

New England Conservatory Employee Handbook

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EMPLOYEE HANDBOOK

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1-1 Introduction

Welcome to New England Conservatory of Music! Your individual contributions are important to NEC's ongoing success. We want you to have a successful experience as an NEC employee.

We hope that you will find this handbook helpful in understanding NEC's employment policies. The handbook has been designed to provide you with an overview of NEC, its policies and procedures, and your responsibilities as an NEC employee. Whenever you have questions, feel free to discuss them with your supervisor, your department head, or the Director of Human Resources.

The policies and procedures described in this book are guidelines and do not in any way constitute, and should not be construed as, a contract of employment, expressed or implied, or as a promise of employment for any specified time. All New England Conservatory employees are employees-at-will; as such, they are free to resign at any time with or without reason. Likewise, New England Conservatory reserves the right to terminate an individual's employment at any time with or without cause or notice.

New England Conservatory, at its option, may change, delete, suspend, or discontinue any policies and/or procedures, or any part thereof, at any time without notice. Every effort has been made to ensure that these policies and procedures are accurate and up-to-date. If any discrepancies exist between this handbook and any of New England Conservatory's formal contracts, the actual provisions of the formal contracts supersede the handbook.

New England Conservatory recognizes that its strength and value are in the people who work for the Conservatory. We offer them the opportunity to excel both individually and as part of a team, and in return, reward them for the responsibilities they have assumed and the successes they have achieved. We believe in open communications throughout the Conservatory, from junior to the most senior of employees. We place a high value on respecting the personal lives, choices, and activities of all our employees.

If you have any questions, please contact Human Resources at (617) 585-1230 or email HRstaff@necmusic.edu Human Resources is located at 241 St. Botolph Street, Room 203.

1.2 Equal Employment Opportunity/Diversity Statement

NEC's policy assures that all applicants and employees, during employment or consideration for employment, are treated equally without regard to race, color, religion, sex, age, national origin, marital status, sexual orientation, genetic information, disability, National Guard service or status as a disabled and/or Vietnam-era veteran.

1.3 Background Check Policy

It is the policy of New England Conservatory (NEC) to perform background checks in order to protect students who participate in our programs and visit our facilities. New England Conservatory (NEC) has created this Policy for employees, volunteers and vendors to ensure the safety of the students and public, as well as to provide a safe working environment.

Under this Policy, NEC will require prospective and current employees, volunteers and vendors to consent to NEC's obtaining and reviewing a background check. Such checks include identity and address related searches, and various types of criminal (including sexual offender) background checks. NEC complies with the federal Fair Credit Reporting Act (FCRA), similar state FCRA laws in the jurisdictions where NEC does business, federal and state equal opportunity laws and all other applicable legal authority that affects the performing of background checks.

The results of a background check are confidential and are to be shared with members of NEC on a strict "need to know" basis.

NEC will inform applicants of such requirement prior to the commencement of any employment, volunteer or vendor relationship and will advise candidates that any offer will be contingent upon the Conservatory's receipt of a background check that it deems satisfactory.

NEC will also require as a condition of a continuing relationship with individuals in certain employee, vendor and volunteer positions that such individuals consent to NEC's obtaining and reviewing updated background checks every three years during the individual's continuing relationship with NEC.

Convictions of certain crimes pose an unacceptable risk to vulnerable populations served by NEC. This policy sets minimum standards. This policy may be modified from time to time by NEC in its sole discretion.

The following practices or procedures will generally be followed:

1. NEC has engaged Creative Services Inc., a Consumer Reporting Agency (CRA) to conduct background checks for all employees, volunteers and vendors. All such checks will only be conducted as permitted by applicable law or as specifically authorized by the Massachusetts Department of Criminal Justice Information Systems (DCJIS).

2. An informed review of a criminal record requires adequate training. Accordingly, all personnel authorized to review background check in the decision-making process will be thoroughly familiar with the educational materials made available by DCJIS.
3. All employees, volunteers and vendors will be required to sign appropriate authorizations and consents prior to the performing of any background checks. Individuals seeking or already in positions for which NEC will require a background check will be required to sign an appropriate consent form and will be provided a copy of this Policy.
4. If an individual refuses to provide or revokes his/her consent for NEC to obtain and review a background check he/she will be considered by NEC to have an unsatisfactory check and will be ineligible for initial or continuing employment, volunteer service, or vendor engagement with NEC.
5. The fees for each background record check will be paid for by NEC.
6. If an offer of employment, volunteer assignment or vendor engagement has been extended, prior to receiving the results of a background check on that employee, volunteer or vendor, the following language will be inserted in the offer letter or contract:

“New England Conservatory requires a criminal record background check for the position or engagement you currently hold or have been engaged in. Please note that commencement and continuation in this employment position, volunteer assignment, or vendor engagement with NEC is contingent upon a satisfactory review of such criminal background information.”
7. Unless otherwise provided by law, a criminal record will not automatically disqualify an individual from an employment, volunteer or vendor position. Rather, determinations of suitability based on background checks will be made consistent with this policy and any applicable law or regulations.
8. If a criminal record is received, the authorized individual will closely compare the record with the information on the background check consent form(s) and any other identifying information provided by the candidate, to ensure the record relates to the candidate. If the results of the check(s) indicate that a criminal offense is present on an employee's record, Human Resources and another authorized person will make a decision on the person's continued employment, volunteer engagement or vendor engagement or termination of the employee, volunteer or vendor.
9. When evaluating a background check that includes information about a criminal conviction, the authorized administrators at NEC may review the relevant information from other agencies as well as facts and circumstances of the criminal record. Before seeking any additional information from the individual, Human Resources will provide

the individual with a copy of the criminal record. Human Resources may request that the individual submit additional information, including a letter from the individual's probation, or parole officer, treating professional, or other knowledgeable source, if not already supplied. Human Resources may seek additional information from other appropriate sources.

10. Following a review, Human Resources shall make a preliminary determination whether or not to hire the candidate, assign the volunteer, or engage the vendor. Human Resources shall document, in writing, the reasons for the potential adverse action. This information shall be included in the individual's background check file.
11. If NEC is inclined to make an adverse decision based on the results of the background check, the individual will be notified immediately. The individual shall be provided with a copy of the criminal record and this Policy, advised of the part(s) of the record that make the individual unsuitable for the position, and given an opportunity to dispute the accuracy and relevance of the Background record, to the extent permitted by law.
12. If NEC is inclined to make an adverse decision based on the information provided by DCJIS iCORI, individuals shall also be provided a copy of DCJIS's ***Information Concerning the Process in Correcting a Criminal Record***. If the background record provided does not exactly match the identification information provided by the candidate, NEC will make a determination based on a comparison of the background record and documents provided by the candidate.
13. If a candidate/employee/volunteer/ or vendor challenges unsatisfactory information on a background check he/she may work directly with the appropriate authorities to clear up the discrepancy but may not be employed or engaged by NEC until satisfactory results are obtained by a new background check.
14. If NEC reasonably believes the information concerns the candidate/employee/volunteer or vendor is accurate, then the determination of suitability for the position or engagement will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to the following:
 - (a) Relevance of the crime to the position sought;
 - (b) The nature of the work to be performed;
 - (c) Time since the conviction;
 - (d) Age of the candidate at the time of the offense;
 - (e) Seriousness and specific circumstances of the offense;
 - (f) The number of offenses;
 - (g) Whether the candidate/employee/volunteer/vendor has pending charges;
 - (h) Any relevant evidence of rehabilitation or lack thereof;
 - (i) Any other relevant information, including information submitted by the candidate/employee/volunteer/vendor or requested by the hiring authority.

15. NEC will notify the candidate/employee/volunteer/vendor of the decision and the basis of the decision in a timely manner.
16. Results of any record checks are kept stored on a password protected and encrypted website. Access to records by any individual other than those authorized by NEC and the DCJIS for such access is prohibited. Background reports are confidential and should not be disseminated to any other agency or individual.
17. Background records for candidates/employees/volunteer/vendor that are not hired/assigned shall be maintained for one year.

1.4 HARASSMENT AND TITLE IX POLICY STATEMENTS

Anti-Bullying and Anti-Cyber Bullying Policy

The state of Massachusetts defines bullying as “the repeated use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that: (i) causes physical or emotional harm to the victim or damage to the victim’s property; (ii) places the victim in reasonable fear of harm to himself or of damage to his property; (iii) creates a hostile environment for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school.” The State of Massachusetts defines cyber-bullying as “the means of bullying through the use of technology or any electronic communication, which shall include, but not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

New England Conservatory will not tolerate bullying in any form. Employees who believe they have been or are being bullied should report the incident to the Director of Human Resources.

Unlawful Discrimination, Harassment, and Retaliation

It is the policy of the Conservatory to maintain a work and academic environment that is free of sexual harassment and discriminatory actions based on race, color, gender, gender identity, age, sexual orientation, religion, ethnic or national origin, physical or mental disability, genetic information, veterans’ status, membership in uniformed services, or any other protected status. Unlawful employment discrimination and sexual harassment by officers, managers, faculty, supervisors, employees, students advisors, vendors, clientele, and contractors will not be tolerated.

Further, any retaliation against an individual who has complained about sexual harassment or unlawful discrimination, or retaliation against individuals for cooperating with an investigation of a complaint of sexual harassment or unlawful discrimination, is similarly unlawful and will not be tolerated.

The Conservatory will investigate complaints of violation of this policy. Persons who violate this policy will be subject to disciplinary action up to and including termination of employment, suspension, and/or expulsion.

New England Conservatory's Title IX Policy on Sexual Misconduct and Sexual- or Gender-Based Discrimination and Harassment

New England Conservatory is committed to providing a safe environment where all members of the NEC community can reach their artistic, academic and personal potential. We comply with all state and federal guidelines relating to sexual misconduct and sexual- or gender-based discrimination or harassment, including Title IX of the Higher Education Amendment Act (1972) and the Campus Sexual Violence Elimination Act (2013).

This policy applies to allegations of sexual misconduct and sexual- or gender-based discrimination and harassment between students or employees at NEC as mandated by Title IX of the Educational Amendments of 1972.

Allegations of Title IX violations that also involve staff or faculty may be reported to the Director of Human Resources:

Marianne Wisheart
St. Botolph Building (Room 203)
Phone: 617-585-1229
marianne.wisheart@necmusic.edu

Allegations of Title IX violations that involve students should be reported to the Dean of Students

Suzanne Hegland
St. Botolph Building (Room 224)
Phone: 617-585-1313
suzanne.hegland@necmusic.edu

[Any allegations of Title IX violations that involve students, staff, or faculty may be reported our Director of Public Safety and Title IX Coordinator:](#)

Michael Ryan
295 Huntington Avenue
Phone: 617-585-1180
michael.ryan@necmusic.edu

IF YOU ARE A VICTIM OF SEXUAL ASSAULT OR DOMESTIC VIOLENCE WE URGE YOU TO IMMEDIATELY CONTACT THE BOSTON POLICE (617-343-4400), AND SEEK ASSISTANCE FROM:

- **THE NEAREST HOSPITAL**
- **THE NEC HEALTH & COUNSELING CENTER (617-585-1284) DURING REGULAR HOURS**

- **THE BOSTON AREA RAPE CRISIS CENTER (800-841-8371)**
- **NEC'S OFFICE OF PUBLIC SAFETY (617-585-1100)**

Sexual Assault is a traumatizing experience. NEC encourages victims of sexual assault to seek immediate medical evaluation at a local hospital emergency department where you will likely be examined by a nurse who specializes in sexual assault treatment. The collection of evidence is important, should you decide to press legal charges. Therefore, do not shower, bathe, douche, brush teeth, eat, drink, change clothing or urinate until you have reached the hospital. It is advisable to bring any clothing, bedding or towels that might contain evidence to the hospital in a paper (not plastic) bag. You will not be required to use this as evidence, but it is best to preserve it anyway. Evidence may be collected for up to five days. The hospital staff will assist you with the reporting process. However, they will not force you to file a police report.

I. Violations of NEC's Title IX Policy

Sexual misconduct and sexual- or gender-based discrimination or harassment can take a number of forms, including intimidation and the creation of a hostile environment. It can occur between strangers or acquaintances, or people who know each other well, including between people who are or have been involved in an intimate or sexual relationship. It can be committed by anyone, regardless of gender or gender identity, and can occur between people of the same or different sex or gender. This prohibits all forms of sexual misconduct and sexual- or gender-based discrimination or harassment. Below you will find definitions and examples of violations of NEC's Title IX policy.

A. Sexual Assault (including Rape)

Sexual assault is actual or attempted sexual contact with another person without that person's consent. Sexual assault includes, but is not limited to:

- Intentional touching of another person's intimate parts without that person's consent; or
- Other intentional sexual contact with another person without that person's consent; or
- Coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's consent; or
- Rape, which is penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person's consent.
- Rape is defined in Massachusetts by three elements: penetration of any orifice by an object; force or threat of force; against the will of the victim. Sexual assault is often more broadly defined as any sexual activity that is forced, coerced, or unwanted.

B. Sexual Harassment

Sexual Harassment is unwelcome conduct of a sexual nature that has the effect of creating a hostile or stressful living, learning, or working environment, or whenever toleration of such conduct or rejection of it is the basis for an academic or employment decision affecting an individual. Conduct is considered

“unwelcome” if the person did not request or invite it and considered the conduct to be undesirable or offensive.

Sexual harassment includes any conduct or incident that is sufficiently serious that it is likely to limit or deny a student or employee’s ability to participate in or benefit from the Conservatory’s educational programs or a faculty or staff member’s ability to work, which may include a single incident of sexual assault or other serious sexual misconduct.

1. Forms of Prohibited Sexual Harassment

Sexual harassment can take many forms, and can:

- Occur between equals, such as student to student, faculty member to faculty member, staff to staff, or visitor/contracted employee to staff or student
- Occur between persons of unequal power status, such as supervisor to subordinate, faculty member to student, ensemble coach to student, or between any student leaders to their peers. Although sexual harassment often occurs in the context of an exploitation of power by the person with the greater power, a person who appears to have less power in a relationship can also commit sexual harassment (such as a student harassing a faculty member).
- Be committed by an acquaintance, a stranger, or someone with whom the complainant has or had a personal, intimate, or sexual relationship.
- Occur by or against a person of any sex, gender identity or expression, or sexual orientation.

2. Examples of Sexual Harassment

The following non-exhaustive list includes examples of behavior that could be considered sexual harassment:

- Unwelcome sexual innuendo, propositions, sexual attention, or suggestive comments and gestures.
- Unwelcome physical contact of a sexual nature, such as touching, hugging, kissing, patting, or pinching, that is uninvited and unwanted or unwelcome by the other person.
- Humor and jokes about sex or gender-specific traits; sexual slurs or derogatory language directed at another person’s sexuality or gender.
- Insults and threats based on sex or gender; and other oral, written, or electronic communications of a sexual nature that a person communicates and that are unwelcome.
- Written graffiti or the display or distribution of sexually explicit drawings, pictures, or written materials; sexually charged name-calling; sexual rumors or ratings of sexual activity/performance; the circulation, display, or creation of e-mails or websites of a sexual nature. (For more information on misconduct using the Conservatory’s computing facilities, please see the Computer, Internet Use and Account Policy.)

- Non-academic display or circulation of written materials or pictures degrading to a person(s) or gender group.
- Unwelcome attention, such as repeated inappropriate flirting, inappropriate or repetitive compliments about clothing or physical attributes, staring, or making sexually oriented gestures.
- Change of academic or employment responsibilities (increase in difficulty or decrease of responsibility) based on sex, gender identity or expression, or sexual orientation.
- Use of a position of power or authority to: (i) threaten or punish, either directly or by implication, for refusing to tolerate harassment, for refusing to submit to sexual activity, or for reporting harassment; or (ii) promise rewards in return for sexual favors.
- Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping.

C. Sexual Exploitation

Sexual exploitation occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person's consent. Examples of behavior that could rise to the level of sexual exploitation include:

- Prostituting another person;
- Recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent;
- Distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and,
- Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, and for the purpose of arousing or gratifying sexual desire.

D. Stalking

Stalking is a course of conduct involving more than one instance of inappropriate and unwanted attention, harassment, threatening or intimidating physical or verbal contact, or any other course of conduct directed at a person that could be reasonably regarded as likely to alarm or place that person in fear of harm or injury, including physical, emotional, or psychological harm. This includes the use of technology to pursue, harass, threaten, intimidate, or otherwise make unwelcome contact with another person. Stalking may involve people who are known to one another or have an intimate or sexual relationship, or may involve people not known to one another.

E. Relationship (Dating and Domestic) Violence

Relationship violence is abuse, violence, or intentionally controlling behavior between partners or former partners involving one or more of the following elements: (i) battering that causes bodily injury; (ii) purposely or knowingly causing reasonable apprehension of bodily injury; (iii) emotional abuse

creating apprehension of bodily injury or property damage; (iv) repeated telephonic, electronic, or other forms of communication — anonymously or directly — made with the intent to intimidate, terrify, harass, or threaten. Relationship violence can occur in all type of relationships (e.g., heterosexual, same sex, or any other type of relationship)

F. Retaliation.

Retaliation is an adverse action or attempt to seek retribution against the complainant, or any person or group of persons involved in the investigation and/or resolution of a sexual misconduct complaint. Retaliation can be committed by any person or group of persons, not just a respondent. Retaliation may include continued abuse or violence, other forms of harassment, and slander and libel.

It is a violation of Massachusetts and federal law and a violation of this policy to retaliate against a person for filing a complaint of sexual misconduct or for cooperating in a sexual misconduct investigation. Any person who retaliates against a person who has reported sexual misconduct, filed a sexual misconduct complaint, or participated in a sexual misconduct investigation is subject to disciplinary action up to and including expulsion.

G. Hostile Environment.

A hostile environment exists when sexual harassment is sufficiently severe or pervasive to interfere with, or to deny or limit a student's ability to participate in or benefit from the school's program based on sex. To determine whether a hostile environment exists, NEC will consider a variety of factors related to the severity, persistence, or pervasiveness of the sex-based harassment, including: (1) the type, frequency, and duration of the conduct; (2) the identity and relationships of persons involved; (3) the number of individuals involved; (4) the location of the conduct and the context in which it occurred; and, (5) the degree to which the conduct affected the student's education or the employee's employment.

The more severe the sex-based harassment, the less need there is to show a repetitive series of incidents to find a hostile environment. Indeed, a single instance of sexual assault may be sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if the sex-based harassment is not particularly severe.

H. Conduct in Relationships between Individuals of Different Conservatory Status

In the academic context, sexual harassment often involves the inappropriate personal attention by an instructor or other faculty or staff member who is in a position to exercise professional power over another individual. This could include an instructor who determines a student's grade or who can otherwise affect the student's academic performance or professional future. Sexual harassment can also occur between persons of the same Conservatory status. An example would be persistent personal attention from one colleague to another in the face of repeated rejection of such attention. Both types of harassment are unacceptable. They seriously undermine the atmosphere of trust essential to the academic enterprise or work environment.

Amorous relationships that might be appropriate in other circumstances have inherent dangers when they occur between an instructor or other faculty or staff member of the Conservatory and a person for

whom he or she has a professional responsibility (i.e., as studio teacher, ensemble coach, instructor, advisor, evaluator, supervisor). Implicit in the idea of professionalism is the recognition by those in positions of authority that in their relationships with students or staff there is an element of power. It is incumbent upon those with authority not to abuse, nor to seem to abuse, the power with which they are entrusted.

The consequences of asymmetries can be felt in many different contexts and types of relationships. What constitutes “power” varies according to context and individual. For example, although the conservatory may not recognize a student in an extracurricular organization to have power over a student who would like to join that organization, one or both of the students in question may perceive their relationship to be affected by a power dynamic. As members of a community characterized by multiple formal and informal hierarchies, it is incumbent upon each of us to be aware of and sensitive to the ways in which we exercise power and influence and to be judicious in our relationships with others.

1. Prohibited Sexual Relations with Students

No faculty member shall request or accept sexual favors from, or initiate or engage in a romantic or sexual relationship with any undergraduate student at NEC. Faculty members are defined as full-time, part-time, and visiting faculty.

Furthermore, no faculty member, studio teacher, ensemble coach, instructor, teaching assistant, teaching fellow, tutor, teaching graduate assistant, or undergraduate course assistant, shall request or accept sexual favors from, or initiate or engage in a romantic or sexual relationship with, any student, including a graduate student, who is enrolled in a course taught by that individual or otherwise subject to that individual’s academic supervision before the supervision has concluded and, if applicable, a final grade on the student’s supervised academic performance has been submitted to the Registrar. Academic supervision includes teaching, advising a thesis or dissertation, supervising research, supervising teaching, grading, or serving as Chair of the Department of the student’s academic program.

2. Relationships between Individuals of Different Conservatory Status

Amorous relationships between individuals of different Conservatory status that occur outside the instructional context can also lead to difficulties. In a personal relationship between an instructor or other faculty or staff member, and an individual for whom the instructor or other faculty or staff member has no current professional responsibility, the instructor or other faculty or staff member should be sensitive to the possibility that he or she may unexpectedly be placed in a position of responsibility for that individual’s instruction or evaluation. This could involve being called upon to write a letter of recommendation or to serve on an admissions or selection committee involving the individual. In addition, one should be aware that others may speculate that a specific power relationship exists even when there is none, giving rise to assumptions of inequitable academic or professional advantage for the student involved. Although graduate students, teaching fellows, tutors, and undergraduate course assistants may be less accustomed than Faculty members to thinking of themselves as being in a position of greater authority by virtue of their professional responsibilities, they should recognize that they might be viewed as more powerful than they perceive themselves to be.

KEY TERMS

A. Consent

Consent must be informed and voluntary, and can be withdrawn at any time. Consent can be given by words or actions as long as those words or actions create mutually understandable permission regarding the scope of sexual activity. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent.

Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.

If a person is mentally or physically incapacitated or impaired so that he or she cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard, or being asleep or unconscious.

B. Incapacitation

Incapacitation is the inability, temporarily or permanently, to give consent, because the person is mentally and/or physically helpless due to drug or alcohol consumption, either voluntarily or involuntarily, or the person is unconscious, asleep, or otherwise unaware that the sexual activity is occurring. Some signs of incapacitation may include, but are not limited to, lack of control over physical movements (e.g., stumbling, falling down), lack of awareness of circumstances or surroundings, the inability to speak or communicate orally, or the inability to communicate for any reason.

It is a violation of this policy and Massachusetts law to engage in sexual activity with a person who is incapacitated, regardless of whether the person appeared to be a willing participant. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of capacitation, especially in cases when alcohol or drugs are involved.

C. Force

The use of force to cause someone to engage in sexual activity is, by definition, non-consensual contact, and is prohibited. Force may include words, conduct, or appearance. Force includes causing another's intoxication or impairment through the use of drugs or alcohol. Under this policy, force includes the use of any of the following:

- Physical Force, Violence, or a Weapon
- Threats
- Intimidation and Implied Threats
- Coercion

D. Miscellaneous Definitions.

- Complainant: The person making the allegations of sexual misconduct.
- Respondent: The person against whom a complaint of sexual misconduct has been made.
- Reporter: A person who has information that sexual misconduct may have been committed by a student or a participant in an NEC program and who initiates a complaint.

REPORTING VIOLATIONS OF NEC'S TITLE IX POLICY

Confidentiality and Disclosing

Who can I tell if I want to keep it confidential?

Members of our Health and Counseling Center are the only NEC employees NOT required to disclose Title IX violations. Any information shared at the NEC Health and Counseling Center is strictly confidential. Health care providers in our center can provide confidential advocacy, crisis counseling and medical services, as well as explain options for additional support. Visits are confidential and medical records cannot be released without your consent except if subpoenaed by a court of law. There is a healthcare professional on-call for phone consultations after-hours. If the Health and Counseling Center is closed, listen to the outgoing message for directions on how to page the doctor on-call.

The NEC Health and Counseling Center
241 St. Botolph St, Room 112
617-585-1284

Who can I tell if I'm not sure if I want to keep it confidential?

All NEC employees who are not members of the Health and Counseling Center are required to report allegations of Title IX violations to the Title IX coordinator. However, it is important to understand the importance between *disclosing* and *reporting*.

Disclosing is when you tell someone about a possible violation, but not necessarily with the intent to officially report the incident to the school or to initiate a disciplinary procedure. If it is your intent to tell someone about an incident because you need to talk or because you want help finding services, NEC recommends that you speak to a member of our Health and Counseling Center. The staff of our Health and Counseling Center will not share information without your permission unless they are subpoenaed by a court of law. Please note that all other NEC employees, including all members of the Residence Hall staff, are required to report any allegation of sexual misconduct or sexual- or gender-based discrimination or harassment to the Title IX Coordinator, including names of the students involved, and relevant facts such as date, time and location of incident. In addition, NEC is obliged to include, without attribution, all allegations of sexual misconduct in our Clery report. (No names are ever included in the Clery report.)

Reporting is when you tell someone because you want the school to be aware of the violation or you want to initiate a complaint and/or start a grievance or disciplinary process. When you

initiate a conversation with one of the administrators named below or with a member of the Residence Hall staff, they will advise you on the difference between disclosing and reporting and of their responsibility to report all violations to the Title IX Coordinator. While NEC strongly advises victims of sexual assault to pursue their case through the NEC adjudication system and the local police, we will not require students to do so.

Are there times when NEC cannot keep the information confidential?

NEC respects a student's desire for confidentiality and will always strive to protect a student's or employee's right to privacy. However, confidentiality can limit the Conservatory's ability to conduct a thorough investigation and take appropriate disciplinary action. Additionally, the Conservatory may be required to break confidentiality if the reported incident poses a credible threat to the safety of the NEC community or the public at large. Official school records are protected under FERPA, but like medical records, are subject to subpoena. Please see Appendix A for complete information about maintaining confidentiality.

Criminal Trial vs Administrative Adjudication

Do I have to tell the police?

NEC urges students and employees to report instances of sexual misconduct or domestic abuse to the police. However, we understand that sometimes individuals are hesitant to take this step. A police report is NOT required for NEC to begin an investigation into a Title IX violation.

How do I report a violation to someone at NEC?

Designated NEC administrators are available to support both the complainant and the respondent, and provide an explanation of rights, including:

- Access to counseling and medical services
- Access to legal services, including obtaining a restraining order through the Boston Police Department
- Strategies to avoid contact with the respondent while the investigation is pending
- The option to change enrollment status, such as taking a Leave of Absence

Students or employees are encouraged to report violations to any of the following NEC administrators who have been educated in the rights of and services available for both complainants and respondents:

Marianne Wisheart; Director of Human Resources
 Deputy Title IX Coordinator for Staff and Faculty
 Human Resources Department (St. Botolph Building, room 203)
 617-585-1229
marianne.wisheart@necmusic.edu

Suzanne Hegland; Dean of Students
Deputy Title IX Coordinator for Student against Student Sexual Assault
Office of Student Services (St. Botolph Building, room 224)
617-585-1310
suzanne.hegland@necmusic.edu

Rebecca Teeters; Assistant Dean of Students
Office of Student Services (St. Botolph Building, room 224)
617-585-1311
rebecca.teeters@necmusic.edu

Stephanie Barnes; Academic and International Student Advisor
Office of Student Services (St. Botolph building, room 224)
617-585-1312
stephanie.barnes@necmusic.edu

Davey Harrison; Academic and International Student Advisor
Office of Student Services (St. Botolph building, room 224)
davey.harrison@necmusic.edu

Allesandra Cionco; Director of Residential Life
Office Adjacent to Student Lounge in Jordan Hall Building
617-585-1792
allesandra.cionco@necmusic.edu

Michael Ryan; Director of NEC's Department of Public Safety, Title IX Coordinator
295 Huntington Ave, Room 207
617-585-1187
michael.ryan@necmusic.edu

What will happen to the person I have accused?

The responding party has a right to be informed of the accusation and of the investigative procedures, including the right to an NEC advocate. (Please see Appendix B: Rights of the Complainant and the Respondent.) During the investigation, the Title IX coordinator will attempt to separate the accused from the accuser. This may require a room-change in the residence hall, and/or a temporary change of course/rehearsal schedules; or changing work schedule or work situations.

As with all disciplinary cases, if the Title IX Coordinator determines that there is an imminent risk to the safety of community members or the ongoing functions of NEC and its community, he/she may suspend or otherwise restrict NEC access for the accused student or employee without prejudice to his or her record until the conclusion of the disciplinary proceeding.

NEC Adjudication Process

When the Title IX Coordinator receives credible allegations of a violation, he/she will take the following steps:

1. Provide the complainant with access to healthcare and counseling services
2. Advise the complainant on his or her right to pursue the allegations through the courts and/or through the NEC's adjudication process
3. Advise all students or employees involved on our efforts to maintain confidentiality
4. Advise all students or employees involved on our policy against retaliation (see below)
5. Advise the respondent of the accusations and the investigative and adjudication process
6. Initiate an investigation

At the conclusion of the investigation, NEC will proceed as follows:

1. The Title IX Team (see below) will review the report submitted by the designated investigator and make a determination as to whether there was a violation(s).
2. The respondent and the complainant will receive written notification of the Title IX Team's findings within ten working days of the receipt of the investigator's report, unless specific circumstances preclude a decision within that time. Sanctions may range from exoneration to expulsion or termination.

Appeals:

The respondent has the right to appeal any finding or sanction. To do so, he or she must file a letter of appeal within one week of notification. This appeal must be based on either procedural error or new evidence (that is, evidence not available at the time of the initial investigation) and must be addressed to the President's Office. The President or appointed designee will consider and decide all appeals from a student. An appeal does not presuppose a right to a new investigation, although the President or designee may appoint a new investigator, provided that it is conducted in accord with regular procedures.

The President or designee may affirm the Title IX Team's original decision, modify or amend sanctions, or direct that the case be re-investigated. The decision will be communicated to the complainant and respondent, in writing, no more than two weeks after the appeal is filed; such a decision is final.

The designated investigator will allow for the following provisions:

- The respondent will receive written notice of an interview at least five working days in advance, unless the Title IX coordinator determines that circumstances warrant an interview on shorter notice.
- The respondent may ask for an advisor from within the NEC community to help in preparing a response to the allegations and/or to appear at an interview. Attorneys are not permitted, unless related criminal charges are pending in the courts, in which case the respondent's attorney may be present but may not participate.

Note: Any person bringing charges may seek the support of any member of the Conservatory community.

- Both respondent and complainant have a right to present relevant evidence, testimony, and witnesses to the designated investigator; to know the nature and source of any evidence or testimony; and to question any such testimony. The Conservatory expects all participants to respect the confidentiality of its proceedings.
- All investigations will be thorough, reliable, impartial, prompt and fair. Investigations entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, as necessary.

See Appendix C for a complete description of investigative procedures.

Title IX Team for Adjudication

- Suzanne Hegland, Dean of Students
- Marianne Wisheart, Director of Human Resources
- Michael Ryan, Director of Public Safety

Amnesty for Underage Drinking, Excessive Drinking and Illegal Drug Use

Although underage drinking, excessive drinking and illegal drug use are violations of NEC's Code of Conduct, students will be given amnesty for these offenses when there are allegations of sexual assault. In other words, a student who is assaulted while under the influence of drugs or alcohol should not be afraid to report the incident to school officials.

Policy against Retaliation

Retaliation, occurring either during or after the filing of a Title IX complaint, is a violation of NEC policy. If a student or employee feels that they are being harassed or retaliated against due to their involvement in a Title IX investigation, he or she should immediately notify the Title IX Coordinator.

False Allegations

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

Administrative Leave While Charges Pending

Should an employee be placed on administrative leave while charges are pending, the investigative process will proceed in the employee's absence to a reasonable resolution. The employee will not be permitted to return to NEC unless all sanctions have been satisfied.

Appendix A – Determining Confidentiality

If a complainant requests that his or her name not be used, NEC will take all reasonable steps to respond and investigate in a manner consistent with that request, so long as doing so does not prevent the school from responding effectively and preventing the harassment of other students or the reporting party.

Confidentiality cannot be guaranteed if there is a Pattern, Predation, Threat, Violence, or a Weapon involved in the report. To make this determination, NEC will consider

- Additional complaints of sexual violence involving the same perpetrator
- Whether the sexual violence was committed by multiple perpetrators (as this shows predation)
- Whether the perpetrator has a history of arrests or records from a prior school indicating a history of violence
- Whether the student or employee's report reveals a pattern of perpetration at a given location or by a particular group
- Whether the alleged perpetrator threatened further sexual violence against the employee, student, or others
- Whether the sexual violence was perpetrated with a weapon
- Age of the victim
- Whether the school possesses other means to obtain relevant evidence (e.g. security camera or personnel, or physical evidence)

If confidentiality cannot be granted:

- The adjudication process will still be available to the complainant;
- NEC will continue to support the complainant as outlined in Appendix B (e.g. housing, classes, no contact, etc.);
- NEC will provide relevant information only to those with a need to know.

Appendix B: Rights of the Complainant and Respondent

Complainant's rights:

- The right to an investigation and appropriate resolution of all credible allegations of sexual misconduct or discrimination made in good faith to NEC officials;

- The right to be informed in advance of any public release of information regarding the incident;
- The right not to have any personally identifiable information released to the public, without consent;
- The right to be treated with respect by NEC officials;
- The right to have NEC policies and procedures followed without material deviation;
- The right not to be pressured to mediate or otherwise informally resolve any reported sexual misconduct or sexual- or gender-based discrimination or harassment;
- The right not to be discouraged by NEC officials from reporting sexual misconduct or sexual- or gender-based discrimination or harassment to both on-campus and off-campus authorities;
- The right to be informed by NEC officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the reporting party so chooses. This also includes the right not to be pressured to report, as well;
- The right to have reports of sexual misconduct or sexual- or gender-based discrimination or harassment responded to promptly and with sensitivity by campus law enforcement and other campus officials;
- The right to be notified of available counseling, mental health, victim advocacy, health, legal assistance, student financial aid, visa and immigration assistance, or other student or employment services, both on campus and in the community;
- The right to a campus no-contact order (or a trespass order against a non-affiliated third party) when someone has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the reporting party or others;
- The right to notification of and options for, and available assistance in, changing academic and living situations after an alleged sexual misconduct or sexual- or gender-based discrimination or harassment incident, if so requested by the reporting party and if such changes are reasonably available. No formal report or investigation (campus or criminal), need occur before this option is available. Accommodations may include:
 - Change of an on-campus student's housing to a different on-campus location;
 - Assistance from NEC support staff in completing the relocation;
 - Transportation accommodations;
 - Arranging to dissolve a housing contract and pro-rating a refund;
 - Exam (paper, assignment) rescheduling;

- Taking an incomplete in a class;
 - Transferring class sections;
 - Temporary withdrawal;
 - Alternative course completion options.
-
- The right to have NEC maintain such accommodations for as long as is necessary, and for protective measures to remain confidential, provided confidentiality does not impair the institution's ability to provide the accommodations or protective measures;
 - The right to be fully informed of campus policies and procedures as well as the nature and extent of all alleged violations contained within the report;
 - The right to ask the investigators to identify and question relevant witnesses, including expert witnesses;
 - The right to be informed of the names of all witnesses whose information will be used to render a finding, in advance of that finding, except in cases where a witness's identity will not be revealed to the respondent for compelling safety reasons. This exception does not apply to the disclosure of the name of the complainant, which will always be provided to the respondent;
 - The right not to have irrelevant prior sexual history admitted as evidence;
 - The right to regular updates on the status of the investigation and/or resolution;
 - The right to have reports addressed by investigators and Title IX Team members who have received annual training on sexual misconduct or sexual- or gender-based discrimination or harassment;
 - The right to preservation of privacy, to the extent possible and permitted by law;
 - The right to meetings and/or interviews that are closed to the public;
 - The right to petition that any NEC representative in the process be recused on the basis of demonstrated bias or conflict-of-interest;
 - The right to bring a victim advocate or advisor of the reporting party's choosing to all phases of the investigation and resolution proceeding;
 - The right to submit an impact statement in writing to the Title IX Coordinator following determination of responsibility, but prior to sanctioning;

- The right to be promptly informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties;
- The right to be informed in writing of when a decision is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the finding and sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by NEC.

Statement of the Respondent's rights

- The right to an investigation and appropriate resolution of all credible reports of sexual misconduct or sexual- or gender-based discrimination or harassment made in good faith to NEC administrators;
- The right to be informed in advance, when possible, of any public release of information regarding the report;
- The right to be treated with respect by NEC officials;
- The right to have NEC policies and procedures followed without material deviation;
- The right to be informed of and have access to campus resources for medical, health, counseling, and advisory services;
- The right to timely written notice of all alleged violations, including the nature of the violation, the applicable policies and procedures and possible sanctions;
- The right to review all documentary evidence available regarding the report, subject to the privacy limitations imposed by state and federal law, prior to the finding by Title IX Team;
- The right to be informed of the names of all witnesses whose information will be used to render a finding, prior to final determination, except in cases where a witness's identity will not be revealed for compelling safety reasons. This exception does not include the name of the complainant, which will always be revealed;
- The right not to have irrelevant prior sexual history admitted as evidence in a campus resolution process;
- The right to have reports addressed by investigators and Title IX Team members who have received annual training on sexual misconduct or sexual- or gender-based discrimination or harassment;

- The right to petition that any NEC representative be recused from the resolution process on the basis of demonstrated bias and/or conflict-of-interest;
- The right to meetings and interviews that are closed to the public;
- The right to have an advisor of their choice to accompany and assist throughout the campus resolution process;
- The right to a fundamentally fair resolution, as defined in these procedures;
- The right to provide an impact statement in writing to the Title IX Coordinator following any determination of responsibility, but prior to sanctioning;
- The right to a decision based solely on evidence presented during the resolution process. Such evidence shall be credible, relevant, based in fact, and without prejudice;
- The right to be promptly informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties;
- The right to be informed in writing of when a decision is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the finding and sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by NEC.

Appendix C: Investigation Process

Once the decision is made to commence a formal investigation, the Title IX Coordinator will appoint a designated investigator to conduct the investigation, usually within two (2) days of determining that an investigation should proceed. Investigations are completed expeditiously, normally within sixty (60) days, though some investigations take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

The investigator(s) will typically take the following steps, if not already completed (not necessarily in order):

1. In coordination with campus partners (e.g.: the Title IX Coordinator), initiate or assist with any necessary remedial actions;
2. Determine the identity and contact information of the complainant;
3. Identify all policies allegedly violated;
4. Assist the Title IX Coordinator with an immediate preliminary inquiry to determine if there is reasonable cause to believe the respondent has violated policy.
5. If there is insufficient evidence to support reasonable cause, the inquiry should be closed with no further action;

6. Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the respondent, who may be given notice prior to or at the time of the interview;
7. Prepare the notice of allegation(s) on the basis of the preliminary inquiry;
8. Meet with the complainant to finalize his or her statement, if necessary;
9. Prior to their interviews, NEC will provide written notification to both parties of their right to have an NEC advocate of their choosing present for all meetings attended by the applicable party;
10. Provide complainant and respondent with a written description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures; and a statement of the potential sanctions/responsive actions that may result;
11. Prior to the conclusion of the investigation, provide the complainant and the responding party respondent with a list of witnesses interviewed whose statements will be used to render a finding;
12. Allow each party the opportunity to suggest questions they wish the investigators to ask of the other party and witnesses.
13. Provide parties with all relevant evidence to be used in rendering a determination and provide each with a full and fair opportunity to address that evidence prior to a finding being rendered;
14. Complete the investigation promptly, and without unreasonable deviation from the intended timeline;
15. Provide regular updates to the reporting party throughout the investigation, and to the responding party, as appropriate;
16. Present a final report of the investigation to the Title IX Team
17. The Title IX Team will then find whether a policy violation is more likely than not to have occurred, based on a preponderance of the evidence;
18. Findings will be presented to the appropriate NEC Administrator, who will then determine appropriate sanctions:
 - a. For sanctions against students, the Dean of Students
 - b. For sanctions against NEC employees, the President or appointed designee
19. The Title IX Coordinator will finalize and present the findings and sanctions to the parties, without undue delay following the end of the investigation;
20. At any point during the investigation, if there is no reasonable cause to believe that NEC's Title IX policy has been violated, the Title IX Coordinator has authority to terminate the investigation and end resolution proceedings.

Appendix D: Education Programs and Campaigns

1. All incoming students are required to complete the Haven course, a web-based informational program that educates students on healthy relationships, the meaning of sexual consent and the role of the bystander in creating a safe and healthy community.

2. All new employees are required to complete the on-line program: Faculty & Staff Guide to Conservatory Policies, Procedures, and Resources.
3. All incoming undergraduate students are required to attend an Orientation session sponsored by the Boston Area Rape Crisis Center. Tailored specifically to the NEC student community, the program is designed to address assumptions about sexual violence and the concept of the active bystander.
4. All members of the community will receive updates about ongoing campaigns to increase awareness about how to practice safe sex and avoid Title IX violations, which are sponsored by various departments of the Office of Student Services including Residence Life, Student Activities, and the Health and Counseling Center.
5. All members of the community will benefit from ongoing “passive programs” (i.e., bulletin boards, emails, social media notifications, etc.), which are updated annually to ensure community knowledge about NEC’s commitment to providing a safe environment in compliance with all state and federal guidelines.

Appendix E: Additional Resources for the New England Conservatory of Music

The Boston Area Rape Crisis (BARCC) 24 Hour Hotline

800-841-8371

617-492-7273

www.barcc.org/help

Victims’ Rights Law Center

Phone: 617-399-6720 x19

Fax: 617-399-6722

115 Broad Street, 3rd floor

Boston, MA 02110

Boston Police Sexual Assault Unit

Phone: 617-343-4400

Gay Men’s Domestic Violence Project

800-832-1901

24 hour hotline

The Network/LaRed

617-742-4911

Hotline for lesbians, bisexual women, and the transgender community

GOVERNMENT RESOURCES

Equal Employment Opportunity Commission

John F. Kennedy Federal Building

475 Government Center
Boston, MA 02203
Tel: 800-669-4000
<http://www.eeoc.gov/>

Department of Education, Office of Civil Rights

Enforcement Office
Office for Civil Rights/Boston
US Department of Education, 8th Floor
5 Post Office Square
Boston, MA 02109
Tel: 617-289-0111
<http://www2.ed.gov/about/offices/list/ocr/index.html>

See Dear Colleague letter at: www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html

U.S. Department of Justice

Office on Violence Against Women
145 N Street, NE, Suite 10W.121
Washington, D.C. 20530
202-307-6026

Massachusetts Commission Against Discrimination

1 Ashburton Place, 6th Floor, Room 601
Boston, MA 02108
Tel: 617-994-6000
<http://www.mass.gov/mcad/>

Massachusetts Office for Victim Assistance

One Ashburton Place, Suite 1101
Boston, MA 02108
Tel: 617-727-5200
<http://www.mass.gov/mova/>

Third District Court Victim Assistance

4040 Mystic Valley Parkway
Medford, MA 02155
Tel: 781-306-2710

Excerpts from Laws Relevant to Misconduct

Federal Laws

Title VI of the Civil Rights Act of 1964, 42 U.S.C §§ 2000d - 2000d-7

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Office of Civil Rights (OCR) Investigative Guidance on “Racial Incidents and Misconduct Against Students at Educational Institutions,” 59 Fed. Reg. 11448 (March 10, 1994)

OCR will investigate whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with Title VI and the Department of Education’s implementing regulations. The Department has interpreted Title VI as prohibiting racial misconduct.

The existence of racial incidents and misconduct on the basis of race, color, or national origin against students is disturbing and of major concern to the Department. Racial misconduct denies students the right to an education free of discrimination.

Under Title VI and its implementing regulations, no individual may be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination on the ground of race, color or national origin under any program or activity that receives Federal funds. Racially based conduct that has such an effect and that consists of different treatment of students on the basis of race by recipients’ agents or employees, acting within the scope of their official duties, violates Title VI. In addition, the existence of a racially hostile environment that is created, encouraged, accepted, tolerated or left uncorrected by a recipient also constitutes different treatment on the basis of race in violation of Title VI.

Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e - 2000e-17

It shall be an unlawful employment practice for an employer:

- 1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin; or
- 2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual’s race, color, religion, sex, or national origin.

Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq.

It shall be an unlawful employment practice for an employer:

1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age; or

2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's age.

Americans with Disabilities Act, 42 U.S.C. §§12101-12213

No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to ... the hiring, advancement, or discharge of employees . . . and other terms, conditions and privileges of employment.

Definition of "Sexual Misconduct" from EEOC Guidelines on Sexual Misconduct, 29 C.F.R. § 1604.11

Misconduct on the basis of sex is a violation of Title VII. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual misconduct when:

1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Title IX of the Education Amendments of 1972 to the Civil Rights Act of 1964, 20 U.S.C. §§ 1681 - 1688

Title IX protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Subject to certain exceptions, Title IX states:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Massachusetts State Laws

Discrimination under the Massachusetts Fair Employment Practices Act, G.L. c. 151B, § 4

In Massachusetts it is unlawful for an employer, by himself or his agent, because of the race, color, religious creed, national origin, sex, gender identity, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, genetic information, or ancestry of any individual to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment, unless based upon a bona fide occupational qualification.

In addition, it is unlawful for an employer to impose upon an individual as a condition of obtaining or retaining employment any terms or conditions, compliance with which would require such individual to violate, or forego the practice of, his creed or religion as required by that creed or religion including but not limited to the observance of any particular day or days or any portion thereof as a sabbath or holy day and the employer shall make reasonable accommodation to the religious needs of such individual.

Sexual Misconduct under the Massachusetts Fair Employment Practices Act, G.L. c. 151B, §§ 1, 3A, 4

Under Massachusetts law, all employers, employment agencies, and labor organizations shall promote a workplace free of sexual misconduct.

It is unlawful for an employer, personally or through its agents, to sexually harass any employee.

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

- a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions;
- b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual’s work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment. Discrimination on the basis of sex shall include, but not be limited to, sexual misconduct.

Massachusetts Fair Educational Practices Act, G.L. c. 151C, § 2

It is an unfair educational practice for an educational institution to sexually harass students in any program or course of study in any educational institution.

Massachusetts Equal Rights Act, G.L. c. 93, § 102

All persons within Massachusetts, regardless of sex, race, color, creed or national origin, shall have, except as is otherwise provided or permitted by law, the same rights enjoyed by white male citizens, to make and enforce contracts, to inherit, purchase, to lease, sell, hold and convey real and personal property, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

Massachusetts Anti-Stalking Act, G.L. c. 265, § 43

Under the Massachusetts Anti-Stalking Act, any person who:

- 1) willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, and
- 2) makes a threat with the intent to place the person in imminent fear of death or bodily injury, shall be guilty of the crime of stalking.

Section 43(b) of the Act imposes mandatory minimum sentences for any person who commits the crime of stalking in violation of a restraining order; vacate order, no-contact order, or injunction. Section 43(c) of the statute imposes mandatory minimum sentences for any person who commits a second or subsequent offense after having already been convicted of the crime of stalking.

Massachusetts Hate Crimes Reporting Act, G.L. c. 22C, § 32

A “hate crime” is a criminal act under the laws of Massachusetts in which bigotry and bias was a motivating factor. Hate crimes are defined as criminal acts coupled with overt actions motivated by bigotry and bias directed at a victim due to that victim’s race, religion, ethnicity, handicap, gender, or sexual orientation.

1.5 Social Media Policy

Just as the Internet has changed our world forever, social media has changed the way people communicate. The New England Conservatory of Music views social media and networking sites as powerful tools to strengthen our brand and to further the organization.

Social media can take many different forms, including web forums, blogs, online profiles, wikis, podcasts, pictures and video, email, and instant messaging, to name just a few. Examples of social media sites are LinkedIn, Facebook, MySpace, Wikipedia, YouTube, Twitter, Yelp, Flickr, Second Life, Yahoo groups, Wordpress, ZoomInfo – the list is endless.

When you are participating in social networking, you are representing both yourselves personally and NEC. It is not our intention to restrict your ability to have an online presence and to mandate what you can and cannot say. NEC believes social networking is a very valuable tool and continues to advocate the responsible involvement of all employees in this space. While NEC encourages this online collaboration, we would like to provide a set of guidelines for appropriate online conduct and to avoid the misuse of this communication medium.

Policy Guidelines:

- Do not post any financial, confidential, sensitive or proprietary information about The New England Conservatory of Music (NEC) or about any of our students or employees.
- Speak respectfully about our current, former and potential students, employees and competitors. Do not engage in name-calling or behavior that will reflect negatively on your or NEC's reputations. The same guidelines hold true for NEC vendors and business partners.
- Beware of comments that could reflect poorly on you and NEC. Social media sites are not the forum for venting personal complaints about supervisors, co-workers, or NEC.
- As a NEC employee, be aware that you are personally responsible for the content you post.
- Use privacy settings when appropriate. Remember, the Internet is immediate and nothing posted is ever truly private nor does it expire.
- If you see unfavorable opinions, negative comments or criticism about yourself or NEC, do not try to have the post removed or send a written reply that will escalate the situation. Forward this information to Human Resources and the Marketing Department.
- If you are posting to personal networking sites and are speaking about job related content or about NEC, identify yourself as an NEC employee and use a disclaimer and make it clear that these views are not reflective of the views of NEC. *"The opinions expressed on this site are my own and do not necessarily represent the views of NEC."*
- Many sites like Facebook and Twitter blur the lines between business and personal. Keep this in mind and make sure to have a balance of information that shows both your professional and personal sides. And always balance negative with positive comments.
- Be respectful of others. Think of what you say online in the same way as statements you might make to the media, or emails you might send to people you don't know. Stick to the facts, try to give accurate information and correct mistakes right away.
- Do not post obscenities, slurs or personal attacks that can damage both your reputation as well as NEC's.
- When posting to social media sites, be knowledgeable, interesting, honest and add value. NEC's outstanding reputation and brand is a direct result of our employees and their commitment to uphold our core values of Integrity, Dedication, Teamwork and Excellence.
- Do not infringe on copyrights or trademarks. Don't use images without permission and remember to cite where you saw information if it's not your own thoughts.

- Be aware that you are not anonymous when you make online comments. Information on your networking profiles is published in a very public place. Even if you post anonymously or under a pseudonym, your identity can still be revealed.
- If contacted by the media refer them to the Marketing Department.

NEC may monitor web content and reserves the right to remove posts that violate this policy.

Users who violate the Policy may be subject to discipline, up to and including termination of employment. If you have any questions about this policy or a specific posting out on the web, please contact Human Resources.

1.6 Drug and Alcohol Policy

Federal and state laws prohibit the non-medical use, possession, or sale of drugs. It is also illegal to try to persuade others to use, possess, or sell drugs. In addition, under Massachusetts state law it is illegal to knowingly be in the presence of another person or persons illegally possessing drugs, or in a place where drugs are illegally kept or deposited. Violation of these laws by first-time offenders in Massachusetts may result in penalties ranging from fines or suspended sentences and paroles to three (3) to ten (10) years' imprisonment. NEC cannot protect its employees from arrest or prosecution resulting from illegal drug use. Moreover, NEC will cooperate with law enforcement authorities in any situation regarding an employee's illegal use, possession, or sale of drugs.

The Drug-Free Workplace Act of 1988 requires all NEC employees who are engaged in the performance of Federal grants and contracts to abide by the terms of NEC's Drug Policy, and to notify NEC of any criminal drug conviction resulting from a violation in the workplace no later than five (5) days after such a conviction. Furthermore, NEC is required to let the appropriate federal agency know of such a conviction within ten (10) days after receiving notification of it. NEC is also obliged to: 1) take appropriate action against a convicted employee; and/or 2) require a convicted employee to participate in an approved drug abuse rehabilitation program.

NEC recognizes the dangers of drug use, and encourages any employee who may have a drug problem to seek help from counselors and/or medical professionals. Human Resources can provide referral information regarding counseling, medical, and/or rehabilitation services.

The legal drinking age in Massachusetts is 21. NEC is committed to observing all Massachusetts state laws, including those that govern the sale, purchase, and serving of alcoholic beverages. These laws cover the purchase of alcohol by and for persons who are under the legal drinking age; the serving of alcohol to persons who are either under the legal drinking age or intoxicated; and the serving of alcohol to persons who operate motor vehicles under the influence of alcohol. These laws cover all NEC activities that take place on or off-campus.

NEC recognizes that it cannot guarantee that everyone will enforce its policy or Massachusetts state law. NEC relies, however, upon the good judgment of its employees in observing these

policies and laws. Individuals who violate state law and/or NEC policy must be prepared to accept responsibility for their actions. Violation of these policies and/or laws may lead to disciplinary and/or legal action.

I. Alcohol Policy-Events

Individuals sponsoring an event are legally responsible for ensuring that all city, state, federal, and NEC regulations regarding the use of alcohol are observed. All permits must be obtained prior to the event being held.

Alcohol may be served at NEC-sponsored events/functions where the majority of attendees are expected to be over the age of 21 within the following guidelines:

- Groups intending to serve alcohol at any NEC-sponsored event, either on- or off-campus, must obtain prior approval from the Director of Public Safety or his designee, or the Dean of Students, depending upon the type of event.
- A professional bartender must be hired to serve all alcoholic beverages at an NEC-sponsored event. Individuals may be required to show proper identification before being served.
- Sponsors of the event must accept responsibility for identifying all persons who are not of legal drinking age, and must ensure that these individuals are not served.
- There must be food and non-alcoholic beverages readily available.
- Alcohol must not be served to any person who is intoxicated.
- Alcoholic beverages may only be consumed within the area designated for the event
- Alcohol may only be served during the time that is allowed for the permitted event

All NEC employees are expected to uphold both Massachusetts state law and NEC policies. Violations should be reported immediately to the Director of Public Safety or his designee, or to the Dean of Students. Appropriate administrative action will be taken in cases of violation of these policies.

1.7 Solicitation/Distribution

NEC does not allow employees to use their scheduled work time to distribute, solicit, or to be solicited on matters not related to NEC business. Activity related to political campaigns or issues are strictly prohibited on NEC property, except in employee break areas during non-working time. Employees engaging in political activity must do so on their own time at their own expense. NEC does not make contributions to political candidates, due to its non-profit tax status. NEC solicits contributed support to underwrite its own programs and services. Employees are encouraged to use their personal time and resources to support other fundraising causes outside NEC.

1.8 Workplace Violence

New England Conservatory seeks to maintain a safe, healthy and secure work environment. It is the Conservatory's goal to create a workplace free from violence, threats of violence, misconduct, intimidation, and other disruptive behavior. Employees play a major role in the Conservatory's efforts by complying with this policy, contributing to a respectful atmosphere, treating all threats seriously, and reporting incidents immediately.

New England Conservatory treats reports of threatening behavior or violence seriously and will take appropriate action in response. The Conservatory has the right to search any area or property, including personal property, in order to investigate reports of workplace violence. For information regarding the Conservatory's response to a workplace violence crisis, please refer to the New England Conservatory Emergency Response Plan.

Prohibited Conduct and Behavior:

New England Conservatory will not tolerate any workplace violence, whether carried out by coworkers, visitors, former employees, or other individuals. The Conservatory expressly prohibits violence, threats, misconduct, intimidation, and other disruptive behavior on its property. Violence or threatening behavior can include physical acts of violence, gestures, intimidating presence, oral or written statements, sexual assaults and weapons possession.

The Conservatory will initiate appropriate action in response to reports of such incidents, which may include, but is not limited to, immediate removal from New England Conservatory property, suspension, termination and/or referral for criminal prosecution. All employees are required to cooperate in any investigations the Conservatory conducts in response to reports or acts of workplace violence.

Reporting Incidents:

All employees are responsible for reporting workplace violence and can do so without the fear of reprisal or criticism. Community members should not ignore violent, threatening, harassing, intimidating or other disruptive behavior.

In the event of an act of violence or threat of violence, or any emergency situation Call NEC Security (x1240)

In the event of verbal abuse, perceived intimidation, or misconduct, or any non-emergency situation, report the incident to immediate supervisor or Office of Human Resources (x1230)

For all other situations, Call Office of Human Resources (x1230) or NEC Security (x1240)

If you have any questions about this policy please contact the Director of Human Resources (x1229) or Executive Director of Facilities, Engineering & Construction (x1187).

1.9 Weapons

New England Conservatory expressly prohibits the use, possession, or sale of any weapon, other than as expressly authorized by the Conservatory, by any person or employee while on Conservatory property and/or while conducting business on behalf of or for the benefit of the Conservatory. This prohibition applies even if an individual has a legal permit to carry a weapon. Massachusetts General Laws (MGL, Chapter 269, section 10(j)) also prohibit carrying a firearm, whether loaded or unloaded, or any other dangerous weapon, in any building or on the grounds of the Conservatory.

Persons who are on New England Conservatory property and/or conducting business on behalf of, or for the benefit of, the Conservatory, are required to abide by this policy and are required to cooperate in any investigation the Conservatory deems necessary to enforce this policy.

Persons who do not comply with this policy may be subject to disciplinary action, up to and including removal from Conservatory property and/or termination from employment. This action is separate from any criminal penalties that may be pursued for violation of state laws.

1.10 Conflict of Interest

NEC expects all employees to act in the best interests of the Conservatory and to adhere to the highest ethical standards in all areas. Employees must avoid any activities that are in conflict with, or give the appearance of being in conflict with, the best interests of the Conservatory. Employees may not accept gifts or entertainment exceeding \$500 in value or loans on a personal basis from suppliers, vendors, or others who have a business relationship with the Conservatory. Employees who are in a position to hire, contract, or engage in a business relationship with a supplier, contractor, or vendor that may represent a conflict of interest may be asked by NEC administration to sign a Conflict of Interest form. The NEC President and NEC Direct Reports are required to sign a formal Conflict of Interest form.

If employees have any questions about circumstances that may represent a potential conflict of interest, please refer them to the appropriate department head and/or Human Resources. Failure to comply with the provisions of this policy may result in disciplinary action up to and including termination of employment.

Section 2. NEC Employee Technology Acceptable Use Policies

1. Overview and General Principals

New England Conservatory (NEC) allocates technology resources to employees to perform their position and/or departmental duties in support of departmental, operational and organizational goals.

These technology resources include, but are not limited to, voice and data technology infrastructure components and services owned, leased and/or provided by NEC; wired and wireless services; directory, internal and externally-assigned IP addresses, file, database, voicemail, email and print services; all server, network and local computer data, including email messages; named employee user, departmental and role accounts; employee allocated computing equipment (hardware, software and peripherals) and internet access. The I.T. Services department is responsible for the procurement, management and monitoring of these technology resources on behalf of NEC.

Employees must make accommodations for the I.T. Services department to access technology resources for the purpose of troubleshooting, maintenance, replacement or repair. Some critical issues prevent advance scheduling or notification and employees should defer judgment regarding the necessity and urgency of certain work.

Employment constitutes acknowledgement and acceptance of this policy. It is the responsibility of all employees to be aware of this policy and to abide by its terms.

2. Monitoring Disclosure

All technology services, components and data created or modified using NEC technology services remain the property of NEC and are subject to monitoring, inspection and/or evaluation in order to assure technology service integrity; business operations and continuity and compliance with NEC policies and state and federal laws.

Use of select technology services (i.e. wireless service and Internet access) is an employee privilege granted by the Conservatory if such use does not violate this policy or interfere with the execution of the employee's job duties. Extensive or inappropriate personal use of technology resources may result in disciplinary action up to and including termination of employment. Accordingly, employee computing data is not private and NEC reserves the right to monitor and/or access employees and non-employee users of any and all technology resources with or without notice.

Therefore, employees should not have any expectation of privacy when using technology services. Any unauthorized or inappropriate use discovered during such monitoring activities will constitute a violation of this Policy.

3. Responsible and Ethical Technology Use

Employee technology resource use is expected to be responsible, ethical, and legal. In general, this means respecting the integrity of the computing systems, networks, services and data in

support of departmental, operational and organizational goals. The following list, though not exhaustive, provides some guidelines for responsible and ethical behavior:

- Abide by all applicable laws. Do not violate any Federal, State, local law or ordinance.
- Use only computers, computer accounts, and computer files for which you have been authorized. Unauthorized technology resource access is strictly prohibited.
- Use technology resources for Conservatory related work, only. Activities that would jeopardize the Conservatory's tax-exempt status are prohibited. Persons are not permitted to engage in personal business, consulting or other similar ventures using NEC technology resources.
- Do not engage in unlawful, malicious or disruptive activities.
- Do not view or distribute obscene, pornographic, profane, or sexually oriented material.
- Do not violate laws, rules and regulations prohibiting sexual harassment.
- Do not encourage the use of controlled substances for criminal or illegal purposes.
- Do not create or distribute messages containing defamatory, false, inaccurate, abusive, threatening, racially offensive or otherwise biased, discriminatory or illegal material.
- Do not deliberately obtain, create or distribute incendiary statements to incite violence or promote the use of weapons in the execution of a crime.
- Do not send or post information that is defamatory to the Conservatory, its products/services, colleagues, employees, students and/or customers.
- Do not obtain, share or exchange confidential, proprietary information, trade secrets, or any other privileged, confidential, sensitive or proprietary information.
- Treat computing resources and data as a valuable Conservatory resource. Do not make unauthorized copies of NEC data. Protect NEC's data and the systems you use.
- Abide by all applicable copyright laws and licenses. Do not download, copy or pirate software and/or electronic files that are copyrighted or without authorization. NEC policies and the law expressly forbid the copying of software that has not been placed in the public domain or distributed as "freeware" or "shareware." Reproduction of copyrighted material is subject to the Copyright laws of the United States (Title 17, U.S.C.). Infringement of copyright may subject persons to fines and penalties.
- Take due precaution against the spread of computer viruses. Do not maliciously attempt to propagate viruses; attempt to gain unauthorized access to systems or accounts, applications or other data; intentionally cause congestion, disruption, disablement, alteration, impairment or intentionally jeopardize NEC's networks or systems.
- Do not modify or tamper with network wiring hardware and jacks. Network services and wiring may not be extended beyond the port provided. Retransmission or propagation of network services is prohibited without explicit permission. This includes the installation of hubs, switches, wireless equipment and/or any/all personal computer equipment.
- The following activities are specifically prohibited: disclosing your password to others; using somebody else's account to gain access to NEC systems; use of illegal software on the system; copying, altering or deleting someone else's files without that person's permission; forging messages; cracking passwords and systems; sending harassing or threatening messages; The sending of unauthorized anonymous messages; the sending of bulk unsolicited messages;

reading someone else's files without permission; system attacks; denial of services; and other malicious uses of the network and systems.

4. Account and Passwords

Employees are assigned NEC accounts for conducting organization business. This account follows a *first.lastname* standard and provides the employee with email (first.lastname@necmusic.edu), computer and network server access according to their job and responsibilities.

All employees who are assigned accounts must keep their login information secure and not share their account info.

Employees must not attempt to gain access to resources not specifically granted to them without explicit authorization. This includes, but is not limited to, trying to access network data without proper authorization, accessing another NEC user's computer or data without proper authorization, or logging on to NEC computer resources using another user's username and password.

Employees should not knowingly permit any non-authorized persons to use NEC technology resources except for the purposes of presentation or demonstration while in the presence of authorized employee.

All unauthorized account, system or service access is strictly prohibited.

5. Password Policy:

Currently, all staff employee's account passwords must comprise of the following:

- Minimum length: 8 characters
- Must contain:
 - An Upper case
 - A lower case characters
 - A base 10 digits (0 through 9)
 - A non-alphanumeric character: [~!@#\\$%^&* -+=`|\\(\){}\[\]:;'"<>,.?/](#)
- Maximum duration of password: 180 days
- Minimum duration of password: 7 days

An automated system will send an email message to the employee to notify them of password expiry. The first message will be sent thirty days in advance, followed by daily messages starting five days prior to expiration. If the employee does not change their password, they will be locked out and will need to contact the I.T. Services department.

6. Computing Equipment

All computing equipment allocated to an employee or department remains the sole property of the New England Conservatory. As stated earlier, procurement and allocation of computing equipment is managed by the I.T. Services department. Computing equipment allocation may be modified at any time based upon Organizational priorities, needs or goals. Any proposed modifications to allocated Computing Equipment must be proposed to and approved by the I.T. Services department. The use of software that was not purchased, licensed and/or authorized by NEC is strictly prohibited.

Employees must make every reasonable effort to keep any equipment allocated to them clean and in good working order. Any damage to Computing Resources beyond what is reasonably considered to be “normal” will be considered the responsibility of the employee who has been assigned to that equipment.

Portable storage devices, such as USB or external hard drives may be connected provided they are allowed to be scanned by the computer resource’s antivirus/malware detection software to ensure they do not contain service disrupting virus or malware. Upon request, the I.T. Services department will provide removable media to staff who need them for NEC-related work.

Laptops - Employees issued a laptop are responsible for the condition, physical security of and prevention of unauthorized access to the item for the duration of the assignment. This equipment is for NEC business use, only, and not for personal use. All allocated items must be returned in in good, clean and working order. If not, the employee may be held personally responsible for full replacement cost of the item. If the NEC item is lost or stolen the representative must notify the IT Services department immediately.

Loaner Equipment - Employees borrowing loaner equipment, such as an LCD projector or ‘loaner’ laptop, are responsible for the condition, physical security of and prevention of unauthorized access to the item for the duration of the loan. All borrowed items must be returned in good, clean and working order. If not, the employee may be held personally responsible for full replacement cost of the item. If the NEC item is lost or stolen the representative must notify the IT Services department immediately.

Employees may not physically connect any personal devices to the NEC network without the explicit, written permission of the I.T. Services department.

7. Email

Email accounts are provided to employees for conducting NEC business, only.

Employees are responsible for managing their email mailbox and messages. Email data storage is a shared resource and all employees must remain mindful of their email quota. An automated informational message will be generated and sent to the employee when the quota is being reached. The employee is then expected to delete unneeded messages that are no longer needed to remain below the quota threshold.

Personal email communication should always be conducted via personal email accounts (i.e. gmail, AOL, Yahoo, etc.) outside NEC. It is the individual employee's responsibility to communicate to personal contacts that personal correspondence should be sent to your personal email address, only.

Remote access to NEC email is available at: <https://mail.necmusic.edu>.

Employees need to use their NEC account and password for access.

For additional assistance with remote or mobile email access, employees should visit the I.T. Services Department in room SB228, or contact them via itshelp@necmusic.edu or by calling 617-585-1235.

As stated earlier, all email communication conducted via NEC email servers are considered Records and remain the sole property of NEC. These records are subject to record management retention and policies. NEC reserves the right to monitor E-mail accounts and/or messages to ensure compliance with these policies and regulations. Sending data via E-mail is the same as sending correspondence on official memo or letterhead.

Email Etiquette:

Here are some general guidelines for effectively communicating via email:

- Make your message easy to read.
- Include a clear, direct subject line, be concise and to the point.
- Proofread every message. Use proper spelling, grammar and punctuation.
- Think twice before hitting "reply all."
- Use CC or BCC sparingly.
- Never use profanity, threatening language, inappropriate or offensive jokes or stories, etc.
- Know that people from different cultures speak and write differently.
- Do not come across as sounding abrupt.
- Be cautious with humor.
- Reply to your emails — even if the email wasn't intended for you.
- Do not assume email is a private conversation.
- Do not send confidential messages via email.

8. Internet Usage

Use of the Internet by employees of is a privilege and permitted and encouraged where such use supports NEC's goals and objectives. Employees are expected to use the Internet responsibly and productively for job-related activities and personal use should be limited.

The equipment, services and technology used to access the Internet are the property of NEC and the company reserves the right to monitor Internet traffic and monitor and access data that is composed, sent or received through its technology services.

Violation of these policies could result in disciplinary and/or legal action leading up to and including termination of employment. Employees may also be held personally liable for damages caused by any violations of this policy.

9. Social Media

Social media has changed the way people communicate and NEC views social media and networking sites as powerful tools to strengthen our brand and to further the organization.

Social media is a rapidly changing landscape of products and services, including; web forums; blogs; online profiles; wikis; podcasts; photos and video; email and instant messaging/texting to name a few. Some examples of social media sites include LinkedIn, Facebook, SnapChat, MySpace, wikipedia, YouTube, Twitter, Yelp, Flickr, Second Life, Yahoo or Google groups, Wordpress, ZoomInfo.

When you are participating in social networking, you are representing both yourselves personally and NEC. It is not NEC's intention to restrict your ability to have an online presence and to mandate what you can and cannot say. NEC believes social networking is a very valuable tool and continues to advocate the *responsible* involvement of all employees in this space. While NEC encourages this online collaboration, we would like to provide a set of guidelines for appropriate online conduct and to avoid misuse of this communication medium.

Policy Guidelines:

- Do not post any financial, confidential, sensitive or proprietary information about The New England Conservatory of Music (NEC) or about any of our students or employees.
- Speak respectfully about our current, former and potential students, employees and competitors. Do not engage in name-calling or behavior that will reflect negatively on your or NEC's reputations. The same guidelines hold true for NEC vendors and business partners.
- Beware of comments that could reflect poorly on you and NEC. Social media sites are not the forum for venting personal complaints about supervisors, co-workers, or NEC.
- As a NEC employee, be aware that you are personally responsible for the content you post.
- Use privacy settings when appropriate. Remember, the Internet is immediate and nothing posted is ever truly private nor does it expire.
- If you see unfavorable opinions, negative comments or criticism about yourself or NEC, do not try to have the post removed or send a written reply that will escalate the situation. Forward this information to Human Resources and the Marketing Department.
- If you are posting to personal networking sites and are speaking about job related content or about NEC, identify yourself as an NEC employee and use a disclaimer and make it clear that these views are not reflective of the views of NEC. *"The opinions expressed on this site are my own and do not necessarily represent the views of NEC."*
- Many sites like Facebook and Twitter blur the lines between business and personal. Keep this in mind and make sure to have a balance of information that shows both your professional and personal sides. And always balance negative with positive comments.
- Be respectful of others. Think of what you say online in the same way as statements you might make to the media, or emails you might send to people you don't know. Stick to the facts, try to give accurate information and correct mistakes right away.

- Do not post obscenities, slurs or personal attacks that can damage both your reputation as well as NEC's.
- When posting to social media sites, be knowledgeable, interesting, honest and add value. NEC's outstanding reputation and brand is a direct result of our employees and their commitment to uphold our core values of Integrity, Dedication, Teamwork and Excellence.
- Do not infringe on copyrights or trademarks. Don't use images without permission and remember to cite where you saw information if it's not your own thoughts.
- Be aware that you are not anonymous when you make online comments. Information on your networking profiles is published in a very public place. Even if you post anonymously or under a pseudonym, your identity can still be revealed.
- If contacted by the media refer them to the Marketing Department.

NEC may monitor web content and reserves the right to remove posts that violate this policy.

Users who violate the Policy may be subject to discipline, up to and including termination of employment. If you have any questions about this policy or a specific posting out on the web, please contact the Human Resources department.

10. WISP

Purpose of this Policy:

NEC recognizes its need to maintain the confidentiality of Personal Identity Information (PII) and understands that such information is unique to each individual. The PII covered by this policy may come from various types of individuals performing tasks on behalf of the Conservatory and includes employees, faculty, students, independent contractors and any PII maintained on its customer base. The scope of this policy is intended to be comprehensive and will include Conservatory requirements for the security and protection of such information throughout the Conservatory and its approved vendors both on and off work premises.

Departments named in this policy have delegated authority for developing and implementing procedural guidance for ensuring that their departmental responsibilities under this policy are communicated and enforced.

Definitions:

Personal Identity Information (PII): Unique personal identification numbers or data, including:

- Social Security Numbers (or their equivalent issued by governmental entities outside the United States).
- Taxpayer Identification Numbers (or their equivalent issued by governmental revenue entities outside the United States).
- State or foreign drivers license numbers.
- Bank account numbers.
- Corporate or individually held credit or debit transaction card numbers (including PIN or access numbers) maintained in organizational or approved vendor records.
- Electronic identification codes (needs to be validated)

- Automated or electronic signatures (needs to be validated)

For context, the definition of Personal Information according to Massachusetts regulations is: a Massachusetts resident's first name and last name or first initial and last name in combination with any one or more of the following data elements that relate to such resident: (a) Social Security number; (b) driver's license number or state-issued identification card number; or (c) financial account number, or credit or debit card number, with or without any required security code, access code, personal identification number or password, that would permit access to a resident's financial account; provided, however, that "Personal information" shall not include information that is lawfully obtained from publicly available information, or from federal, state or local government records lawfully made available to the general public.

PII may reside in hard copy or electronic records; both forms of PII fall within the scope of this policy.

NEC representative: employee, staff, faculty, student, contract/temporary employee or anyone working on behalf of New England Conservatory.

Portable Storage Device: a device designed to store any kind of electronic data. This may include, but is not limited to, portable computers, tablets, phones, hard or USB/SD drives or cards.

Data Security, Access, Transmission, Transport and Retention

Conservatory Network Security:

Physical security of Conservatory servers--Servers are kept in a locked room with access limited to the Conservatory IT, Security/Public Safety and Building Operations staff.

Conservatory network is secured by up to date and robust virus protection.

The Conservatory internal network is secured behind a robust firewall.

Remote access is available using a secure encryption protocol. This service is made available to select and approved administrative positions, only.

Conservatory Premises Electronic Access to PII: Finance, Human Resources and IT have defined responsibilities for on-site access of data that may include access to PII; IT has the responsibility for all electronic records and data access capabilities. Finance and Human Resources have the operational responsibility for designating initial access and termination of access for individual users within their organizations and providing timely notice to IT. The security controls include but are not limited to password protected accounts, network folders/files and services. Termination of an employee, vendor or independent contractor with access will immediately result in the termination of the user's access to all systems where the PII may reside.

NEC representatives must never transmit PII through any type of messaging system (i.e. email, instant messaging, text messages, etc.)

Portable Storage Devices: NEC reserves the right to restrict PII data it maintains in the workplace. In the normal course of doing business, NEC does not allow the downloading of PII data to portable computing storage devices. In the event of an approved need to download PII to a portable computing storage device, such data shall be encrypted and/or utilize acceptable security protection software while such devices are in use on or off Conservatory premises. The IT department has responsibility for maintaining data encryption and data protection standards to protect PII data that resides on these portable storage devices.

Off-Site Access to PII: NEC understands that employees may need to access PII while off site and access to such data shall not be prohibited, subject to the provision that the data to be accessed is minimized to the degree possible to meet business needs and that such data shall be accessed only via secured and encrypted access methods and reside only on assigned laptops/approved storage devices that have been secured in advance by the IT department. Any approved remote access to PII shall be through a secured and encrypted method.

Conservatory Premises Physical Access to PII: All PII will be maintained in designated locations as determined by the Finance department. Such locations shall in all cases be within a locked room with limited access. The Finance department shall be responsible for control of any keys.

Physical hardcopies containing PII – Any transfer of PII to any type of physical media (i.e. saving information to a portable device or hardcopy printing) must be explicitly approved by the Department Head. In the event a Department Head approved event requires the printing of PII information, the approving Department Head is responsible for ensuring the information is used solely for institutional business, for the physical security of the information at all times and for the secure destruction/shredding of all hardcopies.

Vendors: Individual(s) or companies that have been approved by the Finance department as a recipient of organizational PII and from which the Finance department has received certification of their data protection practices conformance with the requirements of this policy. Vendors include all external providers of services to the Conservatory and include proposed vendors. No PII information can be transmitted to any vendor in any method unless the vendor has been certified for the receipt of such information.

Vendors must use secure encryption to transmit files containing PII to/from the Conservatory network.

Transport: When it is necessary for physical hardcopies to be transported from one area of the institution to another the transmitting Department Head is responsible for ensuring the information is used for institutional business, for the physical security of the information at all times and for the secure destruction/shredding of all hardcopies.

PII Retention: NEC understands the importance of minimizing the amount of PII data it maintains and retains such PII only as long as necessary. PII data shall be retained by NEC only in accordance with Conservatory record retention policies [*currently under development*] and applicable laws.

Notification in the Event of a Data Breach

Upon becoming aware of a PII data breach, the Conservatory will notify all affected individuals whose data may have been compromised, and the notice will be accompanied by a description of action being taken to reconcile any damage as a result of the data breach. Notices will be provided as expeditiously as possible.

NEC Legal council will handle breach notifications(s) to all governmental agencies and to whom such notice must be provided in accordance with time frames specified under these laws. Notices to affected individuals will be communicated by the Human Resources department after consultation with the legal counsel and within the time frame specified under the appropriate law(s).

Training and Compliance Review

PII Training: All new hires entering the Conservatory who may have access to PII are provided with training by the Human Resources department regarding the provisions of this policy. Employees in positions with regular ongoing access to PII or those transferred into such positions are provided with training reinforcing this policy and procedures for the maintenance of PII data and shall receive annual training regarding the security and protection of PII data and Conservatory proprietary data.

PII Compliance Reviews: NEC will conduct periodic reviews of PII information maintained by the Conservatory to ensure that this policy remains strictly enforced and to ascertain the necessity for the continued retention of PII information.

Regulatory Requirements: It is the policy of the Conservatory to comply with any applicable federal or state statute and reporting regulations. NEC has delegated the responsibility for maintaining PII security provisions to the departments noted in this policy. Legal shall oversee all regulatory reporting compliance issues. If any provision of this policy conflicts with an applicable statutory requirement of federal or state law governing PII, the policy provision(s) that conflict shall be superseded.

Confirmation of Confidentiality: All Conservatory representatives must maintain the confidentiality of PII as well as Conservatory proprietary data to which they may have access and understand that that such PII is to be restricted to only those with a business need to know. Employees with ongoing access to such data will sign acknowledgement reminders annually attesting to their understanding of this Conservatory requirement.

Violations of PII Policies and Procedures: NEC views the protection of PII data to be of the utmost importance. Infractions of this policy or its procedures will result in disciplinary actions under the Conservatory's discipline policy and may include suspension or termination in the case of severe or repeat violations. PII violations and disciplinary actions are incorporated in the Conservatory's PII on-boarding process and

annual refresher training to reinforce the Conservatory's continuing commitment to ensuring that this data is protected by the high standards contained herein.

Section 3. Employment Policies

2-1 At Will Employment

2-2 Employment

2-3 Hiring Process

2-4 Employment Categories

A. Exempt or Nonexempt Status

B. Time Status

2-5 Payroll Procedures

2-6 Penguin Pass (Photo Identification)

2-7 Hours of Work

A. Normal Work Hours

B. Summer Work Hours

C. Overtime

2-8 Job Postings and Transfers

2-9 Employment of Relatives

2-10 Reporting of Absence or Tardiness

2-11 Terminations

A. Voluntary

B. Involuntary

C. Payout at Termination

2-12 Exit Interview

2-13 Personnel Records

2-14 Outside Employment

2-15 Confidentiality

2-1 Employment at-Will

NEC is an employer at-will. This means that, while NEC hopes that an employee's employment will be long and rewarding, NEC does not guarantee employment or contract for a specific period of time. Employees are free to resign at any time (though NEC prefers to receive advanced notice of at least two weeks). NEC is free to terminate an employee's employment, with or without cause, if necessary.

2-2 Employment

NEC offers a wide range of employment opportunities in support of the Conservatory. Administrative employees work in academic and administrative departments; schedules vary according to the needs of the department and requirements of the position.

Break in Service

If you terminate prior to one year of regular employment, no service will be credited. If you return to regular employment within one calendar year of the prior date of termination, prior service will be credited.

Add will count service years for recognition for length of service awards

2-3 Hiring Process

Appointments are made by letter from the Human Resources Office upon the recommendation of the head of the hiring department. A Personnel Action Form is required to be completed and submitted to Human Resources to initiate hiring a specific candidate.

All new employees must have completed an electronic application via the NEC employment page on the NEC website.

All new employees must complete the W-4 tax withholding form, an employee data record to indicate acceptance of the position, background check consent forms, and the Employment Eligibility Verification Form (form I-9) before they begin work for the Conservatory.

In order to ensure benefits eligibility, new employees must make an appointment with the Human Resources Manager in the Human Resources Office to review benefits and complete all appropriate applications within 30 days of the date of hire. It is the employee's responsibility to make certain they have properly filled out, signed and returned all necessary paperwork to the Human Resources Office on time.

A. Posting of Open Positions

Managers who want to fill a vacant position should contact Human Resources to complete the Requisition form to open and post the position. Human Resources will assist managers with this process. Human Resources will post the position in various relevant on-line sites to this position.

2-4 Employment Categories

A. Exempt or Nonexempt Status

All employees are classified in one of two pay categories: exempt or nonexempt. The Human Resources Office is responsible for applying the definitions and criteria of the Federal Fair Labor Standards Act (FLSA) in determining exempt or nonexempt status.

Nonexempt Employees - those covered by the provisions in the Act for minimum wage and entitled to overtime pay for hours worked beyond 40 hours in the standard work week. Non-exempt employees are paid biweekly for hours worked.

Exempt Employees - those who are legally exempt from the overtime provisions of the Act. Exempt employees are paid biweekly. Exempt employees are paid on a salary basis and salary cannot be reduced because of variations in the quality or quantity of work.

Staff who believe that they are not being paid correctly, should immediately report this information to their direct supervisor. If after discussion with their direct supervisor, they continue to have questions about the appropriateness of their pay or FLSA classification, they should contact the Human Resources office.

Reports of failure to pay for hours worked (non-exempt employees) or improper reductions in pay (exempt employees) will be promptly investigated. If it is determined that an error has been made, it will be promptly corrected.

B. Time Status

- Full-time - all exempt and nonexempt employees who work at least 30 hours per week for 12 months per year. Full-time Faculty are those who have a contract with a minimum of 16 guaranteed units
- Modified Full-Time- This applies to Faculty who have a contract with a minimum of 10 guaranteed units
- Full-time Academic Year - exempt or nonexempt employees who work at least 30 hours per week for at least 9 but less than 12 months per year.
- Part-time (or more) Academic/Full Year - exempt or nonexempt employees who work at least 20 hours but less than 30 hours per week. Part-time Faculty are those who have a contract with less than 10 guaranteed units.
- Casual Regular - employees who have regular assignments but work less than 20 hours per week. These are positions that are not benefits eligible.
- Temporary Employees - Employees who work for the Conservatory on an as-needed basis and who perform specific assignments. These positions are not benefits eligible.

2-5 Payroll Procedures

Administrative staff are paid biweekly, 26 times per year.

Ten month employees (who work 44 weeks per year) are paid biweekly.

Full-Time Faculty are paid on the second to last business day of every month.

iPay Statements are available on-line through the ADP Portal. If a payday falls on a holiday, iPay-Statements are posted on the preceding day. NEC requires direct deposit for all employees, to a bank account of the employee's choosing.

In order to be paid for hours worked, Service and Support hourly employees must submit their hours on a daily basis online in ADP Time & Attendance. The manager approves time online in ADP Time & Attendance as well. Online submission of time by the employee and approval by the manager must be made the Monday prior to the pay date.

All time off is requested online through ADP Time & Attendance through the Enter Time Off tab.

Employees who have questions about their pay should ask their supervisor to review their hours with them. If an error has been made, the supervisor will correct the pay information.

Show-up Pay

Service employees who are asked to return to work after completing a shift, or are called in to work on a day not scheduled must receive a minimum of 3 hours pay. The employee must be paid at the regular rate of pay for time actually worked and at least three hours if work is not performed for at least three hours. Show-up pay applies if a person shows up for work and has not been notified that work is unavailable for that day or is sent home for lack of work. If an employee is scheduled for less than 3 hours, they will only be paid for their scheduled time and any work past the scheduled shift.

Time and Attendance

NEC's policy and federal and state laws require that all hours worked be recorded promptly and accurately. Service employees enter their hours worked in ADP Time & Attendance.

- Employees must log into <http://portal.adp.com> and enter their hours worked each day.
- Each employee is responsible for his/her own electronic time recording and submission, and no employee may sign in for another employee. Recording false information or tampering with other employees' time & attendance may be cause for disciplinary action, including dismissal.
- NEC's pay week runs from Saturday at 12 am through Friday at midnight, day #1 = Saturday, day #3 = Monday, and so on.

Tracking & Requesting Time Off:

- All requests for time off must be submitted online through ADP's Employee portal website, where the manager may approve or deny the request. This will ensure accurate Paid Time Off balance accruals
- Requests are approved online by the manager. Most importantly, time off requests are made in advance or in the case of sick time, entered as soon as the employee returns to work.
- The employee may also be notifying others in the department via email letting them know of their time off plans.
- If the employee has taken no time off in the month, no actions are needed

2-6 Penguin Pass (Photo Identification)

All new employees are required to report to the Human Resources Office on or before their first day of work to complete the necessary paperwork in order to be activated in the Conservatory database so that a Penguin Pass may be issued. Penguin passes are issued by Building Operations located at 295 Huntington Ave, 2nd floor, X 1187.

2-7 Hours of Work

A. Normal Work Hours

- The standard workweek for most NEC offices is Monday through Friday, 9am – 5pm.
- The standard workweek for the Department of Preparatory and Continuing Education offices is Tuesday through Saturday.
- Some offices may vary from the standard schedule depending on workloads, seasonal needs, or the need for flexibility.
- Breaks may not be taken at the beginning or end of the workday.

The Commonwealth of Massachusetts mandates a 30-minute unpaid break after six hours of work.

- **Management/Professional/Support:** The standard work hours for Management, Professional, and Support employees consists of five 7-hour days, or 35 hours. Breaks are scheduled with the approval of supervisors and may depend on workloads, staffing levels, or other needs.
- **Service:** The standard work hours for Service employees consists of five 8-hour shifts, or 40 hours. This schedule includes a paid half-hour meal break and appropriately scheduled rest breaks.

B. Summer Work Hours

- The practice of flexible summer work schedules is reviewed annually. If approved, the flexible summer work week for eligible full-time employees is half day Fridays. Staff members participating in the flexible summer schedule who are required to work a full day on Friday may choose another half day off with the approval of their supervisor. Some staff members may prefer to continue to work their usual schedule; such preferences will be respected. The Human Resources Office will publish the dates of summer hours, usually in May of each year.
- Because of summer program obligations, and the particular needs of some offices, not all departments will be able to take part in the flexible schedule.

C. Overtime

- Non-exempt employees are paid for any hours worked beyond a normal workweek schedule up to 40 hours at the normal hourly rate. If an employee works beyond 40 hours, the employee will be paid at time and one-half their regular hourly rate of pay.
- Overtime work must have the prior approval of your supervisor.
- If an employee is required to work on one of the Conservatory's scheduled holidays and because of departmental needs they are not given a different day off within the same workweek, you will be paid straight time for hours worked on the holiday in addition to their normal holiday pay.
- Support and Service employees are not eligible for compensatory time off.

2-8 Job Posting and Transfers

NEC jobs are typically posted on the NEC website. Any employee who has been in a job at the Conservatory for 12 consecutive months or longer is eligible to apply for a different posted job. In filling positions, the Conservatory may consider both internal and outside candidates, and will select the candidate it believes is best suited for the position. Staff members interested in

professional development opportunities may make an appointment to discuss their future career goals with a member of the Human Resources Office staff.

2-9 Employment of Relatives

An employee may not directly or indirectly supervise, evaluate, oversee, authorize payroll actions for, or work in the same department as, his/her spouse or other employees to whom the employee is related or with whom the employee resides.

2-10 Reporting of Absence/Tardiness

Employees are expected to be present and on time at the start of their scheduled work period. If an employee is unable to report to work, or is going to be late for any reason, they must inform their supervisor of this fact no later than the start of the work day and advise their supervisor of the duration of their absence. Unauthorized or excessive absences or lateness may lead to appropriate corrective action, including dismissal.

An employee who fails to report to work as scheduled for three days without providing proper notice to his or her supervisor may be considered to have voluntarily terminated his or her employment.

If an employee has been absent for more than five consecutive days due to illness, accident, or surgery, or at other times at their discretion the Conservatory reserves the right to require the employee to submit a doctor's statement or other medical evidence indicating the employee's degree of fitness and ability to resume the full duties of their job. (FMLA policy)

2-11 Terminations

Because employment at NEC is "at-will," either an employee or the Conservatory can terminate the employment relationship at any time, for any reason or no reason at all, with or without notice.

The primary categories the Conservatory uses for terminating employees are voluntary and involuntary with all reasons for termination falling under one of these primary categories.

A. Voluntary

A letter of resignation to an employee's supervisor is appropriate for voluntary termination. It would be helpful to receive as much advance notice as possible. It is customary for exempt staff to give at least one month's notice and non-exempt staff to give two weeks' notice.

B. Involuntary

Involuntary termination occurs if the Conservatory initiates an employee's termination. This can occur without advance notice, for any or no reason. Some of the reasons for involuntary termination are: insubordination, falsification of employment records, unsatisfactory job performance, unacceptable workplace conduct, absenteeism, theft, dishonesty, mistreatment or disrespect toward other employees, visitors, or other members of the public, and/or violation of any Conservatory policies or rules. Involuntary termination could also occur as a result of reduction in staff. These examples are not exclusive.

C. Payout at Termination

Unused earned vacation will be paid out to employees following termination in his or her final paycheck. Accrued vacation time cannot be used to extend employment. Neither accrued Personal Days nor Sick Days are paid out upon termination.

2-12 Exit Meeting

Employees who resign in good standing are to schedule a benefits/employment exit meeting with the Human Resources Office. An online exit survey will be sent to the employee to be completed prior to meeting with a representative in HR. The employee is required to sign an exit interview checklist acknowledging receipt of benefit and procedural information. Human Resources requests a resignation letter at least 2 weeks prior to the employee's last day of work.

2-13 Personnel Records

An employee may review or obtain a copy of their personnel file by submitting a written request to the Human Resources Office. The Human Resources Office will schedule an appointment during normal business hours for the employee to review the personnel file, in the presence of a Human Resources Representative, or will provide a copy of the employee's personnel file, within five (5) business days of receipt of the employee's request. The Conservatory will give notice to an employee within 10 days of the employer placing information that has been used or may be used to negatively affect the employee's qualification for employment, promotion, transfer, additional compensation or the possibility that the employee will be subject to disciplinary action.

Keeping Your Records Up-To-Date:

- All name changes must be accompanied by an official state or court document.
- An employee may update address, telephone, or emergency contact information directly through ADP Self Service.
 - ADP Self Service is a Web site that provides employees with:
 - Direct access to their personal and employer information
 - Unlimited access: 24 hours a day, seven days a week
 - <https://workforcenow.adp.com>
- If an employee wishes to change the number of dependents listed for income tax purposes, a new W-4 form must be completed and filed with the Payroll Office.

2-14 Outside Employment

Although NEC does not attempt to dictate how employees use their own time, NEC requires that, to the extent that NEC employees work a second job outside NEC the work performed is not for or on behalf of NEC. NEC neither assumes any liability or responsibility for such work nor maintains insurance coverage for such work. Further, any outside professional work performed by NEC employees but not for or on behalf of NEC must not interfere with the employee's performance of his/her job functions for or on behalf of NEC. Under no circumstances are employees permitted to use NEC time, supplies, and/or equipment to perform work, including

outside professional work, that is not for or on behalf of NEC. The breach of this policy may result in disciplinary action, up to and including immediate dismissal.

2-15 Confidentiality

NEC's business is confidential. Employees who are privy to confidential information during the course of their employment are expected to make only appropriate use of that information. Disclosure of confidential information to any unauthorized person, either inside or outside NEC, may be grounds for immediate dismissal.

All inquiries from the media must be referred to Marketing and Communications at x1143.

Section 3. Leaves of Absence

3-1 Family and Medical Leave (FMLA)

3-2 Sick Leave

3-3 Short Term Disability

3-4 Long Term Disability

3-5 Parental Leave Law 3-6 Personal Leave

3-7 Workers' Compensation

3-8 Small Necessities Leave (SNLA)

3-9 Military Leave

3-10 Bereavement Leave

3-11 Jury Duty

3-12 Academic-Year Leave of Absence

3-13 Domestic Violence Leave

3-1 Family and Medical Leave (FMLA)

In compliance with the federal Family and Medical Leave Act of 1993 ("FMLA"), eligible employees may request up to 12 weeks of unpaid leave in a 12-month period for one or more of the following reasons:

To care for the employee's newborn child or a child placed with the employee for adoption or foster care;

To care for the employee's spouse, son or 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.

Active Duty Leave: Leave due to a spouse, son, daughter or parent being on active duty or having been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation.

Caregiver Leave: This benefit provides 26 weeks of FMLA leave during a single 12 month period for a spouse, son, daughter, parent, or nearest blood relative caring for a recovering service member.

Under the FMLA, a "serious health condition" means an illness, injury, or physical or mental condition involving inpatient care or continuing treatment by a health care provider. Requests for leave to care for other seriously ill family members or members of an employee's household will be considered on a case-by-case basis.

Eligible Employees: Employees are eligible to take family or medical leave only if they have worked for the Conservatory for at least 12 months and for at least 1,250 hours over the previous 12 months.

Length of Allowable Leave: FMLA leaves may be approved for a maximum of 12 weeks in a 12-month period. For purposes of this policy, a "rolling" 12-month period will be used, measured backward from the date an employee uses any family leave. Under this method, an employee's leave entitlement consists of any balance of the 12 weeks that has not been used during the immediately preceding 12-month period.

Spouses who are both employed by the Conservatory are allowed a combined total of 12 weeks of FMLA leave within a 12-month period for the care of a newborn or adopted child, or to care for a parent with a serious health condition. If FMLA leave is requested due to the illness of a child or of the other spouse, each spouse is allowed 12 weeks of leave.

In the case of the serious health condition of an employee or a family member, employees may request leave in continuous periods, intermittent periods, or by a reduced work schedule, to a total of 12 weeks. In cases of reduced schedules or intermittent leave, a department supervisor may transfer the employee temporarily to an alternative position to accommodate the needs of the work area. In such situations, the employee's salary rate and benefits should remain the same.

Leave to care for a newborn or a newly adopted child should normally be taken in continuous periods and must be taken within 12 months of the birth or placement of the child. When leave is taken after the birth or placement of a child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only if the request is approved by the department head.

Requests for leave to exceed the 12 weeks provided under the FMLA will be reviewed in accordance with the circumstances of the request, considerations of work coverage, and the provisions of the Conservatory's general policy on leave without pay.

FMLA leave will run concurrently with leave taken pursuant to the Massachusetts Maternity Leave Act

Requesting FMLA Leave: Employees are expected to provide as much advance notice to Human Resources and their supervisor of the need for a leave as is possible to allow for planning of coverage in the employee's department.

Where the need for leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or of a family member, the employee must provide the Conservatory at least 30 days advance notice before FMLA leave is to begin. If 30 days notice is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable.

Applications for Leave of Absence are available from the Human Resources Office. (The application indicates the necessary documentation required depending upon the type of leave requested.) Certification from a qualified health care provider will be required for approval of a leave due to the employee's own serious health condition or to care for the employee's seriously-ill spouse, son, daughter, or parent. Copies of the U.S. Department of Labor's Form for Certification of Health Care Provider are available in the Human Resources Office for this purpose. Such certification should be provided before the leave begins (or in as timely a manner as possible) and should include:

- The date on which the illness or condition began
- The estimated duration of the condition
- A statement that the illness or condition warrants the participation of the employee to provide care
- In the case of intermittent leave, the dates and duration of treatments to be given.

The Conservatory may require that a second medical opinion be obtained. This evaluation is done at the expense of the Conservatory and must be obtained from a health care provider who is not employed by the Conservatory. In the event of conflicting opinions, the Conservatory may ask for a third and final opinion (at the expense of the Conservatory) to offer a binding decision.

Additional certification may be requested for any extension of a leave period beyond the dates originally approved.

Continuation of Benefits during FMLA Leave: Health and dental plan coverage (and life insurance coverage for those eligible) continue during FMLA periods. The employee will continue to be responsible for the employee portion of the premium while on FMLA leave. Under IRS rules, contributions by NEC to pension plans are not allowed during leaves without pay.

Use of Vacation, Sick, or Personal Leave during FMLA Leave: The Conservatory requires that the employee use any accrued, unused vacation leave, personal leave, or (in the case of the employee's own serious health condition, or that of their dependent child, parent, or for whom they are responsible) accrued sick leave as part or all of the 12-week period. An employee will not accrue or be entitled to paid sick leave or paid vacation while on unpaid FMLA leave.

Conditions of Return from FMLA Leave: At least one week prior to their date of return, employees are expected to notify their supervisor and Human Resources. If the FMLA leave was for the employee's own medical condition, the employee must present certification from the employee's health care provider upon return from leave that the employee is able to resume work.

At the completion of the approved leave period, an employee will be reinstated to his or her former position or an equivalent position within the Conservatory. However, this guarantee of restoration shall not apply to certain highly compensated employees, if necessary to avoid substantial and grievous economic injury to the Conservatory's operation.

Questions relating to the provisions and eligibility requirements for FMLA leave should be directed to Human Resources.

Approved Sick Leave, Short-term Disability Leave, and MMLA leave all run concurrently with Family and Medical Leave. At the completion of an approved FMLA leave period, the employee will be reinstated to his or her former position or an equivalent position within the Conservatory. However, the Conservatory does not guarantee positions beyond the 12 week FMLA period.

3-2 Sick Leave

Regular full-time staff earn ten (10) days of paid sick leave per year, at a rate of .83 days per month. Regular full-time faculty earn five (5) sick days per academic year. Effective July 1, 2015, all employees are entitled to accrue sick leave. All part-time staff and faculty will begin to accrue one (1) hour of sick leave for every thirty (30) hours worked. Employees will be eligible to use accrued sick leave once they have been employed by the organization for ninety (90) days.

Employees may use sick time to care for themselves, spouse, child, parent, or parent of spouse, for physical or mental illness, injury or medical condition that requires home care, professional medical diagnosis or care, preventative medical care, or routine medical appointments, or to address psychological, physical or legal effects of domestic violence.

If the use of earned sick time is foreseeable, the employee must make a good faith effort to provide notice to the employer in advance of using the earned sick time. The Conservatory reserves the right to require medical documentation for sick leave absences.

To be eligible to use paid sick leave, an employee should notify his/her supervisor at the beginning of the workday that will be affected, according to that department's established call-in procedure. Extended absences of five (5) days or more require periodic status reports from the employee and physician or other caregiver. The supervisor and/or department head should notify Human Resources when an absence reaches five (5) days so that appropriate communication can occur with the employee regarding impact on his/her benefits and/or medical documentation that may be required for the employee to return to work. Unused sick leave may be carried over into the next fiscal year for full-time staff. For full time Faculty and part time employees, the accrual of sick leave will cap at forty (40) hours and employees can carry their unused balance into the next academic year.

Absences due to a job-related injury or illness are treated under NEC's Workers' Compensation policy, as required by state law. These types of absences are not treated as sick leave under NEC's policies.

If an employee does not have enough sick leave to cover an absence unrelated to his/her job, earned vacation or personal days must be used.

The Conservatory does not provide compensation for unused sick days upon termination of employment.

3-3 Short-Term Disability

The Conservatory's short-term disability insurance provides eligible, medically certified faculty and staff with protection against loss of income due to absence from work because of:

- **non-work-related illness;** and
- **non-work-related injury.**

Base Pay

Both short-term and long-term disability income benefits are based on your gross (before-tax withholdings) base pay.

- For faculty, base pay means the pay you would have received if you were scheduled to work during the disability period.
- For staff, base pay means your annual salary (for salaried employees) or your budgeted annual salary (for hourly employees).

Short-Term Disability (up to 26 weeks)

Eligibility: If you are certified as unable to work due to childbirth or because of a non-work-related illness or injury, employees whose regular work schedule is full time for at least nine months per year are eligible for short-term disability benefits after completion of one year of continuous service.

Under the Conservatory's Short-Term Disability plan, an employee is eligible to receive no more than 26 weeks of short-term disability pay within any one-year period. Short-term disability pays 80% of regular wages for benefit eligible employees, calculated on a salary or hourly basis, for a maximum of 26 weeks for any single period of eligible disability. Before being eligible to receive short term disability pay, an employee must provide medical certification of their disability. The Conservatory, based on the Certification of Health Care Provider, will determine if the disability allows the employee to be eligible for short term disability pay. This income benefit is payable on the same schedule as your base pay. There is a fifteen-day waiting period before disability payments begin.

Health Insurance and Other Benefits during Short-Term Disability

During the short-term disability period, health insurance and other benefits in which you are enrolled continue as if you were actively at work.

Use of Sick and Vacation Time during Short-Term Disability

For Staff: A staff member must have exhausted all of their accrued sick and vacation time before being eligible to receive short term disability pay.

For Faculty: A faculty member must have exhausted the five (5) accumulated sick days before being eligible to receive short term disability pay.

How It Works

1. Inform your supervisor of your need to be away from work. You do not have to discuss your medical diagnosis with your supervisor.
2. You and your doctor provide details of your condition to the Conservatory's Office of Human Resources using the Short-Term Disability Claim Form. Contact Human Resources for this form.
3. The Office of Human Resources will inform you of your eligibility to receive short-term disability income payments and the length of time you are certified to receive payments.
4. When your condition improves, your doctor certifies your ability to return to work.
5. While on short-term disability leave, you will not accrue or be entitled to paid sick leave, paid personal leave or vacation.

Your Rights and Responsibilities

During a period of short-term disability, you have certain rights and responsibilities.

1. Your medical diagnosis and other personal information are held in the strictest confidence.
2. You and your doctor must provide timely responses to requests from the Office of Human Resources for updates on your condition. Failure to comply with these requests can result in the termination of benefit payments, and the expectation that you will return to work.
3. If you are able to anticipate your need for short-term disability (e.g., childbirth or scheduled surgery), you and your supervisor must complete the Short-Term Disability Claim Form, preferably at least 30 days before you expect your absence to begin.
4. If your need for short-term disability is unexpected (i.e., illness or accident), you must complete the Short-Term Disability Claim Form as soon as you are able.
5. Periods of short-term disability run concurrently with the federal Family and Medical Leave (FMLA) and/or Massachusetts Maternity Leave (MMLA). At the completion of an approved FMLA leave period, the employee will be reinstated to his or her former position or an equivalent position within the Conservatory. However, the Conservatory does not guarantee positions beyond the 12 week FMLA period.

Short-Term disability benefits cease if you become eligible for Social Security Disability benefits or for Long-Term Disability Insurance (full-time employees only). Benefits will be paid only for periods during which you would have otherwise worked. Conservatory contributions to health and/or dental insurance will continue as will payments for non-contributory life insurance and Long-Term Disability Insurance for eligible employees

3-4 Long-Term Disability

Most absences from work due to illness or accident are of relatively short duration; however, some disabilities may last longer. The Conservatory maintains a group Long-term Disability Insurance Plan with a commercial insurance carrier. Toward the end of your short-term disability period, the Conservatory's insurance company will review your prognosis. If it certifies that your absence from work must continue for more than 26 weeks, the Conservatory's long-term disability plan will provide you with continued income protection after the 26 weeks of your short-term disability. Employees may request a copy of the Long-Term Disability Insurance policy documents from the Human Resource Office. The policy and plan documents govern the terms of the insurance coverage. The descriptions set forth in the handbook are intended to provide a summary only, and these descriptions do not supersede, modify or replace the terms contained in the policy documents. Also, decisions regarding whether an individual's disability is covered under the policy are made by the insurance carrier and not by the Conservatory.

Definition of Total Disability: Currently, the Plan defines total disability as the "inability of the employee, by reason of sickness, bodily injury, or pregnancy to engage in any occupation for which the employee is reasonably fitted by education, training, or experience." Each situation is fact specific. Not all medical or mental health situations are considered "total disability" under this definition. The insurance company (not the Conservatory) will make a determination as to whether an employee's situation constitutes a disability under its Plan. It is the employee's responsibility to complete and submit necessary paperwork to the insurance carrier on a timely basis.

Eligibility: All regular full-time employees are eligible for participation in the Plan after completing 12 months of continuous employment. You will be automatically enrolled in the Plan on the 1st day of the month following 12 months of continuous full-time employment.

If you change your status from full-time to half-time or part-time your long-term disability coverage will cease.

Long-term disability income payments equal 60% of your base pay in effect when you were first absent from work. Long-term disability income payments will not reflect increases in pay you would have received had you been actively at work.

Long-term disability income payments continue as long as you are certified as permanently disabled by the Conservatory's insurance company, but will not be paid beyond age 65 (if you became disabled at age 61 or younger) or beyond the plan's maximum benefit period (if you became disabled at age 62 or older). Contact the Office of Human Resources for more information about the plan's maximum benefit period.

Health Insurance and Other Benefits during Long-Term Disability

Long-term disability triggers important changes in other NEC employee benefits.

Benefit	Effect of Long-Term Disability
Health and Dental Insurance	Coverage ends; elect COBRA for continuation of coverage for up to 18 months, followed by coverage from Medicare, if eligible, or the Massachusetts Health Connector
Basic Life Insurance	Continues for at least six months; coverage amount in effect when you were first absent from work
Flexible Reimbursement Accounts (medical and dependent care)	All contributions cease; reimbursement permitted under same rules as all other faculty and staff
Defined Benefit Retirement	Continue to accumulate years of service for benefit calculation
403(b) Retirement	All contributions cease; withdrawals permitted under same rules as all other faculty and staff
Parking Reimbursement Account	All contributions cease; reimbursement permitted (for work-related parking expenses incurred prior to disability) under same rules as all other faculty and staff
MBTA Pass Subsidy	Not available

Your Rights and Responsibilities

During a period of long-term disability, you have certain rights and responsibilities.

1. Your medical diagnosis and other personal information are held in the strictest confidence.
2. You and your doctor must provide timely responses to requests from the Office of Human Resources and the Conservatory's insurance company for updates on your condition. Failure to comply with these requests can result in the termination of benefit payments and the expectation that you will return to work.

3-5 Parental Leave Law

A male or female employee who has been employed by the Conservatory for at least three (3) consecutive months as a full-time employee is eligible for an unpaid leave of absence not to exceed eight weeks for the purpose of the birth or for adopting a child under the age of

eighteen, or for adopting a child under the age of twenty-three if the child is mentally or physically disabled. This law also expands the scope of covered events where leave may also be taken for the placement of a child pursuant to a court order. The employee must give notice as soon as practical if the delay is for reasons beyond the individual's control. The employee must also give notice of his/her intention to return. The employee shall be restored to his/her previous, or a similar, position with the same status, pay, length of service credit and seniority, wherever applicable, as of the date of his/her leave, unless other employees of equal seniority and status in the same or similar position have been laid off due to economic conditions or other changes in operating conditions affecting employment during the period of such leave. Any two employees of the same employer shall only be entitled to a total of eight weeks of parental leave.

Use of Vacation, Sick and Personal days:

A. Use of accrued but unused vacation or personal time: Employers cannot require an employee to use his/her accrued paid leave or personal time concurrently with all or part of his/her parental leave, even if such requirement is imposed upon similarly situated persons who take leave for other reasons.

B. Use of sick days: An employer may not require an employee to use his/her accrued sick leave for any part of his/her parental leave that satisfies the employer's sick leave policy, even if the employer requires its employees to use accrued sick leave for other types of absences that satisfy the employer's policy.

3-6 Personal Leave

The granting of an unpaid leave of absence for reasons not expressly stated elsewhere in this handbook is at the sole discretion of the Conservatory. The employee must have completed one year of continuous service in order to request such a leave. The Conservatory cannot guarantee that an employee who goes on unpaid leave will be returned to his/her former position or its equivalent. Failure to return when leave expires will be considered automatic voluntary resignation from employment.

Requests for unpaid personal leave must be submitted in writing to your supervisor. The length of the leave and reason must be stated. Any leave granted will be limited to an initial leave not to exceed three months. An employee may then request an extension of the leave by submitting to the Senior Staff division head and the Director of Human Resources another written request for an extension stating the length of and the reason for the extended leave request. Once you receive initial approval, a Request for Leave of Absence form must be completed. Have the form signed by your supervisor and submit it to the Human Resources Office. This form must be completed for all personal leaves except funeral leave and jury duty.

All accrued vacation time must be used prior to the start of an unpaid personal leave of absence.

While on unpaid personal leave you are responsible for the full premium (both the employee and the Conservatory portion) payment for benefits you were enrolled in as of the initial date of that unpaid leave.

You will not accrue paid sick leave or paid vacation while on unpaid personal leave.

3-7 Workers' Compensation

Worker's Compensation is a type of disability insurance that covers you for injuries you may incur while on the job or while performing a job-related function required by the Conservatory.

If you are in an accident while at work, even though no injury may occur, you must report the accident to your supervisor immediately. A Med Fax Report must be completed, signed by your supervisor, and submitted to the Human Resources Office within 24 hours of the accident.

Should you be injured during the accident and need to seek medical assistance, you will be referred to a local occupational medicine program. Should your injury result in time off from work, you may be eligible to receive Worker's Compensation. An employee unable to work for five consecutive calendar days or more receives (in lieu of lost wages) compensation in accordance with rates set by law, plus an allowance for dependents. This payment is non-taxable. If the loss of time is fewer than six days, the employee may use accumulated sick leave days. If you have accumulated sick leave, you may submit a written request to the Human Resources Office to use your sick leave to offset the difference between your Worker's Compensation and your normal pay. You are responsible for the payment of premiums for Conservatory benefits while out on Workers' Compensation leave.

3-8 Small Necessities Leave Act (SNLA)

Definition: In accordance with Massachusetts law, the Conservatory provides twenty-four (24) hours of "small necessities" leave in a 12-month rolling period to all eligible employees for the purpose of:

- A) Participating in school activities directly related to the educational advancement of a son or daughter of the employee, such as parent-teacher conferences or interviewing for a new school;
- B) Accompanying a son or daughter of the employee to routine medical or dental appointments, such as check-ups or vaccinations; or,

C) Accompanying an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services related to the elder's care, such as interviewing nursing or group homes.

Eligibility: Employees are eligible for small necessities leave if they have completed twelve (12) months of service prior to commencement of leave, have worked at least 1,000 hours in the twelve (12) months prior to the leave, and have not taken twenty-four (24) hours of small necessities leave in the twelve (12) months prior to the commencement of leave.

Benefit: Small necessities leave generally is unpaid, however eligible employees may use accrued vacation time to attend school activities or accrued sick time to accompany a child or parent to a medical appointment in order to receive pay for small necessities leave. An employee is entitled to small necessities leave in addition to leave for which he or she may be eligible under FMLA.

Eligible employees must make requests for small necessities leave to their supervisors at least seven (7) days in advance of the foreseeable events and as soon as possible for unforeseeable events. When small necessities leave ends, the employee will be reinstated to the same position so long as the small necessities leave did not exceed twenty-four (24) hours.

3-9 Military Leave

If you leave the Conservatory to enter military service, or if as a reservist you are placed on active duty, you may be granted a military leave of absence. This leave entitles you to be away from the Conservatory for active service and to return without a break in your seniority or other benefits in accordance with Massachusetts and Federal law.

Employees who learn that they must attend military training must notify the Human Resources Office in writing, in advance of their training, of the expected duration of the training and their anticipated date of return. You must also submit a Request for Leave of Absence Form to the Human Resources Office. If you participate in annual military training, you may receive a military pay differential. The pay differential is the amount, if any, by which the employee's normal base pay for the two-week period exceeds any pay received for such military training duty for the same period. It is your responsibility to submit documentary proof of this military training. To qualify for the military pay differential you must present a statement from your branch of the service indicating the rate and total amount of wages paid for the training period.

You also have the option of using accrued vacation time while away for military training. If you choose this option, you will receive vacation pay, in addition to the military pay differential.

Employees called to active duty must notify the Human Resources Office in writing before they leave for active duty of their expected dates of leave from and return to the Conservatory. An

employee may be eligible for reemployment to the position that the employee held prior to entering the armed forces, or to a position of similar seniority, status and pay, provided that:

- The employee was discharged or released under honorable conditions;
- The employee is qualified for the job;
- The employer's circumstances have not so changed as to make it impossible or unreasonable to rehire the person;
- The employee's total service in the armed forces is no more than four years (except for additional amounts required by law);
- The employee applies for reemployment within the time limits specified by law, ordinarily 90 days from the date of discharge from military service.

Re-employed persons are considered to have been on a leave of absence during their period of military service and are eligible for all benefits offered to others returning from a leave of absence.

3-10 Bereavement

Employees may be granted up to three (3) consecutive days of leave without loss of pay for the death of a member of the immediate family or household. The immediate family includes: spouse, child, mother, father, sister, brother, mother and father-in-law, brother and sister-in-law, stepmother, stepfather, stepson, stepdaughter, stepsister, stepbrother, grandparent, and grandparent-in-law. The use of Bereavement Leave must be authorized by the employee's department head. If additional time is needed, vacation or unpaid personal leave may be taken with the department head's approval. NEC reserves the right to verify the death and relationship to the employee.

3-11 Jury Duty

NEC grants leaves to employees who are required to serve jury duty. The following requirements apply to the employee and NEC:

- NEC is required to pay the employee in full for the first three (3) days of service.
- Beginning with the fourth day, NEC will pay the difference between the employee's regular salary and the pay received for jury duty. To ensure accuracy with paychecks, rather than adjusting an employees pay, NEC will request any compensation from the state for jury duty be signed over to NEC.
- If an employee is subpoenaed to represent NEC, NEC pays the employee according to his/her regular salary or hourly rate of pay.

Documentation regarding jury duty and any pay received must be provided to NEC. Employees who are subpoenaed to be witnesses in legal proceedings may use personal days or vacation time to be paid during their absence from work.

3-12 Academic-Year Leave of Absence

Academic-year leave of absence applies to regular academic-year employees who are given reasonable assurance at the beginning of summer that the same or similar position will be available in the Fall.

Benefit-eligible academic-year employees must pay for the employee portion of his/her health and dental insurance benefits during the summer months. This may be accomplished by paying the premiums over a 10-month period. During the first year of employment, academic-year employees will pay their premiums on a month-to-month basis, and may be required to double-up their benefits premiums to pay for coverage over the summer. Once the required waiting periods have been met, Life, Long Term Disability, and Short Term Disability insurance are maintained during the summer months at no additional cost to the employee.

3-13 Domestic Violence Leave

A Massachusetts law expands the rights of individuals who are victims of, or have a family member who is a victim of, domestic violence. Employees are eligible for up to 15 days of leave in any 12 month period to address domestic violence against themselves or a family member.

The Domestic Violence Leave must be granted under the following conditions:

- The employee or a family member is a victim of domestic violence;
- The employee needs time off to address issues directly related to the domestic violence against the employee or a family member; and
- The employee is not the perpetrator of the domestic violence.

Employees must give their Human Resources as much advanced notice as possible for a Domestic Violence Leave unless there is a threat of imminent danger to the health or safety of the employee or employee's family member. No negative action will be taken upon the employee if documentation supporting the employee's leave is presented to Human Resources within 30 days of the employee's absence.

Employees may be required to provide any of the following documents to substantiate the need for the leave:

- A court order resulting from the domestic violence;
- A document with the letterhead of the court, provider or agency the employee attended to obtain assistance about the domestic violence;
- A police report or statement of a victim or witness provided to the police, including a police incident report documenting the domestic violence;
- Documentation showing that the person who committed the abuse leading to the Leave has admitted to sufficient facts to support a finding of guilt, has been convicted of the domestic violence, or has been adjudicated a juvenile delinquency by reason of the domestic violence leading to the leave;
- Medical documentation of treatment due to domestic violence;

- A sworn statement from a professional who assisted the employee or family member to address the effects of the violence; or
- A sworn statement from the employee attesting that the employee or family member has been the victim of domestic violence.

All documentation of the employee's Domestic Violence Leave will be kept strictly confidential and may only be disclosed if:

- The employee requests or consents in writing to disclosure;
- A court of competent jurisdiction orders the release of the information;
- Required by applicable federal or state law;
- Required during the investigation authorized by law enforcement; or
- Necessary to protect the safety of the employee or other employees.

The Domestic Violence Leave will be unpaid but employees may use all available paid time off prior to taking Domestic Violence Leave.

Section 4. Safety and Security

4-1 Introduction

4-2 Emergency Closing

4-3 Emergency Alarms

4-4 Security

4-5 Written Information Security Policy (WISP)

4-6 References and Release of Information

4-1 Introduction

NEC is committed to providing and maintaining a healthy and safe work environment for all members of the community. The following policies and procedures have been developed with this purpose in mind.

4-2 Emergency Closing Policy

NEC's policy is to be open and in operation throughout the year, except as is otherwise indicated. Employees are expected to make every effort, consistent with their own safety and welfare, to report to work during inclement weather. If NEC is open but an employee is unable to report to work or complete a full workday, earned vacation, or personal time, may be used.

Human Resources distributes the full text of the Emergency Closing Policy during the Fall and Spring semesters. In the event of a snowstorm or other emergency, NEC may be closed for all or part of a day. NEC defines several types of closings:

- **“Delayed Opening until (stated time).”** This type of closing means that faculty, staff, and students are not expected to come to NEC before the time noted in the broadcast. Only storm emergency personnel* and those employees deemed necessary by their respective department heads should report to work prior to the stated time.
 - NEC large and small ensemble rehearsals and coachings, recital dress rehearsals, and performances scheduled before the announced opening time will be cancelled. However, in certain exceptional circumstances, such events may proceed at the discretion of the Director of Performance Services in consultation with the Dean of the Conservatory or the Executive Director of Preparatory and Continuing Education. In these circumstances, an email will be sent to all students and faculty involved via their NEC accounts.
 - Classes and studio lessons scheduled before the announced opening time will be cancelled.
 - Rental events will proceed as scheduled.

- **“Early closing”** This type of closing means that faculty, staff, and students are not expected to stay at or come to NEC after the announced closing time. Only storm emergency personnel* and those employees deemed necessary by their respective department heads should remain at or report to work
 - NEC large and small ensemble rehearsals and coachings, recital dress rehearsals, and performances scheduled after the announced closing time will be cancelled. However, in certain exceptional circumstances, such events may proceed at the discretion of the Director of Performance Services in consultation with the Dean of the Conservatory or the Executive Director of Preparatory and Continuing Education. In these circumstances, an email will be sent to all students and faculty involved via their NEC accounts.
 - Scheduled student recitals may proceed at the discretion of the performer(s) in consultation with the Director of Performance Services, but these events may not be fully staffed and supported by Concert Halls, Piano Services and Audio Services.
 - Classes and studio lessons scheduled after the announced closing time will be cancelled.
 - Rental events may proceed as scheduled at the discretion of the Director of Performance Services.

- **“NEC closed.”** This type of closing means that faculty, students and staff are not expected to come to NEC due to an emergency. Only storm emergency personnel *and those employees deemed necessary by their respective department heads should report to work.
 - All scheduled NEC rehearsals, performances, classes, lessons, and other events will be cancelled. In certain exceptional circumstances, such events may be allowed. In these circumstances, an email will be sent to all students and faculty involved via their NEC accounts.
 - Scheduled admissions auditions will take place, unless the Director of Admissions, in consultation with the Dean of the Conservatory, cancels them. Note: Admissions staff will be asked to report to work at the discretion of the Director of Admissions.
 - Rental events may proceed as scheduled at the discretion of the Director of Performance Services.

- **“NEC and Jordan Hall closed.”** This type of closing means that faculty, students, and staff members are not expected to come to NEC due to an emergency. Only storm emergency personnel* and those employees deemed necessary by their respective department heads should report to work.
 - All scheduled NEC rehearsals, performances, classes, lessons and other events are cancelled.
 - All scheduled rehearsals, concerts, and other events in the Jordan Hall Building will be cancelled, including events for outside renters of the Hall.

There may be occasions during inclement weather or emergency situations when NEC remains open. If NEC is open, all employees are expected to report to work or to notify their supervisors that they are requesting to use available vacation or personal time.

If a faculty member is unable to teach on a day when NEC is open, he/she should notify the Department Head and the Faculty Mail Room at (617) 585-1300 and the Dean's Office at (617) 585-1305 as soon as possible. The Faculty Mail Room attendant will post a notice at building entrances and, whenever possible, on classrooms and studios. For Saturday cancellations, Prep/SCE faculty, staff & students should call the Prep/SCE administrative offices at (617) 585-1130. The NEC Concert Line, (617) 585-1122, will reflect concert status.

During times of inclement weather or emergency situations, faculty, staff, and students are requested to use public transportation when possible since parking may be limited. Cars left in NEC parking lots overnight during a snow storm may be towed at the owner's expense.

NEC will make a decision on whether or not to close the campus as soon as is practicable. Notice of delayed openings or cancellations will be broadcast through the following channels:

**WBZ News Radio AM 1030, www.wbz.com and WBZ-TV, www.wbztv.com
 WRKO Talk Radio AM 680, WHDH/NBC channel 7, CW channel 56, and www.whdh.com
 (Employees and students can sign up for school closings sent to their cell phone at www.thebostonchannel.com)
 ABC/WCBV TV channel 5, www.thebostonchannel.com , and WBUR – www.wbur.org
 (Employees and students can sign up for school closings sent to their cell phone at www.whdh.com)
WFXT FOX25 TV Channel 25**

In addition, there will be a recorded message updated regularly at (617) 585-1100 and on the NEC website necmusic.edu. If there is a school closing and you wish to verify if a special event or concert is taking place on that day or evening, please refer to NEC's Website or call the Jordan Hall Box office at (617) 585-1260 or the NEC Concert Line (617) 585-1122.

*** Storm emergency personnel:** Security, Building Operations, Resident Director, Director of Dining Services and Dining Services staff.

Please note that Concert Halls, Piano Services, Audio Services, Faculty Mail Room, Collegiate Copy Center, and other staff not listed above are *not* storm emergency personnel and therefore will not be available when NEC is closed due to an emergency or inclement weather.

4-3 Emergency Alarms

It is important for employees to become familiar with the locations of all possible exits from NEC's buildings, fire extinguishers, and fire alarm boxes. Any employee who sees or smells smoke should contact Security at extension 1290 for the Main Building, extension 1333 for the Residence Hall, or extension 1241 for the St. Botolph Building. Employees in the 295 Huntington Avenue Building should contact Security in the Main Building at extension 1290.

Any employee who sees flames of a fire should pull the nearest fire alarm, leave the building, and then notify Security of the location of the fire.

All persons including students, faculty, and administration must exit the premises immediately in the event of a fire alarm or any other order that the premises be vacated. This policy is based on the compelling need to ensure the safety and wellbeing of all people in the event of an actual emergency. Therefore, it is the Conservatory's policy to treat all alarms as if there is an actual emergency. Any employee who fails to exit the premises immediately may be subject to disciplinary action up to and including termination of employment. Any student who fails to vacate the premises immediately may be subject to disciplinary action up to and including expulsion.

4-4 Security

At NEC, security must be the concern of every NEC employee. Employees should know the rules for his/her own safety and security as well as for other employees, the public, and NEC property. Our standard procedures, which all employees are required to follow are:

- **Identification Badges:** Employees will be issued an identification badge as part of the new hire orientation.

Any visitor to NEC must check in at the security desk. The Security Guard will notify the NEC employee whom the visitor is meeting. Once authorized, will be either escorted or directed to the proper destination.

If an employee's badge is lost or damaged, he/she must contact Security immediately to arrange for a replacement. ID badges are the property of NEC. Sale, transfer, or loan of a badge is strictly forbidden and can result in dismissal.

When an employee terminates employment at NEC he/she must turn in their ID badge to Human Resources or their Department Chair along with all keys and NEC property.

- **Security Staff:** NEC provides Security staff for the protection of its employees. If an employee observes theft, suspicious behavior or other security problems, he/she should contact the Security Guard on duty immediately and provide a detailed description of the incident. Security staff will address the situation. In some cases, an employee may be asked for information about an incident so that it can be included in a Security report.
- **Basic Safety and Security Guidelines**
 - Do not prop open doors.
 - Do not hold doors open for individuals who do not display NEC ID badges.

- At all times, keep valuables, personal belongings, and confidential information out of sight and in a secure location. NEC cannot be responsible for loss or damage to personal property.
- To prevent theft and other security problems, employees should keep their offices locked when they are not there.
- All parcels, including personal briefcases and bags, are subject to random and periodic inspection by Security.

4-5 Written Information Security Policy (WISP)

1. Purpose of this Policy

1.1. NEC recognizes its need to maintain the confidentiality of Personal Identity Information (PII) and understands that such information is unique to each individual. The PII covered by this policy may come from various types of individuals performing tasks on behalf of the Conservatory and includes employees, faculty, students, independent contractors and any PII maintained on its customer base. The scope of this policy is intended to be comprehensive and will include Conservatory requirements for the security and protection of such information throughout the Conservatory and its approved vendors both on and off work premises.

1.2. Departments named in this policy have delegated authority for developing and implementing procedural guidance for ensuring that their departmental responsibilities under this policy are communicated and enforced.

2. Definitions:

2.1. Personal Identity Information (PII): Unique personal identification numbers or data, including:

2.1.1. Social Security Numbers (or their equivalent issued by governmental entities outside the United States).

2.1.2. Taxpayer Identification Numbers (or their equivalent issued by governmental revenue entities outside the United States).

2.1.3. State or foreign drivers license numbers.

2.1.4. Bank account numbers.

2.1.5. Corporate or individually held credit or debit transaction card numbers (including PIN or access numbers) maintained in organizational or approved vendor records.

2.2. For context, the definition of Personal Information according to Massachusetts regulations is: a Massachusetts resident's first name and last name or first initial and last name in combination with any one or more of the following data elements that relate to such resident:

(a) Social Security number; (b) driver's license number or state-issued identification card number; or (c) financial account number, or credit or debit card number, with or without any required security code, access code, personal identification number or password, that would permit access to a resident's financial account; provided, however, that "Personal information" shall not include information that is lawfully obtained from publicly available information, or from federal, state or local government records lawfully made available to the general public.

2.3. PII may reside in hard copy or electronic records; both forms of PII fall within the scope of this policy.

2.4. NEC representative: employee, staff, faculty, student, contract/temporary employee or anyone working on behalf of New England Conservatory

2.5 Portable Storage Device: a device designed to store any kind of electronic data. This may include, but is not limited to, portable computers, tablets, phones, hard or USB/SD drives or cards.

3. Data Security, Access, Transmission, Transport and Retention

3.1. Conservatory Network Security:

3.1.1. Physical security of Conservatory servers--servers are kept in a locked computer room with access limited to the Conservatory IT, Security/Public Safety and Building Operations staff.

3.1.2. Conservatory network is secured by up to date and robust virus protection.

3.1.3. The Conservatory internal network is secured behind a robust firewall.

3.1.4. Remote access is available using a secure encryption protocol. This service is made available to select and approved administrative positions, only.

3.2.1. Conservatory Premises Electronic Access to PII: Finance, Human Resources and IT have defined responsibilities for on-site access of data that may include access to PII; IT has the responsibility for all electronic records and data access capabilities. Finance and Human Resources have the operational responsibility for designating initial access and termination of access for individual users within their organizations and providing timely notice to IT. The security controls include but are not limited to password protected accounts, network folders/files and services. Termination of an employee, vendor or independent contractor with access will immediately result in the termination of the user's access to all systems where the PII may reside.

3.2.2. NEC representatives must never transmit PII through any type of messaging system (i.e. email, instant messaging, text messages, etc.)

3.2.3. Portable Storage Devices: NEC reserves the right to restrict PII data it maintains in the workplace. In the normal course of doing business, NEC does not allow the downloading of PII data to portable computing storage devices. In the event of an approved need to download PII to a portable computing storage device, such data shall be encrypted and/or utilize acceptable security protection software while such devices are in use on or off Conservatory premises. The IT department has responsibility for maintaining data encryption and data protection standards to protect PII data that resides on these portable storage devices.

3.2.4. Off-Site Access to PII: NEC understands that employees may need to access PII while off site and access to such data shall not be prohibited, subject to the provision that the data to be accessed is minimized to the degree possible to meet business needs and that such data shall be accessed only via secured and encrypted access methods and reside only on assigned laptops/approved storage devices that have been secured in advance by the IT department. Any approved remote access to PII shall be through a secured and encrypted method.

3.3.1. Conservatory Premises Physical Access to PII: All PII will be maintained in designated locations as determined by the Finance department. Such locations shall in all cases be within a locked room with limited access. The Finance department shall be responsible for control of any keys.

3.3.2. Physical hardcopies containing PII – Any transfer of PII to any type of physical media (i.e. saving information to a portable device or hardcopy printing) must be explicitly approved by the Department Head. In the event a Department Head approved event requires the printing of PII information, the approving Department Head is responsible for ensuring the information is used solely for institutional business, for the physical security of the information at all times and for the secure destruction/shredding of all hardcopies.

3.4.1. Vendors: Individual(s) or companies that have been approved by the Finance department as a recipient of organizational PII and from which the Finance department has received certification of their data protection practices conformance with the requirements of this policy. Vendors include all external providers of services to the Conservatory and include proposed vendors. No PII information can be transmitted to any vendor in any method unless the vendor has been certified for the receipt of such information.

3.4.2. Vendors must use secure encryption to transmit files containing PII to/from the Conservatory network.

3.5.1. Transport: When it is necessary for physical hardcopies to be transported from one area of the institution to another the transmitting Department Head is responsible for ensuring the information is used for institutional business, for the physical security of the information at all times and for the secure destruction/shredding of all hardcopies.

3.6.1. PII Retention: NEC understands the importance of minimizing the amount of PII data it maintains and retains such PII only as long as necessary. PII data shall be retained by NEC only

in accordance with Conservatory record retention policies [*currently under development*] and applicable laws.

4. Data Breaches/Notification:

4.1. Upon becoming aware of a PII data breach, the Conservatory will notify all affected individuals whose data may have been compromised, and the notice will be accompanied by a description of action being taken to reconcile any damage as a result of the data breach. Notices will be provided as expeditiously as possible.

4.2. NEC Legal council will handle breach notifications(s) to all governmental agencies and to whom such notice must be provided in accordance with time frames specified under these laws. Notices to affected individuals will be communicated by the Human Resources department after consultation with the legal counsel and within the time frame specified under the appropriate law(s).

5. Training and Annual Compliance Review

5.1. PII Training: All new hires entering the Conservatory who may have access to PII are provided with training by the Human Resources department regarding the provisions of this policy. Employees in positions with regular ongoing access to PII or those transferred into such positions are provided with training reinforcing this policy and procedures for the maintenance of PII data and shall receive annual training regarding the security and protection of PII data and Conservatory proprietary data.

5.2. PII Compliance Reviews: NEC will conduct periodic reviews of PII information maintained by the Conservatory to ensure that this policy remains strictly enforced and to ascertain the necessity for the continued retention of PII information.

5.3. Regulatory Requirements: It is the policy of the Conservatory to comply with any applicable federal or state statute and reporting regulations. NEC has delegated the responsibility for maintaining PII security provisions to the departments noted in this policy. Legal shall oversee all regulatory reporting compliance issues. If any provision of this policy conflicts with an applicable statutory requirement of federal or state law governing PII, the policy provision(s) that conflict shall be superseded.

5.4. Confirmation of Confidentiality: All Conservatory representatives must maintain the confidentiality of PII as well as Conservatory proprietary data to which they may have access and understand that that such PII is to be restricted to only those with a business need to know. Employees with ongoing access to such data will sign acknowledgement reminders annually attesting to their understanding of this Conservatory requirement.

5.5. Violations of PII Policies and Procedures: NEC views the protection of PII data to be of the utmost importance. Infractions of this policy or its procedures will result in disciplinary actions under the Conservatory's discipline policy and may include suspension or termination in the

case of severe or repeat violations. PII violations and disciplinary actions are incorporated in the Conservatory's PII on-boarding process and annual refresher training to reinforce the Conservatory's continuing commitment to ensuring that this data is protected by the high standards contained herein.

4-6 References and Release of Information

Personnel other than Human Resources staff should not respond to requests for information about employees. All such requests should be referred to Human Resources.

If Human Resources receive a properly authorized or written request for information about an active or former NEC employee, Human Resources may confirm the following information about the employee:

- Verification of dates of employment at NEC
- Job title
- Department

Additional information related to credit applications may be provided if the employee signs a release of information form. In the case of credit applications, such a release is normally obtained by the prospective lender as part of the application process and should be mailed or faxed to Human Resources.

Employment information requested by the Division of Unemployment Assistance in connection with an application for unemployment compensation or a subpoena, warrant, or other court order will be provided as required by law.

Section 5. Employee Relations

5-1 Open Door Policy

5-2 Problem Referral Procedure

5-1 Open Door Policy

The Conservatory believes that employees should be an organization's most important resource. The Conservatory believes that open communication within an atmosphere of mutual trust is of prime importance to its employees. Realizing that effective communication is always a two way street, the Conservatory values employees' constructive opinions and suggestions. Because NEC believes in team effort and an open atmosphere, it encourages an employee to meet and discuss suggestions, problems or concerns with management.

In most cases, talking with one's supervisor is the most effective way to deal with a problem or suggestion. However, an employee may discuss problems or suggestions with a higher level manager instead of, or in addition to, their supervisor. Usually, this would be a more senior level person in your area. (Human Resources can assist you in setting up these lines of communication). This open door policy is not a substitute for the Conservatory's policy against sexual misconduct and unlawful discrimination.

5-2 Problem Referral Procedure

NEC intends to promote a healthy, responsive work environment. In any work situation, however, employment problems may occur – misunderstandings or disputes regarding conditions of employment, job duties, work performance, work relationships, management decisions, and/or possible misconduct or discrimination situations.

Most workplace issues are resolved through direct and clear communication between the two parties. You should discuss such problems with your supervisor, who is the key person in all communications involving your work. However, there are times when support or consultation is needed and employees may choose to address their concerns through a less formal process.

In cases where an employee feels it is necessary to address a problem with someone not directly involved, he/she is encouraged to talk with his/her supervisor or with Human Resources, who will listen, help the employee define the problem, and help determine the appropriate way to resolve the problem.

An employee's standing with NEC will not be jeopardized in any way by the use of the conflict resolution process, or by reporting an incident of misconduct or discrimination. The Director of Human Resources is available to all parties for consultation and advice through the conflict resolution process.

You may ask the Human Resources Office for advice and assistance. Other resources are the Employee Assistance Plan.

Section 6. Salary Administration Policy and Performance Development

6-1 Introduction and Overview

6-2 Salary Administration Policy

6-3 Performance Development

6-1 Introduction and Overview

Program Purpose:

- Articulate clear roles and responsibilities for NEC's administrative staff
- Develop a reward system based on performance
- Encourage open and honest communication about work and reward issues
- Provide tools to help managers value and reward people
- Provide checks and balances to ensure and maintain internal equity and external competitiveness

6-2 Salary Administration Policy

A set of guidelines has been created for managers and employees to use NEC's salary model effectively.

Salary administration policies:

- Ensure consistency and fairness of treatment around pay for all employees of NEC.
- Increase the accountability of managers for employee pay actions.
- Guide the events of new hires, transfers, and promotions.
- Ensure salary is linked with the role employee plays and their performance in that role.
- Assure that performance is a factor in any salary increases.
- Take into consideration internal equity.

6-3 Staff Performance Development

The Performance Development process consists of three phases that provide a format for recording and submission of performance management information for an individual throughout the year.

Stage I: Goal Setting and Performance Planning

During this initial stage of the Performance Development cycle, the manager and employee work together to develop goals and objectives for the performance plan utilizing the employee's responsibilities and competencies as outlined in their job descriptions document. Goals must include expected results and outline a feedback plan so the performance plan can

be most effective. The manager is responsible for approving the final version of the performance plan and reviewing the skills and competencies required to achieve those goals.

Stage II: [Interim Plan Review](#)

In order to encourage managers and employees to talk together about performance and progress on a regular basis, ongoing meetings are recommended throughout the year. These meetings should include periodic review/update of the plan document which can actually take place anytime during the year; it ensures that goals and performance are reviewed more often than annually.

Stage III: [Performance Review and Assessment](#)

A summary of the employee's progress and growth during the year and a review of goal achievement bring closure to the performance plan. This documentation and conversation guides the Performance Planning stage for the following year. At this time the individual's job description containing the roles and responsibilities are also reviewed and updated. It encourages a reflective summary of ongoing discussions. This is an opportunity to have a positive, constructive influence on an employee's performance through recognition of accomplishments and contributions.

[Link to Pay](#)

The ongoing Performance Development process is the basis for decisions made by managers about salary increases. Annual opportunity for salary increases will be based on performance. Salary increases will occur using a common salary increase date of July 1.

The individual salary increase percentage is determined based on individual performance and is set within the constraints of the budgeted salary pool. Managers and the Direct Reports recommend percentage salary increases to the Direct Report of the Department on the performance of the individual in the position. The final approval for the increase is by the Direct Report of the Department.

[Employee Recognition](#)

Everyone wants to be acknowledged for a job done well. Employee recognition is used by managers and supervisors to recognize the positive actions and behaviors of the employees reporting to them.

General Guidelines for Employee Recognition for Managers/Supervisors

Recognition works when it is meaningful and memorable. Immediate feedback that is specific as to what was accomplished or done right is highly valued. Crucial elements include thanks, praise, and respect.

Reasons to Recognize:

- For good work
- For always being willing to help
- A creative idea
- For consistent quality
- For going above and beyond what is asked
- Meeting a goal
- Finishing a project
- Cost conscious behavior
- Solving a problem
- Perseverance
- Overcoming obstacles to completing the work
- For managing time appropriately
- For motivating and inspiring others
- For accepting responsibility
- Employees who recognize other employees
- Service to the Conservatory (service on committees)
- Being a team player

Examples of Employee Recognition:

No Cost

- Send a handwritten thank you note.
- Send an e-mail.
- Leave a voice mail for someone complimenting them on their hard work.
- Send an appropriate cartoon or message to someone who is working on a stressful project.
- Comment positively about how work was performed.
- Call someone into your office to thank them for doing a good job – focus only on this and do not discuss other business.
- Volunteer to help with a particular task even if only for a short time. This is great at building a team.
- Ask your manager or Direct Report to call one of your employees and thank him/her for doing a good job.
- Ask the employee for advice and suggestions.
- Give public credit for ideas.
- Acknowledge someone's achievement at a staff meeting.
- Go for a walk with your employee and talk about their work.
- Give someone a little extra time off.

- Allow flexibility in the work schedule.
- Even negative feedback can be positive if framed as an opportunity for further career growth and development.

Low Cost

- Buy someone a coffee or soda.
- Buy someone a candy bar.
- Buy someone an ice cream cone.
- Buy lunch.
- Have lunch or coffee with your employee and take an interest in their work. (You do not have to buy them lunch!)
- If your department holds an annual retreat, acknowledge specific contributions, take pictures and give everyone a copy as a memento.
- Send a plant or small bouquet of flowers.
- Send a fruit or goodie basket.
- Take a picture of the employee working on a project and give it to them with a note of thanks.
- Give a subscription to a professional magazine or periodical.
- Give a gift certificate.
- Host a pizza party for a team that has accomplished a particular project.
- Have a team celebration – remember to tie it in to the specific accomplishments being celebrated.

Other

- Allow the employee to attend a relevant conference.
- Pay for membership in a professional association.

Cautions - Be careful about the following:

- Something given to all employees in your group, regardless of contribution or effort, is a perk, not recognition.
- Failure to be specific about what is praiseworthy.
- Insincerity or false praise.
- Timeliness - Recognition should take place close to when the behavior happens not two months later. Don't wait for the annual performance appraisal.
- Recognition needs to be work specific. Celebrating birthdays is not an acknowledgment of work performance.

Length of Service Recognition

NEC recognizes employees for reaching certain milestones, loyalty and service to the Conservatory. Administrative staff are eligible for the following reward determined by their date of hire:

- 10 years – 1 bonus paid time off plus Crystal bowl
- 15 years – 1 bonus paid time off plus \$500 cash bonus
- 20 years – 1 bonus paid time off plus \$1000 cash bonus
- 25 years – 1 bonus paid time off plus \$2000 cash bonus + NEC chair + invitation into the NEC quarter century club
- 30 years – 1 bonus paid time off plus \$2500 cash bonus
- 35 years – 1 bonus paid time off plus \$3000 cash bonus
- 40 years- 1 bonus paid time off plus \$3500 cash bonus

Additional details can be obtained from the Human Resources Department.

Bonus Paid Time Off

Bonus Paid Time off is a benefit given to employees for their length of service to NEC. These 35 additional hours (40 hours for hourly employees) must be used within the year that it is granted. These hours will not be paid out to an employee if he/she were to leave NEC prior to using all of these hours. Additionally, these hours are not included in the vacation carryover limit.

Section 7. Benefits

Employees can log on to the ADP portal and go the Benefits Summary document for an in depth review of NEC's benefits at <https://workforcenow.adp.com>

Section 8. Vacation, Holiday and Personal Time

8-1 Vacation

8-2 Holidays

8-3 Winter Break

8-4 Personal Days

8-1 Vacation

Your eligibility for vacation and the amount of vacation you are eligible to earn depends on your employment status (see Section 2 for definitions) and the number of hours you work. Employees begin to accrue vacation from their date of hire. Only benefit eligible employees are entitled to earn paid vacation.

Vacation Time:

Full-time regular staff and part-time regular staff who are scheduled to work more than 1,000 hours per year are eligible for vacation time. Part-time regular staff that are scheduled to work more than 1,000 hours per year are eligible for pro-rated vacation time. Faculty members do not accrue vacation time.

Eligible staff members begin accruing vacation time at the rate of 5.83 hours per month for the first year of employment (10 vacation days for the year.) Accrual begins on the 15th of the month following the date of hire.

After a staff member's first year anniversary, accrual will change to 11.67 hours per month (20 vacation days for the year.)

Accrual for earned vacation hours occur on the 15th of that month. Vacation time accrual is capped at 140 hours (20 days.) Or if on a 40 hour work week schedule 160 hours (20 days)

Vacation carry-over rights

Vacation is intended to be used in the year awarded. However, if job demands make it difficult for employees to use all of their vacation leave in the year earned, they can carry over up to 15 days with supervisor approval.

Upon an employee's termination, unused accrued vacation time will be paid to that employee.

Student interns, cooperative education students, and temporary employees are not eligible to paid time off benefits.

Scheduling Time Off

All time is scheduled via the ADP Self Service Portal, under the Enter Time Off tab. All requests

for vacation are submitted for any time you have accrued. Please check with your supervisor about using scheduled Vacation days, so that your work responsibilities are met. When scheduling time off, it is your responsibility to give your supervisor at least 48 hours' advance notice.

Unlimited Vacation Policy for the following positions at NEC:

Unlimited Vacation or Time off with pay is available to the employees in the positions listed below to provide opportunities for rest, relaxation, and personal pursuits. As a full-time employee, you are eligible to take vacation with preapproval from the President or one of the Direct Reports of your department. A limit of 3 weeks of paid time off will be allowed at any one time unless preapproved by the President. Vacation days will be recorded as such indicating you are out of the office but there will be no accrued time earned. In the case of an extended illness where an employee becomes eligible for short term disability, NEC will grant a limit of 15 vacation days to be applied to the elimination period.

President
 Sr. VP Finance and Administration
 Sr. VP of IA
 VP of Marketing and Communications
 Executive Director and Dean of Prep/CE
 Provost of Conservatory
 Chief of Staff
 Public Relations Manager
 Controller
 Director of IT
 Executive Director of Engineering, Facilities and Construction
 Director of Human Resources
 IA Administrative Director
 Sr. Director of Alumni Relations and Annual C
 Director of Advanced Support Services
 Executive Director of Development
 Director of Libraries
 Assistant Dean for Admissions
 Dean of Students
 Director of EM
 Assistant Dean for Administration and
 Academic Affairs
 Director of Preparatory School
 Director of Continuing Education
 Program Director, Sistema Fellows
 Director of Communications

8-2 NEC Observed Holidays

Independence Day	Labor Day
Columbus Day	Thanksgiving Day
Friday after Thanksgiving	Christmas Day
New Year's Day	Martin Luther King Jr. Day
Presidents' Day	Memorial Day

Holidays that fall on the weekend are normally observed on the same day as the federal or state observance. Employees with a workweek different from Monday through Friday observe the same number of holidays, through a schedule determined by departmental need. Staff members with a workweek different from Monday through Friday, who are granted "floating" holidays are not paid for unused floating holidays upon termination of employment. A paid holiday that occurs during an approved vacation period is not counted as vacation.

- **Part-Time and Academic Year Employees** holiday schedule and pay are prorated, based on the number of hours worked.
- **Management and Professional** employees who are required to work on a holiday will be provided another day off with pay, to be arranged and approved by the department head.
- **Support and Service employees** who are required to work on a holiday because of scheduling and departmental needs will receive regular pay plus time and one-half for all hours worked. In the case of holidays that are observed on an alternative day when they fall on a weekend (Independence Day, Christmas Day, and New Year's Day), Support and Service employees who are required to work on the day that the holiday is observed (but not the actual calendar holiday) will be given another day off with pay at a later date, to be arranged and approved by the department head.

8-3 Winter Break Closing

Winter Break closing is dependent upon the approval of the President and department heads. Most NEC offices close for Winter Break at year-end. Some departments, however, remain open and schedule employees to cover essential operations and other activities. When this occurs, employees who are required to work will be provided another day off with pay, to be arranged and approved by the department head. The Winter Break is in accordance with the following schedule, depending on the day of the week on which Christmas Day and New Year's Day fall. Holiday dates are posted on the ADP portal website.

Alternative Winter Break closing schedules may be announced from time to time. The Winter Break includes two (2) paid holidays plus additional gift days with pay, as recognition by NEC for the dedicated work performed by employees throughout the year. New employees are eligible

for pay for these days if they were hired by December 1st. Employees hired after December 1st will receive pay for only Holidays during winter break. "Gift days" will be unpaid.

Employees who terminate their employment prior to or during winter break are not eligible for holiday and "gift day" pay. Employees must work after the break during the month of January to be paid for the December/January winter break.

Personal or vacation time that is taken by storm/emergency personnel during an emergency closing will NOT be considered "time worked" for overtime calculations. See Emergency Closing policy, *for additional information*.

All work beyond the normal work schedule must be approved in advance by the department head and reported in the on-line Time & Attendance time card for approval by the manager

8-4 Personal Days

Full-time staff members are awarded 14 hours of personal time per fiscal year. Part-time staff that are scheduled to work more than 1,000 hours per year are eligible for pro-rated personal hours. These personal hours must be used within the fiscal year awarded or they will be forfeited. For new employees, personal hours are pro-rated as follows:

14 hours (2 days) if new employee begins employment between July 1 and December 31.

7 hours (1 day) hours if new employee begins employment between January 1 and June 30.

Personal days are not cumulative, do not carry over to the next year if they are not used during the current fiscal year (by June 30th), and are not paid upon termination of employment or at any other time.

Section 9 EMPLOYEE ACKNOWLEDGEMENT

The Handbook describes important information about New England Conservatory (NEC). I understand that I should contact my supervisor or department head regarding any questions not covered in the Handbook. I have entered into my employment relationship with NEC voluntarily and acknowledge that there is no specified length of employment. Accordingly, either NEC or I can terminate the employment relationship at any time without notice for any reason or for no reason at all.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that NEC may revise the Handbook at any time. Furthermore, I acknowledge that this Handbook is neither a contract of employment nor a legal document. I have received this Handbook, and I understand that it is my responsibility to read and comply with the policies contained in this Handbook and any revisions made to it. Please acknowledge the Employee Handbook online via the ADP Portal.