Scheduling a Windstar / Tax Treaty Appointment

Go to www.umass.edu/hrcal:

Enter your NetID (UMail/SPiRE) login Name & Password in the “Login” box and click on the “Log in” button.

Click on the “Sign Up” button:

- Your Social Security (SS) Card
- Passport
- Visa
- I-94
- I-20 or DS2019
University of Massachusetts Amherst  
Scheduling a Windstar / Tax Treaty Appointment

You will receive a window confirming the date/time of your appointment. A confirmation e-mail including date/time & location will also be sent to the e-mail address you provided!

Don’t forget to “Sign Out” when you are done

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You can log onto HRCal to change or cancel your future appointment at any time.

When you come to your appointment, don’t forget to bring:

- Your Social Security (SS) Card
- Passport
- Visa
- I-94
- I-20 or DS2019
- A completed Tax Information Sheet (www.umass.edu/humres/library/TaxInformationSheet20081208.pdf)
Scheduling a Windstar / Tax Treaty Appointment

Navigate the calendar to find the date on which you wish to make an appointment. Click on a blank timeslot (appointments that appear in green are taken – dates/times in light blue are not available).

Insert your information in the “New Appointment” window and click on “Create Appointment”:

You will automatically receive an emailed confirmation provided the email address you give us is valid.
Basic Facts About OBRA and the Massachusetts Deferred Compensation SMART Plan

As a part-time, seasonal or temporary employee of the Commonwealth of Massachusetts or a part-time, seasonal or temporary employee of a participating Massachusetts local government employer and not eligible to participate in the employer’s retirement program or not covered under a Section 218 Agreement, you are required to participate in the Massachusetts Deferred Compensation SMART Plan (SMART Plan). The SMART Plan is an alternative to Social Security as permitted by the federal Omnibus Budget Reconciliation Act of 1990 (OBRA). OBRA, passed by the U.S. Congress, requires that beginning July 1, 1991, employees not eligible to participate in their employer’s retirement program be placed in Social Security or another program meeting federal requirements. The SMART Plan meets those federal requirements.

Mandatory Contributions

As an OBRA employee, you must contribute at least 7.5% of your gross compensation per pay period to the SMART Plan. This contribution is deducted on a pretax basis, reducing your current taxable income. This means that you will not pay any tax on this money until it is distributed from your account.

Your human resources or payroll center representative will provide you with an OBRA Mandatory Participation Agreement. Please complete and return the form to either your human resources or payroll center representative.

Investment Option

All mandatory contributions to the SMART Plan will be invested in the SMART Capital Preservation Fund. The SMART Capital Preservation Fund is designed to protect your principal and maximize potential earnings. Your account will earn interest based upon the prevailing rates for this type of investment. Mandatory contributions may not be transferred out of the SMART Capital Preservation Fund.

Additional information regarding the SMART Capital Preservation Fund may be obtained online at www.mass-smart.com > Invest > Investment Options or via the SMART Plan Service Center at (877) 457-1900. Please consider the investment objectives, risks, fees and expenses carefully before investing. Additional disclosure documents can be obtained from your registered representative or SMART Plan website. Read them carefully before investing.

Administrative Fee

There is a fee of $14.10 per OBRA account, per annum, charged monthly. Fees are used to pay for administrative, recordkeeping, communication and investment education expenses.

Voluntary Contributions

You may make additional contributions (voluntary contributions) above the mandatory contribution of 7.5% of compensation per pay period. Any voluntary contributions that you elect to make may be invested among the SMART Plan’s wide array of investment options and are freely transferable among options in accordance with the terms of the SMART Plan. OBRA voluntary contributions will not be charged an additional administrative fee.

To set up voluntary contributions or to learn more, please contact your local SMART Plan representative at (877) 457-1900 and say “representative.”

Account Management

Once you are enrolled in the SMART Plan, you will have access to your account 24 hours a day, seven days a week through the website at www.mass-smart.com or via the SMART Plan Service Center at (877) 457-1900. All you need is your Social Security number and Personal Identification Number (PIN). Your PIN will be mailed to your home as soon as you are enrolled in the SMART Plan. To register your account for the first time, click on the “Let’s Get Started!” link.

For security purposes, you will then be asked to create a personalized username.

Through either the website or SMART Plan Service Center, you can:

- Obtain your account balance(s), allocations and transaction history.
- Obtain investment option information and returns.
- Order a new PIN or personalize your PIN.
- Update your beneficiary information as needed.

Statements

You will receive an annual statement in January of each year, showing contributions, any earnings, fees, distributions and the total value of your account. Please review your statement carefully to ensure your information is correct. It is extremely important that you keep the Plan administrator advised of your current address.

To update your address, call the SMART Plan Service Center at (877) 457-1900 or visit mass-smart.com. Once you log in to your account, click the “My Profile” tile to update your personal account information.
Distributions
Distribution of your SMART Plan benefits can only be made upon:

- Severance from employment
- Your death

Severance from employment occurs because of your voluntary or involuntary termination of employment. There is no early withdrawal penalty for taking a distribution of your account upon separation of service, regardless of your age.5

If you no longer work for the Commonwealth of Massachusetts or a Massachusetts local government employer, you may take a lump-sum distribution (payable to you or to your beneficiary upon your death) or roll over your assets into another eligible employer-sponsored plan or traditional Individual Retirement Account.6

A leave of absence is not a severance from employment. Also, a change from part-time to full-time employment, or any similar change, is not considered an event that could result in a distribution from the SMART Plan. Benefits attributable to your voluntary contribution account may be distributed under other options available under the SMART Plan.

You may elect to receive your distribution immediately upon severance from employment. For more information or to access a Distribution Request form, please contact the SMART Plan Service Center at (877) 457-1900 or visit www.mass-smart.com > Participate > Forms.

Beneficiaries and Death
If you die before receiving all of your SMART Plan assets, the funds will go to your designated beneficiary. If you do not designate a beneficiary, your funds will be paid to your estate and will be distributed in accordance with Massachusetts probate law. It is essential that you designate a beneficiary on the Enrollment form to ensure your assets will pass on as you intended.

Updating your beneficiary is quick and easy. You have two choices:

Online

Paper
Go to www.mass-smart.com > Participate > OBRA. Click on the “OBRA Mandator Beneficiary Designation form” link. Mail or fax the completed form to the address or fax number provided on the form.

You will receive a written confirmation after your beneficiary information has been updated. It is extremely important that you keep the Plan administrator advised of your beneficiary changes.

Converting to Full-Time Status
If you become a permanent, full-time employee and at one time made contributions to an OBRA mandatory account, you may elect to transfer your OBRA mandatory account to your voluntary account in the SMART Plan. In order to take advantage of this option, you cannot be actively contributing to the OBRA mandatory plan. To implement this change or to learn more, please contact your local SMART Plan representative at (877) 457-1900 and say “representative.” 3

Service Buyback
If you reach a point where you are no longer making OBRA mandatory contributions but you’re still working for a Commonwealth of Massachusetts state agency or municipality, you may be eligible for a “Service Buyback” of your credible years of service to your qualified governmental defined benefit retirement plan. Service buybacks may be funded from transferred assets from the OBRA mandatory and/or voluntary contribution accounts.

More Information
To obtain additional information, please call the SMART Plan Service Center at (877) 457-1900, from 9 a.m. to 8 p.m. Eastern time Monday through Friday.

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1 The Social Security Administration website at http://www.socialsecurity.gov/form1945 reminds state and local governmental employers of the requirement under the Social Security Protection Act of 2004 to disclose the effect of the Windfall Elimination Provision (WEP) and the Government Pension Offset (GPO) to employees hired on or after January 1, 2005, in jobs not covered by Social Security. Some jobs may not be covered under Social Security because they are not subject to mandatory coverage and there is no Section 218 agreement that covers them. The GPO provision impacts the amount of Social Security benefits received as a spouse or an ex-spouse. The WEP affects the retirement or disability benefits received under Social Security if an individual has worked for an employer who does not withhold Social Security taxes. The law requires newly hired public employees to sign a statement, Form SSA-1945, that they are aware of a possible reduction in their future Social Security benefit entitlement. A copy of Form SSA-1945 is available at http://www.socialsecurity.gov/form1945/SSA-1945.pdf.

2 Access to the SMART Plan Service Center and website may be limited or unavailable during periods of peak demand, market volatility, systems upgrades/maintenance or other reasons.

3 Representatives of GWFS Equities, Inc. are not registered investment advisors and cannot offer financial, legal or tax advice. Please consult with your financial planner, attorney and/or tax advisor as needed.

4 The account owner is responsible for keeping the assigned PIN confidential. Please contact client services immediately if you suspect any unauthorized use.

5 Withdrawals may be subject to ordinary income tax.

6 You are encouraged to discuss rolling money from one account to another with your financial advisor/planner, considering any potential fees and/or limitation of investment options.

Core securities, when offered, are offered through GWFS Equities, Inc. and/or other broker dealers.

GWFS Equities, Inc., Member FINRA/SIPC, is a wholly owned subsidiary of Great-West Life & Annuity Insurance Company.

Core investment options offered through collective trust fund. GWFS Equities, Inc., or one or more of its affiliates, may receive a fee from the investment option provider for providing certain recordkeeping, distribution and administrative services. Empower Retirement refers to products and services provided by Great-West Life & Annuity Insurance Company (GWL&A), Corporate Headquarters: Greenwood Village, CO, its subsidiaries and affiliates. The trademarks, logos, service marks, and design elements used are owned by their respective owners and are used by permission. ©2015 Great-West Life & Annuity Insurance Company. CB1096OBRAPH (04/2015) PT225748
Human Resources Self Service Instructions

View/Print Paychecks and W-2/W-2c Forms

1. Go to www.umass.edu/humres and Click on HR Direct Button

2. Use your Spire ID and password to logon to HR Direct.

Click on Self Service
3. Select Self Service and Go to Payroll and Compensation

4. Employees can view and print pay advices and their W-2 from this screen.

5. The printouts are perfectly acceptable for tax and legal purposes.

Please note: you will need to turn off your pop-up blocker (or temporarily allow pop-ups) in order to view your paycheck or W-2 via HR Direct. Information about using your pop-up blocker is available on-line at: www.umass.edu/af/systems/files/HRDirect/Allowing%20Pop-up%20Windows.pdf
1) Why am I receiving this notice about health insurance marketplaces?

The federal Affordable Care Act (ACA) requires that all employees receive this notice to help you understand health insurance Marketplaces, which were set up to make it easier for consumers to compare health insurance plans and enroll in coverage. In Massachusetts, the state Marketplace is known as the Massachusetts Health Connector. When key parts of the national health reform law take effect in January 2014, the Health Connector will provide an easy way for many individuals and small businesses in Massachusetts to buy health insurance. This notice provides some basic information about the Health Connector, and how coverage available through the Health Connector relates to any coverage that may be offered by your employer. You can find out more by visiting: MAhealthconnector.org, for non-Massachusetts residents, Healthcare.gov or (1-800-318-2596; TTY: 1-855-889-4325).

2) What is the ACA provision that requires this notice?

The Commonwealth of Massachusetts is required by law (§ 1512 of the ACA, which creates 29 U.S.C. 218b) to provide you the information contained in this notice. On January 1, 2014, the Affordable Care Act (ACA) will be implemented in Massachusetts and across the nation. The ACA will bring many benefits to Massachusetts and its residents, helping us expand coverage to more Massachusetts residents, making it more affordable for small businesses to offer their employees’ healthcare, and providing additional tools to help families, individuals and businesses find affordable coverage.

3) What is the Massachusetts Health Connector?

The Health Connector is our state’s health insurance Marketplace. It is designed to help individuals, families, and small businesses find health insurance that meets their needs and fits their budget. The Health Connector offers "one-stop shopping" to easily find and compare private health insurance options from the state’s leading health and dental insurance companies. Some individuals and families may also qualify for a new kind of tax credit that lowers their monthly premium right away, as well as cost sharing reductions that can lower out-of-pocket expenses. This new tax credit is enabled by §26B of the Internal Revenue Service (IRS) Code.

Open enrollment for individuals and families to buy health insurance coverage through the Health Connector begins Oct. 1, 2013, for coverage starting as early as Jan. 1, 2014. (And in future years, open enrollment will begin every Oct. 15.) You can find out more by visiting MAhealthconnector.org or calling 1-877-MAENROLL (1-877-623-6765).

4) Am I eligible for shopping in the Marketplace (the Health Connector)?

You may or may not qualify for health insurance through the Health Connector. If you are offered coverage by the Commonwealth of Massachusetts that is considered “affordable” and meets a “minimum value” standard according to federal definitions (see below), you most likely will not qualify for the subsidized coverage offered through the Health Connector described in this notice. Most benefitted state employees may not shop for subsidized coverage in the Marketplace; the exception is that some employees who live outside Massachusetts may be eligible. However, it may still be helpful for you to read and understand the information in the notice and Q&As.
5) Can I qualify for federal and state assistance that reduces my health insurance premiums and out-of-pocket expenses through the Health Connector?

Depending on your income, you may qualify for federal and/or state tax credits and other subsidies that reduce your premiums and lower your out-of-pocket expenses if you shop through the Health Connector. You can find out more about the income criteria for qualifying for these subsidies by visiting the MAhealthconnector.org or by calling 1-877-MAENROLL (1-877-623-6765).

6) Does access to employer-based health coverage affect my eligibility for subsided health insurance through the Health Connector?

An offer of health coverage from the Commonwealth of Massachusetts could affect your eligibility for these credits and subsidies through the Health Connector. If your income meets the eligibility criteria, you will qualify for credits and subsidies through the Health Connector if:

- You are not eligible for health benefits through the Commonwealth of Massachusetts in its role as your employer, or
- You are eligible for health benefits through the Commonwealth of Massachusetts in its role as your employer, but:
  - The individual premium for the least expensive health plan for which you are eligible costs more than 9.5 percent of your household income for the year; or
  - The coverage the Commonwealth of Massachusetts provides does not meet the “minimum value” standard set by the new national health reform law (which says that the plan offered has to cover at least 60 percent of total allowed costs). Please note that in 2014, all GIC plans meet “minimum value” standards.

If you purchase a health plan through the Health Connector instead of accepting health coverage offered by the Commonwealth of Massachusetts, please note that you will lose the employer contribution for your health insurance. Also, please note that the amount that you and your employer contribute to your employer-sponsored health insurance is often excluded from federal and state income taxes.

7) Am I eligible for GIC health benefits?

The Commonwealth offers benefited employees health coverage through the Group Insurance Commission (GIC). To be eligible for GIC health insurance, a state employee must work a minimum of 18¾ hours in a 37.5 hour workweek or 20 hours in a 40 hour workweek. The employee must contribute to a participating GIC retirement system, such as the State Board of Retirement, a municipal retirement board, the Teachers Retirement Board, the Optional Retirement Pension System for Higher Education, a Housing, Redevelopment Retirement Plan, or another Massachusetts public sector retirement system (OBRA is not such a public retirement system for this purpose (http://www.mass.gov/anf/employee-insurance-and-retirement-benefits/ ).

8) Am I eligible for a Section 125 Plan?

Temporary employees, contractors, less-than-part time workers, and most seasonal employees are not eligible for GIC health insurance benefits. These employees must be offered a Section 125 Plan through their employer. These plans allow employees the ability to purchase health insurance on a pretax basis. This Massachusetts law (956 CMR 4.00, authorized by M.G.L. c. 176Q, §16) requires employers to provide an option for their employees to buy health insurance with pre-tax income, even if those employees do not qualify for a health insurance plan offered by the employer. This is done by setting up a payroll deduction that lets workers make a health insurance premium payment with pre-tax dollars. The Commonwealth’s employees can enroll in the Section 125 plan that is administered through Mosaic, Inc. (www.mosaicix.com).

9) Who should I contact if I have questions about my employment status, eligibility, or any other information?

If you have questions or need further information, send an email to healthmarketplacenotice@massmail.state.ma.us or contact your HR department or GIC Coordinator.
Health Insurance for UMass Eligible Employees

Commonwealth Choice
Your Connection to Good Health

If you are not eligible to receive state-subsidized health insurance through the Group Insurance Commission (GIC), you can purchase health insurance on a post-tax basis from the state’s Health Connector Commonwealth Choice programs. Commonwealth Choice offers a broad selection of brand-name health plans. All have earned the Health Connector’s Seal of Approval for affordability and quality.

*For more information about eligibility, enrollment and effective dates of coverage, visit the GIC website at mass.gov/gic/.

To learn more about Commonwealth Choice options -

1. Go to MAhealthconnector.org or call 1-877-MA-ENROLL (1-877-623-6765)
2. During your enrollment process you may be prompted to provide the UMass Employer Identification Number: 152368
3. Compare benefits, prices and enroll
4. You will be invoiced at home for your insurance premiums. Pay those invoices timely to keep insurance in tact.

Remember...
Most Massachusetts residents age 18 or older must have health insurance or pay a significant tax penalty.

To learn more...Go to www.MAhealthconnector.org.
Or call 1-877-MA-Enroll (1-877-623-6765) Monday-Friday 8:30am - 5:00pm. The TTY for hearing or speech-impaired callers is 888-213-2763.
Summary of the Conflict of Interest Law for State Employees

This summary of the conflict of interest law, General Laws chapter 268A, is intended to help state employees understand how that law applies to them. This summary is not a substitute for legal advice, nor does it mention every aspect of the law that may apply in a particular situation. State employees can obtain free confidential advice about the conflict of interest law from the Commission's Legal Division. State agency counsel may also provide advice.

The conflict of interest law seeks to prevent conflicts between private interests and public duties, foster integrity in public service, and promote the public's trust and confidence in that service by placing restrictions on what state employees may do on the job, after hours, and after leaving public service, as described below. The sections referenced below are sections of G.L. c. 268A.

When the Commission determines that the conflict of interest law has been violated, it can impose a civil penalty of up to $10,000 ($25,000 for bribery cases) for each violation. In addition, the Commission can order the violator to repay any economic advantage he gained by the violation, and to make restitution to injured third parties. Violations of the conflict of interest law can also be prosecuted criminally.

I. Are you a state employee for conflict of interest law purposes?

You do not have to be a full-time, paid state employee to be considered a state employee for conflict of interest purposes. Anyone performing services for a state agency or holding a state position, whether paid or unpaid, including full- and part-time state employees, elected officials, volunteers, and consultants, is a state employee under the conflict of interest law. An employee of a private firm can also be a state employee, if the private firm has a contract with the state and the employee is a "key employee" under the contract, meaning the state has specifically contracted for her services. The law also covers private parties who engage in impermissible dealings with state employees, such as offering bribes or illegal gifts.

II. Applying for State Employment. (See Section 6B)

State agencies reviewing employment applications are required to request, and applicants for state employment are required to disclose, information about applicants' family members who are already employed by the state. Every applicant for state employment must disclose, in writing, the names of any state employee who is related to the applicant as spouse, parent, child, sibling, or the spouse of the applicant's parent, child, or sibling.

III. On-the-job restrictions.

(a) Bribes. Asking for and taking bribes is prohibited. (See Section 2)

A bribe is anything of value corruptly received by a state employee in exchange for the employee being influenced in his official actions. Giving, offering, receiving, or asking for a bribe is illegal.
Bribes are more serious than illegal gifts because they involve corrupt intent. In other words, the state employee intends to sell his office by agreeing to do or not do some official act, and the giver intends to influence him to do so. Bribes of any value are illegal.

(b) Gifts and gratuities. Asking for or accepting a gift because of your official position, or because of something you can do or have done in your official position, is prohibited. (See Sections 3, 23(b)(2), and 26)

State employees may not accept gifts and gratuities valued at $50 or more given to influence their official actions or because of their official position. Accepting a gift intended to reward past official action or to bring about future official action is illegal, as is giving such gifts. Accepting a gift given to you because of the state position you hold is also illegal. Meals, entertainment event tickets, golf, gift baskets, and payment of travel expenses can all be illegal gifts if given in connection with official action or position, as can anything worth $50 or more. A number of smaller gifts together worth $50 or more may also violate these sections.

Example of violation: A highway inspector allows a pavement contractor to buy him lunch every day during a two-month road repaving project.

Example of violation: An industry association provides a free day's social outing, including a barbecue lunch, golf, a cocktail hour, and a clam bake, to a group of legislators.

Regulatory exemptions. There are situations in which a state employee's receipt of a gift does not present a genuine risk of a conflict of interest, and may in fact advance the public interest. The Commission has created exemptions permitting giving and receiving gifts in these situations. One commonly used exemption permits state employees to accept payment of travel-related expenses when doing so advances a public purpose and a written disclosure is made. Another commonly used exemption permits state employees to accept payment of costs involved in attendance at educational and training programs. Other exemptions are listed on the Commission's website.

Example where there is no violation: A non-profit concerned with preventing domestic violence offers to pay the travel expenses of an assistant district attorney to a conference on prosecuting domestic violence cases. The attorney fills out a disclosure form and obtains prior approval from his appointing authority.

Example where there is no violation: A professional engineers' association offers a continuing education seminar of substantial value and waives the registration and materials fees for state employees who are engineers. The state engineers must make a disclosure only if the sponsoring entities have official business before them during the six months before and after the seminar.

(c) Misuse of position. Using your official position to get something you are not entitled to, or to get someone else something they are not entitled to, is prohibited. Causing someone else to do these things is also prohibited. (See Sections 23(b)(2) and 26)
A state employee may not use her official position to get something worth $50 or more that would not be properly available to other similarly situated individuals. Similarly, a state employee may not use her official position to get something worth $50 or more for someone else that would not be properly available to other similarly situated individuals. Causing someone else to do these things is also prohibited.

**Example of violation**: A state employee writes a novel on work time, using her office computer, and directing her secretary to proofread the draft.

**Example of violation**: The commissioner of a state agency directs subordinates to drive her wife to and from the grocery store.

**Example of violation**: An assistant attorney general avoids a speeding ticket by asking the police officer who stops him, "Do you know who I am?" and showing his state I.D.

**(d) Self-dealing and nepotism. Participating as a state employee in a matter in which you, your immediate family, your business organization, or your future employer has a financial interest is prohibited. (See Section 6)**

A state employee may not participate in any particular matter in which he or a member of his immediate family (parents, children, siblings, spouse, and spouse's parents, children, and siblings) has a financial interest. He also may not participate in any particular matter in which a prospective employer, or a business organization of which he is a director, officer, trustee, or employee has a financial interest. Participation includes discussing as well as voting on a matter, and delegating a matter to someone else.

A financial interest may create a conflict of interest whether it is large or small, and positive or negative. In other words, it does not matter if a lot of money is involved or only a little. It also does not matter if you are putting money into your pocket or taking it out. If you, your immediate family, your business, or your employer have or has a financial interest in a matter, you may not participate. The financial interest must be direct and immediate or reasonably foreseeable to create a conflict. Financial interests which are remote, speculative or not sufficiently identifiable do not create conflicts.

Neither general legislation nor home rule legislation are "particular matters" for purposes of the conflict of interest law. A state employee can participate in general legislation and home rule legislation even if she has a financial interest in such legislation, but state legislators and constitutional officers must file a disclosure if the matter will substantially affect their financial interests, and any state employee must file a disclosure if a reasonable person would think that the employee could be improperly influenced.

**Example of violation**: The chief administrative officer of a state agency, who has a balance of 900 hours in accumulated sick leave, proposes a plan by which the agency will pay employees for accumulated sick leave.
**Example of violation**: An employee of the Massachusetts Cultural Council is also the director of a non-profit corporation dedicated to increasing art in public spaces. The non-profit applies to the Council for a grant, and the employee participates in rating the applications received for that grant.

**Example of violation**: A state employee promotes his son to a position under his supervision.

**Example where there is no violation**: Proposed legislation under consideration by the State Senate will amend the General Laws with respect to insurance coverage of ocean front property. A State Senator owns ocean front property in Cape Cod. The Senator can discuss and vote on the legislation because it is general legislation, but must file a disclosure because the legislation will substantially affect her financial interest.

A state employee whose duties do not require her to participate in a particular matter may comply with the law by simply not participating in the particular matter in which she has a financial interest. She need not give a reason for not participating.

An appointed state employee may also comply with the law by filing a written disclosure about the financial interest with his appointing authority, and seeking permission to participate notwithstanding the conflict. If a state employee's duties would require him to participate in a matter in which he has a financial interest, this is the procedure he should use. The appointing authority may grant written permission to participate if she determines that the financial interest in question is not so substantial that it is likely to affect the integrity of the employee's services to the state. Otherwise, the appointing authority will assign the matter to someone else, or do it herself. Participating without disclosing the financial interest is a violation. Elected employees cannot use the disclosure procedure because they have no appointing authority.

**Regulatory exemptions**. The Commission has created exemptions permitting state employees to participate in particular matters notwithstanding the presence of a financial interest in certain very specific situations when permitting them to do so advances a public purpose. A person serving as a member of a state board pursuant to a legal requirement that the board have members with a specified affiliation may participate fully in determinations of general policy by the board, even if the entity with which he is affiliated has a financial interest in the matter. A state elected official may participate in a particular matter that involves a determination of general policy where her financial interest in the matter is shared with a substantial segment of the public, as defined in the Commission's regulation. Other exemptions are listed on the Commission's website.

**Example where there is no violation**: A state licensing board is required by its enabling legislation to have members with various specified affiliations, including members licensed by the board, and members involved in providing training required for licensure. Board members wish to participate in board discussions about imposing a continuing education requirement on licensees. Compliance with the proposed requirement will cost every licensee several hundred dollars per year. Board members who are licensees and who provide training required for licensure may participate in the determination of the continuing education requirement notwithstanding their financial interests in that matter, because it is a determination of general policy.
(e) False claims. Presenting a false claim to your employer for a payment or benefit is prohibited, and causing someone else to do so is also prohibited. (See Sections 23(b)(4) and 26)

A state employee may not present a false or fraudulent claim to his employer for any payment or benefit worth $50 or more, or cause another person to do so.

Example of violation: A state agency manager directs his secretary to fill out time sheets to show him as present at work on days when he was skiing.

(f) Appearance of conflict. Acting in a manner that would make a reasonable person think you can be improperly influenced is prohibited. (See Section 23(b)(3))

A state employee may not act in a manner that would cause a reasonable person to think that she would show favor toward someone, or that she can be improperly influenced. Section 23(b)(3) requires a state employee to consider whether her relationships and affiliations could prevent her from acting fairly and objectively when she performs her duties for the state. If she cannot be fair and objective because of a relationship or affiliation, she should not perform her duties. However, a state employee, whether elected or appointed, can avoid violating this provision by making a public disclosure of the facts. An appointed employee must make the disclosure in writing to his appointing official.

Example where there is no violation: A state agency employee is engaged to be married to the owner of a business. The business owner submits a response to a request for proposals from the agency. A reasonable person could conclude that the employee might favor her fiance's response. The employee files a written disclosure with her appointing authority explaining her relationship with her fiance prior to the meeting at which responses to the RFP will be considered. There is no violation of Section 23(b)(3).

Example where there is no violation: The State House of Representatives is considering legislation which will create a general law that sets a maximum limit on insurance premiums paid by obstetricians. A State Representative is married to an obstetrician who will be affected by the proposed legislation. The Representative can participate in the matter but files a disclosure of his wife's interest to eliminate any appearance of a conflict. There is no violation.

(g) Confidential information. Improperly disclosing or personally using confidential information obtained through your job is prohibited. (See Section 23(c))

State employees may not improperly disclose confidential information, or make personal use of non-public information they acquired in the course of their official duties to further their personal interests.

IV. After-hours restrictions.
(a) Taking a second paid job that conflicts with the duties of your state job is prohibited. (See Section 23(b)(1))

A state employee may not accept other paid employment if the responsibilities of the second job are incompatible with his or her state job.

Example: A state police trooper may not work as a paid private security guard in the area where he serves because the demands of his private employment would conflict with his duties as a trooper.

Example: A State Senator may not take a second position counseling clients on how to receive favorable consideration in the Massachusetts Senate.

(b) Divided loyalties. Receiving pay from anyone other than the state to work on a matter involving the state is prohibited. Acting as agent or attorney for anyone other than the state in a matter involving the state is also prohibited whether or not you are paid. (See Section 4)

Because the Commonwealth is entitled to the undivided loyalty of its employees, a state employee may not be paid by other people and organizations in relation to a matter in which the state has an interest. In addition, a state employee may not act on behalf of other people and organizations or act as an attorney for other people and organizations if the state has an interest in a matter. Acting as agent includes contacting the state in person, by phone, or in writing; acting as a liaison; providing documents to the state; and serving as spokesman.

A state employee may always represent his own personal interests, even before his own state agency or board, on the same terms and conditions that would apply to other similarly situated members of the public.

Section 4 applies differently to State Senators and State Representatives than it does to other state employees, because they must frequently act on behalf of their constituents. Section 4 allows State Senators and State Representatives to perform constituent services, but prohibits them from appearing personally before state agencies for compensation other than their legislative salaries except on ministerial matters such as filing tax returns, permit and license applications, and incorporation papers, and in state court proceedings and quasi-judicial agency proceedings.

Example of violation: A state employee makes inquiries to another state agency about an investigation that the second state agency is conducting of his wife.

Example of violation: A state advisory commission member participates in matters at his agency that affect one of his private clients, and is compensated by the client for his work on its behalf.

Example where there is no violation: A State Senator is contacted by a constituent who has applied for benefits to a state agency, has not received a timely determination by the agency, and cannot get his calls to the agency returned. The Senator may call the agency on the constituent's behalf to inquire about the matter. The Senator's aide may also call the agency on the constituent's behalf to inquire about the matter without violating Section 4.
While many state employees earn their livelihood in state jobs, some state employees volunteer their time to the state or receive small stipends. Others may serve in a part-time state position which permits them to have other personal or private employment during normal working hours. In recognition of the need not to unduly restrict the ability of volunteers and part-time employees to earn a living, the law is less restrictive for these "special" state employees than for other state employees.

If a state position is a "special" state position, an employee holding that position may be paid by others, act on behalf of others, and act as attorney for others with respect to matters before state agencies other than his own, provided that he has not officially participated in the matter, and the matter is not now, and has not within the past year been, under his official responsibility, and is not pending before his own state agency.

*Example*: A part-time investigator for a state agency may work on her own time privately for a party litigating a case with a different state agency, provided that she has not participated in or had responsibility for the litigated matter in her state position.

(c) *Inside track.* Being paid by the state, directly or indirectly, under some second arrangement in addition to your job is prohibited, unless an exemption applies. (See Section 7)

A state employee generally may not have a financial interest in a state contract, including a second state job. A state employee is also generally prohibited from having an indirect financial interest in a contract that the state has with someone else. This provision is intended to prevent state employees from having an "inside track" to further financial opportunities.

*Example of violation*: A paid state employee accepts paid employment with a second state agency.

*Example of violation*: A paid state employee buys a surplus computer from his agency.

*Example of violation*: A state employee wants to work for a non-profit that receives funding under a contract with the state. Unless she can satisfy the requirements of an exemption under Section 7, she cannot take the job.

There are numerous exemptions. Some exemptions apply only to special state employees. Specific exemptions may cover State Senators and State Representatives, teaching and related activities in state facilities, serving as an uncompensated volunteer in a second state position, providing services to state agency clients, and other specific situations. Please call the Ethics Commission's Legal Division for advice about a specific situation.

**V. After you leave state employment. (See Section 5)**

(a) *Forever ban.* After you leave your state job, you may never work for anyone other than the state on a matter that you worked on as a state employee.
If you participated in a matter as a state employee, you cannot ever be paid to work on that same matter for anyone other than the state, nor may you act for someone else, whether paid or not. The purpose of this restriction is to bar former employees from selling to private interests their familiarity with the facts of particular matters that are of continuing concern to the state. The restriction does not prohibit former state employees from using the expertise acquired in government service in their subsequent private activities.

_Example of violation_: A former state employee works for a contractor under a contract that she helped to draft and oversee for the state.

**(b) One year cooling-off period. For one year after you leave your state job you may not participate in any matter over which you had official responsibility during your last two years of public service.**

Former state employees are barred for one year after they leave state employment from personally appearing before any agency of the state in connection with matters that were under their authority in their prior state positions during the two years before they left.

_Example_: A state employee negotiates a three-year contract with a company. The manager who supervised the employee, and had official responsibility for the contract but did not participate in negotiating it, leaves her job to work for the company to which the contract was awarded. The former manager may not call or write the state in connection with the company's work on the contract for one year after leaving the state.

A former state employee who participated as such in general legislation on expanded gaming and related matters may not become an officer or employee of, or acquire a financial interest in, an applicant for a gaming license, or a gaming licensee, for one year after his public employment ceases.

**(c) Partners. Your partners will be subject to restrictions while you serve as a state employee and after your state service ends.**

Partners of state employees and former state employees are also subject to restrictions under the conflict of interest law. If a state employee participated in a matter, or if he has official responsibility for a matter, then his partner may not act on behalf of anyone other than the state or provide services as an attorney to anyone but the state in relation to the matter.

_Example_: An architect serves on the state Architectural Access Board, and is responsible for every matter that comes before the Board. While he serves, his partners may not submit architectural plans for any clients seeking a variance from the Board.

_Example_: A former state agency general counsel joins a law firm as a partner. Her new partners cannot represent any private clients in connection with matters she litigated for the state for one year after her job with the state ended.
Example: A professional engineer formerly employed by a state agency joins an engineering firm organized as a partnership. His new partners cannot appear before his former agency in connection with matters that he worked on for the state for one year after his job with the state ended.

(d) Legislative and executive agents. For one year after you leave your state job you may not act as a legislative or executive agent before your former agency.

Example of violation: The chief of staff of a State Senator leaves his position. Three months later, he contacts his successor to lobby on behalf of a client.

* * * * *

This summary is not intended to be legal advice and, because it is a summary, it does not mention every provision of the conflict law that may apply in a particular situation. You can find further information about how the law applies in many situations elsewhere on this website. You can also contact the Commission's Legal Division via this website, by telephone, or by letter.

Version 7: Revised May 10, 2013
SEXUAL HARASSMENT POLICY AND PROCEDURES

UNIVERSITY OF MASSACHUSETTS AMHERST

EQUAL OPPORTUNITY & DIVERSITY OFFICE
243 LEDERLE GRC LOWRISE
TELEPHONE: (413) 545-3464 (v/tty)
EMAIL: eod@admin.umass.edu
WEB: www.umass.edu/eod

Updated: March, 2014
POLICY

The University of Massachusetts Amherst is committed to providing faculty, staff and students with an environment where they may pursue their careers or studies without being sexually harassed. Sexual harassment of or by any member of the University community is unacceptable and will not be tolerated. It is illegal and constitutes a violation of Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Massachusetts G.L.c.151B and 151C.

For the purposes of this policy, it is defined as follows:

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

Examples of sexual harassment include, but are not limited to the following:

- repeated unwanted sexual flirtations, advances or propositions;
- continued or repeated verbal abuse or innuendo of a sexual nature;
- uninvited physical contact such as touching, hugging, patting, brushing or pinching;
- verbal comments of a sexual nature about an individual's body or sexual terms used to describe an individual;
- display of pictures, posters or cartoons that a reasonable person would find offensive or sexually suggestive;
- continued or repeated jokes, language, epithets or remarks of a sexual nature;
- prolonged staring or leering;
- making obscene gestures or suggestive or insulting sounds;
- demand for sexual favors accompanied by an implied or overt threat concerning an individual's employment or academic status or promises of preferential treatment;
- indecent exposure.

In determining whether an alleged incident constitutes sexual harassment, those entrusted with administering this policy will look at the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The final decision regarding a suitable penalty will be made from the finding of fact on a case-by-case basis and from any record of previous sexual harassment by the Respondent.

The Equal Opportunity and Diversity Office, 243 Lederle GRC Lowrise (545-3464) will be responsible for administering this policy and its procedures. The Executive Director for Equal
Opportunity and Diversity will serve as Chair of the Sexual Harassment Board (see Section VIII.A. for a description of this Board and its responsibilities) but may delegate all or part of this role to a designee. In such instances, overall decision making authority for matters related to this policy and procedures will continue to rest with the Executive Director for Equal Opportunity and Diversity. The Equal Opportunity and Diversity Office, in concert with the Chancellor, the Deputy Chancellor, and Vice Chancellors will see that all supervisors on the Amherst campus receive information and training concerning sexual harassment and the responsibilities of supervisors when complaints are received.

**PROCEDURES**

**I. Purpose and Scope**

This grievance procedure is intended to provide a fair, prompt and reliable determination about whether the University's sexual harassment policy has been violated. Anyone who, at the time of the alleged harassment, was either employed by or enrolled at the University of Massachusetts Amherst may file a complaint alleging violation of this policy. Specific procedures for complaint processing will be determined consistent with the exceptions noted in the last paragraph of this section. No University employee or student is exempt from the jurisdiction of this policy.

In most instances, complaints will be initiated by the target of the alleged harassment. However, the University reserves the right to initiate a formal grievance (or to continue processing a complaint even after a request to withdraw has been submitted by the Complainant in accordance with Section IV) when, in the opinion of the Chair of the Sexual Harassment Board, it is appropriate to do so. In such instances the Chair of the Sexual Harassment Board, in consultation with the Chancellor, will designate who will present the University's case.

As in any grievance procedure justice requires that the legal rights, as well as the right to academic freedom, of the Complainant and the Respondent be fully assured. The University will make every effort to protect these rights and will knowingly undertake no action that threatens or compromises them. Notwithstanding, nothing in these procedures is intended to prevent the University administration from taking appropriate interim measures to protect one or more of the parties until such time final adjudication regarding the complaint has been reached.

This procedure is not intended to impair or limit the right of anyone to seek a remedy available under state or federal law. A Complainant may file a complaint with an external agency to meet state and federal agency deadlines without jeopardizing his or her right to a University hearing. (See Section XI.) Upon official notification that an individual has filed with an external agency, the University will inquire if the Complainant wishes to continue with the internal grievance process. Should the Complainant seek to discontinue the internal process, the University will nonetheless continue to fact find and take appropriate measures.

If the Respondent is a member of the Chancellor’s staff, the Deputy Chancellor will serve the role described for the Respondent’s Vice Chancellor in this procedure. If the Respondent is the Deputy Chancellor, the Chancellor will serve the role described for the Respondent’s Vice
Chancellor. If the Respondent is the Chancellor, the matter shall be referred to the President’s Office. [Note: In all instances throughout this document where the term Vice Chancellor is used, it will be understood that the term also refers to the Deputy Chancellor or Chancellor, whichever is appropriate.]

When the Respondent in a formal grievance is an undergraduate or graduate student, the Complainant should contact the Dean of Students Office, 227 Whitmore Building (545-2684); all such complaints will be handled in accordance with procedures as described in the Code of Student Conduct. In instances in which a Respondent is both a student and an employee, the Chair of the Sexual Harassment Board shall review the circumstances of the case and determine which grievance procedure is appropriate.

II. Confidentiality

All parties involved in any aspect of this process will act at all times to preserve the confidentiality of these proceedings. Information will be shared with those individuals who have a legitimate and operational need to be informed, and to the extent that it is necessary to maintain the effectiveness of this process. Individuals found to have violated the confidentiality of this process may be subject to disciplinary proceedings consistent with the provisions of their collective bargaining agreement or other applicable administrative rules and regulations.

III. Deadlines

A Complainant will have twelve months following an incident to initiate a complaint under this policy and procedures unless he or she can show good reason for having that deadline waived. Requests for exceptions to the filing deadline must be made in writing to the Chair of the Sexual Harassment Board who will render a decision in writing following his or her review of the request. Legal counsel may be consulted in making this determination.

In some instances, particularly when a pattern of behavior is the subject of the complaint, supporting evidence may include reports of behavior that occurred outside of the twelve month filing deadline. In these instances, a written request for an exception is not required; however, the Chair of the Sexual Harassment Board may be asked by the Respondent to rule on the admissibility of such evidence. The decision of the Chair in these instances is final.

Failure to meet any of the deadlines stipulated in this procedure will not result in a decision by default or prevent the process from continuing.

IV. Requirements for Participation & Withdrawals

If a Respondent fails to answer a charge or to participate in this process, the Chair of the Sexual Harassment Board will notify his or her Vice Chancellor of that fact. Failure to respond to a claim or to appear at a hearing will be considered a breach of responsibility and could result in disciplinary action. Furthermore, a Respondent will not prevent this process from proceeding by
his or her silence or absence; failure to respond to a complaint or to appear at a hearing may result in the process proceeding solely on the basis of the Complainant's testimony and evidence.

A Complainant may request to withdraw a formal grievance after it has been filed by submitting written reasons for the withdrawal to the Chair of the Sexual Harassment Board. The Chair will be responsible for notifying the Respondent of the request to withdraw. The Respondent must provide written agreement to the withdrawal before the charges are dropped. A Respondent who does not agree to the withdrawal request must provide written reasons to the Chair of the Sexual Harassment Board who, after consultation with appropriate administrators including, where necessary, legal counsel, will issue a written determination to the parties regarding the status of the claim. A Complainant may not interrupt the process simply by failing to appear at the hearing or other required meetings. Failure to appear may result in the hearing proceeding solely on the basis of the Respondent’s testimony and evidence.

None of the above actions should be construed to impinge upon the right of the University to initiate or continue a claim in spite of a request to withdraw when, in the opinion of the Chair of the Sexual Harassment Board, the allegations are sufficiently egregious to merit further action on the part of the University. The alleged victim will be relied upon to serve as a witness under these circumstances.

**V. Retaliation**

No individual shall be retaliated or discriminated against for participating in these procedures. Any act of retaliation directed against person(s) participating in these procedures is illegal. Complaints of retaliation should be addressed to the Executive Director for Equal Opportunity & Diversity who will determine the appropriate action.

**VI. Penalties**

The penalties for those found to have violated this policy may include, but will not be limited to, any one or combination of the following: verbal admonition, written warning placed in the personnel file, probation, suspension without pay, demotion, removal from administrative duties, and dismissal. Any disciplinary measures imposed will be consistent with applicable union contractual provisions.

**VII. Filing Sexual Harassment Complaints**

The University recognizes that it has a responsibility to provide a procedure for rapid and equitable resolution of all sexual harassment complaints. In many instances, resolution can be reached without the need for formal measures. The goal in all instances is to ensure that inappropriate and offensive behavior is stopped. To assist Complainants in resolving sexual harassment complaints, the University has established both informal and formal procedures, and has identified a group of individuals, “Complaint Handlers”, (see Appendix A) who can advise parties of appropriate options and procedures. In addition, the University has identified volunteers from the University community who are willing to serve as “Support and Referral Contacts” (see
Appendix B); Support and Referral Contacts, who can serve the needs of either Complainants or Respondents, are available to accompany participants to meetings or formal hearings and can provide support throughout the process.

VII.A. Initiating a Complaint

Complainants may initially consult with a Support and Referral Contact (see Appendix B) who can provide information about the complaint handling system and options available for resolution. Individuals may alternatively initiate discussions regarding a potential complaint directly with their departmental supervisor; department head or chair; or similarly situated administrator with line authority (these individuals may collectively be referred to as “Complaint Handlers”; see Appendix A of this document); or Complainants may directly contact the Equal Opportunity & Diversity Office (EO&D). [Note: The Appendices referred to in this paragraph will be updated annually and widely published.] All of the above-named individuals can provide advice regarding available options and procedures, and assist in determining how to proceed with the complaint (i.e. informally or formally).

The Complaint Handler (initial intake person as identified in the preceding paragraph) will assess the matter; determine what immediate action must be taken; and advise the Complainant about how to proceed – informally, using one of the methods described in Section VII.B.1-3 or formally, using the methods described in Sections VII.C and VIII.

The Complaint Handler may also consult with the Chair of the Sexual Harassment Board to determine the appropriateness of proceeding under these procedures. The Chair of the Sexual Harassment Board has the authority to discontinue processing a complaint. This decision is final and not subject to appeal.

The Complaint Handler, in consultation with the Chair of the Sexual Harassment Board, will identify the appropriate fact finding mechanism. Fact-finding will be done either internally (by a University staff member) or externally (by a person whose services will be retained specifically for this purpose). When fact-finding results in a written report, this report will be forwarded to the Chair of the Sexual Harassment Board and may later be introduced into the record during a formal hearing process.

Complaint Handlers must file a written report of all complaints, regardless of their disposition, with the Equal Opportunity and Diversity Office who will maintain a record of all informal complaints and formal grievances. Such record will include Complainants' and Respondents' names and the outcome of proceedings, including sanctions imposed if any. At the end of every academic year the EO&D Office will prepare an annual report of statistics and relevant commentary for the Chancellor. The annual report will be available to faculty, staff and students upon written request to the Equal Opportunity and Diversity Office. The annual report will not contain names, but may contain other relevant statistical data including, but not limited to, status of the parties (e.g. undergraduate or graduate student; classified or professional staff; or faculty); department or other campus affiliation; nature of the complaint; and outcome.
VII.B. Informal Resolution

In some circumstances informal resolution of a complaint prior to or instead of initiating the formal process may be more satisfactory than directly proceeding to a formal grievance. Informal resolution options include, but are not limited to, self-help; consultation and action at the department level; or mediation through the Ombuds Office.

Further information regarding the informal resolution process may be obtained from Support and Referral Contacts (see Appendix B); Complaint Handlers (see Appendix A); or by contacting the Equal Opportunity and Diversity Office (EO&D).

VII.B.1 Self-Help

The goal in any complaint process is to stop the harassing behavior. If a Complainant believes he or she is experiencing inappropriate conduct and can comfortably confront the individual responsible for the inappropriate conduct, then the following steps may be taken:

- confront the person(s) promptly;
- inform the person(s) that the conduct is offensive, intimidating, or embarrassing;
- describe the effect of this behavior;
- request that the behavior stop immediately.

The Complainant should have the above conversation with a witness present who can corroborate the exchange. If this is not possible or practical, the Complainant may write a letter incorporating the above points and give it to the person in front of a witness. The Complainant should retain a copy of this letter.

In all instances, the Complainant should document the event(s), including dates, times, places and witnesses.

If this action fails to provide the Complainant with the appropriate relief, or as an alternative to using this approach, the measures described below may be considered.

VII.B.2 Consultation and Action at the Department Level

When the Complainant cannot comfortably and directly confront the Respondent, or the behavior has continued in spite of direct confrontation, then the Complainant should report the behavior to someone in a position of authority who can intervene. Such persons include an immediate supervisor, department head or chair, or similarly situated supervisory personnel (see Section VII.A.).

VII.B.3 Mediation

It is sometimes the case that the issue under contention can be resolved through mediation. The Ombuds Office, located in Room 823 Campus Center, is available to provide mediation
services. The Ombuds Office is also prepared to provide referrals for more formal measures when circumstances warrant it.

VII.C Formal Resolution (Filing a formal grievance)

Complainants who are dissatisfied with or do not wish to utilize informal resolution should consult directly with the EO&D Office to determine the appropriateness of filing a formal grievance. Although informal resolution attempts are not required prior to filing a formal grievance, they are nonetheless encouraged.

Any individual who chooses to file a formal sexual harassment grievance may do so immediately following the incident giving rise to the complaint, or following efforts to reach an informal settlement. In no event will it be filed greater than twelve months following the incident which gave rise to the complaint unless the provisions of Section III have been met. After initially meeting with the Complainant to assess the complaint, including the appropriateness of the complaint being filed under this Policy and Procedures (see Section VII.A.), the EO&D Office will advise the Complainant of appropriate next steps.

VIII. Formal Grievance Procedure

Following appropriate initial consultation with the EO&D Office, the grievance must be submitted in writing to the Chair of the Sexual Harassment Board on an official grievance form (obtainable from the EO&D Office). The grievance must clearly and concisely state a description of the matter being complained about; it may also indicate any remedy sought. The complaint form must be signed and dated by the Complainant. The Chair of the Sexual Harassment Board will provide the Respondent and the Respondent’s Vice Chancellor with a copy of the complaint in a timely manner.

The Respondent will have ten working days to submit a written response to the EO&D Office. This statement, which must be submitted on the official form provided by the EO&D Office, will contain full and specific responses to each claim in the grievance, admitting, denying or providing a full explanation of the allegations. The response must be signed and dated by the Respondent. The Chair of the Sexual Harassment Board will forward a copy of the response to the Complainant and the Respondent's Vice Chancellor. If an investigation has not already taken place and a fact-finder’s report completed, then one will immediately commence. The Chair of the Sexual Harassment Board will appoint the fact-finder and provide the fact-finder with a copy of the response and the complaint.

The fact-finder will conduct a thorough investigation and forward a written report to the Chair of the Sexual Harassment Board as quickly as possible. The Chair of the Sexual Harassment Board will review the report to determine next steps.

When a hearing is to be held, it will be conducted in accordance with the procedures outlined below.
If, consistent with Section VII.A (paragraph 3), the Chair of the Sexual Harassment Board determines that the complaint should be dismissed and a hearing should not be held, the Chair will provide written notification of this decision to the Complainant, the Respondent, and the Respondent’s Vice Chancellor. This decision is final and not subject to appeal under these procedures.

The Chair of the Sexual Harassment Board will provide copies of the fact-finder’s report to the Complainant and the Respondent.

VIII.A. The Sexual Harassment Board

The Sexual Harassment Board consists of fifty members of the University community, appointed by the Chancellor, each for a term of three years, which may be renewed. Every effort will be made to ensure a widely representative and diverse group. The Board will include at least eight members from each of the campus’ five constituent groups, namely classified employees, faculty, graduate students, professional staff, and undergraduate students. The Chancellor will appoint remaining Board members without regard to constituent group.

Following their appointment, Board members will participate in a workshop designed to educate them about sexual harassment as well as the procedures for conducting a sexual harassment hearing.

VIII.B. The Hearing Panel

When a hearing is to be held, the Chair of the Sexual Harassment Board will appoint a three member Hearing Panel. At least one member of each Hearing Panel will be drawn from the Complainant's and Respondent's respective constituencies (that is, classified employee, faculty member, graduate or undergraduate student, or professional staff). The Chair will designate one member to serve as the Presiding Officer.

Prior to their participation in a hearing, the Chair of the Sexual Harassment Board will meet with the Hearing Panel to review sexual harassment issues and the hearing procedures.

Before the hearing is convened, the parties will receive written notification of the Panel’s appointment from the Chair of the Sexual Harassment Board. Each party to the proceeding will have the right to object to the appointment of any panel member on the grounds that that member's participation would jeopardize the party's right to a fair and reliable hearing. All objections must be submitted in writing to the Chair of the Sexual Harassment Board. The Chair of the Sexual Harassment Board will determine whether objections have merit; will judge whether a panel member will be seated; and will provide the objecting party with a written decision. This decision will be final.

The Hearing Panel will hear testimony and consider evidence related to the complaint, including the written findings of fact as prepared by the fact-finder. (These findings will be provided to the Panel along with copies of the complaint and the response prior to the hearing.)
The Panel will, on the basis of all relevant information and testimony before them, make a determination about whether the University policy on sexual harassment has been violated and, if so, will submit a recommendation for appropriate penalty and relief to the Chair of the Sexual Harassment Board. The Chair will review the Panel’s recommendation and forward it, along with appropriate commentary, to the Respondent’s Vice Chancellor.

Duties and Powers of the Presiding Officer and the Hearing Panel

The Presiding Officer will:

1. ensure an orderly presentation of all evidence;
2. ensure that the proceedings are accurately recorded; and
3. see that a fair and impartial decision based on the issues and evidence presented at the hearing is issued by the Hearing Panel.

The Hearing Panel will:

1. define issues of contention;
2. conduct a fair and impartial hearing which ensures the rights of all parties involved;
3. receive and consider all relevant evidence which reasonable people customarily rely upon in the conduct of serious business;
4. ensure that the Complainant and Respondent have full opportunity to present their positions and to present witnesses and evidence which support their positions; further, the Hearing Panel may also name individuals to appear as witnesses;
5. ask relevant questions of the Complainant, Respondent, and witnesses to elicit information which may assist the Hearing Panel in making a decision; members of the University community have a responsibility to fully cooperate with this process;
6. continue the hearing to a subsequent date if necessary to permit either party or the Panel to produce additional evidence, witnesses, or other relevant materials;
7. change the date, time or place of the hearing on its own motion or for good reason shown by either party, and with due notice to all parties;
8. permit both parties to submit written arguments following the conclusion of the hearing;
9. rule by majority vote on all questions of fact, interpretations of rules, regulations and policies, recommendations for penalties and relief, and any requests that are made during the hearing.

The Hearing Panel may consult with or have the assistance of University Legal Counsel throughout this process.

VIII.C. The Hearing

The Hearing is intended to provide a forum within which a panel of peers determines whether University policy has been violated. Both parties will be given a full and fair hearing. The proceeding, although formal, is not a court proceeding and the Hearing Panel will not be bound by the procedures and rules of evidence of a court of law. In most instances, Complainants and Respondents will be expected to speak for themselves. The Hearing Panel will hear and admit evidence which it believes is pertinent to the case.

The Hearing Panel will conduct the hearing by the following procedures:

1. The Chair of the Sexual Harassment Board will initially provide the Hearing Panel with copies of the complaint, the response, and the fact-finder’s report; the Chair will also work with the Hearing Panel and the parties to coordinate the scheduling of the hearing. A closed hearing will be held as soon as possible following the final appointment of the Hearing Panel. The Complainant and the Respondent must submit all documents they intend to introduce at the hearing, as well as the names and affiliations of their witnesses and advocates (see Section VIII.C.5) in reasonable advance of the hearing date. Actual deadlines for submissions of these materials will be established once a hearing date has been set. The Chair of the Sexual Harassment Board will ensure that the parties and the Hearing Panel receive copies of all submitted materials. Documents not submitted in advance of the hearing may be introduced into the record on the day of the hearing provided all parties and the Panel are accorded sufficient time to review the documents and respond accordingly. In this case, the party submitting the documents must provide sufficient copies for all relevant parties.

2. The Hearing Panel will convene prior to the hearing date to review the complaint, the response, the fact-finder’s report and all materials submitted by the parties. The Panel may, upon review of materials and witness lists submitted by the parties, identify additional witnesses they wish to call on the day of the hearing or request that the parties provide additional materials. The Presiding Officer will provide the parties with the names of additional witnesses and copies of all additional materials requested by the Panel as far in advance of the hearing as possible.

3. The Presiding Officer may meet with the parties prior to the hearing to review hearing procedures and to respond to any procedural matters that have arisen.
4. The Complainant and Respondent will have the opportunity to hear and respond to all testimony, to examine all evidence, and to present evidence and witnesses which advance arguments relevant to the issues in contention.

5. Each party will have the right to be accompanied and advised by two people at any stage of the proceedings. Advisors are not restricted to Support and Referral Contacts. Either one of the advisors may be an attorney. In most instances, Complainants and Respondents will be expected to speak for themselves. Advisors, including legal counsel, will not address the Hearing Panel directly except with the permission of the Panel.

6. The Chair of the Sexual Harassment Board must be advised as soon as possible, but in no event less than five working days in advance of the hearing date if either party will be accompanied by an attorney.

7. Each of the parties is responsible for informing their respective advocates and witnesses of the date, time, and place of the hearing.

8. If either party is a member of a collective bargaining unit, the advisors mentioned above may, upon the request of the party, be representatives of his or her union. However, neither party will be required to be advised by a union representative. When there is no request for union representation, the Chair of the Sexual Harassment Board will notify the appropriate union in writing that a hearing has been scheduled; the union will be allowed to send an observer.

9. The hearing will be recorded on tape by the Hearing Panel and the tapes will become the property of the University. Following the completion of the hearing, either party may have supervised access to the tapes by submitting a written request to the Chair of the Sexual Harassment Board.

The proceedings before the Hearing Panel will be as follows:

Following opening remarks, the Presiding Officer will summarize the charge(s) and ask the Respondent to either admit or challenge the allegation(s).

The Complainant will present a brief opening statement, followed by the same from the Respondent. Each party will then present their evidence and witnesses, followed by witnesses called by the Hearing Panel. Questions may be posed at any stage of the proceedings consistent with the protocol established by the Presiding Officer at the onset of the hearing process. Each party may make a brief concluding statement to the Hearing Panel.

Either party may submit a written argument following the hearing, provided he or she notifies the Presiding Officer no later than two working days after the hearing. The written argument may not introduce new information, but rather must be a summary of the information already introduced and presented. The Parties will have ten working days to submit written
arguments to the Presiding Officer. The Presiding Officer will send copies of written arguments to each party.

A Hearing Panel, by a majority vote of its members, may make other rules concerning the procedure of a hearing which it deems appropriate and consistent with this Sexual Harassment Policy.

VIII.D. Decision of the Hearing Panel

Following the hearing and submission of written arguments, if any, the Hearing Panel will convene for private deliberations to determine whether the University's policy on sexual harassment has been violated. The Panel will prepare a detailed report noting its conclusion; this report will clearly state the facts of the case and the supporting evidence; the conclusion must be fully supported by the evidence elicited at the hearing. The decision of the Hearing Panel will be submitted to the Chair of the Sexual Harassment Board as soon as possible following the completion of the Panel’s deliberations.

When the Panel finds no violation, the Chair of the Sexual Harassment Board will forward the Hearing Panel’s report along with appropriate commentary to the Respondent’s Vice Chancellor. The Vice Chancellor will review the materials and submit his or her final decision in a timely manner to the Complainant, the Respondent, and the Chair of the Sexual Harassment Board. The fact that there has been no violation will be registered in all University records pertaining to the case.

When the Panel finds a violation of the Sexual Harassment Policy has occurred, the Hearing Panel will recommend a penalty for the Respondent and relief for the Complainant if appropriate. The Chair of the Sexual Harassment Board will review the Panel’s decision and provide appropriate commentary to the Vice Chancellor. This commentary may include an adjustment to the recommended penalty if, upon review of University records, it is determined that there have been past violations of this Policy by the Respondent; specific written reasons for the adjusted penalty must be provided. The Chair will subsequently forward the Hearing Panel’s report, the complete record of the hearing, and appropriate commentary to the Respondent’s Vice Chancellor.

The Vice Chancellor will render his or her decision in writing directly to the Complainant, the Respondent, and the Chair of the Sexual Harassment Board immediately following review of all of the materials noted above. When a violation has been found, the Vice Chancellor will be responsible for determining and implementing both the penalty and relief. The Vice Chancellor's determination of penalty and relief (including the dates by which each will be implemented) will be included in the written decision submitted to the Complainant, the Respondent, and the Chair of the Sexual Harassment Board. The Chair will notify the Hearing Panel of the final decision.

Following receipt of the Vice Chancellor’s decision, the parties may request copies of any written record. Requests must be submitted in writing to the Chair of the Sexual Harassment Board.
VIII.E. Review

Within thirty days after receiving a written copy of the Vice Chancellor's decision, the Respondent, the Complainant, or the Chair of the Sexual Harassment Board may request a review by submitting a written petition to the Chancellor (who may appoint a designee to handle the review). The petition for review will set forth in detail the specific grounds upon which review is sought. The Chancellor will ensure that the Respondent's Vice Chancellor, Chair of the Sexual Harassment Board, the Hearing Panel, and the parties receive a copy of the petition. The Chancellor will review the record of the case, which includes the taped record of the hearing; documents considered by the Panel; the Panel's findings and recommendations; and any record of previous offenses. Based upon this review, the Chancellor may modify or vacate a Vice Chancellor's decision. The Chancellor may, for example, decide that the Panel's findings are unsupported by a preponderance of evidence, or that some aspect of the process violated an individual's legal rights, academic freedom, or these procedures.

The Chancellor or designee may: a) affirm or revise the decision of the Vice Chancellor; b) request specific findings from the Panel; or c) remand the case to the Chair of the Sexual Harassment Board for a new hearing before a new Hearing Panel. In the course of review, the Chancellor may consult with University Legal Counsel who will have access to the complete record of the case.

The Chancellor or designee will render a written decision in as timely a manner as possible following receipt of the petition for review and all materials relating to the grievance. The Chancellor's decision will be sent to the Respondent's Vice Chancellor, the Complainant, the Respondent, the Hearing Panel, and the Chair of the Sexual Harassment Board. The Chancellor's decision will constitute final University disposition of the matter.

IX. Records

Records of all proceedings under this Policy will be kept by the Equal Opportunity and Diversity Office and may be accessible to authorized staff as necessary. For example, records may be accessed when determining an appropriate penalty for a subsequent sexual harassment complaint; when a complaint of retaliation is made; when a decision is reviewed; or when a Respondent is a candidate for a supervisory position.

The records will also be available to University Legal Counsel for any proceeding related to these policies or procedures, whether internal to the University or in any judicial or administrative proceeding in which the University, its trustees, officers, employees or agents are a party.

X. Standard of Proof

A violation of this Sexual Harassment Policy will be found only where there is a preponderance of evidence that a violation has occurred. The Hearing Panel, the Vice Chancellors,
the Deputy Chancellor and the Chancellor will be bound to make their determinations based on this standard of proof.

**XI. State and Federal Remedies**

In addition, complaints of sexual harassment may be filed with one or more of the government agencies set forth below.

1. **EEOC - Equal Employment Opportunity Commission**
   John F. Kennedy Federal Building
   475 Government Center
   Boston, MA 02203
   (800) 669-4000
   TTY (800) 669-6820

2. **MCAD - Massachusetts Commission Against Discrimination**
   **Boston Office:**
   One Ashburton Place, Room 601
   Boston, MA 02108
   (617) 994-6000
   TTY (617) 994-6196
   **Springfield Office:**
   436 Dwight Street, Room 220
   Springfield, MA 01103
   (413) 739-2145

3. **OCR - Office for Civil Rights**
   United States Department of Education
   5 Post Office Square, 8th Floor/Suite 900
   Boston, MA 02109-3921
   Telephone: (617) 289-0111
   TTY: (800) 877-8339
Appendix A

Complaint Handlers

*Complaint Handlers* are those individuals who have been specially trained to receive complaints of sexual harassment and to advise Complainants about, and assist them in choosing, the appropriate option(s) for handling their complaint. Complaint Handlers are empowered to fact find or delegate fact-finding, and resolve complaints. Complaint Handlers will also provide information to all parties (i.e. Complainant(s) and Respondent(s)) regarding the availability of *Support and Referral Contacts* and will encourage their use.

Complaint Handlers include the following individuals: Department Heads and Chairs, Managers, Directors, Deans, Vice Chancellors and all other administrators with line authority.

Complaint Handlers will:

1. receive complaints;
2. advise Complainants about available options;
3. assist Complainants in implementing options;
4. consult with and report complaints to the EO&D Office;
5. identify and ensure the appropriate fact finding strategy;
6. make recommendations about or impose discipline as appropriate in informal cases;
7. provide recommendations to the parties about support and available resources, including the availability of Support and Referral Contacts;
8. do appropriate follow-up to ensure non-retaliation.
Appendix B

Support & Referral Contacts

Support and Referral Contacts are members of the University community who have either been nominated or volunteered to perform this function. They have been specially trained to be initial points of contact for individuals who have complaints of sexual harassment; to facilitate Complainants and Respondents in competently engaging the complaint handling system; and to provide information and advice about available resources when other areas of an individual’s life have been affected by the existence of a complaint. Support and Referral Contacts are NOT finders of fact or case managers. The names of these individuals will be published regularly in a variety of places throughout the campus.

Support and Referral Contacts will:
1. serve as the first point of contact;
2. make appropriate referrals;
3. do appropriate follow-up;
4. serve as a resource;
5. be available throughout the entire process.

These individuals can provide support and information to either Complainants or Respondents, although each will be represented by a different Support and Referral Contact. Support and Referral Contacts are available as the first point of contact whenever a complaint of sexual harassment arises and, as such, will be responsible for referring Complainants to the appropriate Complaint Handler. (Conversely, Complaint Handlers will be responsible for ensuring that the parties are aware of the support and referral services available through this group.) It is intended that Support & Referral Contacts are available to the parties throughout the entire complaint resolution process, including when a formal grievance is initiated.
MEMORANDUM

To: Faculty, Staff, and Undergraduate and Graduate Student Employees

From: Juan A. Jarrett, Assistant Vice Chancellor for Human Resources

Subject: Mandatory Ethics Requirement for All Public Employees & State Ethics Commission On-Line Training Program

Date: March 26, 2010

Massachusetts law requires mandatory ethics education and training for all public employees. All University employees must complete a State Ethics Commission on-line ethics training program within 30 days of beginning University employment and again every 2 years thereafter.

The on-line training program takes 15 to 30 minutes to complete. The training consists of twenty-five hypothetical situations involving potential conflicts of interest or other violations of the state ethics law and test general ethics knowledge and the basic requirements in matters like accepting gratuities, self-dealing and nepotism, confidentiality, and post-retirement restrictions.

To access the State Ethics Commission on-line training program, visit www.mass.gov/ethics/new-online-programs-available-december2012.html. Upon completing the on-line training program you will receive a certificate of completion. Please print out the completion certificate and mail the certificate to Human Resources, Employee Service Center, Whitmore Administration Building, room 325. You should also retain a copy for your records. You may also fax your completion certificate to 545-0483, or e-mail a scanned version of your completion certificate to hrinfo-request@admin.umass.edu.

Employees who lack regular access to a computer at their worksite may use the public access workstations in the W.E.B. DuBois Learning Commons to take the on-line training program. Employees who are unable to comply with the on-line training program requirements because of limited English fluency or reading comprehension or special needs should contact Human Resources at telephone number: 545-0380.

While the on-line training program is comprehensive, no training can cover all of the difficult ethical issues that could be encountered. The State Ethics Commission provides free, confidential legal advice about how the law applies in a particular situation. I encourage you to seek legal advice from the State Ethics Commission at 617-371-9500 and/or the Division of Human Resources if you face a potential conflict of interest.
The Small Necessities Leave Act permits eligible employees to take up to a total of 24 hours of leave within a 12-month period to attend a child’s school activity or accompany a child or elderly relative to a doctor’s appointment. The legislated effective date of this act is August 4, 1998.

- THE LAW

The Small Necessities Leave Act permits an employee leave for the following purposes:

- To participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as a parent-teacher conference or interviewing for a new school;

- To accompany a son or daughter of the employee to routine medical or dental appointments, such as check-ups or vaccinations; and

- To accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services relating to the elder’s care, such as interviewing at nursing or group homes.

The 24 hours of leave available under this benefit are in addition to the 12 weeks of leave provided for under the federal Family and Medical Leave Act. The 24 hours may be taken within the 12-month calendar year period and the time may be taken on an intermittent (i.e. 2 hours to attend a parent-teacher conference) or reduced-time schedule.

An employee is required to provide his/her department with seven (7) days’ notice of the need for the leave if the leave is foreseeable. If the necessity for the leave is not foreseeable, the employee is required to provide notice of the leave as soon as practicable.

The law provides for an unpaid leave of absence. An employee may elect to use any available accrued vacation, personal or sick leave benefits provided the use of such time is in accordance with the employee’s appropriate collective bargaining agreement.

A department may require that written certification or documentation support a request for leave under this act.

DEFINITIONS

Son or daughter … any child under 18 who is the biological child of the employee, who is adopted by the employee, or whom the employee supervises on a day to day basis and for whom the employee is financially responsible. A "son or daughter" is also a child over 18 who is incapable of self-care because of a mental or physical disability.

Elderly relative … an individual of at least 60 years of age who is related by blood or marriage to the employee, including a parent.
School … a public or private elementary or secondary school, a Head Start program, or a children’s
day care facility.

Federal Act … the Family and Medical Leave Act (FMLA) of 1993. Unless this section provides
otherwise, the terms of FMLA shall apply to leave under this section.

Eligible employee … an employee must have been employed by the University of Massachusetts
Amherst for 12 months at the time the leave is to begin.

Also an employee must have worked at the University for at least 1,250 hours during the 12-month
period prior to the beginning of the leave.

12-month period … for the purposes of FMLA and this act, the University has defined the 12-
month period as the calendar year (January 1 through December 31).

CONTINUATION OF BENEFITS

A leave of absence of no more than 24 hours may affect:

Time & Attendance Accruals

Effective date of a step-increase

Creditable service calculations for retirement

Questions regarding this benefit may be directed to the Division of Human Resources at (413) 545-6115.
University of Massachusetts Amherst
Parking Services

Our goal is to provide safe, orderly, and fair parking for employees, students and visitors to our campus. We strive to make parking on campus as convenient as possible, while promoting safe movement of vehicles, providing for pedestrian safety, and assuring free and continuous access to buildings and walkways for pedestrians and emergency vehicles.

We encourage you to take advantage of services provided to reduce the number of vehicles being parked on campus. Parking Services offers Carpool and Occasional Parker permits, while Transit Services provides extensive, free bus services.

All vehicles parked in University lots (other than pay-parking facilities) Monday through Friday between the hours of 7a.m. and 5p.m. must be registered with the University and must display an appropriate parking permit.

Where properly identified by an authorized sign, certain lots are designated as a 24 hour enforced lot and certain areas are designated for selected access only, including (but not limited to) 24 hour parking at the University Health Services, Resident Staff, State Vehicles Only, Service Vehicles Only Beyond This Point, etc. (or similar wording if not exactly so worded). These areas are reserved 24 hours daily, seven days per week. Only officially designated vehicles, or vehicles displaying the appropriate parking permit, are allowed in these areas at any time.

Should a sign be missing due to theft or other cause individuals are responsible for utilizing assigned parking lots as designated by the current regulations map (please refer to web site below.)

Pay-parking is available to employees, students, vendors, and visitors with or without a parking permit. Vehicles displaying a University parking permit and University-owned vehicles utilizing pay-parking facilities are not exempt from paying for such pay-parking.

The University is not responsible for theft of or damage to a vehicle that occurs while parked on University property.

http://parking.umass.edu/

Parking Services.................................................413.545.0065
Parking Enforcement:
Weekdays.................................................413.545.0065
Nights and Weekends .........................413.545.2121

UMass Transit Services Schedule Information........413.545.0056
www.umass.edu/transit
UMass Police:
Non-emergency...........................................413.545.2121
EMERGENCY ONLY.....................................911
**Affirmative Action and Non-Discrimination Policy Statement**

The University of Massachusetts Amherst prohibits discrimination on the basis of race, color, religion, creed, sex, age, marital status, national origin, mental or physical disability, political belief or affiliation, veteran status, sexual orientation, gender identity and expression, genetic information and any other class of individuals protected from discrimination under state or federal law in any aspect of the access to, admission, or treatment of students in its programs and activities, or in employment and application for employment. Furthermore, University policy includes prohibitions of harassment of students and employees, i.e., racial harassment, sexual harassment, and retaliation for filing complaints of discrimination.

Affirmative action in employment is required for women; racial and ethnic minorities; disabled veterans, recently separated veterans, active duty wartime or campaign badge veterans, and Armed Forces service medal veterans; and individuals with disabilities in order to address under-representation in the workforce.

Inquiries concerning applicable laws, regulations, and policies should be addressed to the Equal Opportunity and Diversity Office (EO&D), 243 Lederle Lowrise Building, main number and TTY (413) 545-3464, email: eod@admin.umass.edu, web: www.umass.edu/eod/.

The Executive Director for Equal Opportunity and Diversity, Débora D. Ferreira, is the Title IX Coordinator for the campus. Matters dealing with Title IX can be reported to EO&D at the above address. In addition, the following individuals may be contacted for Title IX related matters: Dean Enku Gelaye, Vice Chancellor for Student Affairs and Campus Life/Dean of Students, Dean of Students Office, 227 Whitmore, (413) 545-2684, email: doso@stuaf.umass.edu, web: www.umass.edu/dean_students; Becky Lockwood, Associate Director, Rape Crisis/Violence Prevention, 180 Infirmary Way, New Africa House, main number: (413) 545-0883, 24 Hour Rape Crisis Hotline: (413) 545-0800, TTY: 413-577-0940, email: ewcmail@admin.umass.edu, web: www.umass.edu/ewc/; Tom O'Donnell, Lieutenant, UMass Amherst Police Department, 585 East Pleasant Street, Amherst, MA 01003, non-emergency phone: (413) 545-2121 (Emergency: 911), email: pspmail@admin.umass.edu, web: www.umass.edu/umpd/. Inquiries regarding contact information for the Title IX Coordination Team members may be directed to the Equal Opportunity & Diversity Office. The Executive Director for Equal Opportunity and Diversity, Débora D. Ferreira, or designee, is the Title VI, Title IX, Section 504, and Americans with Disabilities Act Coordinator for the campus. This person will provide information about the University's obligations with respect to the provisions of nondiscrimination statutes including information about the requirement to provide program accessibility for persons with disabilities.

The University is committed to compliance with Title VI and Title VII of the Civil Rights Act of 1964, Title VI of the Civil Rights Act of 1968, Title I and Title II of the Civil Rights Act of 1991, the Equal Pay Act of 1963, Executive Order 11246 (1965), Title IX of the Education Amendments of 1972 and its regulations found at 34 C.F.R. part 106, Sections 503 and 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Vietnam-era Veterans Readjustment Act of 1974, the Age Discrimination Act of 1975, the Age Discrimination in Employment Act of 1967, the Family and Medical Leave Act of 1993, and with Massachusetts General Laws, Chapters 151B, 151C, and Chapter 149, all as amended. Inquiries regarding federal laws may be directed to:

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<tr>
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<tbody>
<tr>
<td>Office for Civil Rights</td>
<td>John F. Kennedy Federal Building</td>
</tr>
<tr>
<td>5 Post Office Square, 8th Fl./Suite 900</td>
<td>475 Government Center</td>
</tr>
<tr>
<td>Boston, MA 02109-3921</td>
<td>Boston, MA 02203</td>
</tr>
<tr>
<td>Telephone: (617) 289-0111</td>
<td>Telephone: (800) 669-4000</td>
</tr>
<tr>
<td>TTY: (800) 877-8339</td>
<td>TTY: (800) 669-6820</td>
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Inquiries regarding state laws may be directed to: Massachusetts Commission Against Discrimination, 436 Dwight Street, Room 220, Springfield, MA 01103. Telephone: (413) 739-2145.

Revised: March 24, 2014
EMPLOYEE RIGHTS AND RESPONSIBILITIES
UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement
FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

• for incapacity due to pregnancy, prenatal medical care or child birth;
• to care for the employee’s child after birth, or placement for adoption or foster care;
• to care for the employee’s spouse, son, daughter or parent, who has a serious health condition; or
• for a serious health condition that makes the employee unable to perform the employee’s job.

Military Family Leave Entitlements
Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegrations briefings.

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 servicemember is:

1. a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or
2. a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

*The FMLA definitions of “serious injury or illness” for current servicemembers and veterans are distinct from the FMLA definition of “serious health condition”.

Benefits and Protections
During FMLA leave, the employer must maintain the employee’s health coverage under any “group health plan” on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

Eligibility Requirements
Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months*, and if at least 50 employees are employed by the employer within 75 miles.

*Special hours of service eligibility requirements apply to airline flight crew employees.

Definition of Serious Health Condition
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.

Use of Leave
An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer’s operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave
Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer’s normal paid leave policies.

Employee Responsibilities
Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer’s normal call-in procedures.

Employers must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities
Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees’ rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee’s leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers
FMLA makes it unlawful for any employer to:

• interfere with, restrain, or deny the exercise of any right provided under FMLA; and
• discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement
An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulation 29 C.F.R. § 825.300(a) may require additional disclosures.
FICA / MEDICARE DEDUCTION

The Consolidated Omnibus Budget and Reconciliation Act (COBRA) which became law on April 1, 1986 mandates that all state government employees hired on or after April 1, 1986 are required to pay the Medicare portion of the Social Security tax. This tax is 1.45% of a person’s annual salary. The employer is required to match the employee contribution.

Regular weekly deductions will be made from the salaries of University employees subject to the Medicare deduction. An exception to the Medicare deduction may apply to individuals who are hired by the University of Massachusetts Amherst after April 1, 1986 and who are transferring from another state agency or position with continuous state service. Service at the previous state agency must have begun prior to April 1, 1986.

If you feel you should be exempted from the FICA/Medicare deduction, please inform a Human Resources staff member (Employee Service Center, Whitmore Administration Building room 325) as soon as possible.

NOTE: Although the University does not deduct full Social Security and does not require employees to use their social security number for identification purposes, we reserve the right to examine an employee’s social security card to verify that the name on the card matches the name being used for payroll purposes.
Massachusetts Right to Know

The Right to Know law, Chapter 111F of the Massachusetts General Laws, outlines the rights of employees and community residents regarding the communication of information on toxic and hazardous substances. The law does several things:

• It covers all employees and community residents who might foreseeably be exposed to hazardous substances used in the workplace.

• It requires that WORKPLACE NOTICES informing employees of their rights be posted in a central location in the workplace.

• It required the Massachusetts Department of Public Health to establish the Massachusetts Substance list and it allows the listing of additional substances on evidence of risk to health. Copies of this list are on reserve at campus libraries and at departments utilizing hazardous or toxic substances.

• It mandates that each hazardous or toxic substance be LABELED and that MATERIAL SAFETY DATA SHEETS (MSDS) be available upon written request. MSDS provides general information on the substance, safe use instructions, and known risks to health.

Massachusetts Division of Occupational Safety regulations require annual training on “Right-to-Know for employees who work with toxic or hazardous substances. The Amherst campus has an on-line training program, developed by the Environmental Health and Safety (EH&S) Department. The OWL program can be accessed at http://ehstrain.ehs.umass.edu. Right-to-Know training can also be taken through the EH&S Laboratory Safety Training and other classroom training opportunities.

If you have any questions about the EH&S on-line training, please contact Robert LaFord at Environmental Health and Safety at 545-2682.
Chapter 89: Section 11. Marked crosswalks; yielding right of way to pedestrians; penalty

Section 11. When traffic control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be, so to yield, to a pedestrian crossing the roadway within a crosswalk marked in accordance with standards established by the department of highways if the pedestrian is on that half of the traveled part of the way on which the vehicle is traveling or if the pedestrian approaches from the opposite half of the traveled part of the way to within 10 feet of that half of the traveled part of the way on which said vehicle is traveling.

No driver of a vehicle shall pass any other vehicle which has stopped at a marked crosswalk to permit a pedestrian to cross, nor shall any such operator enter a marked crosswalk while a pedestrian is crossing or until there is a sufficient space beyond the crosswalk to accommodate the vehicle he is operating, notwithstanding that a traffic control signal may indicate that vehicles may proceed.

Whoever violates any provision of this section shall be punished by a fine of not more than $200.

Whenever a pedestrian is injured by a motor vehicle in a marked crosswalk, the department of state police or the municipal police department with jurisdiction of the Street, in consultation with department of state police if deemed appropriate, shall conduct an investigation into the cause of the injury and any violation of this section or other law or ordinance and shall issue the appropriate civil or criminal citation or file an application for the appropriate criminal complaint, if any. This section shall not limit the ability of a district attorney or the attorney general to seek an indictment in connection with the operation of a motor vehicle which causes injury or death and which violates this section.
University of Massachusetts
Policy on Fraudulent Financial Activities

Policy statement and Principles

This policy is established to protect the assets and interests of the University, to increase overall fraud awareness, and to ensure a coordinated approach toward resolution of financial fraud.

The University must identify and promptly investigate all instances and allegations of fraudulent activities regarding University funds, documents, and equipment involving staff, faculty, students, vendors, agencies, or other parties. Good business practice dictates that suspected defalcation, misappropriation or other fiscal irregularities be promptly identified, and investigated. We believe that it is everyone's responsibility to report any possible fraudulent activity.

All persons found to have committed fraud relevant to University financial affairs shall be subject to punitive action by the University and investigation by law enforcement agencies when warranted.

Fraud in any form will not be tolerated. This policy applies to all University employees and will be enforced without regard to pa performance, position held or length of service.

Scope and Definition of Fraud
Fraud generally involves a willful or deliberate act with the intention of obtaining an unauthorized benefit, such as money or property, by deception or other unethical means. All fraudulent acts are included under this policy and includes such things as:

- Embezzlement, misappropriation or other financial irregularities
- Forgery or alteration of documents (checks, time sheets, contractor agreements, purchase orders, other financial documents, electronic files)
- Improperities in the handling or reporting of money or financial transactions
- Misappropriation of funds, securities, supplies, inventory, or any other asset (including furniture, fixtures or equipment)
- Authorizing or receiving payment for goods not received or services not performed
- Authorizing or receiving payments for hours not worked

The President shall issue guidelines to implement this Trustee policy and revise them as appropriate.
PRINCIPLES OF EMPLOYEE CONDUCT
UNIVERSITY OF MASSACHUSETTS

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

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

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

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

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

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

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

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

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

The University expects to provide its employees:

- a work environment that is professional and supportive;

- a clear sense of the duties of their job, the procedures for performance review, and access to relevant University policies and procedures;
within the scope of each employee's assigned areas of authority and responsibility, the duty to exercise appropriate judgment and initiative in performing duties;

the right to seek appropriate review of matters that violate the ethical principles contained in these Principles.
UNIVERSITY OF MASSACHUSETTS
POLICY AGAIN INTOLERANCE

The Board of Trustees denounces intolerance which interferes with those rights guaranteed by law or policy, and insists that such conduct has no place in a community of learning. We also recognize the obligation of the University to protect the rights of free inquiry and expression, and nothing in the Resolution in Support of Pluralism or Policy Again Intolerance shall best construed or applied so as to abridge the exercise of rights under the Constitution of the United States and other Federal and State laws.
STATEMENT ON BULLYING

Shortly after my arrival on campus last year, I learned of the disturbing results of a survey about workplace bullying that had been administered to all faculty and staff members. While the numbers were consistent with those found at workplaces of all types throughout the country, this is clearly an area in which UMass Amherst aspires to be something much better than average. Although bullying has received a lot of national attention in recent years, most of that attention has been focused on bullying of schoolchildren. But the survey results here, and especially the poignant comments that survey respondents submitted, point to the very serious effects that workplace bullying can have as well. Such behavior is antithetical to the values we espouse as a place where all should be free to take full advantage of the learning and employment opportunities the campus offers. And it violates Trustee policy, which provides that,

* The conduct of University employees is expected to be characterized by integrity and dignity, and they should expect and encourage such conduct by others.
* University employees are expected to be honest and conduct themselves in ways that accord respect to themselves and others.
* University employees are expected to accept full responsibility for their actions and to strive to serve others and accord fair and just treatment to all.
* University employees are expected to conduct themselves in ways that foster forthright expression of opinion and tolerance for the view of others.

As many of you know, the workplace bullying survey was designed and administered by a grass-roots Campus Coalition Against Workplace Bullying that included representatives of AFSCME, GEO, MSP, PSU, USA/MTA, the Office of Equal Opportunity and Diversity, the Faculty and Staff Assistance Program, the Labor/Management Workplace Education program, the Ombuds Office, and the College of Social and Behavioral Sciences.

Building on the work of that group, a Committee on Workplace Climate and Bullying, which includes representatives of those organizations and offices, as well as several campus administrators and is chaired by a representative of my office, has been working for the past year on how best to address the serious problem that has been identified.

On the recommendation of that committee, the campus will begin in the fall of this year a comprehensive educational campaign aimed at increasing understanding of the problem of workplace bullying, minimizing its occurrence, and clarifying the responsibility of supervisors for ensuring a productive workplace in which all can contribute to their maximum potential. This effort will kick off with a one-day symposium organized by the Committee and jointly sponsored by the participating unions and the campus administration. Additionally, there will be a series of workshops on the topic of workplace bullying for all faculty members and staff. Details about both of these activities will be forthcoming.

In the meantime, I hope all members of the campus community will consider carefully the ways in which we interact with fellow faculty and staff members and will ensure that those interactions are characterized by mutual respect and civility.

Kumble R. Subbaswamy, Chancellor 05/17/2013
**Drug Free Workplace**

In Compliance with the Drug-Free Workplace Act of 1988, that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance, as defined in the Act, is prohibited in the workplace, whether on or off University premises, when an employee is directly engaged in the performance of work pursuant to the provisions of a Federal grant.

All University campuses will ensure that their drug-free awareness programs inform employees of this policy of maintaining a drug-free workplace; of the dangers of drug abuse in the workplace; of available drug counseling, rehabilitation, and employee assistance programs; and of the penalties that may be imposed for drug abuse violations occurring in the workplace. Each employee engaged in the performance of a Federal grant will be given a copy of the policy.

As a condition of employment under a Federal grant, employees must abide by the terms of the above policy and notify the University of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. The University must notify the contracting agency within ten days after receiving notice of a conviction. Any individual so convicted will be subject to appropriate disciplinary action, up to and including termination, or will be required to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for these purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

**Drug-Free Schools and Communities Act**

**AMENDMENTS OF 1989 PUBLIC LAW 101-226**

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

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, and the unauthorized possession or use of alcoholic beverages on the Amherst campus or as part of any University activity or business off University premises is prohibited. If it is determined that a violation of this policy has occurred, disciplinary action up to and including termination of employment, expulsion of students, and referral for prosecution may result as deemed appropriate. Applicable legal sanctions for the unlawful possession or distribution of drugs and alcohol are summarized in the following section.

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

The use of drugs and alcohol can cause physical and psychological dependence. They can interfere with memory, sensation and perception. Drugs impair the brain's ability to synthesize information. Regular users of drugs develop tolerance and physical dependence often experienced by withdrawal symptoms. The psychological dependence occurs when the drug taking becomes central to the user's life.
Employees who need help with substance abuse problems and co-workers/family members of substance abusers are encouraged to use the University Faculty and staff Assistance Program (545-0350). Services include assessment, referral to professional treatment and self-help programs, an early recovery group and extensive follow-up. All contacts are confidential and conscientious efforts to seek help will not jeopardize any employee's job.

Students with substance abuse problems are encouraged to use the full range of educational and treatment services provided by the University Health Services. The Alcohol and Drug Education Program (577-5181) offers workshops, information, and referrals to treatment and self-help groups, as well as adult children of alcoholic groups. The Mental Health Division (545-2337) provides individual, couples and family therapy for students who have paid the health fee, and for other members of the University community with UHS contracted health plans. Detoxification is available in the inpatient unit on a limited basis. All contacts are confidential. The Athletic Health Enhancement Program (545-4588) is a collaboration of the University Health Services and the Athletic Department, and offers a special focus on drug and alcohol concerns. The Residential Education Alcohol Program (545-0137) offers services to students who violate the Code of student Conduct through alcohol-related behaviors, and provides students an educational experience to help change problem behaviors.

This information has been compiled and distributed to all members of the campus community to meet the requirements of the Drug-Free Schools and Communities Act. In addition to this policy, other University policies remain in force. These policies are available in the following documents, as appropriate: University Alcoholic Beverage Policy, Code of student Conduct, Residence Hall Manual, Faculty Handbook, AFSCME Handbook, Drug Free Workplace Act.

**SUMMARY OF LEGAL SANCTIONS FOR THE UNLAWFUL POSSESSION OR DIRIBUTION OF ILLICIT DRUGS AND ALCOHOL PROVIDED IN COMPLIANCE WITH THE DRUG-FREE SCHOOLS AND COMMUNITIES ACT**

Local, state, and federal laws make illegal uses of drugs and alcohol serious crimes. Conviction can lead to imprisonment, fines and assigned community service. A felony conviction for such an offense can prevent an individual from entering many fields of employment and licensed professions.

Cities and towns in Massachusetts, specifically Amherst, prohibit public consumption of alcohol and impose fines for violation. The Metropolitan District Commission also prohibits public consumption of alcohol in its parks.

Massachusetts laws prohibit sale or delivery of alcoholic beverages to persons under 21 with a fine of up to $2,000 and 6 months imprisonment, or both for violations. Misrepresenting one's age or falsifying an identification to obtain alcoholic beverages is punishable by a fine of $300. A first conviction of driving under the influence of alcohol has a penalty of a $1,000 fine, one-year revocation of driver's license, up to two years in prison, and mandatory participation in an alcohol rehabilitation program.

Massachusetts has criminal penalties for the illicit use of controlled substances (or "drugs"), with penalties varying with the type of drug. In general, narcotics, addictive drugs, and drugs with a high potential for abuse have heavier penalties.

A law enacted in Massachusetts in August, 1990, imposes a mandatory minimum of five years imprisonment for causing, inducing or abetting a person under eighteen years old to distribute, disperse or possess with intent to distribute controlled substances, or to deliver or possess money in conjunction with such controlled substances.
Possession of drugs is illegal without valid authorization. While penalties for possession are generally not as great as for manufacture and distribution of drugs, possession of a relatively large quantity may best considered distribution. Under both state and federal laws, penalties for possession, manufacture and distribution are much greater for second and subsequent convictions. Many laws dictate mandatory prison terms and the full minimum term must be served.

Massachusetts makes it illegal to be in a place where heroin is kept and to be "in the company" of a person known to possess heroin. Anyone in the presence of heroin at a private party risks a serious drug conviction. Sale and possession of "drug paraphernalia" is illegal in Massachusetts.

Persons convicted of drug possession under state or federal law may best ineligible for federal student grants and loans for up to one year after the first conviction and five years after the second; the penalty for distributing drugs is loss of benefits for five years after the first, 10 years after the second and permanently after the third conviction.

Under Federal law, distribution of drugs to persons under age 21 is punishable by twice the normal penalty with a mandatory one year in prison; a third conviction is punishable by mandatory life imprisonment. These penalties apply to distribution of drugs in or within 1,000 feet of a college or school. Federal law sets greatly heightened prison sentences for the manufacture and distribution of drugs if death or serious injury results from use of the substance.

September, 1997
The University of Massachusetts Amherst shall prohibit tobacco use starting July 1, 2013. For the purpose of this policy, ‘tobacco’ refers to any and all tobacco products, whether inhaled or ingested, as well as electronic cigarettes. The use of tobacco products shall be prohibited everywhere on campus, inside buildings and throughout the grounds. This policy applies to everyone and anyone on campus, including students, staff, faculty, contractors, and visitors.

(1) The use of tobacco will be prohibited in all buildings and vehicles owned or leased by UMass Amherst, regardless of location.

(2) The use of tobacco will also be prohibited on all University grounds and in any outdoor area controlled by the University. This includes all University land, parking lots and parking ramps, athletic fields, tennis courts, and recreational areas.

(3) The use of tobacco will be prohibited inside any vehicle located on University grounds.

(4) When any person enters the grounds of the University, any smoking material shall be extinguished and disposed of in an appropriate receptacle at the perimeter of the grounds of the University.”

The University’s goal is to achieve voluntary compliance with this policy, and we anticipate that this effort will be successful. We plan to engage in extensive educational efforts over the next several months to make students and employees fully aware of the rationale for this policy and the importance of compliance. We will also rely on all members of the campus community to engage with each other and encourage compliance. In instances where voluntary compliance is not successful, students and employees will be subject to disciplinary action through the established procedures for violations of University policies.

The University of Massachusetts Amherst has resources for students and employees who are thinking of or planning to quit their use of tobacco products or who wish to get through the workday without nicotine withdrawal symptoms. Information about these resources is available at: http://www.umass.edu/uhs/health/topicsatoz/tobacco/
## SEVERE WEATHER CLOSING INFORMATION 15/16
### UMASS AMHERST

### CLOSING OPTIONS

<table>
<thead>
<tr>
<th>Delayed Opening</th>
<th>Closed All Day</th>
<th>Closed During Day</th>
<th>Cancellation of Evening Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Time to be Announced</td>
<td>starting at 6:00 am</td>
<td>starting at 6:00 am</td>
<td>when decided</td>
</tr>
<tr>
<td>Campus closure in effect until midnight unless campus officially reopens on same day</td>
<td>Starting at 2:00 pm</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### WATCH OR LISTEN…

<table>
<thead>
<tr>
<th>TEXT MESSAGE / EMAIL BY 6:00AM</th>
<th>STAY TUNED TO YOUR RADIO/TV FOR ADDITIONAL INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>starting at 6:00 am</td>
<td>TO RECEIVE A TEXT MESSAGE YOU MUST BE SIGNED UP AT CAMPUS ALERTS. TO SIGN UP, GO TO <a href="http://www.umass.edu/emergency">http://www.umass.edu/emergency</a></td>
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<td>when decided</td>
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<tr>
<td>Starting at 2:00 pm</td>
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### FOR INFORMATION

- Go to [www.umass.edu](http://www.umass.edu)
- [facebook.com/umassamherst](http://facebook.com/umassamherst)
- [twitter: @umassamherst](http://twitter.com/umassamherst)

- Call Emergency Closing Hot Line 545-3630

### LISTEN TO RADIO

**AM:**
- WBEC – 1420
- WHAI – 1240
- WHMP – 1240
- WHYN – 560
- WNNZ -640

**FM:**
- WAMC - 90.3
- WBEC – 95.9
- WFCR - 88.5
- WHAI - 98.3
- WHMP - 96.9
- WPVQ - 95.3
- WHYN - 93.1
- WRNX - 100.9
- WNNZ – 91.7

### WATCH TV

- [WGGB – Channel 40](http://www.wggb.org) and [Channel 6](http://www.channel6.org)
- [WWLP – Channel 22](http://www.wwlp.com) and [WHSM – Channel 3](http://www.whsm.com)
- Housing Service Cable Network (HSCN)

### WHAT WILL BE AFFECTED BY A CLOSING

- Classes ~ Child Care ~ Offices ~ Activities ~ Eye Appointments~
- Physical Therapy ~ Meetings ~ University Store ~ Amazon@UMass ~ Continuing Education ~ Recreation Center ~ Cafes (except Roots Café)

### WHAT REMAINS OPEN

- (DESIGNATED ESSENTIAL PERSONNEL will report to work)
- Dining Commons ~ Bluewall ~ Roots Café ~ Health Services (except Eye Clinic and Physical Therapy) ~ Police ~Hotel ~ Garage ~Physical Plant ~ Conference Services ~ University Operator ~ Residence Halls ~ Only On-call/emergency response at Counseling and Psychological Health ~ Other areas as pre-designated (consult your Department Head)

### ATHLETICS

- Athletics, Fine Arts Center, and Mullins Center events will take place as scheduled. Should a cancellation occur, separate announcements will be made on local radio stations and on the venue’s web site and phone line as follows:

  - Athletics Information: 413-545-2439 or [www.umassathletics.com](http://www.umassathletics.com)
  - Fine Arts Center Information: 413-545-2511 or [www.fineartscenter.com](http://www.fineartscenter.com)
  - Mullins Center Information: 413-545-0505 or [www.mullinscenter.com](http://www.mullinscenter.com)

### BUS SERVICE

- Buses will run unless announced separately on local radio stations.
- Call 545-1633 for recorded message or [www.umass.edu/bus](http://www.umass.edu/bus) for details.

### LIBRARY

- Go to [www.library.umass.edu](http://www.library.umass.edu) for operating status
- Call Library Hours Hot Line: 413-545-0414

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**FOR FINAL EXAM RESCHEDULING INFORMATION GO TO FINALS**
The Treasurer's Office encourages your participation in this worthwhile program however, direct deposit access is not limited to the institutions listed above. When you are ready to start, bring your account information to the Human Resources Office and ask for a form. It's easy, quick and safe!

---

### NO FEE BANKING SERVICES

**FOR UMASS EMPLOYEES WITH DIRECT DEPOSIT**

**PROVIDER NETWORK**

All of the banks listed below offer free checking, free access to proprietary ATM’s and a free first order of checks to their direct deposit customers. In addition, some offer other benefits as well. (Check out their website for personal banking needs)

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<th>Traveler Checks</th>
<th>Online Banking</th>
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<tr>
<td>BankNorth Massachusetts</td>
<td>Karen Herzig</td>
<td>413-549-5112</td>
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<td><a href="http://www.banknorthma.com">www.banknorthma.com</a></td>
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<tr>
<td>Bank of America</td>
<td>Ilan Tadmor</td>
<td>860-523-1899</td>
<td>☑️</td>
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<tr>
<td>Bank of Western MA</td>
<td>Bonnie Dicola, Gwen Briere</td>
<td>413-549-6752</td>
<td>☑️</td>
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<td><a href="http://www.bankwmass.com">www.bankwmass.com</a></td>
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<tr>
<td>Citizens Bank</td>
<td>Betty Velasquez</td>
<td>617-472-7773</td>
<td>☑️</td>
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<td>Commerce Bank &amp; Trust</td>
<td>JoAnn Morency</td>
<td>508-797-6861</td>
<td>☑️</td>
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<tr>
<td>Country Bank for Savings</td>
<td>Patti Mitchell</td>
<td>800-322-8233, 413-967-6221</td>
<td>☑️</td>
<td>☑️</td>
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### NO FEE BANKING SERVICES FOR UMASS EMPLOYEES WITH DIRECT DEPOSIT

**PROVIDER NETWORK**

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<tbody>
<tr>
<td>Digital Federal Credit Union <a href="http://www.dcu.org">www.dcu.org</a></td>
<td>Karen Beaupre</td>
<td>508-263-6519</td>
<td>X</td>
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<tr>
<td>Eastern Bank <a href="http://www.easternbank.com">www.easternbank.com</a></td>
<td>Robert DiGiovanni</td>
<td>800-327-8376</td>
<td>X</td>
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<td>Easthampton Savings Bank <a href="http://www.bankesb.com">www.bankesb.com</a></td>
<td>John Vassalo</td>
<td>413-584-3407</td>
<td>X</td>
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<td>Fall River Five Cents Savings Bank <a href="http://www.frfive.com">www.frfive.com</a></td>
<td>Andrew Gilbeault</td>
<td>508-679-8551</td>
<td>X</td>
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<tr>
<td>Florence Savings Bank <a href="http://www.florencesavings.com">www.florencesavings.com</a></td>
<td>Doug Berr</td>
<td>413-587-1717</td>
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*Free unlimited bill pymt
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### NO FEE BANKING SERVICES
FOR UMASS EMPLOYEES WITH DIRECT DEPOSIT
- PROVIDER NETWORK –

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<th>Online Banking</th>
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<tbody>
<tr>
<td>Greenfield Savings Bank</td>
<td>Kathy Rice</td>
<td>413-549-3660</td>
<td>X</td>
<td>X</td>
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<td>Jeanne D’Arc Credit Union</td>
<td>Michelle Silverira</td>
<td>978-452-5001</td>
<td>X Qualified Borrowers</td>
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<td>Millbury Savings Bank</td>
<td>William Walsh</td>
<td>508-865-5811</td>
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<td>Northampton Cooperative Bank</td>
<td>Lisa Kmetz</td>
<td>413-584-4474</td>
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<td>Peoples Bank</td>
<td>Sue Wilson</td>
<td>413-493-7992</td>
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<td>St. Anne’s Credit Union</td>
<td>Robin Vanasse</td>
<td>877-STANNES</td>
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<td>UMASS Five College Credit Union</td>
<td>Kim Hackworth</td>
<td>800-852-5886</td>
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<td>United Cooperative Bank</td>
<td>Deborah Gebo</td>
<td>413-787-1213</td>
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The Treasurer's Office does not endorse nor make representation regarding the listed financial institutions. You are solely responsible for selection of a financial institution.
UMass Emergency Alerts

The University employs a number of different emergency communication methods based on the emergency threat or incident on campus to communicate with members of the campus community. These communication methods include Text Messages (SMS), E-Mails, and the UMass Outdoor Warning Sirens. These systems are in place to provide urgent campus information directly to the campus members.

The UMass Alerts Text Messages are an “Opt-in” system where each individual must sign up to receive these text alerts. Emergency text messages will provide time-sensitive notifications to subscribers’ cell phones about situations that pose an immediate risk to the safety of the campus or could significantly disrupt its activities.

Members of the University community are not required to subscribe to this service. However, as text messages provide a critical venue for emergency communications, we urge you to subscribe.

To subscribe, log-in to UMass SPIRE with your Net I.D. at https://www.spire.umass.edu/
Then click on “Main Menu” > “UMass Amherst Alerts” > and “Cell Phone Info” to enter your personal information.
Weapons Advisory / Firearms and Weapons Policy

The UMass Amherst Police Department would like members of the campus community to be informed about the state laws that apply on campus that may differ from what was acceptable at your previous residence. One such area of concern involves firearms and dangerous weapons. The presence of firearms in a college setting can be disruptive and frightening to the members of the community. While most people immediately recognize the hazards, some may be unaware or naïve about the laws of the Commonwealth regarding firearms and other weapons.

It is a violation of Massachusetts General Law to possess a firearm on school grounds (this includes your residence hall room). It does not matter if you are properly licensed to carry a firearm in the State of Massachusetts; it is still a crime to bring it to UMass Amherst. (Unlicensed possession is an additional and more serious crime.) The Massachusetts Supreme Judicial Court has recently ruled that even a “BB gun” is a firearm for purpose of this statute. The more obvious firearms include pistols, rifles, and shotguns. If it is determined that you have a firearm or other dangerous weapon at this university, you are subject to criminal prosecution in State Court and/or suspension or expulsion from UMass Amherst.

MGL Chapter 269 s 10(j)

“Whoever, not being a law enforcement officer…carries on his person a firearm…loaded or unloaded or other dangerous weapon in any building or on any grounds of any elementary or secondary school, college or university… shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.”

MGL Chapter 269 s10 (felony) also prohibits possession of “dangerous weapons” and lists many types of weapons that are considered inherently dangerous, including but not limited to: several types of knives, metallic knuckles, nunchaku (two sticks attached to each other by a rope, chain…), shuriken or similar pointed star like throwing object, any armband, made with leather which has metallic spikes, points or pointed studs, or other dangerous weapon.

If you unwittingly brought any dangerous weapon to UMass Amherst it is in your best interest to remove it from the premises immediately. If you are found to have a dangerous weapon in your possession, the consequences may affect your future ability to obtain or maintain a firearms license, in addition to the penalties listed above.

If you have knowledge of someone in possession of a firearm or dangerous weapon, or if you have other concerns about this issue please contact the UMPD at 413-545-2121 (5-2121 from campus phones), the UMPD Detective Unit at 413-545-0893, or through the anonymous tip line (413-577-8477, 7-8477 from campus phones).

This notice is intended for informational purposes only and is not the result of any investigation or specific knowledge about the existence of illegal item.
Export Control Policy

Export controls are the United States laws and regulations that regulate and restrict the release of critical technologies, technical data, software code, equipment, chemical and biological materials, and other materials, and information and services to foreign nationals and foreign countries for reasons of foreign policy and national security.

These laws apply to virtually all fields of science and engineering and restrict the shipment, transmission or transfer of certain items, software, technology and services from the U.S. to foreign countries. Deemed exports, i.e. the release of controlled information to foreign nationals located in the U.S., also apply under the regulations. Export control laws apply to all activities – not just sponsored research projects.

An export is considered to be:
- a shipment of a controlled item or good,
- transmission (electronic or digital) of a controlled item or information related to a controlled item,
- transfer, release or disclosure (including verbal or visual) of any controlled item, technology, software or technical data, or service either in U.S. or abroad,
- use or application of controlled technology on behalf of, or for the benefit of, any foreign person or entity, either in U.S. or abroad.

There are several factors to consider in determining how export regulations may apply:
1) Is the activity considered fundamental research? (Will research results be published and publicly available?)
2) Is the activity limited to teaching activities?
3) Is there any physical or deemed export of a product, technology, or data?
4) Are foreign nationals involved in the activity?
5) Does an Export Control Classification Number (ECCN) apply?
6) Where is it going (country)?
7) Who is the end-user (person and entity)?
8) Are you screening for persons or entities identified on any lists of persons barred or restricted from conducting transactions with U.S. persons?
9) Is a license required? If so, is enough time allowed to secure one?
10) Will the activity involve an embargoed country?

These guidelines are intended to outline processes for members of the UMASS AMHERST community to follow to ensure that UMASS AMHERST is in compliance with all export control laws. All new employees shall receive and acknowledge receipt of the UMASS AMHERST Export Control Guidelines at the time of new employee orientation from the UMASS AMHERST Human Resources Department.
Institutional Policy
It is the policy of the University of Massachusetts Amherst (UMASS AMHERST) to comply fully with the U.S. export control laws and regulations. The UMASS AMHERST Office of the Vice Chancellor for Research and Engagement is charged with oversight of export control matters and any export control questions or issues should be brought to their attention.

It is also the mission and policy of the University of Massachusetts Amherst (UMASS AMHERST) to conduct instruction, research, and services openly and without prohibitions on the publication and dissemination of the results of academic and research activities. As a result, in many instances the requirements of the export control laws can be appropriately satisfied through reliance on available exclusions from export controls, such as exclusions for educational information, and exclusions for information that is publicly available or in the public domain.

Chief among these is the fundamental research exclusion (FRE) under the EAR and ITAR. Fundamental research means basic or applied research in science and engineering, the results of which are ordinarily published and shared broadly within the scientific community. Restrictions on publication of research results (other than prepublication reviews by research sponsors to prevent inadvertent disclosure of proprietary information provided to the researcher by the sponsor or to insure that publication will not compromise patent rights of the sponsor) and personnel access restrictions (such as to foreign nationals) invalidates the fundamental research exclusion. However, the FRE does not include an exclusion for the export, including deemed export, of goods that result from a research project.

For activities conducted by U.S. citizens or permanent residents that provide know how to or involve foreign nationals for a covered technology, export regulations apply and a license from one or more of the U.S. Government agencies may be required before any such activities are initiated. Appropriate time must be allowed to obtain such licenses. For the most current information on export control regulations, go to [www.bis.doc.gov](http://www.bis.doc.gov).

It is the responsibility of UMASS AMHERST faculty, administrators, and staff to be aware of and comply with these laws and with UMASS AMHERST's written instructions and procedures. Under no circumstances shall employees or other persons acting on behalf of UMASS AMHERST engage in activities that violate U.S. export control laws. UMASS AMHERST demands strict compliance with OFAC regulations governing transactions with embargoed countries and activities of concern.

The export control laws and regulations include those administered by the Department of Commerce through its Export Administration Regulations (EAR) and the Department of State through the International Traffic in Arms Regulations (ITAR) as well as those imposed by the Treasury Department through the Office of Foreign Assets Control (OFAC). Willful and knowing violation of these directives is a criminal offense.
FEDERAL LAWS, REGULATIONS, AND PENALTIES

Three U.S. Government agencies have primary export licensing responsibilities: the Departments of Commerce, Energy, State, and the Treasury. The primary U.S. regulations controlling export activities are the International Traffic in Arms Regulations (ITAR) administered by the Department of State; the Export Administration Regulations (EAR) administered by the Department of Commerce; and the foreign asset control regulations administered by the Office of Foreign Assets Control (OFAC) in the Department of the Treasury. The Commerce Department administers the Commerce Control List and the State Department administers the U.S. Munitions List.

The U.S. Government controls exports on a case-by-case basis, examining four factors: the destination, end-user, product, and its end-use.

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<th>Mechanism</th>
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<tr>
<td>EAR</td>
<td>Commerce</td>
<td>Dual-use goods, technology, chemicals and software</td>
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<td>ITAR</td>
<td>State</td>
<td>Military items; space-related technology and research</td>
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<td>OFAC</td>
<td>Treasury</td>
<td>Trade prohibitions with sanctioned countries/entities</td>
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EAR and ITAR apply to the transfer of specific physical items and information and the provision of specific services to persons and entities outside the U.S. (exports) and to the disclosure of specific information and the provision of specific types of services to foreign nationals inside the U.S. (deemed exports).

OFAC regulations restrict transactions with embargoed countries and activities such as terrorism, drug trafficking and proliferation of weapons of mass destruction. Even when exclusions to EAR or ITAR apply, OFAC may prohibit payment, travel and the transfer of items, assets, and services of value to sanctioned nations (check the OFAC website www.treas.gov/ofac for the latest information about embargoed countries).

The majority of exports do not require government licenses. Only exports that the U.S. Government considers “license controlled” under the EAR and ITAR require licenses. Export controlled transfers usually are required for one of the following reasons:

- The nature of the export has actual or potential military applications or economic protection issues
- Government concerns about the destination country, organization, or individual
- Government concerns about the declared or suspected end use or the end user of the export

Even if an item appears on a list for controlled technology, there is generally an exclusion for “fundamental research”. For research to be considered “fundamental research” there cannot be restrictions on publication of the research or restrictions on personnel.

Export Control Policy 11/06/09
The University will assist any member of the University community in complying with export control laws, including pursuing licenses from U.S. Government agencies, where appropriate. However, the primary responsibility rests with the faculty/staff member and/or researcher, as the individual most informed about the contemplated project.

A helpful tool for analyzing exclusions under the EAR for publicly available information is the Questions and Answers – Technology and Software Subject to the EAR which is found in Supplement 1 to part 774 of the EAR.

**Penalties**

There are potentially severe civil and criminal penalties, including fines and imprisonment, for violating the export control laws and both the organization and the individuals involved are subject to these penalties. The University and the individual(s) involved may also lose their ability to export in the future. The criminal and civil penalties for unlawful export and disclosure of information in violation of U.S. export control laws include the following, depending on the items involved and the jurisdiction that applies:

**EAR:** Criminal violations by the university can incur penalties up to $1 million for each willful violation. For individuals, these penalties can reach up to $1 million or 20 years imprisonment, or both, per violation. Civil penalties for both the university and individuals can reach up to $250,000 per violation, or five times the value of the export, whichever is greater. These violations can also result in a denial of export privileges as well as other potential collateral penalties.

**ITAR:** Criminal penalties can reach up to $1 million per violation and 10 years imprisonment for individual willful violations. Civil penalties imposed upon departments, agencies, and officials can reach up to $500,000 per violation. A university found to be in violation of ITAR regulations can be debarred from contracting with the government and could lose its export privilege.

**OFAC:** Penalties will range depending upon the sanction regime in question. Criminal violations by the university can reach up to $1 million, and criminal penalties for individuals can reach $1 million or 20 years in prison, or both. Civil penalties can be imposed up to $250,000 per violation, or two times the transaction in question, or both.
TERMS AND DEFINITIONS


**Commerce Control List (CCL)** - List of items under the export control jurisdiction of the Bureau of Industry and Security, U.S. Department of Commerce. The CCL is found in Supplement 1 to part 774 of the EAR.

**CCL Category** - The CCL is divided into ten categories: (0) Nuclear Materials, Facilities and Equipment, and Miscellaneous; (1) Materials, Chemicals, "Microorganisms," and Toxins; (2) Materials Processing; (3) Electronics Design, Development and Production; (4) Computers; (5) Telecommunications; (6) Sensors; (7) Navigation and Avionics; (8) Marine; (9) Propulsion Systems, Space Vehicles, and Related Equipment.

**CCL Group** - The CCL is divided into 10 categories. Each category is subdivided into five groups, designated by the letters A through E: (A) Equipment, assemblies, and components; (B) Test, inspection and production equipment; (C) Materials; (D) Software; and (E) Technology.

**Controlled country** - A country designated controlled for national security purposes found in Country Group D:1. The Entity List should be checked at http://www.bis.doc.gov/complianceandenforcement/liststocheck.htm (EAR Supp No. 4 to Part 744) for the latest information about restricted countries and license requirements. (EAR Part 740, Supp. No. 1 provides a list of the country groups.)

**Deemed export** – Whenever a foreign national on U.S. soil may be exposed to or is able to access in any manner an export-controlled item or information. It is “deemed” to be an export to the home country of the foreign entity or individual.

**Defense Article** - Any item designated in the U.S. Munitions List. Examples include specified chemical agents, cameras designated for military purposes, specified lasers, and some GPS equipment and any directly related technical data. (ITAR 120.6)

**Defense Service** - Providing of assistance (including training) anywhere (inside the United States or abroad) to foreign nationals in connection with the design, development, engineering, manufacture, production, etc. of a defense article, and the furnishing of any related technical data. (ITAR 120.9) The *Bona Fide* Employee Exemption does not apply to where the employee with be provided a Defense Service.

**Debarred Parties List** - List of individuals denied export privileges under ITAR and maintained by the State Department. Information can be accessed from http://www.bis.doc.gov/complianceandenforcement/liststocheck.htm.

**Denied Persons List** - A list of persons who have been issued a denial order from the Commerce Department’s Bureau of Export Administration (BXA). U.S. exporters and third parties in general are prohibited from dealing with these persons in transactions involving U.S. items. The list can be accessed from http://www.bis.doc.gov/complianceandenforcement/liststocheck.htm.

Export Control Policy 11/06/09
Dual-use - Items that have both commercial and military or proliferation applications. While this term is used informally to describe items that are subject to the EAR, purely commercial items are also subject to the EAR (see §734.2(a) of the EAR).

Empowered Official - U.S. person who:

(1) Is directly employed by the applicant or a subsidiary in a position having authority for policy or management within the applicant organization; and

(2) Is legally empowered in writing by the applicant to sign license applications or other requests for approval on behalf of the applicant; and

(3) Understands the provisions and requirements of the various export control statutes and regulations, and the criminal liability, civil liability and administrative penalties for violating the Arms Export Control Act and the International Traffic in Arms Regulations; and

(4) Has the independent authority to:

(i) Inquire into any aspect of a proposed export or temporary import by the applicant, and

(ii) Verify the legality of the transaction and the accuracy of the information to be submitted; and

(iii) Refuse to sign any license application or other request for approval without prejudice or other adverse recourse. (22 C.F.R. § 120.25)

End-use - A detailed description of how the ultimate consignee intends to use the commodities being exported.

End-user - Person abroad that receives and ultimately uses the exported or reexported items. The end-user is not a forwarding agent or intermediary, but may be the purchaser or ultimate consignee.

Entities List – Exports to foreign end-users engaged in proliferation activities are usually prohibited without a license. These are administered on a case-by-case basis. The list can be accessed at http://www.bis.doc.gov/entities/default.htm

Exemption - An authorization to export without a license.

Export - Includes any of the following: 1) actual shipment of any covered goods or items; 2) the electronic or digital transmission of any covered goods, items or related goods or items; 3) any release or disclosure, including verbal disclosures or visual inspections, or any technology, software or technical data to any foreign national; or 4) actual use or application of covered technology on behalf of or for the benefit of any foreign entity or person anywhere.

Export Administration Regulations - Regulations promulgated and implemented by the Department of Commerce that regulate the export of goods and related technology identified on the Commodity Control List (CCL), Title 15 CFR 774, Supplement 1.
Export control - Set of laws, policies, and regulations that govern the export of sensitive items for a country or company.

Export Control Classification Number (ECCN) - Identifies items on the Commerce Control List that are subject to the export licensing authority of the Bureau of Industry and Security.

Exporter - Person who has authority of a principal party in interest to determine and control the sending of items out of the country.

Export license - Approval documentation issued by an export agency authority authorizing the recipient to proceed with the export, reexport, or other regulated activity as specified on the application.

Foreign National - Any person who is not a citizen or Permanent Resident Alien of the United States. Under the EAR, the term applies to “persons lawfully admitted for permanent residence in the United States and does not apply to persons who are protected individuals (i.e. has been admitted as a refugee or granted asylum).

The ITAR does define the term “foreign person” as any natural person who is not a lawful permanent resident or who is not a “protected individual”, and may also include any corporation, business association, partnership society, trust or any other entity, organization or group that is incorporated to do business in the United States. This also includes any governmental entity.

Forwarding agent - Person in the country of origin who is authorized by a principle party in interest to perform the services required to facilitate the export of the items from the country of origin. This may include air couriers or carriers. In routed export transactions, the forwarding agent and the exporter may be the same for compliance purposes under the EAR.

Fundamental Research - Basic or applied research in science and engineering performed or conducted at an accredited institution of higher learning in the United States where the resulting information is ordinarily published and shared broadly in the scientific community (EAR and ITAR). Fundamental research is distinguished from research that results in information that is restricted for proprietary reasons or national security reasons (EAR) or pursuant to specific U.S. government access and dissemination controls (ITAR).

Note: Even if no publication restriction exists, the fundamental research exclusion does not apply to the export of goods.

Fundamental Research Exclusions - EAR provides that university research normally will be considered as fundamental research unless the university or its researchers accept sponsor restrictions on publication of scientific and technical information resulting from the project or activity. The EAR specifically permits limited prepublication reviews by research sponsors to prevent inadvertent divulging of proprietary information provided to the researcher by the sponsor or to insure that publication will not compromise patent rights of the sponsor. The citation for the official definition of fundamental research under the EAR is 15 CFR § 734.8.

The ITAR states that university research will not be deemed to qualify as fundamental research if: (1) the university or its researchers accept any restrictions on publication of scientific and technical information resulting from the project or activity; or (2) the research is federally funded and specific access and dissemination controls protecting information resulting from the research.
have been accepted by the university or the researcher. The ITAR citation is 22 CFR § 120.11(8).

**Good** - Any article, natural or man-made substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technology.

**International Trafficking in Arms Regulations (ITAR)** - ITAR, 22 CFR Sections 120-130, are the regulations promulgated and implemented by the Department of State Which regulate defense articles and services and related technical data listed on the U.S. Munitions Control List (USML), 22 CFR § 121.1. The USML is available on the Department of State at: http://www.fas.org/spp/starwars/offdocs/itar/p121.htm

**Lists to Check** – all transactions with potential export restrictions should be checked against the published lists before proceeding. All of the lists can be accessed from http://www.bis.doc.gov/complianceandenforcement/liststochek.htm

**Principal Investigator (PI)** - The researcher with primary responsibility for achieving the technical success of the project, while also complying with the financial and administrative policies and regulations associated with a sponsored activity.

**Public Domain** - Information that is published and that is generally accessible or available to the public through: (a) sales at newsstands and bookstores; (b) subscriptions that are available without restriction to any individual who desires to obtain or purchase the published information; (c) second class mailing privileges granted by the U.S. government; (d) libraries open to the public or from which the public can obtain documents; (e) patents available at any patent office; (f) unlimited distribution at a conference, meeting, seminar, trade show, or exhibition, generally accessible to the public, in the United States; (g) public release (i.e., unlimited distribution) in any form (e.g., not necessarily in published form) after approval by the cognizant U.S. government department or agency; and (h) fundamental research in science and engineering at accredited institutions of higher learning in the U.S. where the resulting information is ordinarily published and shared broadly in the scientific community. (ITAR; 22 CFR § 120.11)

**Purchaser** - Person abroad who has entered into a transaction to purchase an item for delivery to the ultimate consignee. In most cases, the purchaser is not a bank, forwarding agent, or intermediary. The purchaser and ultimate consignee may be the same entity.

**Reexport** - An actual shipment or transmission of items subject to export regulations from one foreign country to another foreign country. For the purposes of the U.S. EAR, the export or reexport of items subject to the EAR that will transit through a country or countries to a new country, or are intended for reexport to the new country, are deemed to be exports to the new country.

**Sanctioned country** – Even when exclusions to EAR or ITAR apply, U.S. Treasury Department, Office of Foreign Assets Control may prohibit payment, travel and the transfer of items, assets, and services of value to sanctioned nations (check the OFAC website www.treas.gov/ofac for the latest information about embargoed countries).
**Specially Designated National (SDN)** - Any person who is determined by the U.S. Secretary of the Treasury to be a specially designated national for any reason under regulations issued by the Office of Foreign Assets Control.

**Technical assistance** - Technical assistance may take forms such as instruction, skills training, working knowledge, consulting services, and may also involve the transfer of technical data.

**Technical data** - Information required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance, or modification of controlled articles. This includes information in the form of blueprints, drawings, plans, instructions, diagrams, photographs, etc. May take forms such as blueprints, plans, diagrams, models, formulae, tables, engineering designs and specifications, manuals and instructions written or recorded on other media or devices such as disk, tape, or read-only memories. The ITAR definition does not include information concerning general scientific, mathematical, or engineering principles commonly taught in schools, colleges, and universities, or information in the public domain (ITAR 120.10(5)).

**Technology** - Any specific information and know-how (whether in tangible form, such as models, prototypes, drawings, sketches, diagrams, blueprints, manuals, software, or in intangible form, such as training or technical services) that is required for the development, production, or use of a good, but not the good itself.

**Ultimate consignee** - The principal party in interest located abroad who receives the exported or reexported items. The ultimate consignee is not a forwarding agent or other intermediary, but may be the end-user.

**U.S. person** - Individual who is a citizen of the United States or a foreign national with a visa status of Legal Permanent Resident (LPR). An LPR is also known as a Permanent Resident Alien (PRA).

**Use** - Technology for operation, installation (including on-site installation), maintenance (checking), repair, overhaul and refurbishing.
Equal Employment Opportunity is THE LAW

Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

**RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN**
Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee’s religious practices where the accommodation does not impose undue hardship.

**DISABILITY**
Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

**AGE**
The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

**SEX (WAGES)**
In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

**GENETICS**
Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers’ acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

**RETALIATION**
All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

**WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED**
There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected:
The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov.
Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

**RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN**

Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

**INDIVIDUALS WITH DISABILITIES**

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

**DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS**

The Vietnam Era Veterans’ Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

**RETLATION**

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 ... an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

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**Programs or Activities Receiving Federal Financial Assistance**

**RACE, COLOR, NATIONAL ORIGIN, SEX**

In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

**INDIVIDUALS WITH DISABILITIES**

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.
The Executive Order 11246 section is revised as follows:

**RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, NATIONAL ORIGIN**

Executive Order 11246, as amended, prohibits employment discrimination based on race, color, religion, sex, sexual orientation, gender identity, or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

**PAY SECRECY**

Executive Order 11246, as amended, protects applicants and employees from discrimination based on inquiring about, disclosing, or discussing their compensation or the compensation of other applicants or employees.

The University will not discriminate against applicants or employees for inquiring about, disclosing, or discussing their compensation or the compensation of other applicants or employees. However, employees who have ready access to compensation information or who are designated to protect or maintain the privacy of applicants’ or employees’ compensation information should refer requests for or inquiries about compensation information to the appropriate chief human resources officer and should not disclose or discuss such matters directly.

The Individuals with Disabilities section is revised as follows:

**INDIVIDUALS WITH DISABILITIES**

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship to the employer. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.
The Vietnam Era, Special Disabled Veterans section is revised as follows:

**PROTECTED VETERANS**

The Vietnam Era Veterans’ Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination against, and requires affirmative action to recruit, employ, and advance in employment, disabled veterans, recently separated veterans (i.e., within three years of discharge or release from active duty), active duty wartime or campaign badge veterans, or Armed Forces service medal veterans.

*Mandatory Supplement to EEOC P/E-1(Revised 11/09) “EEO is the Law” Poster.*

If you believe that you have experienced discrimination contact OFCCP: 1-800-397-6251 | TTY 1-877-889-5627 | www.dol.gov.