly employees must report their own time at the start and at the end of each work period, including the start and end of their meal periods and the start and end of any split shift or call back assignment, and must submit completed timesheets at the end of each pay period. Employees are provided either electronic time sheets or swipe cards to record their work hours on a biweekly basis.

College policy requires that the actual hours worked for each day of the week are recorded, and that the employee submits the time sheet. Time sheets include areas to record overtime hours, vacation, sick leave, etc. Every full or partial day absence must be properly indicated on the time sheet. It is forbidden to falsify information on an electronic time sheet, Kronos record, or manual time sheet. An employee should report any errors discovered on a time sheet to a supervisor as soon as possible.

Regular punctuality is expected of all employees. In the instances when the electronic time sheet is not submitted on time and a manual time sheet is used, the employee must complete the time sheet and give to their supervisor. Supervisors must submit the time sheet to Human Resources on behalf of their direct reports.

In order to comply with audit regulations, time sheets must be submitted by the employee and be approved by the supervisors no later than 12:00 p.m. on the Monday following the close of the biweekly pay period, or alternate deadline as determined and announced in advance by the Business Office. It is against policy to record information on another employee's time sheet or to use the electronic Kronos ID card of another employee, or to tamper with another employee's time sheet or electronic Kronos record.

Exempt employees must submit Leave Reports on-line for every pay period for the purpose of maintaining accurate sick leave and vacation pay records. All absences of a full day or more must be reported appropriately on the Leave report. The completed Leave Reports should be submitted on the designated due date, monthly, to report usage of vacation or sick time.

Any employee who violates this Time Records policy and procedures may be subject to disciplinary action, up to and including immediate termination of employment.

Off-the-Clock Work

“Off the clock” work means time worked that is not reported or recorded. Non-exempt/hourly employees may not perform “off the clock” work under any circumstances. Any non-exempt/hourly employee that does not report ALL of his/her time worked will be subject to disciplinary action, up to and including termination for repeat offenses. No one has the authority to make a non-exempt/hourly employee work off the clock. If a non-exempt/hourly employee is told to work off the clock, or encouraged to work off the clock, the employee must notify Human Resources immediately.

Supervisor Responsibilities

It is the responsibility of every supervisor to review and approve employees' time records each pay period in accordance with payroll deadlines to ensure compliance with this policy, the Rest and Meal Periods policy set out above, and to counsel, coach and/or discipline employees when timekeeping practices are violated. Failure to appropriately manage employee timecards may result in disciplinary action up to and including termination of employment.

Overtime

Supervisors may ask employees to work beyond their normal shifts from time to time. Although advance notice will be given where feasible, this is not always possible.

The College will pay non-exempt employees a premium overtime rate of pay for all hours worked in excess of eight in a work day, and 40 in a work week at not less than 1.5 times the employee's regular rate of pay and in accordance with state and federal law. Employees who qualify as administrative, executive, professional employees within the meaning of the state and federal wage and hour laws are exempt from overtime pay and are not subject to this policy.

Non-exempt employees must have their supervisor's approval before any overtime can be worked. Because unauthorized overtime is against College policy, employees who work unauthorized overtime are subject to discipline up to and including the possibility of termination.

1. Time worked: Employees shall record all time worked, including time worked over their normal schedule, on the time sheet, or Kronos record at the time is actually occurs.
2. Overtime: Overtime pay is calculated at 1.5 times the employee's regular rate for all hours worked in excess of eight in a workday, or 40 in a work week. If working seven consecutive days in the same work week, the first eight hours worked on the seventh day are paid 1.5 times the employees regular rate, regardless of the numbers of hours worked during the previous six days. Because overtime is computed on the basis of a non-exempt employee's total hours **worked**, hours paid for non-work time, such as holidays, sick leave, and vacations, are not included in calculating overtime pay. Employees who work alternative workweek schedules may not be eligible for overtime under certain circumstances. Overtime is based on actual hours worked as required by law.
3. Double-Time: Overtime hours in excess of twelve in one workday or in excess of eight on the seventh day of a work week are paid at double-time.
4. Weekends: Weekend work does not automatically qualify for compensation at a premium rate of pay. Hours worked on Saturdays and/or Sundays qualify for premium pay only if they qualify as overtime hours under the standards noted above.
5. Holidays Worked: Non-exempt employees who work on a College-recognized holiday will be paid their straight-time rate of pay for hours actually worked on the holiday, plus the regular holiday pay for the day.

Prohibition of Compensatory Time Off

Non-exempt employees are entitled to overtime pay when they perform overtime work in accordance with federal and state laws. The College does not permit employees to take time off in lieu of receiving overtime pay. Accordingly, employees should not request the opportunity to make up time for time missed, if the make-up time will result in overtime work.

EMPLOYEE RELATIONS

Performance Appraisals

The College encourages employees and their supervisors to discuss work performance informally on a day-to-day basis. It is the College's practice that a written performance evaluation be conducted at the end of the introductory period and annually thereafter for all regular employees. The frequency of performance evaluations, however, may vary, depending on the position, past performance, changes in job duties, recurring performance problems or due to the employee being away from work on a leave of absence.

Performance evaluations are conducted by an employee's immediate supervisor and reviewed by the department head. The purpose of the evaluation is to review the employee's current level of performance, to examine the progress made since the last evaluation, and to establish goals for the employee's next evaluation.

A performance review does not guarantee an increase in rate of pay. Salary increases and promotions are solely within the discretion of the College and depend upon many factors in addition to performance. If an employee is selected for promotion or transfer to another department, both departments will collaborate on the timing of the transfer.

Standards of Conduct and Performance

The College expects employees to perform their work well, to adhere to a standard of good conduct and to observe College policies and procedures. Any failure to do so may result in a decision to impose discipline or terminate the employment relationship. Employees should understand that while the College may elect to exercise its discretion and utilize forms of discipline that are less severe than termination (*e.g.*, warnings, probation or suspension), no formal system of warnings or progressive discipline is required.

In order that employees may more fully appreciate what is expected of them, the following are examples (not all-inclusive) of the type of conduct employees are expected to avoid:

1. Falsification of employment records, employment information or other College records;
2. Failure to safeguard or respect the College's confidential information;
3. Committing a fraudulent act or a breach of trust under any circumstances;
4. Unsatisfactory job performance;
5. Failure to observe work schedules (including rest and lunch periods), frequent or excessive tardiness, absence from work or the work area, leaving work early without notifying your immediate supervisor or getting prior approval, and failure to notify a supervisor when unable to report to work;
6. Unreported absence of 2 or more days without notice;
7. Recording the work time of another employee or allowing any other employee to record your work time, or allowing falsification of any time card, either your own or another employee's;
8. Theft, deliberate or careless damage or destruction of any College property or the property of any employee, student, or visitor;
9. Removing or borrowing College property without prior authorization;
10. Unauthorized use of College equipment, time, materials or facilities;
11. Provoking a fight or fighting during working hours or on College premises;
12. Participating in horseplay or practical jokes on College time or on College premises;
13. Carrying firearms or any other dangerous weapons on College premises at any time;
14. Violating the College's Drug and Alcohol policy, including unlawfully manufacturing, distributing, selling, offering to sell, dispensing, possessing, purchasing or using illegal drugs or controlled substances at any time either during work hours or non-work hours or reporting to work impaired by alcohol or illegal or controlled substances;
15. Engaging in criminal conduct whether or not related to job performance;
16. Insubordination, including but not limited to failure or refusal to follow the directives or instructions of a supervisor or other disrespectful conduct to a supervisor;
17. Using profane, abusive, threatening or similar inappropriate language at any time while on College premises;

18. Failure to provide a medical excuse/certification when requested or required to do so;
19. Sleeping or malingering on the job;
20. Texting or making or accepting lengthy personal telephone calls, including cell phone calls, during working hours, except in cases of emergency or extreme circumstances;
21. Working overtime without authorization or refusing to work assigned overtime;
22. Failure to adhere to dress and grooming standards;
23. Committing acts of harassment, discrimination, and/or retaliation;
24. Violation of any safety, health, security or College rules, policies, or procedures;
25. Leaving the College premises or one's assigned work area during work time without notifying and obtaining permission from a supervisor; and
26. Conduct that reflects poorly upon the institution; is injurious to the College, its students or other employees or which is inconsistent with the College's culture, mission, policies, or with accepted social behavior.

This statement of prohibited conduct does not alter the College's policy of at-will employment. Either you or the College remain free to change or terminate the employment relationship at any time, with or without cause and with or without advance notice.

It is important to the College that its employees project a professional appearance. Employees are expected to dress in a manner consistent with the requirements of their position and in keeping with departmental policy and standards. Employees required to wear uniforms must do so in accordance with department policy. In the interest of presenting a professional image, the College asks that all employees maintain a neat, clean, and professional appearance and observe good habits of grooming and personal hygiene. Please dress professionally, and in an appropriate manner for your position and the work of the day.

The College will reasonably accommodate an employee due to disability or religious beliefs in terms of workplace attire unless the accommodation creates an undue hardship. Those requesting a workplace attire accommodation based on disability or religious beliefs should be referred to Human Resources.

Consensual Relationships and Prohibited Relationships by Persons in Authority

Sexual or other intimate relationships in which one party maintains—and fails to promptly report and discontinue—a direct supervisory or evaluative role over the other party are prohibited. In general, this includes all sexual or other intimate relationships between students and their employers, supervisors, professors, coaches, advisors, or other College employees. Similarly, College employees (faculty and staff) who supervise or otherwise hold positions of authority over others are prohibited from having a sexual or other intimate relationship with an individual under the employee's direct supervision. Even when relationships are consensual, care must be taken to eliminate the potential for harassment or other conflicts. College practice, as well as more general ethical principles, precludes individuals from evaluating the work or academic performance of those with whom they have amorous and/or sexual relationships, or from making hiring, salary or similar decisions.

Sexual relations between persons occupying asymmetrical positions of power, even when both consent, raise suspicions that the person in authority has violated standards of professional conduct and potentially subject the person in authority to charges of sexual harassment based on changes in the perspective of the individuals as to the consensual nature of the relationship. Similarly, these relationships may impact third Parties based on perceived or actual favoritism or special treatment based on the relationship.

The College has adopted a policy that balances, on the one hand, its wish not to interfere with the private choices of its community members and, on the other hand, concerns regarding relationships in which one party maintains a direct supervisory or evaluative role over the other party. Specifically, if an individual contemplates beginning, or is involved in, a sexual or other intimate relationship with another, over whom the individual holds direct supervisory or evaluative responsibilities, the individual must promptly: (1) discontinue any supervising role or relationship over the other person; and (2) report the circumstances to their own supervisor or the Human Resources Officer. Failure to fully or timely comply with these requirements is a violation of this Policy, and the person in authority could be subject to disciplinary action, up to and including dismissal from employment by the College.

Any individual may file a complaint alleging harassment or discrimination, including third Parties outside the relationship directly affected by the perceived harassment or discrimination.

Paydays

All employees are paid by check or, at their request, by electronic deposit to their financial institutions. Hourly and Salaried pay dates for the calendar year are published annually by Human Resources jointly with the Business Office. When the regular payday falls on a holiday or weekend, paychecks are issued on the preceding workday. The College administration may, at its discretion, make payroll checks available at an earlier date, when appropriate. Checks may be picked up from the Cashier window during Cashier hours on the scheduled day. If an employee does not pick-up the paycheck from the Cashier on the scheduled day, it will be put in the US Mail at the end of the day.

Staff employees on the hourly payroll are paid every other Friday. Staff positions on a regular schedule of 12 months per year have 26 paydays per year. Administrators are paid on a semi-monthly basis, on the first and the sixteenth of every month. Administrator positions on a regular schedule of 12 months per year have 24 paydays per year.

Employees should direct questions regarding paychecks to their supervisors, their department head, or the Human Resources Department.

Payroll Deductions

The College is required by law to make certain deductions from employees' paychecks. These include State and Federal Income Taxes, Social Security and Medicare Taxes, and State Disability Insurance payments, and potentially, garnishments made pursuant to a writ of execution issued by the Court. These deductions are then sent to the appropriate governmental unit immediately.

Except for those deductions required by law, no deductions are made from an employee's pay unless they are authorized by the employee in writing. Every deduction that is made from the paycheck is explained on the check stub. Employee-authorized deductions may include gifts to the College and/or scholarship funds, and for eligible employees, group medical, dental, supplementary life insurance, dependent care & medical spending accounts, and retirement plan contributions.

Employees should direct questions regarding deductions to their supervisors or to the Human Resources Department.

BENEFITS

Paid Holidays

All Regular status employees will receive holiday benefits for up to fourteen paid holidays per year, comprised of eleven standard holidays, and three floating holidays. The eleven standard holidays are:

New Year's Eve	Labor Day
New Year's Day	Thanksgiving Day
Martin Luther King Day	Thanksgiving Friday
President's Day	Christmas Eve
Memorial Day	Christmas Day
Independence Day	

The three floating holidays are designated and announced by the College Administration annually prior to July 1, the beginning of the fiscal year. Usually the floating holidays are designated as the work days between Christmas Day and New Year's Day, although the College reserves the right to change these dates year to year. Substitute holidays may be named for any of the days listed above as required by the needs of the College.

In order to receive holiday pay, an employee must work the last scheduled workday before and the first scheduled workday after the holiday, unless the absences have been approved (for example, a pre-approved vacation or a documented medical absence). When a holiday falls during an employee's approved vacation period, the employee will be paid for the holiday and will not be charged with a vacation day for the day the holiday is observed.

Employees will not be paid for holidays that occur while they are on unpaid leaves of absence.

Employees will receive holiday pay only for holidays that fall on days that they are regularly scheduled to work. When a holiday falls on an employee's regularly scheduled day off, the employee will not be eligible for holiday pay. In certain circumstances, the department head may authorize an alternative day off, provided that doing so does not exceed the position's salary budget and that department operations are appropriately staffed.

When a holiday falls on a Saturday, it will be observed on the preceding Friday. When a holiday falls on a Sunday, it will be observed on the following Monday. When a holiday is observed on a regularly scheduled payday, paychecks will be issued on the workday prior to the holiday.

Actual holiday pay will be prorated, up to a maximum of 8 hours for each declared holiday, based on an employee's regularly scheduled workday. Employees do not receive credit towards the calculation of overtime pay for hours earned on a holiday unless the hours are actually worked.

Attendance at work on one of the listed holidays may be required in cases of business necessity due to College operations. Employees required to work on a scheduled holiday will be paid their regular holiday pay in addition to the actual hours worked, unless any of the conditions described in the Overtime Policy, set out above, apply, in which case the Overtime Policy controls the pay an employee will receive for hours worked on a holiday. The department head, in conjunction with the Associate Vice President & Chief HR Officer may arrange for an alternative day off, if convenient for the employee and appropriate for departmental operations.

All departments are expected to maintain regular business hours and appropriate staffing on any workday preceding a holiday. This practice will ensure the equitable enjoyment of holiday benefits by all.

Vacation

The College has established a vacation plan for the benefit of its Regular employees who are regularly scheduled to work a minimum of 30 hours per week on a continuing basis. Vacation is earned on a monthly basis in prorated amounts based on an employee's standard work schedule.

Administrators:

Full time administrators are eligible for vacation benefits based on the schedule shown below. The maximum vacation accrual for administrators is 180 hours (22.5 days).

Length of Employment	Monthly Accrual	Maximum Accrual
1 – 5 years (through 60 th month of continuous employment)	6.6667 hrs./month (equiv. to 10 days per year)	15 days
5 years or More (61 st month and thereafter)	10 hrs./month (equiv. to 15 days per year)	22.5 days

Staff:

Full time staff are eligible for vacation benefits based on the schedule shown below. The maximum vacation accrual for staff is 120 hours (15 days) for an employee with less than 180 months of continuous employment and 180 hours (22.5 days) for an employee with at least 180 months of continuous employment.

Length of Employment	Monthly Accrual	Maximum Accrual
1 - 15 Years (through 1 st through 179 th month of continuous employment)	6.6667 hrs./month (equiv. to 10 days per year)	15 days
15 Years or More (180 th and thereafter of continuous employment)	10 hrs./month (equiv. to 15 days per year)	22.5 days

Recognizing the value of rest and relaxation, all employees are encouraged to use all earned vacation benefits each year. Unused vacation benefits may be carried forward from one anniversary year to the next. However, if an employee's earned but unused vacation accrual reaches the maximum in accordance with the employee's classification, the employee will not accrue any additional vacation benefits. If the employee later uses enough accrued vacation to fall below the maximum, he/she will resume earning vacation benefits from that date forward. Vacation benefits are only earned while the employee is on a paid status. Employees will be considered to be on a paid status when they are paid through the College payroll, for hours worked, and for the appropriate use of sick leave, vacation, and/or holidays.

An employee's vacation schedule must be approved in advance by his/her supervisor. Employees should take into consideration the departmental demands when requesting vacation time, and should remember that the supervisor has the right to approve or decline a vacation request. If the approved vacation period includes a paid holiday, that holiday will not be counted as a vacation day. Employees are eligible to use vacation benefits only during the periods during which they are regularly scheduled to work.

Employees whose employment with the College ends for any reason without having used all earned vacation benefits, will receive payment of all unused vacation benefits, prorated on a daily basis, at the time they separate from the College's employ.

Employees who are appointed for a period of less than one year shall earn vacation in accordance with this Article (as indicated in the Monthly Accrual), however, they will have all accrued unused vacation at the end of their appointment cashed out.

Paid Sick Leave

Employees have the sole discretion to designate days taken as paid sick leave. All regular full-time staff and administrative employees are eligible to accrue paid sick leave at the rate of 8 hours per month, up to a total of 96 hours (12 days) per year. Regular full-time employees may carry over accrued but unused sick leave from one calendar year to the next, up to a maximum of 320 hours (40 days).

All regular full-time staff and administrative employees who are regularly scheduled to work fewer than forty hours per week are eligible to accrue paid sick leave on a pro rata basis, but not less than one hour for every thirty hours worked. Regular part-time employees may carry over accrued but unused sick leave from one calendar year to the next, up to a maximum of 160 hours (20 days).

If an employee is required to be on leave due to a diagnosis of COVID-19, the time away from work will not be deducted from an employee's accrued paid sick leave. Rather, the employee will be paid for through a specific COVID-19 paid sick leave described in more detail below.

After successfully completing 90 days of employment, eligible employees are allowed to use accrued sick time in increments consistent with the employee's classification

Employees begin to earn paid sick leave on their first day of employment. No employee will receive pay in lieu of sick leave under any circumstances, and employees will not be paid for accrued, but unused sick leave upon separation of employment. If an employee separates from employment and is later rehired within twelve months, previously accrued unused sick days/hours will be reinstated up to the maximum allowed for their new employment status.

If an employee transitions from one regular status classification to another regular status classification, previously accrued unused sick days/hours will be transferred up to the maximum allowed for their new employment status. If that same employee reverts to the previous regular status classification within twelve months, previously accrued unused sick days/hours will be reinstated up to the maximum allowed for their new employment status.

An employee may choose to designate paid sick leave for absences due to the diagnosis, care, or treatment of an existing health condition of, or preventive care for, the employee (including doctor/dental appointments). Paid sick leave may also be used for specified purposes by an employee who is the victim of domestic violence, sexual assault, stalking, other crimes or abuses that caused physical injury or caused mental injury and a threat of physical violence, or whose immediate family member is deceased as a direct result of a crime.

Each calendar year, an employee may use accrued paid sick leave up to 80 hours for absences due to the diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee's family member (including doctor and dental appointments). For the purpose of this policy, "family member" means (a) a child, (b) a biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or domestic partner, or a person who stood in loco parentis when the Participant was a minor child, (c) a spouse, (d) a domestic partner, (e) a grandparent, (f) a grandchild, (g) a sibling, or (h) an individual related to the employee by blood or affinity equivalent to a family relationship. A "child" includes a biological, adopted, or foster child, stepchild, legal ward, a child to whom the employee stands in loco parentis or child of a domestic partner.

Paid sick leave is also available for use in connection with and as permitted by the College's Family and Medical Leave policy; Disability Leave for Work Related Injuries or Illness policy;

Temporary Disability Leave policy; Leave for Organ and Bone Marrow Donation policy; Leave Related to Domestic Violence and Sexual Assault policy; and Crime Victims' Leave policy.

Where the need to use paid sick leave is foreseeable, reasonable advance notice is required. Where the need for paid sick leave is not foreseeable, notice must be provided as soon as practicable. Notice may be provided verbally or in writing to the employee's supervisor and Human Resources, for a leave exceeding five (5) days. Employees who are absent from work due to their own illness or that of a family member may be asked to (and must if the absence exceeds five days), provide a note from their (or their family member's) health care provider to the Human Resources department.

Any employee, whose absence exceeds 5 consecutive workdays, must make a formal request for a leave of absence by contacting the Human Resources department.

The College will not interfere with the exercise of an employee's sick leave. Furthermore, the College will not discharge, discriminate, or retaliate against an employee for requesting or taking sick leave. If an employee feels like he/she is being discriminated or retaliated for taking sick leave, please immediately notify Human Resources.

Requesting and Scheduling Time Off

To request time off, employees need to complete a Request for Leave form obtained from the Human Resources Department. In order to properly schedule for the absence of employees, please provide as much advance notice as possible.

Medical Certifications

Occidental College is concerned about the well-being of its employees. In keeping with this concern, employees should not return to work following an extended absence necessitated by an illness or injury without their health care provider's approval.

Employees who are absent from work for five days or more due to an illness or injury will be required to provide a satisfactory written statement from their health care provider before returning to work and resuming their duties. The employee should present the document to Human Resources upon return to work.

The statement from the health care provider must verify that the employee is able to return to work without presenting an immediate and significant risk to the employee's health or safety, or to the health or safety of others. The College will make reasonable accommodations for disabled individuals under circumstances that would not result in an undue hardship to do so, and in a manner that is consistent with its legal obligations.

In the event that the employee is absent for more than five days due to the illness of a family member, the employee will be asked to provide the medical certification from the health care provider indicating the need for the employee to be available to care for the family member.

Medical certification forms are available in the Human Resources Department.

Additional Employee Benefits

The College offers a comprehensive program of employee benefits to eligible employees and, if applicable, their spouse, domestic partner and/or dependents, which include the following:

- Health and Dental Insurance
- Life Insurance
- Long Term Disability Insurance
- Vision Care Insurance
- Flexible Spending Accounts
- Retirement Plans

Participation in these benefit plans is voluntary for all eligible employees. Information concerning the College's benefits, including details concerning eligibility, is available from the Human Resources Department.

New employees must apply for benefits during the Initial Eligibility Period, which is within 31 days from the date of hire. Benefit elections may be changed only during the Annual Open Enrollment Period or in the event of a change in family and life status, which include marriage, domestic partnership, legal separation, cancellation of domestic partnership or divorce, birth, adoption or legal guardianship of a child, death of your spouse, domestic partner or child, change in spouse's or domestic partner's employment status that affects the individual's benefits eligibility, when a child no longer qualifies as a dependent, when a child is no longer capable of self-support due to total disability, a significant change in coverage of plan, or a significant change in work or residence. An employee is responsible for notifying Human Resources of any change in status within 31 days of the event.

The College reserves the right to modify, suspend, and terminate benefits as permitted by law in whole or part, at any time, for any reason. To the extent that there is any difference between the Summary Plan Descriptions and the descriptions of benefits contained in this Handbook or on the Human Resources Benefits website, the Summary Plan Descriptions will prevail.

Employee Assistance Program

The Employee Assistance Program (“EAP”) provides outside confidential professional assistance, which is available to eligible employees and their families with issues/problems that affect their personal and/or work lives, on a 24-hour basis at no cost to the employees. For assistance call 1-800-854-1446 or visit their website at www.unum.com/lifebalance.

Tuition Remission Benefits

The College offers a generous tuition remission benefit program for eligible employees, their spouses, domestic partners, and dependents under age 30. For information concerning the eligibility requirements and terms of the program, please contact the Human Resources Department.

Tuition Exchange Program

The College participates in a reciprocal tuition exchange program (for dependents of employees) with numerous other universities throughout the United States. Information concerning this program can be obtained through the Human Resources Department.

The College participates in the following benefits, in accordance with state and federal laws:

- **State Disability Insurance (“SDI”):** SDI is a partial wage-replacement insurance plan for California workers. The SDI program is State-mandated and funded through employee payroll deductions. The program provides affordable, short-term benefits to eligible workers who suffer a loss of wages when they are unable to work due to a non-work-related illness or injury, or due to pregnancy or childbirth. Specific rules and regulations governing SDI are available from Human Resources or the California Employment Development Department (“EDD”). The College’s VDI plan is offered as an alternative to SDI.
- **Paid Family Leave Insurance Program:** Employees who are absent from work to care for a seriously ill or injured child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partner., or bonding with a child within one year of the birth or placement of the child in connection with foster care or adoption, may be eligible to receive partial wage replacement from the state of California for up to 6 weeks in any 12-month period. Information concerning California’s Paid Family Leave Insurance Program may be obtained from Human Resources or the EDD.
- **Unemployment Insurance:** The College contributes to the California Unemployment Insurance Program on behalf of its employees. The Program provides employees who lose their job, through no fault of their own, with weekly unemployment insurance payments. Information concerning unemployment insurance may be obtained from Human Resources or the EDD.
- **Workers’ Compensation:** In accordance with state laws, the College provides insurance coverage for employees in case of work-related injury or illness. Workers’ compensation insurance provides coverage for medical, surgical, and hospital services necessary for treatment of employees who suffer work-related injuries or disabilities. It also provides partial compensation for time lost from work if the employee is hospitalized or unable to work for more than 24 hours.

Employees must notify their supervisor and Human Resources immediately (within 24 hours) after the occurrence of a work-related injury or illness, no matter how minor. There are strict legal guidelines for reporting, and a delay in reporting could cause delay in payment, or nonpayment, for treatment.

The College is not liable for the payment of workers' compensation benefits for any injury that arises out of an employee's voluntary participation in a recreational, social, or athletic activity that is not part of his/her work-related duties.

- **COBRA:** If you are a participant in the College's group health insurance plan when your employment ends, you and your dependents may have the right to continue group medical benefits temporarily under the federal statute called the Consolidated Omnibus Budget Reconciliation Act (COBRA) and in some instances a state law called the California Continuation of Benefits Replacement Act (Cal-COBRA). More information concerning your rights under COBRA and Cal-COBRA is available from Human Resources.
- **Social Security, FICA and Medicare:** You are obligated to pay a certain percentage of your wages to Social Security, and the College matches your required employee contributions. Benefits include retirement income, survivors' income, Medicare, and disability income. More information is available at the local offices of the Social Security Administration.

REASONABLE ACCOMMODATION

The College will comply with all applicable provisions of the Americans with Disabilities Act and all similar and applicable laws. Accordingly, and consistent with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, the College will make reasonable accommodations for qualified applicants, employees and unpaid interns with known physical or mental disabilities unless undue burden or hardship on the College would result. The College will also provide reasonable accommodations for individuals affected by pregnancy, child birth, breastfeeding and related medical conditions, disabled veterans, and employees who are victims of domestic violence, sexual assault, stalking, other crimes or abuses that caused physical injury or caused mental injury and a threat of physical violence, or whose immediate family member is deceased as a direct result of a crime, and, as required, on the basis of religious beliefs or practices, provided that the individual is qualified to safely perform the essential duties and assignments connected with the job (with or without accommodation) and provided that such accommodations do not impose an undue burden or hardship on the College. Any and all requests for accommodation should be directed to the College's Human Resources. Human Resources will require the employee to provide support for the request, in writing, from a qualified medical professional. The College will engage in an interactive process with the individual to identify possible accommodations, if any, that are reasonable and that will help the individual perform the job. These reasonable accommodations may also include leave time, in excess of those policies stated in this handbook.

Disability Accommodation

The College will make reasonable accommodations for the known physical or mental disabilities of an otherwise qualified applicant for employment or employee, unless undue hardship would result or as otherwise excepted by law. Any applicant or employee who requires accommodation in order to perform the essential functions of a job should contact the Human Resource Department.

The applicant or employee should advise what accommodations he or she believes are needed in order to perform the job. Together with the applicant or employee, The College will engage in an interactive process to determine effective, reasonable accommodations, if any. Medical

substantiation of the requested accommodation may be required. If such an accommodation is reasonable and will not impose undue hardship upon the College will not constitute a direct threat to the health or safety of the employee or of others, or is not otherwise excepted by law, the College will make the accommodation. Among other exceptions, the College is not required to accommodate an employee if the requested accommodation requires the use of medical marijuana.

The College also reserves its right to require an employee to undergo a fitness for duty medical examination, at the College's expense, if the College believes or suspects that the employee may not be able to perform the essential duties of the job. In such an instance, the College will so advise the employee, in writing, of the need for the examination. Depending on the situation, the College reserves the right to suspend employment pending the results of the examination.

Pregnancy Accommodation

A pregnant employee may request a reasonable accommodation of their condition. The employee must timely provide a medical certification from their health care provider of the medical need for reasonable accommodation or transfer. The College has an obligation to transfer a pregnant employee to a less strenuous or hazardous position (where one is available) or duties if medically needed because of her pregnancy.

The College also has an obligation to reasonably accommodate the employee's medical needs related to pregnancy, childbirth or related conditions (such as, for example, temporarily modifying work duties, providing a stool or chair, or allowing more frequent breaks). such a transfer can be reasonably accommodated, a pregnant employee will be transferred for the duration of her pregnancy. The College however, will not undertake to create additional employment that the College would not otherwise have created to meet its own business needs. The College will not be required to discharge any employee, transfer any employee with more seniority than the pregnant employee, or to promote any employee who is not qualified to perform the job. Upon transfer, an employee will receive the salary and benefits which are regularly provided to employees in the position to which the employee has transferred. To receive reasonable accommodation or to obtain a transfer, the employee must give the College sufficient notice for the College to make appropriate plans – 30 days' advance notice if the need for the reasonable accommodation or transfer is foreseeable, otherwise as soon as practicable if the need is an emergency or unforeseeable. Please note that if the employee fails to give reasonable advance notice or written medical certification of her medical need, The College may be justified in delaying the reasonable accommodation or transfer. Pregnancy disability leave rights are contained in a different policy entitled Pregnancy Disability Leave of Absence.

Lactation Accommodation

Employees who need to express milk during the working day will have a reasonable amount of break time, and a private location (other than a restroom), to do so.

- **Break Time.** Supervisors may consider flexible working arrangements to permit a reasonable amount of time for employees to express milk. Employees may use break and lunch time. If needed, employees may extend their existing break times by an additional fifteen minutes to express milk.
- **Location.** Human Resources will work with each employee to determine a private area in which they can express and store milk. Milk should be placed in cooler-type containers or may be stored in College refrigerators.

Employees should work with their supervisor and Human Resources to determine how best to obtain accommodations while still accomplishing job duties.

Accommodation Of Religious Dress And Grooming

The College will reasonably accommodate the religious dress and grooming practices of employees (similar to accommodation of other religious practices), unless it would create an undue hardship.

LEAVES OF ABSENCE

Supplemental Paid Sick Leave Due to COVID-19

California law that requires employers to make supplemental paid sick leave (SPSL) available to eligible employees who are unable to work due to specified reasons related to COVID-19. SPSL is in addition to leave available to eligible employees, including but not limited to Paid Sick Leave (PSL), vacation time, and FMLA/CFRA.

Eligibility

Employees who are unable to work due to one of the following reasons will be granted SPSL:

- the employee is subject to federal, state or local quarantine or isolation order related to COVID-19 that is specific to the employee's circumstances, not a general stay-at-home order;
- the employee is advised by a healthcare provider to self-quarantine or self-isolate due to concerns related to COVID-19; or
- the employee is prohibited from working due to health concerns related to the transmission of COVID-19.

SPSL will be made available for immediate use upon an oral or written request from an employee.

Amount of Supplemental Leave

Full-Time Employees: An employee who is classified by the College as full-time or who worked or was scheduled to work an average of at least 40 hours per week in the two weeks before the leave is taken is entitled to up to 80 hours of SPSL.

Part-time Employees: For employees who are not "full time," the amount of SPSL they are entitled to take will depend on whether they have a regular weekly schedule or work variable hours.

Part-time employees with a regular weekly schedule may take SPSL equal to the total number of hours that they are normally scheduled to work over a two week time period. For example, a part-time/per diem employee who is regularly scheduled to work two, eight (8) hour days a week, would be entitled to thirty-two (32) hours of SPSL.

Part-time employees with variable schedules, are entitled to up to fourteen (14) times the average number of hours worked each day in the prior six months. For example, if an employee worked an average of 2 hours per day over the last six months, the employee would be entitled to up to 28 hours of SPSL.

Part-time employees who have been employed for fourteen days or less, are entitled to SPSL equal to the number of hours worked during the fourteen day period.

Rate of Pay for Supplemental Leave

Employees will be compensated for SPSL based on their regular rate of pay, but in no event will an employee be paid more than \$511 per day or \$5,110 in the aggregate.

Procedure For Requesting Supplemental Leave

Requests for SPSL must be made to the employee's supervisor and Human Resources. The request may be made in writing or orally. If circumstances prevent prior notice, employees must provide notice as soon as practicable in order to continue to qualify for SPSL. Note, although the College will make SPSL available for immediate use upon request, it also reserves the right in certain circumstances to later require that an employee provide information and/or documentation to support a request.

No Retaliation

Employees will not be retaliated against for exercising rights conferred by this policy or applicable law.

Sunset Provision

This policy is intended to comply with and will be interpreted in accordance with California *Labor Code* §§ 248 and 248.1. To the extent this policy may conflict with such laws, those laws will control. Note, however, consistent with these laws, the requirement to provide supplemental leave as set forth in this policy shall expire two weeks after the expiration of the COVID-19 local emergency, except that an employee taking supplemental paid sick leave at the time of the expiration of this policy shall be permitted to take the full amount of supplemental leave to which that employee would have been entitled under this Policy.

Family and Medical Leaves

The College offers family and medical leave in accordance with the federal Family and Medical Leave Act (FMLA) and applicable state law, including the California Family Rights Act (CFRA). When your absence qualifies under both state and federal laws, you will use your entitlement under each law concurrently, to the extent permitted by law. When one law's provisions provide a greater benefit, you will receive the greater benefit.

Eligibility for Leaves

Each employee of the College is eligible for FMLA/CFRA leave if the employee (a) has worked for the College for at least 12 months (without a break in service of 7 years or more), (b) has worked for the College at least 1,250 hours during the 12 months immediately before the leave

would begin, and (c) works at a facility of the College that employs 50 or more employees within a 75- mile radius of the facility, as prescribed by law (FMLA notice).

Leave is available for eligible employees for all of the following: the employee's own serious health condition; for the employee to care for the employee's spouse, domestic partner, parent, grandparent, grandchild, sibling, child, with a serious health condition; for the employee to care for a child following birth or placement for adoption or foster care; or due to a qualifying exigency related to covered active duty or call to covered active duty of an employee's spouse, domestic partner, child, or parent in the Armed Forces. Under this provision, the definition of a "child" is now expanded to biological, adopted, fostered, stepchild, legal ward, or child of domestic partner.

Definition of Serious Health Conditions

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Length of Leave

The College's Family and Medical Leave Policy provides more leave than that required by law. Under the College's Family and Medical Leave Policy, an eligible employee may request up to 16 weeks leave in a 12-month period. The 12-month period used to measure the 16-week limitation will be the rolling 12-month period measured backward from the date an employee uses any leave. When medically necessary, employees can request an extension of 30 days, which may be granted at the College's sole discretion. The College may provide other extensions of leave as a reasonable accommodation under applicable disability laws. State and federal family and medical leaves will run concurrently with Pregnancy Disability Leave to the extent permitted by law.

For non-work related leaves, the duration of the approved leave may not exceed six months, meaning that the College may replace the employee's position due to College necessity after six-months. At the end of the six-month period, the College will offer COBRA insurance where the employee will cover their cost and the College's cost of the premium. The College in its sole discretion, may grant six additional months of subsidized coverage of medical insurance premiums to employees who must extend a leave of absence due to a catastrophic injury or illness. In the event that an employee on extended leave fails to pay the employee's portion of the health insurance premiums, the employee's employer-sponsored health benefits will be discontinued and the employee will be eligible for COBRA.

For approved worker's compensation related leaves, the duration of the approved leave may not exceed one year, meaning that the College may replace the employee's position due to College necessity after one year. Should the employee need to remain off work for 6-months or beyond, the College will offer COBRA insurance where the employee will cover their cost and the College's

cost of the premium. The College in its sole discretion, may grant six additional months of subsidized coverage of medical insurance premiums to employees who must extend a leave of absence due to a catastrophic injury or illness. In the event that an employee on extended leave fails to pay the employee's portion of the health insurance premiums, the employee's employer-sponsored health benefits will be discontinued and the employee will be eligible for COBRA.

Payment During Leave

An employee who is granted a family and medical leave must utilize any appropriate accrued sick leave benefits during the period of the leave. For Family and Medical leaves other than Pregnancy Disability leaves, once sick leave is exhausted, vacation accruals must be used. These accruals will be integrated with the Voluntary Disability Insurance (VDI) or Workers' Compensation benefits, as appropriate.

Voluntary Disability Insurance (VDI) for non-work-related injuries or illnesses: Employees are required to file for VDI within 30 days of their first day of leave if they are taking a leave of absence for injury or illness that is non-work related. The College will pay out an employee's accrued sick and vacation time of at least 40% of their salary and VDI will pay up to 60% of their regular salary up to the state regulated amount. If an employee does not file for VDI, they will not receive any income from the Voluntary Disability Insurance plan that pays an employee up to 60% of their salary if the claim is approved.

Workers' Compensation for work related injuries or illnesses: Employees must complete the required Workers' Compensation application forms in order to apply for benefits. The College will pay out an employee's accrued sick and vacation time of at least 33% of their regular salary and the Workers' Compensation carrier will pay up to 67% of their regular salary up to the state regulated amount if the claim is approved.

The College will continue to pay its share of the premiums to maintain any health plan coverage that is already in effect for the employee for the duration of any leave granted under this policy up to six months. The employee must continue to pay their share of the health benefit costs that he or she paid before the beginning of the leave if he or she wishes such coverage to continue during the leave. If the employee remains on paid status during the leave by using accrued vacation or sick leave, the employee's share will be deducted from these accruals. If on unpaid status, the employee must pay his or her share of the premiums by making timely payments to the College, in care of the Human Resources Department, at the same time as such payments would be made if they were paid via payroll deductions.

Employees will be responsible for their portion of the insurance premiums up to six months during a leave. If the employee does not pay his or her share of the premiums during this time or if the employee's leave exceeds six-months, coverage will cease in accordance with the provisions of the law and COBRA will be offered to the employee. Under COBRA, the employee will be responsible for the total cost of the premiums.

Should an employee return to work following a leave, they may reinstate their coverage provided that they re-enroll within thirty days from their return to work date.

Notification Rules

To request a leave of absence, employees must complete the necessary forms provided by Human Resources, which indicate the reason for the requested leave, the anticipated date the leave will begin and the anticipated duration of the leave. Employees are required to give advance notice of their need for a leave. Employees ordinarily must provide at least 30 days advance notice in writing to the Human Resources Department. If the leave is not foreseeable at least 30 days in advance, the employee must give as much advance notice. It is the responsibility of the employee to provide the necessary forms to Human Resources within 10 business days of the start date of the leave.

Certification by Health Provider

If an employee requests a leave due to a serious health condition of the employee or a family member, the employee must support the request with a certification issued by the health care provider of the individual with the serious health condition. The certification should include the following information: (1) the date, if known, on which the serious health condition commenced; and (2) either (a) the probable duration for which the condition will require the employee to take leave; or (b) for a serious health condition of someone other than the employee, an estimate of the amount of time that the health care provider believes that the employee needs to care for the individual requiring the care; and a statement that the serious health condition warrants the participation of a family member to provide care during a period of the treatment or supervision of the individual requiring care. If an employee requests intermittent leave for planned medical treatment, the certification should specify the dates on which such treatment is expected to be given and the duration of such treatment. If the time estimated by the health care provider under (2) above expires, the employee must submit a recertification if the employee desires additional leave for medical reasons. Moreover, the College may request additional certifications at its sole discretion. Extensions will not be granted that result in the total period of the leave to exceed the limitations established by the College.

Reinstatement Privileges

An employee who complies with the provisions of this policy will be guaranteed reinstatement upon expiration of an approved leave, provided that the total period of the leave does not exceed 16 weeks in a 12 month period, subject to any exceptions that are allowed by law or by College discretion. The employee will be reinstated in the same or an equivalent position as that which he or she occupied when the leave commenced. An employee who takes a leave because of his or her own serious health condition must provide a medical certification to Human Resources verifying that he or she is able to return to work. If an employee fails to contact Human Resources within five days after the period of the approved leave expires, the employee will be considered to have voluntarily abandoned the employee's job and may be separated from the College's employment.

Administration of the Policy

Occidental College intends to administer this policy in accordance with the requirements of the state and federal laws regulating family and medical leaves. Accordingly, this policy will be interpreted and applied in a manner that conforms with all applicable legal requirements. Any leave of absence that is granted to an employee under this policy or any other policy for a purpose specified above, shall be credited against the 16-week limit contained in this policy if and to the extent permitted by the state and federal laws.

Pregnancy Disability Leave (PDL)

Eligibility

For a period of disability that prevents an employee from performing the essential duties of the employee's job caused by pregnancy, childbirth, or related medical conditions, an employee is entitled to a reasonable unpaid leave, not to exceed four months. To the extent permitted by applicable law, for employees who work less than full-time, or on alternative work schedules, the maximum amount of leave will be adjusted on a proportional basis.

Benefits

An employee who is on a Pregnancy Leave must utilize any accrued sick leave benefits during the period of the leave. Once sick leave is exhausted, the employee may elect to use vacation accruals.

The College will pay its share and the employee's share of the premiums to maintain any health plan coverage that is already in effect for the employee for the duration of the Pregnancy Leave.

Pregnancy Disability Leave (PDL) may be taken all at once or "intermittently." Intermittent PDL is taking leave in small increments, which can be hours, days, weeks or months. Please consult with Human Resources regarding intermittent leaves and how this could apply to you.

Notification

Employees must provide at least thirty days advance notice before pregnancy disability leave is to begin if the need for the leave is foreseeable. If not foreseeable, employees must give notice as soon as possible. It is the responsibility of the employee to provide the necessary forms to Human Resources within 10 business days.

Certification by Health Provider

Employees requesting a pregnancy disability leave must provide a medical certification from a health care provider. The certification must include the date the disability is to begin, the probable duration of the disability, and a statement that the disability renders the employee unable to perform one or more of the essential functions of the position.

Reinstatement

An employee who complies with the provisions of this policy will be guaranteed reinstatement upon expiration of a pregnancy disability leave, subject to any exceptions that are allowed by law. The employee will be reinstated in the same or an equivalent position as that which the employee occupied when the leave commenced. If an employee fails to contact Human Resources within five days after the period of leave expires, the employee will be considered to have voluntarily abandoned the employee's job and will be separated from the College's employment.

Jury and Witness Duty Leave

It is the College's policy to enable its employees to fulfill their civic obligations. If an employee is called to serve on jury duty or is subpoenaed as a witness, the employee is requested to notify his or her supervisor immediately.

All regular full-time employees who have completed their introductory period will be paid their regular pay while on jury or witness duty up to a maximum of 10 working days each calendar year. In accordance with federal and state wage regulations, employees who are classified as *exempt* will receive their full weekly salary for any week in which they perform any work for the College and also serve on a jury or as a witness.

Part time employees will be provided time off to spend on jury or witness duty but are ineligible for compensation for time spent on jury or witness duty.

Employees are expected to work the remainder of a workday when not performing court duty. A verification of time spent on court duties will be considered as time worked for the purpose of calculating overtime, sick leave and vacation accrual, and eligibility for holidays.

Military Leave of Absence

An employee who must fulfill a military obligation in the Armed Forces of the United States will be placed on an extended leave without pay in accordance with applicable federal laws. Upon completion of military service, the employee will be reinstated with full seniority to the employee's former position or to a comparable position if application for reemployment is made within 90 calendar days of release from military service or hospitalization following service.

Training Leaves

An employee who is a member of the National Guard or of a reserve component of the Armed Forces will, upon furnishing a copy of the official orders or instructions, be granted a military training leave. Training leaves will not, except in an emergency or in the event of extenuating circumstances, exceed two weeks per year, plus reasonable travel time. Upon presentation of a military pay voucher, employees will be reimbursed for the difference between their regular base compensation and the pay they receive while on military training leave.

Military Family Leave Entitlements

Eligible employees with a spouse, domestic partner, child, child of domestic partner, or parent on active duty or call (or impending call) to active duty status of a Military member may use up to 12-weeks of continuous or intermittent family leave to address any qualifying exigency. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, rest and recuperation leave, and attending post-deployment reintegration briefings. Qualifying exigencies are now eligible to receive wage replacement benefits under the California family temporary disability insurance program, or paid family leave.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member 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 in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. This includes veterans undergoing treatment for an injury as long as the veteran was a member of the Armed Forces, National Guard or Reserves within five year of requiring care.

It also applies to care providers for a covered service member's injury or serious health condition incurred because service on active duty aggravated an existing or pre-existing injury. For veteran service members, a serious health condition includes any injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

All leave of absence requests must be submitted to Human Resources on the appropriate form as far in advance as possible. The Human Resources representative will coordinate the terms of the approved leave of absence with the employee's department head.

During the first 30 days of military leave, the employee will continue to receive certain benefits to which the employee was entitled before the military leave began, such as holiday pay, vacation and sick leave accrual. Upon request, employees on military leave may use accrued vacation during military service to remain on paid status until accrued vacation hours are exhausted. Regardless of the length of a leave of absence, an employee's medical plan coverage will remain in effect. The College will pay both the employee's portion and the College's portion of the premium to maintain medical coverage up to the earliest of: (a) the employee's return to active employment, or (b) notification from the employee that he/she will not seek reemployment with the College, or (c) absence from the College in excess of five years.

Bereavement Leave

In the event of the death of a spouse, child, parent, sibling, grandparent, grandchild, or domestic partner, an employee will receive a maximum of three days off with pay at the employee's regular straight time rate, and an additional seven days of unpaid leave time. This leave does not have to be taken consecutively, but must be taken within three months of the date of the family member's death.

Human Resources will evaluate requests related to other family relationships on a case-by-case basis. Additional bereavement leave without pay may be granted at the College's discretion. Evidence of the necessity of bereavement leave may be requested within thirty days of the first day of leave.

The College will not interfere with or restrain the exercise of an employee's leave. Furthermore, the College will not discharge, discriminate, or retaliate against an employee for taking bereavement leave. If an employee feels like he/she is being discriminated or retaliated for taking bereavement leave, please immediately notify Human Resources.

Personal Leave

Employees with at least three years of continuous service may request a personal leave of absence for a reasonable period of time up to 30 days. A leave may be extended for a reasonable period of up to 30 additional days due to special circumstances, as determined on an individual basis.

Personal leaves of absence are considered unpaid unless the employee has available vacation accrual, and/or sick leave, if applicable. Employees will be required to use available vacation accrual for the duration of the leave. When the applicable accruals are exhausted, the remainder of the leave will be unpaid.

Personal leaves of absence are not guaranteed. Requests for such leaves of absence will be considered on the basis of a combination of factors which are in the College's sole discretion, including the employee's length of service, performance, responsibility level, the reason for the request, whether other individuals are already out on leave, and the expected impact of the leave on the department and the College.

Requests for leaves must be submitted on the College's Leave of Absence Request Form and approved in writing by the department head and the Associate Vice President & Chief HR Officer before the leave begins. Requests for extensions of leaves must also be submitted in writing and approved in writing by the department head and the Associate Vice President & Chief HR Officer before the extended period of a leave begins. The College is not able to guarantee reinstatement from a personal leave in all circumstances, but will make a reasonable effort to return an employee to his or her former position or a comparable position for which the employee is qualified. It is the employee's responsibility to be available and report to work at the end of the approved leave. An employee who fails to report to work on the workday after their leave expires will be considered to have voluntarily resigned.

Employees on an unpaid status do not earn or accrue any benefits during the period of a personal leave of absence. Employees will be fully responsible to pay the costs of any insurance benefits during the unpaid portion of a personal leave of absence. Arrangements should be made with Human Resources for the payment of any premiums before the leave begins to avoid the possibility of a loss or interruption in coverage.

Leave for Organ and Bone Marrow Donation

The College will grant an employee the following paid leaves of absence for the purpose of organ or bone marrow donation:

2. A leave of absence of up to five days in any one-year period for the purpose of donating the employee's bone marrow to another person.
3. A leave of absence of up to 30 days in any one-year period for the purpose of the employee donating his/her organ to another person.

A leave of absence for the purpose of organ or bone marrow donation will be provided with pay, however, if an employee has earned and has available unused sick or vacation time available, the employee is required to first use up to five days of paid sick or vacation time for a bone marrow donation and up to two weeks of sick or vacation time for organ donation.

In order to receive a leave of absence pursuant to this policy, the employee must provide written verification to Human Resources that he or she is an organ or bone marrow donor and that there is a medical necessity for the donation of the organ or bone marrow.

Any leave taken for the donation of an organ or bone marrow will not constitute a break in service for purposes of the employee's right to salary adjustments, sick leave, vacation, or seniority. During any leave taken under this policy, the College will maintain and pay for coverage under any group health plan, for the full duration of this leave.

Leave provided under this policy may be taken in one or more periods. Leave taken under this policy will not run concurrently with any FMLA/CFRA leave.

Upon expiration of a leave of absence authorized by this policy, the College will restore the employee to the position held by the employee when the leave began or to a position with equivalent seniority status, employee benefits, pay, and other terms and conditions of employment.

Domestic Violence and Sexual Assault Related Leave

The College will provide time off to an employee who has been the victim of domestic violence, sexual assault, stalking, other crimes or abuses that caused physical injury or caused mental injury and a threat of physical violence, or whose immediate family member is deceased as a direct result of a crime to seek any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim or his/her child. A “crime” is defined within this section as a “crime or public offense as set forth in California Government Code, and regardless of whether any person is arrested for, prosecuted, or convicted of, committing the crime.” This includes time off for court proceedings, services from a domestic violence shelter, program or rape crisis center, counseling, medical attention, and participation in safety planning programs.

The College requires reasonable advance notice of the leave when feasible. If time off is taken due to an emergency, the employee must, within a reasonable period of time from the beginning of the absence, provide the College with certification of the need for the leave such as a police report, court order, documentation from a healthcare provider, victims advocate, or counselor.

Unless otherwise required by law, leaves granted to employees under this policy are without pay. Employees who are granted time off under this policy may use accrued vacation and/or sick pay benefits. Consistent with applicable law, any records regarding an employee’s absence from work pursuant to this policy will be treated as confidential.

The College will not interfere with or restrain the exercise of an employee’s leave. Furthermore, the College will not discharge, discriminate, or retaliate against an employee for taking a domestic violence and sexual assault leave. If an employee feels like he/she is being discriminated or retaliated for taking a domestic violence and sexual assault leave, please immediately notify Human Resources.

The maximum combined total time off an employee may take under this policy and the College’s Medical Leave policy is 16-work weeks in a twelve-month period measured from the first date the employee uses such leave. Following the employee’s return to work, the College will timely engage in a good faith, interactive process to determine if the employee needs further accommodation.

Crime Victims' Leave

The College will provide employees time off, as required by law, to attend a judicial proceeding related to a serious crime, if the employee or a member of the employee's immediate family (as defined in California *Labor Code* section 230.2) is the victim of the crime. When time off is needed to attend a judicial proceeding related to a serious crime involving an employee or an immediate member of the employee's family, the employee must provide reasonable advance notice and a copy of the notice of each scheduled proceeding that is provided to the victim by the agency responsible for providing documentation of the scheduled proceeding. Such documentation is typically given to the victim of the crime by a court or government agency setting the hearing, a district attorney or prosecuting attorney's office or a victim/witness office. If advance notice is not possible, the employee must provide appropriate documentation within a reasonable time after the absence.

Unless otherwise required by law, leaves granted to employees under this policy are without pay. Employees who are granted time off under this policy may use accrued vacation and/or sick pay benefits. Consistent with applicable law, any records regarding an employee's absence from work pursuant to this policy will be treated as confidential.

Leave for School-Related Activities

An employee who is the parent or guardian of a child suspended from school and who, pursuant to California *Education Code* section 48900.1, is requested by the school to attend a portion of the school day in the child's classroom will be granted time off without pay to do so. An employee who is granted time off for this purpose may use accrued vacation.

An employee who is the parent, guardian or grandparent having custody of a child will be granted time off without pay for up to 40 hours per calendar year, but no more than eight hours in any calendar month, to participate in the activities of schools or licensed child daycare facilities attended by their children. Employees may use accrued vacation for the purpose of a planned absence under this policy.

Employees wishing to take time off under this policy must provide their supervisors with reasonable notice of the planned absence. If both parents of a child are employed by the College at the same worksite, the request for time off under this policy will be granted to the first parent to provide notice of the need for time off. The request from the second parent will be accommodated if possible.

The College reserves the right to request that the employee furnish written verification from the school or daycare facility as proof that the employee participated in school or daycare activities on the specific date and at a particular time. Failure to provide written verification is grounds for disciplinary action.

Time Off for Voting

In the event that an employee does not have sufficient time outside of working hours to vote in a statewide election, the employee may take off enough working time to enable him or her to vote. Such time off will be taken at the beginning or the end of the regular working shift, whichever allows for more free time, and the time taken off will be combined with the voting time available outside of working hours. Under these circumstances, an employee will be allowed a maximum of 2 hours on the Election Day without loss of pay. Where possible, the employee will give his/her supervisor at least 2 days' notice that time off to vote is needed.

**Leave for Volunteer Firefighters, Reserve Peace Officer, and
Emergency Rescue Personnel**

Employees will be granted time off to perform emergency duties as a volunteer firefighter, reserve peace officer, or emergency rescue personnel. In addition, an employee who performs duty as a volunteer firefighter, a reserve peace officer, or as emergency rescue personnel will be granted up to 14 days leave per calendar year for the purpose of engaging in fire, law enforcement, or emergency rescue training.

Volunteer members of the California Wing of the Civil Air Patrol will be granted up to 10 days of leave per calendar year in order for such volunteers to respond to an emergency operational mission.

Time off under this policy is granted without pay, except that Administrative Professional employees who work any portion of a workweek in which they also perform such emergency duties or training will receive their full salary for that workweek. Employees may substitute vacation pay for any unpaid portion of leave to perform such emergency duties or training.

MISCELLANEOUS

Electronic Communications

<http://www.oxy.edu/its/policies/appropriate-use-policy>

As members of the Occidental community, our work is often shared through electronic means. Although each of us has unique and varied responsibilities at the College, we depend on our daily interactions with each other to do our jobs, whether it is to teach, to learn, to research, to answer questions, to investigate, to record, to clarify or simply share information. We communicate with each continuously through email, often attaching substantial documents as second nature. Our computers and laptops contain an extraordinary amount of information stored in all kinds of ways. We readily connect to the outside world from the comfort of our office (and many by the touch of our phones) without hesitation.

Staff and administration depend on the quickness and accuracy of information to do their jobs in all sectors of the College and as a means to reach out to “third parties” including alumni, donors, foundations, and governmental agencies, as well as to maintain institutional and historical records.

Most importantly, we depend on electronic means to communicate directly with students. Faculty use course management systems to post relevant documents, manage classroom discussions, and monitor student progress. We rely on free and open use of the internet for research and scholarship, and along with other community members, do the same to access news and information.

We use a myriad of applications, which grow exponentially by the year. We reach out to colleagues, both inside and outside the college, on a host of projects of mutual interest, and use social media in new and significant ways.

This section aims to: a) describe general principles on usage of electronic devices and services owned or managed by the college as well as personally owned devices and services; b) describe the institutional role in maintaining information and managing electronic traffic; c) give information about the College’s legal obligations and responsibilities with respect to the preservation of electronically stored information (“ESI”); provide a humane and clear process for preservation/retrieval of ESI when legally required – all in a framework in which all members of the community feel their work and privacy are respected and valued. Please do not hesitate to direct any questions, comments or suggestions to our chief technology officer or general counsel.

This policy embraces the principles reflected in the *AAUP (April 2014) Policy on Academic Freedom and Electronic Communications*, which “recognize the value of privacy as a condition for academic freedom and the benefits that privacy and autonomy bring to the individual, to groups, and to the culture of the institution.”

Occidental College supports this philosophy and therefore states:

The College encourages the use of electronic mail in accordance with the College’s “Appropriate Use Policy” (accessible at <http://www.oxy.edu/its/policies/appropriate-use-policy>). Although the College neither routinely inspects, monitors, or discloses electronic mail, nor does it routinely monitor the usage of its system, employees should not maintain any expectation of privacy with respect to information transmitted over, received by, or stored in any electronic communications device owned, leased, or operated in whole or in part by or on behalf of the College.

This is because computers and other devices or services owned or managed by the College for use by its employees are the property of the College. All electronically stored correspondence, documents or other records (also known as “electronically stored information” or “ESI”) created in connection with a person’s functions as a College employee are also the property of the College, with the exception of research materials of individual faculty members.

All employees are advised and expected to store their personal and professional ESI separately. This is most effectively done by using a private email account for all personal and/or non-college related correspondence. Personal ESI stored on College-owned devices should be saved in separate folders that clearly identify them as personal.

In addition, College-related ESI stored on personal devices (to the extent that such ESI is not also stored on College-owned devices) or personally managed services (such as such as telephone records or Google email) are also subject to the preservation and retrieval practices described below.

Special Interest Fundraising Policy

All organizations and individuals interested in seeking external support or soliciting gifts from potential donors, corporations or foundations, must first contact the Associate Vice President & Chief HR Officer. This request should include a description of the fundraising objective, the dollar goal for the effort and a list (description) of the targeted audience.

Following review and approval from Human Resources, organizations seeking funds shall work in conjunction with the Office of Institutional Advancement to plan and implement their fundraising efforts. Individuals or entities that receive gifts should contact the Office of Institutional Advancement to arrange for processing of those gifts through the College's gift processing system and to ensure compliance with NACUBO accounting standards.

Social Media

The College respects employees' interest in using social media/networking sites (e.g., Facebook, Twitter, LinkedIn, blogs, wikis, user-generated video and audio, virtual worlds and social networks, etc.) (collectively "social media"), but such use presents certain business and legal risks and, hence, carries with it certain responsibilities.

To minimize the business and legal risks associated with employees' social media use, to avoid potential distraction and loss of productivity, and to ensure that College information technology resources and communications systems are used appropriately, the College requires staff and administrative employees to adhere to the following directives and guidelines concerning the use of social media:

- When engaging in social media activities, employees must adhere to all applicable College policies governing inappropriate conduct (*e.g.*, the Policy Against Discrimination and Harassment, the Standards of Conduct and Performance, Technology for Faculty and Staff: Policies, and the Conflict of Interest and Workplace Violence policies);
- Employees are prohibited from posting confidential or proprietary information of the College or of persons associated with the College, including, without limitation, trade secrets, and other internal, business-related, confidential communications, reports, and information. Employees should be mindful of and respect the copyright and intellectual property rights of the College and others. This policy is not intended to interfere with Employee's rights under the National Labor Relations Act. Employees are permitted to discuss the terms and conditions of their employment; and
- Unless expressly authorized to do so, an employee must not present him or herself as a spokesperson for the College or post anything on the Internet in the name of the College or in such a manner that the posting could reasonably be attributed to the College. If an employee posts content related to the College on personal social media sites, he or she should make clear that his or her views do not represent those of the College. The following is an example of an appropriate disclaimer: "these postings are my own and do not necessarily reflect the views of Occidental College."

If you have questions or need further guidance concerning this policy, please contact Human Resources.

Safety and Security

Reporting On-the-Job Injuries

You are required to report any injury on the job to your supervisor, department head, and Human Resources immediately. If needed, treatment will be provided in accordance with applicable law. It is important that proper forms and records are prepared within 24 hours of the occurrence of the injury.

Ergonomics

The College will work with you to attempt to make necessary adjustments to reduce exposure to ergonomic hazards through modifications to equipment and processes and through employee training. Most of the problems that result in repetitive injuries can be solved with simple, yet effective solutions. If you are experiencing discomfort and feel that it is a result of current workstation design, please contact Human Resources.

Workplace Safety

Each employee is expected to practice safe work habits to ensure his/her own personal safety, to develop a concern for the safety of others, to report unsafe or unhealthy situations to his/her supervisor, and to comply with all safety rules. Departments are responsible for developing written safety rules for his/her area and will instruct all employees in safe work habits. Violation of established safety rules is cause for disciplinary action.

In compliance with California law, and to promote a safe workplace, the College maintains an Injury and Illness Prevention Program (“IIPP”). The purpose of the IIPP is to provide safe working conditions for all employees and to promote continuing safety awareness at all levels. Please contact the Human Resources office for more information.

No Solicitation Policy

In order to avoid disruption of College operations, the following rules will apply to solicitations and distribution of literature on College property:

- Employees of the College may not solicit or distribute literature during working time for any purpose; and
- Employees may not distribute literature at any time for any purpose in working areas.

Working time includes the working time of both the employee doing the soliciting and distributing and the employee to whom the soliciting or distributing is being directed. Working time does not include break periods, meal periods, or any other specified periods during the workday when employees are properly not engaged in performing their work tasks.

Except as authorized by the Collective Bargaining Agreement between the College and Teamsters Local 911, internal campus mail services, computer generated mailing lists or labels, email, office space and supplies are to be used only for the conduct of the official business of the College.

Occasionally, students conduct fund-raising activities to support approved student clubs and activities. Procedures for students to request permission for such activities are contained in the Student Handbook.

Emergency Operations Plan and Procedure

[https://www.oxy.edu/sites/default/files/assets/Campus_Safety/9.30.16%20AFSSR%20Report
WEB.pdf](https://www.oxy.edu/sites/default/files/assets/Campus_Safety/9.30.16%20AFSSR%20Report_WEB.pdf)

Workplace Violence

The College is committed to providing a safe, violence-free workplace. In this regard, the College strictly prohibits employees, students, visitors, or anyone else on College premises, or engaging in a College-related activity, from behaving in a violent or threatening manner. The College has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

All employees should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, horseplay, or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of the College without proper authorization.

Conduct that threatens, intimidates, or coerces another employee, student, or visitor will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law and College policy.

All threats of violence, both direct and indirect, should be reported as soon as possible to your supervisor, Human Resources, a senior administrator, and/or Campus Safety. This includes threats by employees, as well as threats by students, visitors, or other members of the public. In addition, all suspicious individuals or activities should also be reported. When making such a report, the employee should be as specific and detailed as possible.

Employees who become aware of actual violence, imminent violence or a threat of imminent violence in the workplace, should immediately contact local law enforcement authorities by dialing 911. On the Occidental campus, the Campus Safety Department should also be notified by calling 323-259-2599.

Employees are also requested to notify Human Resources if any restraining order is in effect, or if a potentially violent non work-related situation exists that could result in violence in the workplace.

All reports of workplace violence will be taken seriously and will be investigated promptly and thoroughly. The College will not tolerate retaliation against any employee who reports workplace violence. Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action, up to and including termination of employment.

Appendix A

Problem Solving and Grievance Procedures

In any organization, misunderstandings and problems may develop which require clarification and attention. Occidental College believes that one of the best ways to solve problems is to discuss them openly. This means that, initially, employees may approach their supervisor, department head or chair, the Associate Vice President & Chief HR Officer, the Associate Director of Employee Relations and Training or a senior administrator regarding a problem.

If these informal methods however, do not resolve the problem, the following four-step grievance procedure has been established for employees if they feel that they have not been treated fairly in accordance with College policies. The issues may involve the interpretation and application of the provisions of the Employee Handbook, disciplinary actions, terminations, any type of discrimination, and matters relative to environmental and safety conditions at the College.

State law provides that all employees are employed on an at-will basis. Based on the provisions of state law and the College's policies, employees are free to sever their employment relationship with the College at their option at any time, either with or without cause or advance notice. In the same manner, the College reserves the right to terminate its employment relationship with any employee at will, either with or without cause or advance notice. Nothing in this grievance procedure is intended to create an express or implied agreement that alters the employment-at-will relationship that exists.

Employees who wish to initiate the College's grievance procedure must follow the steps listed below. The steps must be followed in the appropriate order. In addition, employees must comply with the time limitations provided in this policy. Employees who feel dissatisfied with the resolution at the first step may request further review at higher steps. Requests for Steps 3, 4, and the Appeal should be in writing.

Prior to initiating the College's grievance procedure, if the employee has already used a step(s) of the procedure, he or she has then waived the right to pursue and use that step(s) again, and must immediately proceed to the next step of the procedure. The College's representative at that step(s) may elect, as they feel necessary, to return the employee to a prior step(s) of the procedure.

Step 1 In order to minimize the possibility of any misunderstanding, an employee must discuss any problem or grievance with the employee's immediate supervisor within 10 calendar days of the occurrence of the problem creating the grievance. In most cases, the supervisor is the person best able to help solve the problem, or to refer the employee to someone who can help. The supervisor will evaluate the matter and attempt to provide a solution or explanation within five working days, unless additional time is required under the circumstances. If the supervisor fails to reply to the employee's grievance within the time limit specified and does not notify the employee that additional time is required, the employee may consider the grievance denied and submit the grievance to the next step.

Step 2 If the employee is not satisfied with the answer or resolution from the immediate supervisor, the employee will be allowed three working days to refer the problem, in writing to

the employee's department head. If the department head is the immediate supervisor, the employee may move directly to Step 3. After receiving the written grievance, the department head will promptly schedule a meeting to provide the employee an opportunity to present the problem personally. Within five working days after that meeting, or within such longer period as the department head determines is required under the circumstances to investigate the matter properly, the department head will provide the employee with a verbal or written response to the grievance. If the department head fails to reply to the employee's grievance within the time limit specified and does not notify the employee that additional time is required, the employee may consider the grievance denied and submit the grievance to the next step.

Step 3 If an employee is not satisfied with the decision at the Step 2 of this procedure or does not receive a response from the department head within the time period set forth above, the employee may submit the grievance in writing to the Associate Vice President & Chief HR Officer. In order to utilize this step of the procedure the employee must submit a written request for a review within three working days of the date of the department head's decision or, where applicable, the last date available to the department head to advise the employee of the decision. If such a request is made in a timely manner, the Associate Vice President & Chief HR Officer or designated representative will schedule an appointment with the employee for a personal interview to discuss the problem and evaluate the basis of the grievance. The Associate Vice President & Chief HR Officer, or the designated representative, will provide either a verbal or written decision to the employee within 10 working days following the meeting, unless it is determined that additional time is required under the circumstances. The employee will be advised if such an extension is required.

Step 4 If an employee is not satisfied with the decision at the Step 3 of this procedure or does not receive a response from the Associate Vice President & Chief HR Officer within the time period set forth above, the employee may submit the grievance in writing to the Senior Administrator responsible for his or her department, unless that person is the supervisor, and only then, to the President. In order to utilize this step of the procedure the employee must submit a written request for a review within three working days of the date of the department head's decision or, where applicable, the last date available to the Associate Vice President & Chief HR Officer to advise the employee of the decision. If such a request is made in a timely manner, the senior administrator or designated representative will schedule an appointment with the employee for a personal interview to discuss the problem and evaluate the basis of the grievance.

The senior administrator or the designated representative will provide either a verbal or written decision to the employee within 10 working days following the meeting, unless it is determined that additional time is required under the circumstances. The employee will be advised if such an extension is required.

Appeal If the issue is still not resolved to the satisfaction of the employee, the employee may submit a written request for appeal to the Chief Operating Officer ("COO") within five working days following the Step 4 decision. The senior administrator will submit a summary of findings and conclusions to the COO to support the Step 4 decision. The COO or designated representative will make a determination based on the written documents. Any decision rendered by the COO or that of a designated representative must be regarded as final and binding on all parties.

Employees are encouraged to utilize this procedure without fear of reprisal. No employee will be discriminated or retaliated against because the employee has elected to use this procedure.

The College encourages all grievances to be handled at the department level. However, the following exceptions are recognized as instances where an employee may file a grievance with the Human Resources Department without first meeting with the department head:

- If the employee suspects or believes he or she has proof that a federal or state law is being violated or is about to be violated; and
- If a safety hazard exists that threatens the health of an employee, visitor, or any member of the campus community.

If the grievance directly involves the department head and the employee reasonably believes that the department head may not be able to deal objectively with the situation.

Appendix B

RESOLUTION OF DISCRIMINATION GRIEVANCE AGAINST ADMINISTRATOR, STAFF MEMBER, OR FACULTY MEMBER (WHERE DELEGATED BY FACULTY HANDBOOK) FOR DISCRIMINATION, HARASSMENT AND RETALIATION

This document outlines the procedures the College follows in resolving a grievance by any member of the campus community (“Complainant”) who alleges that an administrator, staff member, or faculty member (where the authority to resolve grievances against faculty members is delegated to the administration by the Faculty Handbook) (“Respondent”) engaged in discrimination, harassment and retaliation in violation of the Discrimination, Harassment and Retaliation Policy and/or the Sexual Misconduct Policy.

- Discrimination, Harassment and Retaliation Policy <https://www.oxy.edu/student-handbook/general-college-policies/discrimination-harassment-retaliation>
- Sexual Misconduct Policy <http://www.oxy.edu/sexual-respect-title-ix/policies-procedures>

OVERVIEW

An individual who wishes to file a complaint involving allegations of discrimination, harassment, or retaliation based on a protected status, such as age, sex, race, disability, or veteran status by an administrator, staff member, or faculty member is encouraged to do so. If the allegation is based upon sex or gender, gender identity, gender expression discrimination, or conduct otherwise prohibited by the Sexual Misconduct Policy, the individual should file a complaint directly with the Title IX Office. Complaints about all other forms of discrimination should be filed with the Department of Human Resources.

<i>Discrimination, Harassment or Retaliation Prohibited by the Sexual Misconduct Policy</i>	<i>All Other Discrimination, Harassment, or Retaliation</i>
<p><i>Title IX Office</i> Alexandra Fulcher, Title IX Coordinator (323) 259-1338 AGC 111 afulcher@oxy.edu Web: http://www.oxy.edu/office-title-ix</p> <p>Deputy Title IX Coordinators Jacalyn Feigelman -Human Resources jacalynf@oxy.edu; (323) 259-2614</p> <p>Alison Haehnel - Athletics haehnel@oxy.edu; (323) 259-2632</p> <p>Heather Lukes – Faculty lukes@oxy.edu: 323-259-1312</p>	<p><i>Department of Human Resources</i> Randy Glazer, (323) 259-2526 hr@oxy.edu glazerr@oxy.edu http://oxy.edu/human-resources</p> <p><i>Grievances Against Human Resources</i> Amos Himmelstein Vice President and Chief Operating Officer himmelstein@oxy.edu; 323-259-1347</p>

The College will identify, based upon the nature of the allegations, the appropriate office to coordinate resolution of the complaint through the Grievance Process. The office that coordinates resolution of the complaint will identify a Civil Rights Grievance Process Coordinator (“Civil Rights Coordinator” or “CRC”) to monitor the Grievance Process as follows:

- The Office of Title IX, and the Title IX team, will coordinate resolution of all complaints of Prohibited Conduct defined in the Sexual Misconduct Policy, including complaints of sex discrimination, sexual harassment, and/or retaliation.
- The Department of Human Resources will coordinate resolution of all complaints of Prohibited Conduct defined in the Discrimination, Harassment, and Retaliation Policy, including complaints of discrimination, harassment, and/or retaliation not otherwise described in the Sexual Misconduct Policy.

The Complainant has the right to request that the CRC take no action to investigate and/or resolve the complaint. In that event, the CRC will balance the Complainant’s privacy interests against the College’s obligation to provide a safe and nondiscriminatory environment for all College community members, and to remain true to principles of fundamental fairness that require the College to provide the Respondent with notice of the allegations and an opportunity to respond before action is taken against the Respondent. The CRC will make this determination

consistent with the following considerations, namely (1) the seriousness of the conduct; (2) the respective ages and roles of the Complainant and the Respondent; (3) whether there have been other reports or complaints of discrimination or other policy violations against the Respondent; (4) the right of the Respondent to receive notice and relevant information before any disciplinary action is sought; and (5) possible risks to the College Community and (6) existing legal obligations including a duty to investigate, if any, under Title VII of the Civil Rights Act of 1964. Should the CRC determine that, in response to the Complainant's request, the College can satisfy its obligations to the Complainant, the College community members, and the Respondent lawfully without proceeding through the Grievance Process described herein, the CRC has the discretion to do so.

COMPLAINT RESOLUTION PROCEDURES

Complaint Intake

1. Members of the College community may file a complaint against an administrator, staff or faculty member by contacting the Title IX Coordinator for sex discrimination, harassment or retaliation claims and the Human Resources Director for all other forms of discrimination, harassment or retaliation. Contact information is provided on page 16 of this handbook Appendix.

2. The CRC will conduct an Intake Meeting as soon as possible after receiving a complaint. At that meeting, the CRC will ascertain the basic facts of the complaint including details concerning the conduct that gives rise to the complaint, the name of the person(s) against whom the complaint is made, and the names of witnesses; provide an overview of the options for resolving a complaint, including Informal Resolution and Formal Resolution and explain that the Complainant has a right to an advisor of their choice during the process.

3. In addition to providing information about options for resolution, the CRC will inform the Complainant about available sources of further assistance, such as counseling services available to students at Emmons Wellness Center Counseling and employees via the Employee Assistance Program ("EAP").

3. After receiving the complaint, the CRC will determine whether the complaint describes a potential violation of one or more of the College's antidiscrimination policies. This determination is *not* intended to screen complaints from the Grievance Process. Rather, its purpose is to determine whether the conduct as stated *could* constitute a violation of one or more of the College's antidiscrimination policies.

4. If the CRC determines that the complaint does not describe facts that would under any circumstances constitute a violation of one or more of the College's antidiscrimination policies, the Complainant may nevertheless make a complaint to the federal Office for Civil Rights ("OCR"), the California Department of Fair Employment and Housing ("DFEH"), the Equal Employment Opportunity Commission ("EEOC"), and/or the police, and may seek available civil remedies

through the judicial system. The Complainant also may re-file the complaint with the College upon the discovery of additional facts.

United States Department of Education: Inquiries or complaints concerning the College's compliance with Title IX and Title VI may be referred to the U.S. Department of Education's Office for Civil Rights.

Office for Civil Rights, San Francisco
Office 50 United Nations Plaza
San Francisco, California
94102 (415) 486-5555
Email: OCR@ed.gov

DFEH Los Angeles Office: Any employee may pursue any charge of discrimination or harassment with the California Department of Fair Employment and Housing ("DFEH").

320 West 4th Street, 10th Floor
Los Angeles, CA 90013
(213) 439-6799

EEOC Los Angeles District Office: Any employee may pursue any charge of discrimination or harassment with the federal Equal Opportunity Employment Commission ("EEOC").

255 East Temple Street, 4th
Floor Los Angeles, California
90012 (213) 894-1000

5. If the CRC determines that the complaint does not allege a potential violation of one or more of the College's antidiscrimination policies but, nevertheless, alleges other policy violations or unprofessional behavior, the CRC shall refer the concern to the appropriate College administrator (*e.g.*, Human Resources, the Dean of the College, and/or the Dean of Students) to consider further action to identify and, if necessary, address the inappropriate or unprofessional behavior.

Informal Resolution Procedures:

1. Individuals who believe they have been or may be the victim of discrimination and harassment, not involving physical or sexual violence, may request to use these informal resolution procedures. Complaints alleging physical or sexual violence addressed under Section II must be resolved through formal resolution. Use of the informal procedures described below is not a prerequisite to resolving a complaint through the formal resolution process.

2. Informal resolution procedures do not involve a formal investigation or finding of responsibility. They are designed to correct, rather than punish, behavior. To the extent discipline is imposed through informal resolution, it will be imposed consistent with the procedures outlined below. Informal resolutions may include, but are not limited to, changes in residence arrangements, changes in classes, changes in schedules or work hours, changes in work assignment/location, or “no contact” agreements.

3. The CRC has discretion to determine whether the complaint may proceed through informal resolution as an alternative to the formal resolution process. If the CRC determines that the complaint may appropriately be resolved through informal resolution, the CRC will ask the Complainant and Respondent, separately, whether they wish to attempt informal resolution. If either Party declines, or if the Complainant, Respondent, or CRC, at any time, determines that Informal Resolution is no longer appropriate, the CRC will promptly inform the Complainant and Respondent in writing that the Informal Resolution process has stopped and that the complaint will proceed through Formal Resolution in accordance with this policy.

4. Requests for assistance under these informal procedures will be dealt with, to the greatest extent practical and possible, on a private basis. Disclosure of information related to such requests for assistance will be limited to those who need to know the information in order to provide assistance, ensure fairness, comply with existing law, and/or allow the College to meet its obligations to provide a safe or nondiscriminatory work, educational or living environment.

5. If resolution is reached by this process, no further actions will be taken and the matter will be considered closed. If the matter cannot be resolved informally, the CRC will accept a complaint for formal resolution.

Formal Resolution Procedures:

Initial Stages:

6. Individuals who believe they have been the victim of discrimination, harassment or retaliation, including individuals who have begun or completed an unsuccessful informal resolution process, may file a formal complaint. If the complaint meets the threshold determinations described in sections A.4 and A.5, such a complaint will result in an investigation, the purpose of which shall be to determine whether a violation of one of the antidiscrimination policies has occurred. If the CRC determines the complaint alleges a possible violation of one or more of the antidiscrimination policies, the CRC will notify the Complainant and the Respondent, in writing, of the decision. In certain circumstances, the College may initiate an investigation without a formal complaint from any individual.

7. When appropriate, prior to or during an investigation, the College may take interim measures to protect the safety and well-being of the Complainant and/or members of the College community. Interim measures may be applied with respect to either the Complainant or Respondent. Such measures include, but are not limited to, changes in work schedules or work hours, changes in work assignment/location, a “no contact” order, or suspension.

8. The Complainant and Respondent may be accompanied by an advisor of their choice during all phases of the complaint process. The advisor must not be otherwise involved in the incident or in any other role in the investigation (including as a witness). The role of the advisor at any meeting during the resolution process is that of an observer, not an advocate. The advisor cannot speak on the Complainant's or Respondent's behalf.

Notice of the Allegations to the Respondent:

The CRC's written notification to the Respondent will state facts sufficient to apprise the Respondent of the nature of the allegations, including, specifically:

- Complainant's name
- Nature of the complaint
 - Specific policy violations alleged (e.g., sexual assault, racial harassment, retaliation)
 - Dates of alleged policy violations
 - Approximate times of alleged policy violations
 - Locations of alleged policy violations
 - Brief description of the incident/alleged misconduct
- An overview of the procedural options and process, including Informal Resolution and Formal Resolution
- The availability of an advisor of their choice.
- A description of the College's policy prohibiting retaliation.

In the notice to the Respondent, the CRC shall request a meeting within three (3) days of transmittal of the notice. If the Respondent does not respond to the meeting request, the investigation may proceed without the Respondent's participation.

Formal Investigation

1. The CRC will select a trained internal or external investigator or a two-person investigative team, (which may include a combination of one internal and one external investigator) (the "Investigator") to conduct a reasonable, impartial, and prompt investigation of the complaint ("Investigation"). The CRC will notify the Parties, in writing, of the name of the Investigator within three business days of the Investigator's selection. That notification will also include the name of the assigned CRC. Both Parties will have three business days to object to the Investigator's and/ or CRC selection on the basis of bias or conflict of interest. If either of the

Parties objects, the CRC or other College Administrator if the objection is against the CRC, will evaluate whether the objection is substantiated. The CRC will remove and replace any Investigator the CRC finds to have a bias or conflict of interest against either party.

2. Reasonable effort shall be made to complete the investigation within (60) calendar days of the date the formal complaint is made or as soon thereafter as practical under the circumstances. The CRC will provide the Complainant and the Respondent with notice of any delays and give them a new timetable for completion of the investigation.

3. The investigation will include an interview(s) with the Complainant, the Respondent and/or any other person who may have information regarding the incident, each of whom is encouraged to cooperate with any investigation. The investigator may also gather of any relevant documents.

4. The Investigator will prepare a Report for the CRC. The report will state (1) the ultimate finding(s) (*e.g.*, whether the Respondent did, or did not, violate College Policy); (2) the specific factual findings in support of the Investigator's ultimate finding(s); and (3) the specific evidence upon which the Investigator relied in making each factual finding. The standard for determining whether the policy has been violated is the preponderance of the evidence standard, *i.e.*, whether it is more likely than not that a violation of College policy occurred. Where applicable, the report will have attached as exhibits the testimonial and documentary evidence from the Investigation. Once the Investigator is satisfied that the report is complete, the Investigator will submit the report to the CRC. The CRC will review the report and assess whether the report demonstrates, by a preponderance of the evidence, that: (1) the evidence supports the Investigator's factual findings; and (2) the Investigator's factual findings support the Investigator's ultimate finding of responsibility or non-responsibility.

5. Once the Report is finalized, the CRC will issue a resolution letter to the Complainant and Respondent. The resolution letter will briefly describe how the investigation was conducted, as well as the ultimate finding(s) (*i.e.*, whether the Respondent did, or did not, violate College policy) and the specific factual findings in support of the Investigator's ultimate finding(s).

6. Where the investigator concludes that a violation of this policy has occurred, the appropriate College officers will take prompt and appropriate remedial action, including disciplinary action, as described in Section III, below. The College will disclose information about the sanction imposed on an individual who was found to have engaged in harassment when the sanction directly relates to the complainant; for example, the College may inform the complainant that the harasser must stay away from the complainant.

7. If the Respondent is found responsible for a violation of one or more of the antidiscrimination policies, the Formal Resolution process concludes with the imposition of discipline. If the Respondent is found not to have violated any antidiscrimination policy, the Formal Resolution has concluded. If, however, the Respondent is found not to have violated any antidiscrimination policy but is found to have engaged in inappropriate or unprofessional conduct which violates the College's Standards of Conduct and Performance policy, the

appropriate College officers will take prompt and appropriate remedial action, including disciplinary action, limited to the actions set forth in subsections 1 - 9 in Section III, below. At the conclusion of the Formal Resolution Process, either party may appeal only upon the grounds described in Section IV.

REMEDIES AND DISCIPLINARY ACTIONS

Remedies

Remedies may include but are not limited to offering to remove the Complainant or the Respondent from the hostile environment; changes in classes; changes in residence arrangements; changes in schedules or work hours; changes in work assignment/location; a “no contact” order.

Discipline:

Persons who violate one or more of the College’s antidiscrimination policies will be disciplined. The particular form of discipline will depend on the nature of the offense. Such discipline shall be imposed pursuant to and in accordance with any and all applicable College rules, policies and procedures. A person against whom such discipline is imposed shall have any rights to contest the imposition of discipline as may otherwise exist under applicable College rules, policies or procedures.

Discipline shall be imposed by the Operative Vice President in consultation with the Associate Vice President & Chief HR Officer or the Title IX Coordinator if there is a violation of the sexual misconduct policy. In the event that the Operative Vice President is the Respondent in the case, the President of the College will consultation with the Associate Vice President & Chief HR Officer or the Title IX Coordinator if there is a violation of the sexual misconduct policy. The Operative Vice President has the discretion to implement a variety of disciplinary actions. If the Investigator has found that the Respondent sexually assaulted the Complainant in violation of the College’s Sexual Misconduct Policy, or physically assaulted the Complainant in violation of the College’s Discrimination, Harassment, and Retaliation Policy, it is expected that the Operative Vice President will terminate the Respondent’s employment (absent extenuating circumstances). The CRC will notify the Parties of the disciplinary actions within five business days of receipt of the Operative Vice President’s Decision.

Any one or more of the disciplinary actions listed here may be imposed on a Respondent who is found responsible for a violation of the College’s antidiscrimination policies. Disciplinary actions not listed here may be imposed in consultation with the CRC. Disciplinary actions are assessed in response to the specific violation(s) and any prior discipline history of the Respondent.

Possible disciplinary actions include, but are not limited to:

1. **Warning:** Verbal Notice, with documentation in the personnel file, that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.
2. **Reprimand:** A written reprimand for violating one or more of the College's antidiscrimination policies. The employee is officially warned that continuation or repetition of prohibited conduct may be cause for additional conduct action including probation, suspension, or termination of employment.
3. **Restitution:** Repayment to the College or to an affected party for damages resulting from a violation of one or more of the College's antidiscrimination policies. The amount of any restitution is determined by the College.
4. **Restricted Access or Modification of Duties:** Conditions which specifically dictate and limit the Respondent's presence on campus, restrict or modify employment duties and/or participation in College-sponsored or related activities. The restrictions shall be clearly defined and may include, but are not limited to, presence in certain buildings or locations on campus.
5. **Probation:** Formal, written notice that the employee's conduct is in violation of the College's antidiscrimination and/or other College policy and an expectation that the employee exhibit good behavior for a defined period of time. Any violation during the probationary period may result in further disciplinary action including but not limited to suspension without pay or termination of employment.
6. **Suspension Without Pay:** Separation of employment for a defined period of time without pay for the time of separation. During the suspension period, the employee is not permitted on campus and is not permitted to participate in, or supervise, any College-sponsored or affiliated program or activity. The terms of the suspension may include the designation of special conditions affecting eligibility to continue employment upon completion of the suspension period. The Associate Vice President & Chief HR Officer will determine, consistent with law and College policy, whether and to what extent the employee will be eligible for benefits during this suspension and notify the employee, in writing, of that determination.
7. **Termination of Employment:** Permanent separation of the employee from the College.

8. **Other:** Other actions may be imposed instead of, or in addition to, those specified here. Service, education, training, coaching, or research projects may also be assigned.
9. **Multiple Disciplinary Actions:** More than one of the actions listed above may be imposed for any single violation.

Accommodations and Non-Disciplinary, Administrative Measures

In addition to, and independent of, the results of the investigation and disciplinary process, the CRC, in consultation with the Operative Vice President and Associate Vice President & Chief HR Officer, will determine any appropriate non-disciplinary, administrative measures. Such measures may include various forms of remedial, community-based responses, such as educational initiatives and/or trainings. In addition, the CRC will continue to provide for the care and support of the Parties as appropriate, including the ongoing provision of appropriate accommodations.

APPEAL

The right to appeal is limited and applies only in cases where suspension without pay or termination of employment are appropriate disciplinary actions for the alleged conduct. Assuming one or both of these disciplinary actions are acknowledged by the CRC to be appropriate for the alleged conduct, each party's limited right to appeal from the Report is as follows:

- *Complainant:* If the finding is that the Respondent did not violate a policy that the Complainant believes the Respondent violated, the Complainant has five calendar days from receiving written notice of the Report to submit a written appeal to the CRC. If the Respondent has been found responsible for one or more policy violations, but not others that may have resulted in suspension without pay or termination of employment, the Complainant may submit a written appeal to the CRC within five calendar days of notice of the disciplinary action.
- *Respondent:* If the finding is that the Respondent did violate one or more policies and, as a result, has been disciplined in the form of suspension without pay or termination of employment, the Respondent has five calendar days from receiving written notice of the disciplinary action to submit a written appeal to the CRC.

The party who submits the written appeal will be the "Appellant," and the responding party will be the "Appellee." The Appellant's written appeal must be based on at least one of two grounds: (1) Significant Procedural Error; or (2) New Information. Each ground is explained in greater detail:

- ***Significant Procedural Error:*** A procedural error occurred that significantly impacted the outcome of the investigation as it applies to the Appellant (*e.g.* substantiated bias, material deviation from established procedures). A

description of the error and its impact on the outcome of the case must be included in the written appeal.

- **New Information:** Information has come to light that was not available or known to the Appellant during the investigation and that could significantly impact the findings. Information that was known to the Appellant during the investigation but which s/he chose not to present does not constitute new information. A summary of this new evidence and its potential impact on the investigation findings must be included in the written appeal.

Appellee will have five calendar days to submit a response. At the conclusion of these time periods, the CRC will refer the written appeal, including the report, exhibits attached to the report, (the “Appeal Record”), to an Appeal Officer

The CRC will appoint the Appeal Officer from a member of the trained Appeals Panel and notify both Parties of that appointment within five calendar days of receipt of the written appeal. Both Parties will have five calendar days to object to the Appeal Officer’s selection on the basis of bias or conflict of interest. The CRC will consider any objection on the grounds of bias or conflict of interest. If the CRC determines that an Appeal Officer may have bias or conflict of interest, the CRC will remove the Appeal Officer and designate a new Appeal Officer.

The role of the Appeal Officer is limited. Appeals are not intended to be a full rehearing of the complaint. Appeals are confined to a review of the Appeal Record for the grounds stated above. The findings contained in the Investigator’s Report are presumed to have been decided reasonably and appropriately. The Appellant carries the burden of proof to demonstrate that either the alleged error, or the proposed new evidence, would significantly and materially impact the outcome of the proceeding.

The Appeal Officer will determine whether any grounds for the appeal are substantiated. If the Appeal Officer determines that the Request for Appeal does not meet the standards for an Appeal under this Grievance Process, the Appeal Officer will notify both parties of that outcome within ten business days of receipt of both the Appellant’s appeal, and the Appellee’s response. If the Appeal Officer determines that the Request for Appeal does meet the standards for an Appeal under this Grievance Process, the Appeal Officer will take appropriate action as indicated below.

- **Procedural Error:** If it is determined that a procedural error occurred that was substantially prejudicial to the outcome of the investigation, the Appeal Officer may return the report to the Investigator with instructions to correct the error, and to reconsider the findings as appropriate. In rare cases, where the procedural error cannot be corrected by the original Investigator (as in cases of bias), the Appeal Officer may order a new investigation with a new Investigator. The results of a reconvened investigation process cannot be appealed.
- **New Information:** If the Appeal Officer determines that new information should be considered, the report will be returned to the Investigator to reconsider the complaint in light of the new information only, and to reconsider the original

findings as appropriate. The Investigator will prepare an Addendum to the report, and provide the Parties with an opportunity to respond to the Addendum consistent with the opportunity to do so in the Notice of Findings and Response stage. The findings of the Report upon reconsideration are not appealable.

Notification of Appeal Outcome

Appellant and Appellee will generally be notified in writing of the outcome of the appeal within ten business days of receipt of Appellee's response statement. The Appeal Officer's decision is final and is not subject to appeal.