



POLICY MANUAL

VOLUME III

**Institution-Wide Employment
Policies**

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Volume III Institution-Wide Employment Policies

3.0 Introduction

Welcome to Lynn University. In joining the Lynn community, you become an integral part of a dynamic and thriving institution dedicated to excellence in education. Our continued success is dependent upon your dedication to the University's core values and the part each of us play in every student's journey of self-discovery.

Volume III of the Lynn University Policy Manual is a guide to help you learn more about the University, some of its standards and practices, and your responsibilities as an employee. This volume applies to all employees of Lynn University, including temporary employees. Additional policies that pertain only to members of the faculty are set forth in Volume IV of the *Lynn University Policy Manual*. General policies that affect all members of the campus community (including students) are set forth in Volume II.

It is your responsibility to read and understand this volume and to comply with it in both letter and spirit. Although this volume addresses a wide range of business, legal, and ethical matters, it cannot anticipate every issue that may arise; if you are unsure of what to do in any situation, you should seek additional guidance and information before you act by contacting your supervisor or Employee Services.

There are several things that are important to keep in mind about this volume. First, it contains only general information and guidelines. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. For that reason, if you have any questions concerning eligibility for a particular benefit, or the applicability of a policy or practice to you, you should address your specific questions to Employee Services. The *Lynn University Policy Manual* does not confer any contractual right, either expressed or implied, to remain in the University's employ. Nor does it guarantee any fixed terms and conditions of your employment. Unless otherwise agreed upon in writing, your employment is not for any specific time and may be terminated at will, with or without cause and without prior notice, by the University or you may resign for any reason at any time. No supervisor or other representative of the University (except the President of the University, or his specifically appointed designee,) has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above.

Moreover, the procedures, practices, policies and benefits described here may be modified or discontinued from time to time. We will try to inform you of any changes as they occur.

Finally, some of the subjects described here are covered in further detail in other policy or benefits documents. You should refer to these documents for specific information, since this volume only briefly summarizes those policies and benefits. Please note that the terms of any written insurance or benefits plans or policies are controlling.

We consider the employees of Lynn University to be one of our most valuable resources. Whether you have just joined our staff or have been employed by Lynn University for a while, we are

confident that you will find our institution a dynamic and rewarding place at which to work. We look forward to a productive and successful association.

3.1 Employment Categories and Status Policies

3.1.1 Employee Categories

Based on the conditions of employment, employees of Lynn University fall into the following categories:

3.1.1.1 Full-Time

An employee who works an average of at least 35 hours per week (or 130 hours of service per month) with no breaks in employment (for these purposes, 7-8 hours per day, 5 days per week). Full-time employees are classified as exempt or non-exempt.

3.1.1.2 Part-Time

Part-time employees are classified as exempt or non-exempt and work an average of less than 30 hours per week.

Under the Affordable Care Act, all regular staff employees who work less than 30 hours per week and all temporary staff employees shall record and report all hours worked to determine health benefits eligibility. For part-time faculty, Employee Services will use a formula that applies a ratio of work hours to credit hours taught to determine whether a part-time faculty member is eligible for health benefits. The ratio Lynn University will use is 2.50 hours of credit for each credit hour taught. This crediting method takes into account time for preparation, teaching, grading, and similar activities needed to teach a course.

3.1.1.3 Temporary Employees

A temporary employee is hired for a specified project or time frame. A temporary employee in a non-exempt position is paid by the hour while a temporary employee in an exempt position is paid according to the terms of hire for that individual. Temporary employees do not receive any additional compensation or benefits from the University.

3.1.1.4 Volunteers

A volunteer is a non-employee who does not receive any compensation or benefits from the University. Volunteers are individuals who offer their services without cost to the University for civic reasons and for services which are not typically performed by permanent, part-time, or temporary University employees.

3.1.2 FLSA Exemption Status

Employees are classified as performing “exempt” or “non-exempt” work based upon regulations of the Fair Labor Standards Act (“FLSA”). The determination of “exempt” or “non-exempt” work is made by Employee Services in accordance with FLSA criteria.

Exempt employees are classified as such if their job duties are exempt from the overtime provisions of the Federal and State Wage and Hour Laws. Their salaries are calculated on a weekly basis.

Non-Exempt employees receive overtime pay in accordance with the University's Overtime Policy. Their pay is calculated on an hourly basis.

3.2 Employment Policies

Employment at Lynn University is based on the qualifications of applicants as determined through fair and practical selection methods. When hiring an employee, Lynn University will:

1. Consider candidates without discrimination in conformance with its Non-Discrimination and Anti-Harassment Policy;
2. Select the qualified individual who best meets the needs of the hiring department or program and the mission of the University;
3. Select qualified individuals with the appropriate skills, education, training, and experience to lead the University;
4. Select faculty members qualified to accomplish the mission and goals of the University;
5. Enhance opportunities for mobility and promotion of qualified candidates who are current University employees.

3.2.1 Staff Selection

3.2.1.1 Approval to Hire

1. When a staff vacancy occurs, a new staff position is proposed, or temporary help is needed, the hiring manager shall meet with the appropriate area Vice President and the Vice President for Business and Finance to determine the overall need of the institution and obtain authorization to proceed with a formal search.
2. The appropriate area Vice President must approve all searches for full, part-time or temporary employees.
3. Upon confirmation from the appropriate area Vice President that a staff vacancy may be filled or created, the hiring manager will send an updated job description to Employee Services.
4. Based upon a review of the new job description, Employee Services will draft and post a job announcement in accordance with the University's Advertising and Posting Vacancies Policy.

3.2.1.2 Advertising and Posting Vacancies

1. Posting: All staff positions will be posted on the University's website or by some other method used by Employee Services. Exceptions to the job-posting requirement may include situations such as reclassifications due to change in duties, reorganizations, or a reassignment to accommodate an individual with disabilities pursuant to the American with Disabilities Act. Employee Services reviews and approves any exceptions.
1. Advertising: Positions may be advertised in a variety of channels as deemed appropriate by the office of Employee Services. Once the Vice President for Business and Finance has approved the position, Employee Services will initiate the search.

3.2.1.3 Applications

Lynn University relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

3.2.1.4 Candidate Evaluation and Selection

To ensure a fair and consistent process, applicants will undergo several screening steps, which may include interviews, background, and reference checks. These steps are coordinated through the office of Employee Services. At the discretion of the University, a Search Committee or outside consultant may be utilized to assist with the search.

1. All applications are received by Employee Services. Employee Services will screen all applications to insure that each candidate meets the criteria for the job based on the job description. Applications will then be forwarded to the Search Committee Chair or hiring supervisor as applicable.
2. The Search Committee or the hiring supervisor as applicable will review and evaluate applications based upon the requirements of the position and select the most qualified applicants to be invited for an interview. Candidates will be selected based on their potential to contribute to the mission of the University and must possess the appropriate skills, education, training, and experience to satisfy the essential requirements of the position.
3. Employee Services will conduct a pre-screen candidate and arrange interviews with the Search Committee or the hiring supervisor as applicable.
4. The Search Committee or the hiring supervisor will interview selected qualified candidates. For certain positions, additional interviews may be conducted. During the interview process, the candidate will be notified that any job offer is contingent upon successful completion of background screen. Moreover, notice of the availability of the Lynn University annual security report will be provided to the interviewee if the position was advertised.
5. Following interviews, a preferred candidate will be identified. The decision to extend an offer to an applicant for a position is made by the area Vice President on the recommendation of the hiring supervisor or search committee.
6. After the preferred candidate has been identified, Employee Services will perform applicable background checks and the hiring supervisor will conduct reference checks before offering the preferred candidate the position.
7. Employee Services will prepare the offer letter, in consultation with the Vice President for Business and Finance, the hiring supervisor, and the area Vice President.
8. Employee Services contacts all interviewed candidates who were not selected, to notify them that the position was filled.

3.2.1.5 Exceptions

Based upon unusual circumstances and demonstrated departmental need, exceptions can be made to the University's Staff Selection policies and procedures. Such exceptions shall be made through the office of Employee Services.

3.2.2 Faculty Selection and Appointment

Lynn University employs faculty members qualified to accomplish the mission and goals of the institution. Policies and procedures with regard to the evaluation, selection, and appointment of competent faculty applicants are outlined in Volume IV, Section 4.3 of the *Lynn University Policy Manual*.

3.2.3 General Employment Policies

3.2.3.1 Background Screens

Lynn University seeks to provide a safe and professional environment for students, employees, and visitors. To accomplish this, Lynn University may require prospective employees, volunteers and interns to submit to a verification of credentials, employment history, criminal history, Social Security, and address verification check. Additionally, credit checks will be conducted for employees who will have responsibility for handling University and other funds, making financial transactions hold other positions requiring fiscal responsibility, or those whom have access to personal credit information. Driving records will be reviewed for all applicants whose job duties require driving. Any applicant that refuses to submit to a background check may be declared ineligible for employment. The background checks shall comply with all federal, state and local laws including, but not limited to, the Federal Fair Credit Reporting Acts.

If a criminal history has been reported by the applicant and/or the criminal history background check uncovers potential problems, the Director of Employee Services will consult with the University's General Counsel to determine the next course of action. Each case will be reviewed and factors will be considered such as, but not limited to, the nature and age of the crime reported, the number of offenses and circumstances of each, the position sought and duties, rehabilitation, the candidate's employment history, the accuracy of the explanation on the application and references. Only criminal convictions, guilty pleas, and pleas of no contest will be considered in determining an applicant's suitability for employment.

Background reports will be maintained in the employee or applicant's secured file. A candidate who is judged not to qualify for a position or is not hired because of the background check may request in writing a copy of the report(s) from Employee Services.

If a prospective employee, volunteer and intern disputes the accuracy of any information obtained in a background check, the employee will be referred to the agency that provided the information. A candidate disputing the accuracy of information will have three (3) business days to conclusively demonstrate the inaccuracy of the information obtained in the background check, after which time an employment decision may be made.

Additional Pre-Employment Screening

Some positions require a physical examination, drug screen test, medical interview, psychological examination and/or require a statement from the employee's personal physician

to successfully complete a pending offer of employment. Lynn University incurs full cost of the exams and may include examination, testing and/or immunizations deemed by Lynn University to be appropriate for the particular employment position.

Physicals may be authorized for post-offer, pre-employment applicants if a job has special physical demands, or when a post-offer or pre-employment applicant's ability to meet the physical demands of the position is in question. Incumbent employees selected for new positions with significantly different demands may also be required to have a physical examination based on the new position's requirements.

Arrangements will be made by Employee Services for a physical examination to be conducted at a medical facility designated by Lynn University. At the discretion of Lynn University, additional periodic exams or testing may be requested, especially on the occasion of an employee injury in the workplace. The employee or prospective employee must sign a written release of this information to Lynn University.

3.2.3.2 Employee Eligibility and Verification

Lynn University is committed to employing only United States citizens or aliens who are authorized to work in the United States. All applicants who are to be considered for employment at the University must comply with the Immigration Reform and Control Act of 1986, as amended.

Each new employee is required by federal law to complete an Employment Eligibility Verification Form (I-9) and provide appropriate documentation regarding their citizenship or eligibility to work in the United States. This Form states under penalty of perjury that you are a citizen or national of the United States or that you are lawfully admitted to the United States for permanent residence or that you are an alien authorized by the Department of Homeland Security (DHS) to work in the United States. All employees must complete the I-9 Form and present it in person to Employee Services, along with supporting documentation, within one (1) day of the date of hire. Employees will not be allowed to continue working until the Form I-9 is satisfactorily completed and appropriate documentation reviewed by the office of Employee Services or designee.

It is also essential that if an employee renews a Visa, I-20, I-9, or any other such paperwork, the employee must also renew their records of that paperwork in Employee Services. Rehired employees must also complete the form if they have not previously filed an I-9 Form, if the previous I-9 is more than three years old, or if the previous I-9 is no longer valid.

Employees with questions or seeking more information on verification and immigration law issues are encouraged to contact Employee Services. Employees may raise questions or complaints about verification and immigration law compliance without fear of reprisal.

3.2.3.3 Employee Referral Program

The University is always looking for qualified employees and appreciates recommendations made by existing employees. If an employee recommends someone who is hired on a full-time basis and who is still employed by the University after ninety (90) days, the recommending employee is eligible to be paid a referral bonus.

3.2.3.4 Employment of Relatives

At Lynn University, we have no general prohibition against hiring relatives or close personal relations. However, we have established several restrictions to help prevent problems of safety, security, supervision and morale.

While we do accept and consider applications for employment from relatives or close personal relations, such as parents, grandparents, children, spouses, domestic partners, brothers, sisters or in-laws, we will not hire or transfer these persons into positions where they directly or indirectly supervise or are supervised by another close personal relative. Further, these relatives will not be placed in positions where they work with or have access to sensitive information regarding a close personal relation, or if there is an actual or apparent conflict of interest. Employment of relatives in the same unit or department or under the same supervisor is authorized only with the prior written approval of a Cabinet member as appropriate. In addition, relatives should not participate in roles that have the potential for influencing employment decisions, (e.g., peer review).

Employees who become immediate family members or establish a romantic relationship may continue employment as long as it does not involve any of the situations outlined above. Should one of the situations outlined occur, the University will make reasonable efforts to assign job duties so as to avoid conflict. If accommodations of this nature are not feasible, the employees will be permitted to determine which of them will resign or, if they cannot make a decision, the University will decide in its sole discretion, who will remain employed. See the University Romantic and Sexual Relationships Policy (see Subsection 3.3.22) for additional information.

3.2.3.5 Initial Employment Period

Every new employee goes through an initial period of adjustment to learn about the University and about the job. During this time the employee will have an opportunity to find out if s/he is suited to the new position.

Additionally, the initial employment period gives the employee's supervisor a reasonable period of time to evaluate performance. The initial employment period is ninety (90) days.

During this time, the new employee will be provided with training and guidance from their supervisor. The employee may be terminated at any time during this period if the supervisor concludes that progress and performance does not warrant continued employment. As is true at all times during an employee's employment with the University, employment before and after the initial employment period is not for any specific time and may be terminated at will, with or without cause and without prior notice.

3.2.3.6 New Hires Reporting

In accordance with Florida Statute 409.2576 and the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, 42 U.S.C. 653A, Lynn University reports all newly hired and re-hired employees to the state of Florida within 20 days of their start date.

3.2.3.7 Orientation

Employee Services holds a one-on-one orientation shortly after hire. During the orientation, a review of University benefits and general policies and procedures are discussed. Individual departments also orientate all new hires to department procedures and practices.

3.2.3.8 Re-Employment

Former employees whose separations were under satisfactory circumstances may be re-employed in the same type of work, or on another type of work for which they are qualified. All former employees must indicate previous employment at the University in the re-application. Former employees requesting to be rehired will be processed using the same procedures and standards that govern all applications for the position being sought. The employee's previous term of employment will not be considered when calculating benefits of longevity.

3.3 General Employee Policies

The policies in this section identify many, but not all, of the important general employment policies that apply to all University employees. Employees are to be reminded that as members of the Lynn University community, they are also expected to adhere to all University rules, regulations, procedures, and policies, including those set forth in Volume II of the *Lynn University Policy Manual*. Faculty status policies pertaining only to faculty members are outlined in Volume IV on the *Lynn University Policy Manual*.

3.3.1 Appearance and Dress

Depending upon the employee's department, a dress code may be required; as each department is entitled to set a dress code. Employees who are employed in departments with a dress code are required to adhere to that code. Supervisors will review dress code requirements with candidates prior to hiring. Departmental expectations will not conflict with applicable federal or local statutes, including those prohibiting discrimination based any characteristic protected by law. Employees who repeatedly report to work in violation of departmental dress codes will be subject to disciplinary action.

3.3.2 Anti-Bullying Policy

Lynn University strives to provide its employees with a workplace that is free of bullying. Bullying is the persistent demeaning and downgrading through words, actions and communications that erode self-confidence and undermine self-esteem. For purposes of this policy, "Bullying" is defined as any intentional written, verbal, or physical that:

1. Physically harms an employee or damages the employee's property; or
2. Has the effect of substantially interfering with an employee's job performance; or
3. Is severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
4. Has the effect of substantially disrupting the operation of the University.

It is the responsibility of every individual to ensure that bullying or intimidation does not occur at any level within the University. All employees should be aware that bullying affects the dignity of people at work, is unacceptable, and can be grounds for disciplinary action up to and including termination.

Examples of Bullying

The following, non-exhaustive list, are examples of bullying behavior that may be grounds for disciplinary action up to and including termination:

1. Repeated verbal harassment of a severe or pervasive nature.
2. Personal insults and name-calling.
3. Persistent picking on a person for the butt of jokes, horseplay, uncomplimentary remarks or other behavior likely to cause offense.
4. The maligning or ridiculing of a person directly or to others.
5. Refusal to communicate in a normal collegial way.

Employees who believe they are being bullied should attempt to resolve the problem informally if possible. Victims of bullying should explain clearly to the other employee that the behavior in question is unwelcome and offensive; as well as the harmful effects on the employee and that it is contrary to policy. It may be the case that the other employee does not realize the effect of the behavior on the employee.

Employees who believe they are being bullied and who cannot resolve the matter by addressing it with the other employee should complain in writing to the Director of Employee Services who will designate a person to investigate the matter.

Misconduct constituting bullying will be dealt with promptly and appropriately. Responsive action may include, for example, training, referral to counseling, monitoring of the offender and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reduction of wages, demotion, reassignment, temporary suspension without pay or termination, as Lynn University believes appropriate under the circumstances.

Note: Incidents of bullying based on an individual's sex, sexual orientation, sexual identity, gender, gender expression, or gender identity will be investigated and resolved pursuant to the University's Sexual and Gender-Based Misconduct Policy (see Volume VIII of the Lynn University Policy Manual).

Inquiries

Any questions about this policy or how to file a complaint should be directed to the Director of Employee Services.

Note: If the alleged victim of bullying believes the incident was based on his or her sex, sexual orientation, sexual identity, gender, gender expression, or gender identity, inquiries may be directed to the Lynn University Title IX Coordinator. Lynn University's Title IX Coordinator is Lorna Fink, University Compliance Officer, whose office is located in the Office of General Counsel (in the Green Center) 3601 North Military Trail, Boca Raton, Florida, 33431. Ms. Fink may be contacted by phone at 561-237-7727 or by email at lfink@lynn.edu. In the alternative, the University Counseling Center or Health Center Professional Staff may be contacted on a confidential basis. See the Lynn University Sexual and Gender-Based Misconduct Policy in Volume VIII of the Lynn University Policy Manual for additional information.

3.3.3 Arrest and/or Conviction of Employee

If an employee, including student employees and interns, is arrested or convicted of a crime while employed at Lynn University, the employee must immediately inform his/her supervisor, who in turn must notify the office of Employee Services of the arrest or conviction. Following an arrest, the employee must inform his/her immediate supervisor of the final outcome of the proceedings. Depending on the severity of the crime and or the circumstances, in consultation with the office of General Counsel, the office of Employee Services may recommend terminating

the individual's employment. Failure to inform his/her supervisor may result in disciplinary action up to and including termination.

3.3.4 Attendance, Punctuality, and Dependability

Because Lynn University depends heavily upon its employees, it is important that employees attend work as scheduled. Dependability, attendance, punctuality, and a commitment to do the job right are essential at all times. As such, employees are expected at work on all scheduled workdays and during all scheduled work hours and to report to work on time. An employee is considered late if s/he reports for work later than the schedule time to report. Chronic absenteeism or tardiness will not be tolerated and will result in discipline, up to and including termination.

Any employee who expects to be absent or late to work for purposes other than illness must secure supervisor's approval in advance. Moreover, an employee must notify their supervisor or designee as far in advance as possible, but not later than one hour before scheduled starting time if the employee expects to be late or absent. This Policy applies for each day of absence.

An employee who fails to contact their immediate supervisor or Employee Services may be considered as having voluntarily resigned. Failure to report absences may cause an employee to forfeit sick leave pay to which the employee might otherwise be entitled under the University's Absence Due To Illness Policy. Any employee that is absent for one day without contacting their supervisor may be deemed to have abandoned the position may be considered for voluntary resignation and may not be eligible for rehire.

A record of absenteeism and lateness should be kept by the employee's supervisor and becomes part of the personnel record. A supervisor's failure to keep such record does not excuse an employee's unexcused absenteeism and lateness. To the extent permitted by law, absenteeism and lateness lessen an employee's chances for advancement and may result in disciplinary action up to and including termination of employment.

3.3.5 Internet and Social Media Communications

Lynn University acknowledges the growing popularity of social media and other communications as a means for publicly sharing experiences, ideas and opinions. Because of the legal and other ramifications that may stem from public communications, the University has adopted the following Policy that applies during working and non-working time. Internet communications and social media: This policy applies to all communications that may be accessed by the public, including, but not limited to blogs, personal web sites, discussion forums and social media.

All Internet and social media communications activity is subject to the University Internet and Computer Use Policies (see Volume II, Section 2.4 and Volume III, Subsection 3.3.6). This activity should not interfere with the employee's work obligations as determined by the employee's supervisor.

The following requirements must be met:

Public Internet Communications. This policy applies to all Internet communications that may be accessed by the public, including but not limited to blogs, personal websites, and discussion forums.

Blogging Not Permitted on University Time. All blogging and other Internet activity during work hours and/or using University equipment or connections is subject to the University

Internet and Computer Use Policies (see Volume II, Section 2.4 and Volume III, Subsection 3.3.6). Blogging and other public internet communications during an employee's working time should not interfere with the employee's work obligations as determined by the employee's supervisor.

During non-working time, the following requirements must be met:

1. **Disclaimer required.** Any reference to Lynn University, Lynn University employees, or students publicly posted on the Internet **must** contain a disclaimer indicating that the thoughts and opinions expressed belong to the author and do not necessarily reflect those of the University.
2. **Posting of certain protected information prohibited.** Employees may not disclose trade secrets, confidential business information (*e.g.*, business plans, strategies, customer information, etc.), or other proprietary information belonging to Lynn University or its customers to individuals outside the University, including through blogs and other Internet postings.

Employees wishing to post blogs or other public internet communications should be aware that copyright and trademark law may restrict the use and copying of material belonging to Lynn University and others. Employees may not violate the intellectual property or privacy rights of others.

3. **Other prohibited activities.** Lynn University's Equal Employment Opportunity Policy and its policies against sexual or other harassment apply fully to the use of the Internet, including blogging. If conduct is in violation of our policies and/or is seen as compromising the interest of the University, the University may request that you cease the violative commentary or remove the offensive posting, and may take appropriate disciplinary action.
4. **Other guidelines.** Employees are reminded that they are personally responsible for material they post on a blog or website. In addition, employees wishing to maintain blogs or websites should be aware that they could be held responsible for content posted by third parties, such as comments. Employees are encouraged to monitor and/or restrict such third party content on any websites or blogs they maintain.

Violations of Policy. Failure to follow this Policy may result in disciplinary action, including possible termination. All blogs and other public Internet communications are subject to the other policies contained in *the Lynn University Policy Manual*, including but not limited to the Computer Systems Policies, Non-Discrimination and Anti-Harassment Policy, Sexual and Gender-Based Misconduct Policy, and the University's Political Activities Policy.

3.3.6 Computing and Information Resources Policies

Below please find computing and information resources policies that apply to all employee users of Lynn University's computing and IT resources. In addition to these policies, the University has developed policies that apply to all users of the University's computing and IT resources. These policies are set forth in Volume II, Subsection 2.4 of the *Lynn University Policy Manual* and should be carefully reviewed by all employees. Should you have questions about any University computing and information resources policies, please do not hesitate to contact the Lynn University Information Technology Department.

3.3.6.1 Employee Acceptable Use

The computer hardware, software, electronic mail, voice mail and other computer or electronic communication or data storage systems (“Computing and Information Technology Resources”) are the property of Lynn University. Every Lynn University employee is responsible for using the University’s computing and information resources properly and in accordance with this policy. Any questions about this Policy should be addressed to Employee Services.

The University’s computing and information resources have been provided by Lynn University for use in conducting University business (with the exception of the limited circumstances described below). All communications and information transmitted by, received from, or stored in these systems are University records and property of Lynn University. While the University’s computing and information resources are to be used for University purposes only, an incidental, limited use for personal purposes is allowed so long as it does not directly or indirectly relate to solicitation. Use of the University’s computing and information resources for solicitation or proselytizing for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations or proselytizing is prohibited.

3.3.6.2 No Expectation of Privacy

Employees have no right of personal privacy in any matter stored in, created, deleted, received, or sent over University’s Computing and Information Technology Resources. The University has the right, but not the duty to monitor any and all aspects of its Computing and Information Technology Resources for any reason and without the permission of any employee. Employee use of the University’s computing and Information Technology Resources constitutes consent to all the terms and conditions of this Policy.

3.3.6.3 Professional Use of Computing and Information Technology Resources Required

Lynn University’s policies against discrimination and harassment, sexual or otherwise, apply fully to the University’s computing and information resources, and any violation of those policies is grounds for discipline up to and including termination. Violation of those policies is grounds for discipline up to and including termination and *criminal prosecution*. Therefore, no electronic communication should be created, sent, or received if they contain intimidating, hostile, or offensive material concerning race, color, religion, sex, sexual orientation, sexual identity, gender, gender expression, or gender identity, age, national origin, ancestry, citizenship, disability, gender related status, pregnancy, genetic disposition, veteran or military status, marital status, familial status or any other legally protected characteristic in accordance with federal and Florida State law. Similarly, material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful, inappropriate, offensive (including offensive material concerning race, color, religion, sex, sexual orientation, sexual identity, gender, gender expression, or gender identity, age, national origin, ancestry, citizenship, disability, gender related status, pregnancy, genetic disposition, veteran or military status, marital status, familial status or any other legally protected characteristic in accordance with federal and Florida State law) may not be downloaded from the Internet or displayed or stored in the University’s computers. Employees encountering or receiving this kind of material should immediately report the incident to their supervisor.

Other examples of inappropriate use of the University's computing and information resources include but are not limited to:

1. Displaying or transmitting graphic sexual images, messages, and cartoons;
2. Transmitting racial and ethnic slurs, off-color jokes, and other disrespectful language;
3. Transmitting to public bulletin boards, chat rooms, and other public forums, and to individuals or other entities, information about Lynn University and its employees and students without prior approval;
4. Broadcasting or transmitting inappropriate personal views on business or non-business matters, or representing personal views as those of Lynn University;
5. Using Lynn University's communications systems for personal gain;
6. Gambling or conducting illegal activities;
7. Interfering with the normal operation or performance of the communications systems of Lynn University;
8. Unauthorized use of passwords;
9. Unauthorized access to systems or data;
10. Creating or forwarding "chain letters", "Ponzi" or other "pyramid" schemes of any type;
11. Use of unsolicited email originating from within Lynn University's networks of other Internet/Intranet/Extranet service providers on behalf of, or to advertise, any service hosted by Lynn University or connected via Lynn University's network;
12. Posting the same or similar non-business-related messages to large numbers of Usenet newsgroups (newsgroup spam);
13. The installation of any non-essential software programs on University owned equipment;
14. Using a Lynn University computing asset to transmit, obtain possession, or request the transmission of:
 - a. Pornography of any kind or form;
 - b. Material that promotes crime or violence, or incites or instructs in matters of crime or violence;
 - c. Material that is discriminatory or harassing in nature; or
 - d. Material that describes or depicts material, in a manner that is likely to be offensive to others.
15. Making fraudulent offers of products, items, or services originating from any Lynn University account;
16. Making statements about warranty, expressly or implied, unless it is a part of normal job duties.

Remote Access

All users connecting to the Lynn University network via remote access, utilizing any of the approved methods must comply and follow all Information Technology policies.

Remote access to the University network must be used and given the same consideration as the user's onsite.

Configuration of a home user's computer for the purpose of split-tunneling (allowing access to another network at the same time) is not permitted.

Approval of Software Use

Any software program deemed essential to business process but not currently on the Approved Software List shall be reviewed for approval by the Change Management Committee and installed by the IT Department once approved. The downloading of any non-approved software is strictly prohibited.

3.3.6.4 Telephone Use

The University provides access to telephones to all employees. The University telephone system is available to conduct University business. Abuse of the University telephone system, including but not limited to charging personal long distance calls to the University, conducting business related to outside employment or business ownership, making or receiving excessive personal calls, and disclosing confidential information over the phone may result in disciplinary action, including termination.

As a general rule, employees are discouraged from making or receiving personal telephone calls through the University's telephone system. The University recognizes that under certain circumstances, an employee will need to make or receive a telephone call of a personal nature from a business phone. Those calls must be held to a minimum in both time and number. When an employee lives outside the immediate area and a personal call results in a charge being assessed to the department, established procedures should be followed to reimburse the University for the cost of the call(s).

3.3.6.5 Multifunctioning Printer Use

This policy applies to all University users utilizing any of the multifunction printers, network printers and non-network printers provided by the University.

All non-network, network and multifunction printers must be installed and configured by the IT Department. The use of local or personal printers is discouraged and will need to receive approval from the IT Department before purchasing of such equipment.

3.3.6.6 Limitations on Internet Use

Lynn University's internal network is connected to the Internet. Each user with computer access to the University's internal network has the ability to access the Internet, including use of electronic mail and the World Wide Web. While the Internet is a great resource for the University, it is the responsibility of each employee to use this resource responsibly and respectfully. It is assumed that the predominant use of these resources will be for official work use, and that any personal use of electronic mail or the World Wide Web will be limited. If an employee is found spending excessive time on personal use of these resources, this privilege may be revoked for that employee and disciplinary action, up to and including termination, may be taken. Use is defined as "excessive" if it interferes with normal job functions, responsiveness, or the ability to perform daily job activities.

Management approval is required before anyone can post any information on commercial on-line systems or the Internet on behalf of Lynn University. Any approved material that is posted should contain all proper copyright and trademark notices. Absent prior approval from Lynn University to act as an official representative of Lynn University, employees posting any information about Lynn University, Lynn University employees, or students must include a disclaimer in that information stating, "Views expressed by the author do not necessarily represent those of Lynn University."

3.3.6.7 Maintaining and Securing the Systems

Users should routinely delete outdated or otherwise unnecessary e-mails, voice mails, and computer files. These deletions will help keep the system running smoothly and effectively, as well as minimize maintenance costs.

Employees are expected to comply with the standards established by Lynn University regarding the protection of data held on their computers, as well as the types and contents of information that may be originated, stored, or sent on their systems.

3.3.6.8 Violations of Computing and Information Resources Policies

Any employee who discovers misuse of any of the University's computing and information resources should immediately contact their supervisor or the Director of Employee Services.

Violations of Lynn University's computing and information resources policies may result in disciplinary action up to and including termination.

Lynn University reserves the right to modify this policy at any time, with or without notice.

Employees are required to sign the University's Computing and Information Resources Policy Acknowledgment Form as a condition of employment. The form is to be signed on acceptance of an employment offer by Lynn University.

3.3.6.9 Hard Drive Removal and Destruction Policy

The IT Department conducts these steps in the removal and destruction of all University owned computers, server and other devices which contain a hard drive. All IT staff will apply the following care and exercise reasonable actions in the disposal of all University owned hardware.

1. Unused hard drives will be kept in a locked container in storage for destruction or re-use. Hard Drive serial numbers will be logged and tracked when removed for re-use or destroyed.
2. Any physically removed and re-used hard drive will be logically scrubbed using disk drive scrubbing software before re-use in another machine.
3. Any hard drives set for destruction will be logically scrubbed using disk drives scrubbing software before handing hard drive over to certified vendor
4. Vendors who destroy physical media for the University should be checked periodically to insure that disk drives actually make it to the destruction facility and that they are transported in a reasonably secure manner.

3.3.7 Conflict of Interest

The University expects its employees to conduct business according to the highest ethical standards of conduct. Employees are expected to devote their best efforts to the interests of the University. Business dealings that create or appear to create a conflict between the interests of the University and an employee are unacceptable. The University recognizes the right of employees to engage in activities outside of their employment which are of a private nature and unrelated to our business. Additionally, employees are discouraged from soliciting business from or selling services to donors, students, alumni, other employees of the institution, or any other party whose relationship was formed as a result of their employment at the University. Failure to comply may result in disciplinary action up to and including termination.

3.3.8 Confidential Information

Lynn University's confidential and proprietary records and information relating to Lynn University or its students, vendors, business partners, donors and employees, must be treated accordingly. No Lynn University related confidential or proprietary information, including without limitation, documents, notes, files, records, oral information, computer files or similar materials (except in the ordinary course of performing duties on behalf of Lynn University) may be removed from Lynn University's premises without permission from Lynn University. Additionally, the contents of Lynn University's confidential or proprietary records or information otherwise obtained in regard to business may not be disclosed to anyone, except where required for a business purpose or where the records or information have previously been disclosed to the public by the University. Employees must not disclose any confidential information, purposefully or inadvertently (through casual conversation), to any unauthorized person inside or outside the University.

Examples of proprietary and confidential information include, but are not limited to, any system, information or process that gives the University an opportunity to gain an advantage over its competitors; information about the University's strategies, business plans, forecasts, operations, and results; information about students and vendors; information about the University's systems, technology, products and services; and employee medical and other records.

You are responsible for safeguarding all proprietary and confidential information under your control. This includes taking steps to ensure documents are produced, handled and discarded in a manner that minimizes the risk that unauthorized persons might obtain access to them. You should also ensure that access to work areas and computers is properly controlled. Also you may not discuss proprietary or confidential information in public places.

Employees who are unsure about the confidential and proprietary nature of specific information must ask their supervisor for clarification. Employees will be subject to appropriate disciplinary action, up to and including termination, for knowingly or unknowingly revealing information of a confidential and proprietary nature.

This Policy is not intended, and should not be construed, to limit or prevent an employee from exercising rights allowed by law, rule, and/or regulations.

3.3.8.1 Information Security

Lynn University recognizes and protects the privacy and confidentiality of medical, personnel, and student records. Individuals who work in student, patient, faculty, and administrative offices often

have access to information that is sensitive or confidential. This information includes but is not limited to, budgets, salaries, student records, personnel records, patient records, personal messages, grant proposals, and real estate.

These records must not be shared or discussed outside the University. Sensitive or confidential information may be shared only on the need-to-know basis and only as required in the course of performing your job, except as authorized by the affected employee or as required/allowed by law, rule, and regulation or a subpoena or order issued by a court or requested by a judicial, administrative or legislative body.

Requests for these records from anyone outside the University must be approved by the Office of General Counsel.

You are responsible for ensuring that sensitive information is kept confidential. If you have any questions about the confidentiality of information to which you have access, ask your immediate supervisor, department head, or the office of Employee Services for clarification.

Any breach of confidentiality may result in disciplinary action, up to and including termination.

3.3.9 Employee Safety and Security Policies

Safety and security related policies that pertain to the entire campus community are located in Volume II, Sections 2.2 and 2.3 of the *Lynn University Policy Manual*. Below please find employee specific safety and security policies:

3.3.9.1 Drug and Alcohol Free Workplace

Lynn University is committed to maintaining a workplace that is free of drugs and alcohol. The University has a vital interest in maintaining safe and efficient working conditions for its employees. The complete Alcohol and Drug Prevention Policy may be found in Volume II of the *Lynn University Policy Manual*. Substance abuse is incompatible with health, safety, efficiency, and success at the University. Employees who are under the influence of a drug or alcohol on the job compromise the University's interests, endanger their own health and safety and the health and safety of others, including other employees, students and visitors, and can cause a number of other work-related problems, including absenteeism and tardiness, substandard job performance, increased workloads for coworkers, behavior that disrupts other employees, delays in the completion of jobs, inferior quality in products or service, and disruption of customer relations.

To further its interest in avoiding accidents, to promote and maintain safe and efficient working conditions for its employees, and to protect its business, property, equipment, and operations, the University has established this Policy concerning the use of alcohol and drugs. As a condition of continued employment with the University, each employee must abide by this Policy.

Definitions

For purposes of this Policy:

1. "Illegal drugs or other controlled substances" mean any drug or substance that (a) is not legally obtainable; (b) is legally obtainable but has not been legally obtained; or (c) has been legally obtained but is being sold or distributed unlawfully. "Controlled substances" include any form of narcotic, hallucinogen, depressant, stimulant, or other drug whose use, possession, or transfer is restricted or prohibited by law, including but not limited to marijuana, cocaine

(including “crack” and other cocaine derivatives), morphine, heroin, amphetamines, and barbiturates.

2. “Legal drug” means any drug, including any prescription drug or over-the-counter drug, that has been legally obtained and that is not unlawfully sold or distributed.
3. “Abuse of any legal drug” means the use of any legal drug (a) for any purpose other than the purpose for which it was prescribed or manufactured; or (b) in a quantity, frequency, or manner that is contrary to the instructions or recommendations of the prescribing physician or manufacturer.
4. “Reasonable suspicion” includes a suspicion that is based on specific personal observations such as an employee’s manner, disposition, muscular movement, appearance, behavior, speech or breath odor; information provided to management by an employee, by law enforcement officials, by a security service, or by other persons believed to be reliable; or a suspicion that is based on other surrounding circumstances.
5. “Possession” means that an employee has the substance on his or her person or otherwise under his or her control.

Prohibited Conduct

The prohibitions of this section apply whenever the interests of the University may be adversely affected, including any time the employee is:

1. On University premises;
2. At University sponsored or University related events;
3. Conducting or performing University business, regardless of location;
4. Operating or responsible for the operation, custody, or care of University equipment or other property; or
5. Responsible for the safety of others.

Prohibitions

The following acts are prohibited and subject an employee to termination:

1. The unauthorized use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of alcohol;
2. Being under the influence of alcohol;
3. Possession of holiday gifts of alcohol, which have been received or are to be given away by employees but are not opened or consumed on University premises, does not violate this standard;
4. The use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of any illegal drug or other controlled substance;
5. Being under the influence of any illegal drug or other controlled substance;
6. The abuse of any legal drug;
7. The purchase, sale, manufacture, distribution, transportation, dispensation, or possession of any legal prescription drug in a manner inconsistent with law; or

8. Working while *impaired* by the use of a legal drug whenever such impairment might:
 - a. Endanger the safety of the employee or some other person;
 - b. Pose a risk of significant damage to University property or equipment; or
 - c. Substantially interfere with the employee's job performance or the efficient operation of the University's business or equipment.

Drug Testing

Lynn University is determined to eliminate the use of illegal drugs, alcohol, and controlled substances at our work sites. The purpose of this program is to improve job safety on all projects. This program is designed solely for the benefit of our employees and students to provide reasonable safety on the job and protection from offending individuals. In addition, this program attempts to meet our responsibility to the student body.

Testing: Drugs and alcohol tests may be administered under the following conditions:

1. When an employee shows signs of impairment on the job (i.e., based on reasonable suspicion);
2. After any accident or occurrence that results in an injury on the job as defined by the Occupational Safety and Health Administration;
3. After any vehicular accident when it appears that the employee might reasonably have avoided the accident or minimized the consequences, but did not do so;
4. Before return-to-duty; and/or
5. Follow-up testing upon selection or request of management.

Employees who refuse to submit to drug and alcohol testing may be terminated.

Corrective Action for Violation of Policy

If the University determines that an employee has violated this policy, the University may take appropriate corrective action and may impose discipline on offending employees. The appropriate discipline may depend on the particular facts but may include written or oral warnings, probation, and reassignment of responsibilities, suspension, or termination. Depending on a violation, Lynn University may terminate an employee even for a first offense.

Effect of Criminal Arrest or Conviction

Employees are required by this policy to notify their supervisor or Employee Services immediately of any arrest or conviction under a criminal drug statute for a violation occurring in or outside of the workplace, immediately after any such arrest or conviction. An employee who is convicted under a criminal drug statute for a violation occurring in the workplace or during any University-related activity or event will be deemed to have violated this policy. The University may take appropriate disciplinary action up to and including termination against the convicted employee within 30 days of notification.

Use of Legal Drugs

The University recognizes that employees may, from time to time, be prescribed legal drugs that, when taken as prescribed or according to the manufacturer's instructions, may result in their impairment. Employees may not work while impaired by the use of legal drugs if the impairment might endanger the employee or someone else, pose a risk of significant damage to University

property, or substantially interfere with the employee's job performance. If an employee is so impaired by the appropriate use of legal drugs, he or she may not report to work.

To accommodate the absence, the employee may use eligible sick leave or vacation time. The employee may also contact their supervisor to determine whether or not he or she qualifies for an unpaid leave of absence, such as family medical leave. Nothing in this Policy is intended to diminish the University's commitment to employ and reasonably accommodate qualified disabled individuals. The University will reasonably accommodate qualified disabled employees who must take legal drugs because of their disability and who, because of their appropriate use of such drugs, cannot perform the essential functions of their positions adequately or safely.

Customary Use of Over-the-Counter Drugs: Nothing in this policy is intended to prohibit the customary and ordinary purchase, sale, use, possession, or dispensation of over-the-counter drugs, so long as that activity does not violate any law or result in an employee being impaired by the use of such drugs in violation of this Policy.

Confidentiality

Disclosures made by employees to Employee Services concerning their use of legal drugs will normally be treated confidentially and will normally not be revealed to managers or supervisors unless there is an important work-related reason to do so in order to determine whether it is advisable for the employee to continue working. Disclosures made by employees to Employee Services concerning their participation in any drug or alcohol rehabilitation program will be treated confidentially to the extent feasible.

Counseling/Employee Assistance

Employees who suspect they may have alcohol or drug problems, even in the early stages, are encouraged to seek diagnosis voluntarily and to follow through with the treatment as prescribed by qualified professionals. Employees who wish to voluntarily enter and participate in an approved alcohol or drug rehabilitation program are encouraged to contact Employee Services, who will determine whether the University can accommodate the employee by providing unpaid leave for the time necessary to complete participation in the program. No employee will have job security threatened by seeking assistance for substance abuse. The same consideration for referral and treatment afforded to other employees seeking treatment for non-drug/alcohol-related illnesses is extended to them. Employees should, however, be aware that participation in a rehabilitation program will not necessarily shield them from disciplinary action for a violation of this policy or any of other University policy.

The Employee Assistance Program may be available for drug counseling and rehabilitation. Contact Employee Services for information about this program.

Consent to Testing and Searches

As a condition of employment at Lynn University, employees must consent to submit to the testing for drugs and/or alcohol as shall be determined by the University for the purpose of determining the drug and/or alcohol content thereof. Refusal to test will result in immediate termination.

Entering the University's property constitutes consent to searches and inspections. If an individual is suspected of violating the drug-free workplace policy, he or she may be asked to submit to a search or inspection at any time. Searches can be conducted of pockets and clothing, lockers,

wallets, purses, briefcases and lunchboxes, desks and work stations and vehicles and equipment. An employee's refusal to consent to a search will result in immediate termination.

3.3.9.2 Children in the Workplace

The University has no facilities for childcare, thus, children will not be allowed in the work environment except for a brief visit pursuant to the University's Children on Campus Policy in Volume II of the *Lynn University Policy Manual*. All employees should remember that the University is a work environment and should be treated as such.

3.3.9.3 Employee Crime Reporting

There are three federal laws that establish responsibilities for employees of colleges and universities to report certain types of crimes and incidents-- the Clery Act, Title IX, and Title VII. Pursuant to these laws, certain employees at Lynn University are required to report applicable criminal incidents to Campus Safety and/or the Title IX Coordinator or one of the Deputy Title IX Coordinators.

It is therefore the policy of the University to define all employees with supervisory or leadership responsibilities or responsibilities related to student welfare as mandatory reporters. If a mandatory reporter learns about sexual harassment, discrimination, sexual violence or other forms of sexual misconduct (i.e., Domestic Violence, Dating Violence, Sexual Exploitation, and Stalking), s/he is expected to promptly contact the University's Title IX Coordinator or one of the Title IX Deputy Coordinators. The Title IX Coordinator or the Title IX Deputy Coordinator will take responsibility for promptly notifying Campus Safety and other appropriate University officials. Other serious crimes covered by the Clery Act must be reported to Campus Safety as well. All concerning and disruptive student behaviors must be reported to Student Affairs. Concerning and disruptive employee, volunteer, and third party behaviors must be reported to Employee Services. All emergencies should be reported to the Campus Safety. In addition, University policy and Florida law mandates that all individuals report incidents of child abuse and neglect to the Florida Department of Children and Family Services: reportabuse.dcf.state.fl.us, call toll-free 1-800-962-2873 (TDD 1-800-453-5145), or report by fax to 1-800-914-0004.

The procedures below identify which employees are obligated to make a mandatory report to the appropriate University authority (and law enforcement if applicable) and what types of crimes or incidents must be reported.

All other members of the University community are strongly encouraged to report concerning behaviors, discrimination, sexual harassment, sexual violence and crimes to Campus Safety.

Clery Crime Reporting

The Clery Act recognizes certain University officials and offices as "Campus Security Authorities" and members of the University community may report any crime or emergency occurring on campus or at a University-sanctioned event to them. At Lynn University, "Campus Security Authorities," as defined by the Clery Act, include all Campus Safety staff; Deans (or other senior student administrative personnel); Coaches; Directors, Vice Presidents, Coordinator of The Women's Center, Dean of Students, Director of Auxiliary Services, Center for Student Involvement staff, Housing and residence hall staff; faculty advisers, overseers and advisors to student clubs and organizations; and other campus officials who have "significant responsibility for student and campus activities," such as, but not limited to,

the Department of Student Affairs. Others designated as campus security authorities include the Director of Employee Services; all advisors to student groups, clubs and organizations; and all non-counselors (staff mentors and peer mentors). CSAs must promptly share information about Clery crimes reported to them with Campus Safety. Health Services and Counseling Center professionals are exempt from the reporting requirement while working within the scope of a license or certification.

Each of these individuals is required and trained to report incidents of a Clery Act crime occurring on campus or at a University-sanctioned event to the Office of Student Affairs for inclusion in the University's Annual Security and Fire Report prepared for the U.S. Department of Education.

Title IX Reporting

Pursuant to Title IX certain employees known as Responsible Employees who knew or, in the exercise of reasonable care, should have known about sexual or gender-based harassment that creates a hostile environment are required to report this information to the University's Title IX Coordinator. The following positions have been designated by the University to be "Responsible Employees": The President; the Vice Presidents; Deans; the Title IX Coordinator and Deputy Title IX Coordinators; all Student Affairs staff, including resident assistants and professional residence life staff; all Athletic Department Staff, including coaches; and all Campus Safety officers. In addition, faculty and staff are required to report Sexual and Gender-Based Misconduct offenses to the Title IX Coordinator.

The University requires that all Responsible Employees immediately report to the Title IX Coordinator all relevant details about the alleged incident that the University will need to determine what happened – including the names of the Reported Victim and Respondent, any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. To the extent possible, information reported to a Responsible Employee will be shared only with people responsible for handling the University's response to the report. A Responsible Employee will not share information with law enforcement without the reported victim's consent or unless the reported victim has also reported the incident to law enforcement.

3.3.9.4 Emergency/Disaster

Certain employees are expected to assist the University during emergency/disaster situations as a condition of employment. When an emergency/disaster occurs, the President or designee will make an announcement concerning the securing of University offices and property. All or some employees may be required to report to work to secure their personal work areas. Employees who are not required to report to work during an emergency/disaster must leave the University and not report to work until further notice. Employees providing essential services are required to assist in planning, managing, and performing campus-wide activities to prepare for emergency/disaster situations.

Supervisors have responsibility to schedule adequate staffing before, during, and after an emergency/disaster period.

Supervisors will advise essential employees who are expected to report to work during an emergency/disaster period.

3.3.9.5 Internal Investigations and Searches

From time to time, Lynn University may conduct internal investigations in consultation with Employee Services. Employees are required to cooperate fully with and assist in these investigations if requested to do so.

Whenever necessary, in the University's discretion, any place on campus, including employee work areas (*i.e.*, offices, cubicles, desks, lockers, file cabinets, etc.) and personal belongings brought onto campus or to a University-sponsored event (*i.e.*, packages, briefcases, handbags, knapsacks, computers, laptops, vehicles, etc.) may be subject to a search without notice. Employees are required to cooperate.

The University will generally try to obtain an employee's consent before conducting a search of work areas or personal belongings, but may not always be able to do so.

3.3.9.6 Motor Vehicles

3.3.9.6.1 Campus Parking

All employees who use campus parking facilities are required to register their motor vehicles with Campus Safety. Each motorist registering a vehicle is issued a non-transferable parking permit to be attached to the automobile. Motorists who have these valid parking permits may park and drive on the campus according to campus vehicle regulations as outlined in Volume II of the *Lynn University Policy Manual*. Campus Safety, as well as the City of Boca Raton, has the right to regulate parking and enforce vehicle regulations.

3.3.9.6.2 Liability Insurance

Any employee who transports students in a University-owned vehicle in conjunction with a University class or activity is covered by the University's basic accident liability policy during the trip. This coverage does not extend to employees who utilize their own vehicles to transport students.

3.3.9.6.3 Use of Mobile Telephones

Lynn University is aware that many employees use mobile telephones and other wireless communication devices ("mobile phones") in carrying out their daily duties and responsibilities. Lynn University is also aware of the potential distractions that may arise when mobile phones are used by employees while operating a moving vehicle, such as a van, automobile or truck ("moving vehicle"). In keeping with its obligations under federal and state occupational health and safety laws, to maintain a safe and healthful workplace, and to minimize the safety risks for our employees, customers, passengers in moving vehicles, and the public at large, Lynn University has adopted the following policy with respect to the use by employees of mobile telephones while operating a moving vehicle. This Policy applies regardless of whether the employee is operating a University-owned vehicle, or the employee's own vehicle in the course of employment.

For purposes of this policy, "use" of a mobile phone includes dialing, talking or listening on a mobile phone, or texting on a mobile phone.

Hands-free devices, include any attachment, add-on or addition to a mobile phone, whether or not permanently installed in the vehicle, that when used, allows the operator of the vehicle to maintain

both hands (or prosthetic devices or aids in the case of a disabled person), on the applicable steering device of the vehicle (e.g., dash-mounted devices, handsets).

Employees are required to familiarize themselves, and comply at all times, with the laws of the state/locality in which they work with respect to the use of mobile phones. For example, where a local law prohibits the use of a mobile phone by anyone operating a moving vehicle, employees are also prohibited by this policy from using a mobile phone.

No employee is to engage in the use of a mobile phone while operating a motor vehicle while the vehicle is in motion, unless such mobile phone is equipped and used with a hands-free device. The only exception to this policy is where a phone call is made in a bona fide emergency, such as to call “911” or a similar emergency number (e.g., to call an ambulance, fire department, etc.). Under no circumstances shall an employee text while operating a motor vehicle while the vehicle is in motion.

Even with a hands-free device, mobile phone use should be kept to a minimum, conversations should be as brief as possible, and employees should refrain from making unnecessary calls. Where possible and, again, even with a hands-free device, mobile phone calls should be made when the vehicle an employee is operating is not in motion. Employees using mobile phones should always remember not to discuss confidential issues with others present who do not have a “need-to-know” such information. Mobile phone “courtesy” should be practiced at all times, (i.e. don’t talk loud or in a manner which could be offensive to others).

The University is also aware that many employees operate other vehicles in the course of their employment, including golf and other shuttle carts, forklift trucks, and the like. While this policy does not expressly prohibit the use of mobile phones while operating such equipment, the University discourages such use, except where essential for the employee to perform his/her job duties.

3.3.9.6.4 Use of Vehicles to Conduct University Business

Only employees with an unrestricted, current driver’s license and who have adequate insurance coverage may operate Lynn University vehicles or use a vehicle to conduct Lynn University business. Drivers using their personal vehicles for University business travel must carry their own comprehensive/collision auto insurance (not reimbursable) in amounts required by the laws for the region in which they are driving. Insurance levels must be adequate enough to protect drivers, passengers, and involved vehicles from the financial consequences of an accident. All drivers (faculty, staff, students, family members, third-party vendors, etc.) of University owned vehicles must have an initial motor vehicle record check done prior to driving, then rechecked annually. The prospective driver of a University vehicle must provide written consent to allow the University permission to check their Motor Vehicle Record annually. University vehicles may only be used for authorized University business. Any employee operating a University vehicle must do so in a safe manner. Any employee operating a University vehicle under the influence of drugs or alcohol or in an unsafe or negligent manner may be immediately terminated. The University has the right to search any University vehicle at any time. Therefore, employees have no reasonable expectation of privacy with respect to University vehicles.

3.3.9.7 Campus Safety

The University employs a fully certified 24-hour Campus Safety department, which is described in detail in Volume II, Section 2.3 of the *Lynn University Policy Manual*. If employees must work late hours, they may contact Campus Safety for escort to their cars, or for any other assistance or security problems. If there is an emergency after hours, employees on campus should call Campus Safety at extension 7226 for security assistance.

3.3.9.8 Workplace Safety

Maintaining a safe work environment requires the continuous cooperation of all employees. Employees are expected to obey safety rules and to exercise caution in all their work activities. Employees are also asked to immediately report any unsafe conditions to their supervisor. Employees and their supervisors are expected to correct unsafe conditions as promptly as possible.

In the event of emergency, employees should contact:

- 911 - Medical or Fire Emergency
- Ext 7226 - Campus Safety
- Ext 7915 - Employee Services
- Ext 7124 - Health Center

3.3.9.9 Violence in the Workplace

The University recognizes that workplace violence is a growing concern among employers and employees across the country. The University is committed to providing a safe, violence-free workplace and strictly prohibits employees, consultants, customers, visitors, or anyone else on University premises or engaging in a University-related activity from behaving in a violent or threatening manner. As part of this Policy, the University seeks to prevent workplace violence before it begins, and reserves the right to deal with behavior that suggests a propensity towards violence even prior to any violent behavior occurring.

The University believes that prevention of workplace violence begins with recognition and awareness of potential early warning signs, and has established procedures within Employee Services for responding to any situation that presents the possibility of violence.

Workplace violence includes, but is not limited to:

1. Threats of any kind;
2. Threatening, physically aggressive, or violent behavior, such as intimidation of, or attempts to instill fear in others;
3. Other behavior that suggests a propensity toward violence, which can include belligerent speech, excessive arguing or swearing, sabotage, or threats of sabotage of University property, or a demonstrated pattern of refusal to follow University policies and procedures;
4. Defacing University property or causing physical damage to the facilities; or
5. With the exception of security personnel, bringing weapons or firearms of any kind on University premises, in University parking lots, or while conducting University business.

Reporting

If any employee observes or becomes aware of any of the above-listed actions or behavior by an employee, customer, consultant, visitor, or anyone else, he or she must notify Campus Safety and the office of Employee Services immediately. Further, employees should notify Employee Services if any restraining order is in effect, or if a potentially violent non-work related situation exists that could result in violence in the workplace.

Investigation

All reports of workplace violence will be taken seriously and will be investigated promptly and thoroughly. In appropriate circumstances, the University will inform the reporting individual of the results of the investigation. To the extent possible, the University will maintain the confidentiality of the reporting employee and of the investigation but may need to disclose results in appropriate circumstances, for example, in order to protect individual safety. The University will not tolerate retaliation against any employee who reports workplace violence.

Corrective Action and Discipline

If the University determines that workplace violence has occurred, the University may take appropriate corrective action and may impose discipline on offending employees. The appropriate discipline may depend on the particular facts but may include written or oral warnings, probation, reassignment of responsibilities, suspension, or termination. If the violent behavior is that of a non-employee, the University will take appropriate corrective action in an attempt to ensure that such behavior is not repeated.

Under certain circumstances, the University may forego disciplinary action on the condition that the employee takes a medical leave of absence. In addition, the University may request that the employee participate in counseling, either voluntarily or as a condition of continued employment.

3.3.9.10 Weapons

Lynn University recognizes the importance of a safe and secure environment for all persons on University premises. Accordingly, except for authorized law enforcement personnel, the possession and/or use of weapons or other instruments that can be used as weapons are strictly prohibited on University premises, including University parking lots, or at any other location while engaged in University business regardless of whether the person is licensed to carry a weapon or not. Please refer to the University's Weapons Policy in Volume II of the *Lynn University Policy Manual* for additional information.

To further enhance the University's prohibition on Weapons Policy, from time to time, University may conduct internal investigations pertaining to security. Accordingly, whenever necessary, in the University's discretion, and without prior notice, the University may search all persons entering University property and vehicles on University property (including but not limited to clothing, packages, containers, briefcases, purses, lockers, desks and filing cabinets) for the purpose of determining whether any weapon has been brought onto said premises or property in violation of this policy. Therefore, the employee should have no expectation of privacy. Employees are required to cooperate fully. Any employee failing or refusing to promptly permit a search under this policy will be subject to appropriate disciplinary action, up to, and including, termination of employment.

An employee found to be in possession of a weapon on University property or who has invited a guest who the employee knows to be in possession of a weapon on University property is subject to immediate disciplinary action, up to and including termination.

If you become aware of anyone violating this Policy, you must report it to your supervisor immediately.

This Policy shall not be construed to create any duty or obligation on the part of the University to take any actions beyond those required of an employer by existing law.

3.3.10 *Employees with Disabilities*

Lynn University is committed to complying with all applicable provisions of the Americans with Disabilities Act Amendments Act (“ADAAA”), the Rehabilitation Act of 1973 and state and local disability laws, as applicable. It is the University’s policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of that individual’s disability or perceived disability so long as the employee can perform the essential functions of the job. Consistent with this Policy of nondiscrimination, the University will provide reasonable accommodations to a qualified individual with a disability who has made the University aware of his/her disability, provided that the accommodation does not constitute an undue hardship on the University.

Employees and applicants with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should contact the Director of Employee Services. Lynn University encourages individuals with disabilities to come forward and request a reasonable accommodation.

Requesting an Accommodation

Lynn University will make a good faith effort to provide a reasonable accommodation to qualified applicants and employees with disabilities to ensure their equal access to employment with the University unless it would result in an undue hardship to Lynn University. On receipt of an accommodation request, a member of Employee Services and the employee’s supervisor will meet with the employee to discuss and identify the precise limitations resulting from the disability and potential reasonable accommodation that Lynn University might make to help overcome those limitations.

Employee Services will inform the employee of its decision on the accommodation request or on how to make the accommodation within 60 days of receipt of the request. If the accommodation request is denied, individuals will be advised of their right to appeal the decision to the Office of General Counsel by submitting a written statement explaining the reasons for the request. If the request on appeal is denied, that decision is final.

An employee or job applicant who has questions regarding this policy or believes that he or she has been discriminated against based on a disability should notify Employee Services. All such inquiries or complaints will be treated as confidential to the extent permissible by law and be addressed pursuant to the University’s Non-Discrimination and Anti-Harassment Policy (see Volume II of the *Lynn University Policy Manual*).

The University is committed to providing equal opportunity in employment to qualified individuals with disabilities.

3.3.11 Equal Employment Opportunity

Equal Employment Opportunity has been, and will continue to be, a fundamental principle at Lynn University, where employment is based upon personal capabilities and qualifications without discrimination because of race, color, religion, sex, sexual orientation, sexual identity, gender, gender expression, or gender identity, age, national origin, ancestry, citizenship, disability, gender related status, pregnancy, genetic disposition, veteran or military status, marital status, familial status or any other legally protected characteristic in accordance with federal and Florida State law. Lynn University prohibits and will not tolerate any such discrimination or harassment.

This policy of Equal Employment Opportunity applies to all policies and procedures relating to recruitment and hiring, compensation, benefits, termination and all other terms and conditions of employment.

Employee Services has overall responsibility for this policy and maintains reporting and monitoring procedures. Employees' questions or concerns should be referred to Employee Services or the Office of General Counsel.

Note: Incidents of discrimination or harassment based on an individual's sex, sexual orientation, sexual identity, gender, gender expression, or gender identity will be investigated and resolved pursuant to the Lynn University Sexual and Gender-Based Misconduct Policy (see Volume VIII of the Lynn University Policy Manual).

3.3.12 Governmental and Other Official Inquiries

Lynn University complies with subpoenas, court orders, and other valid legal requests for information required by law. All legal documents received should be forwarded immediately to The Office of General Counsel for review and handling.

3.3.13 Lactation Accommodation and Rooms

The University will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for her infant child. The break time will be unpaid. Moreover, the University makes reasonable efforts to provide employees with private spaces on campus for breast feeding.

3.3.14 Legal and Regulatory Matters

Adherence to laws and regulations must govern the business decisions and actions of all employees. Employees are expected to make every effort to ensure that they comply with all laws and regulations applicable to their areas of employment. Any legal, regulatory, or governmental inquiry or action is to be referred to, and handled by, the Office of General Counsel.

3.3.15 Non-Discrimination and Anti-Harassment

Lynn University is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, Lynn University expects that all relationships among persons in the workplace will be business-like and free of bias, prejudice, and harassment. Definitions of what the University considers to be harassing and discriminatory behavior, as well as complaint, investigation, and responsive action procedures are outlined in detailed in the University's Non-

Discrimination and Ant-Harassment and Sexual and Gender-Based Misconduct policies, which are set forth in Volumes II and VIII of the *Lynn University Policy Manual*, respectively.

3.3.16 Outside Employment

Employees may hold outside jobs as long as they meet the performance standards of their job with the University and does not otherwise interfere with the discharge of the employee's responsibilities to the University. Care, therefore, must be taken to assure that such activities are clearly separated from the individual's duties to the University and that the activities do not interfere with the individual's ability to meet the performance standards of that person's position with Lynn University. Moreover, all employees are subject to the University's scheduling needs, regardless of any existing outside work requirements. Finally, employees are further cautioned that the outside employment must not bring discredit to the University.

If the University determines that an employee's outside work interferes with performance or the ability to meet the requirements of the University as they are modified from time to time, the employee may be asked to terminate the outside employment if the employee wishes to remain with the University.

While engaging in outside services, Lynn employees have an obligation to avoid ethical, legal, financial, and other conflicts of interest to ensure that their consulting, professional, or outside activities do not conflict with the interests and purposes of Lynn University. For more details, please review the Conflict of Interest Policy set forth in Subsection 3.3.7 above.

In addition to the above, faculty considering outside employment must also follow the guidelines set forth in Volume IV.

Secondary Employment within Lynn University

Employees who seek secondary employment within Lynn University, including part-time teaching engagements, must obtain prior written approval from the employee's current direct supervisor and division Vice President. If the employee's supervisor determines that an employee's secondary employment within the University interferes with the performance or ability of the employee to meet his or her primary job requirements, the employee will be required to terminate the secondary employment.

3.3.17 Personal Possessions

Employees are asked to avoid bringing into the workplace expensive items or other personal possessions that have sentimental value and to take all precautions to safeguard such items if brought to work, including wallets and purses. Employees bringing personal possessions to the workplace do so at their own risk. The University cannot accept responsibility for any personal items and possessions that are stolen, lost, or damaged in any way (see the University's Legal Liability Policy in Volume II of the *Lynn University Policy Manual* for additional information).

3.3.18 Questionnaires

To ensure consistency and accuracy in the reporting of data to external agencies and to other college and universities, all questionnaires requiring data for the entire University must be coordinated with the Office of Institutional Research and Planning and Assessment. This office will consider whether the data requested is readily available and whether the information should

be released to the inquiring agent. Data requests or questionnaires relating primarily to a unit, but that also require all-University data, should be cleared with the Office of Institutional Research and Planning and Assessment. If this office does not possess the necessary data, referral to the appropriate office or person will be made.

3.3.19 Record Retention

Lynn University is committed to effective, systematic, and logical records management that includes meeting operational needs and legal requirements for record retention and privacy protection, optimizing the use of space, minimizing the cost of record retention, sending permanent records to the University Archives in a timely manner, and providing for and properly disposing of outdated records.

Departments and divisions that maintain University records are responsible for establishing appropriate records management procedures. The General Counsel may provide recommendations and standards to departments and divisions for drafting appropriate procedures. The University Archives should be consulted to determine whether records are permanent or are of historical value.

This policy applies to all records, regardless of whether they are maintained in paper, electronically, or in some other manner.

Each department and division must also identify an individual responsible for implementing records management procedures. This should be an individual in a position with sufficient knowledge and understanding of the operations and business needs of the department or division.

3.3.20 References

All inquiries regarding a current or former Lynn University employee must be referred to Employee Services.

Should an employee receive a written request for a reference, s/he should refer the request to Employee Services for handling. No Lynn University employee may issue a reference letter to any current or former employee without the permission of Employee Services.

Unless otherwise approved, no Lynn University employee shall release any information about any current or former Lynn University employee. All inquiries regarding any current or former employee of Lynn University must be referred to Employee Services.

In response to an outside request for information regarding a current or former Lynn University employee, Employee Services will furnish or verify only an employee's name, dates of employment, job title and department. No other data or information regarding any current or former Lynn University employee, or his/her employment with Lynn University, will be furnished unless the employee authorizes Lynn University to furnish this information in writing that also releases Lynn University from liability in connection with the furnishing of this information, or unless Lynn University is required by law to furnish this information.

3.3.21 Reward and Recognition Programs

Lynn University has several programs to recognize, reward and encourage employees for outstanding achievement, initiative, and contributions to our success. From time to time, Lynn University sponsors employee outings, department retreats, and other events. Ask your supervisor

or contact Employee Services for information on the awards and recognition programs that are available.

3.3.22 *Romantic or Sexual Relationships*

Consenting “romantic” or sexual relationships between a supervisor and a subordinate employee or employee and student may raise issues of conflict of interest, abuse of authority, favoritism, or sexual harassment because the voluntariness of the consent may be questioned when a power differential exists between the individuals in the relationship. For these reasons, the University had adopted a Romantic and Sexual Relationships policy governing these types of relationships. Please refer to the University’s Romantic or Sexual Relationships Policy in Volume II of the *Lynn University Policy Manual* for additional information.

3.3.23 *Sexual and Gender-Based Misconduct*

Pursuant to the Lynn University Sexual and Gender-Based Misconduct Policy (see Volume VIII of the *Lynn University Policy Manual*), sexual and gender-based misconduct (i.e., Sexual Assault, Sexual Harassment, Domestic Violence, Dating Violence, Sexual Exploitation, and Stalking) is unacceptable and will not be tolerated at Lynn University.

The University urges an individual to make a report if he or she is the victim of sexual or gender-based misconduct, has knowledge of another person being the victim of sexual or gender-based misconduct, or believes in good faith that he/she has witnessed a possible warning sign of sexual or gender-based misconduct in accordance with the reporting procedures set forth in the Lynn University Sexual and Gender-Based Misconduct Policy.

A report of sexual or gender-based misconduct will be dealt with promptly in accordance with the Lynn University Sexual and Gender-Based Misconduct Policy. Confidentiality will be maintained to the greatest extent possible. Violators of the Lynn University Sexual and Gender-Based Misconduct Policy will be subject to disciplinary action that may include termination, expulsion, suspension, removal from campus, cancellation of contract, other appropriate institutional sanctions or any other means necessary to address the behavior. Prosecution by civil authorities may also occur.

3.3.24 *Solicitations, Distributions, and Use of Bulletins Boards*

Solicitation by an employee of another employee during the working time of either employee for any reason is strictly prohibited. Distribution of advertising materials, handbills or other literature, as well as via the University’s email and social media channels is prohibited in all working areas unless otherwise approved. Under no circumstances may an employee disturb the work of others to solicit or distribute literature to them during their working time.

Persons not employed by Lynn University may not solicit Lynn University employees for any purposes on University premises. This prohibition does not include University-sponsored activities and events.

3.3.25 *Standards of Conduct*

Lynn University requires order and discipline to succeed and to promote efficiency, productivity and cooperation among its employees. The orderly and efficient operations of Lynn University require that employees maintain proper standards of conduct at all times.

Employees who fail to maintain proper standards of conduct toward their work, their co-workers or the University's students, or who violate any of the University's policies, are subject to appropriate disciplinary action, up to and including termination.

All instances of misconduct should be referred to Employee Services immediately.

3.3.26 Employee Work Schedule

The normal work hours for regular full-time staff is generally 35 to 40 hours per week.

Daily and weekly work schedules are at the discretion of the supervisor and may vary from those hours listed in this volume of the *Lynn University Policy Manual*.

Part-Time/Flexible Work Schedules

Lynn University recognizes that family or other compelling circumstances may arise that may lead an employee to seek some modification to their work schedule to balance the demands of personal life with the responsibilities of family life. Employees in good standing who have worked for the University for at least one (1) year may request a part-time or flexible work schedule, subject to the conditions outlined in this policy. The University will decide, in its sole discretion, whether to grant an individual request for a part-time or flexible work schedule.

1. Employees in positions that require frequent, personal daily interactions are not eligible for part-time or flexible work schedules. Requests for a part-time or flexible work schedule will be considered for other employees based on:
 - a. The needs of the University, its clients and the employee's department;
 - b. The employee's prior experience with the University;
 - c. The number of other employees working a part-time or flexible work schedule at the time the request is made;
 - d. The seniority and general performance of the employee;
 - e. The reason for the request; and
 - f. The type of schedule requested.
2. Part-time or flexible work arrangements will be periodically reassessed, and may be modified or eliminated in appropriate circumstances, as determined by the University. As with all its policies, the University reserves the right to review and revise its policy with respect to part-time or flexible work schedules at any time.

Telecommuting

Telecommuting entails a work-at-home arrangement or a remote-access arrangement for at least part of the workweek on a regular basis. In general, telecommuting is a privilege that may be granted under appropriate circumstances to high performing employees whose job responsibilities are suited to such an arrangement, and each request to telecommute will be decided on an individual basis under the guidelines set forth below. In certain limited circumstances, some form of telecommuting may be a requirement of a position.

Eligibility: Certain employees may be permitted to telecommute. Initiation of a telecommuting arrangement can be at the request of either the University or the employee. Permission to engage in telecommuting is at the sole discretion of the University and subject

to approval by your supervisor. Participation in telecommuting is voluntary on the part of the employee, except in cases where the position requires it.

Employees who wish to telecommute must first discuss the request with their immediate supervisor, who must support the request. Generally, requests to telecommute should be contemplated when:

1. The employee has demonstrated sustained high performance, and when the supervisor believes that the employee can maintain the expected quantity and quality of work while telecommuting;
2. There will be no impairment to job performance; and
3. Telecommuting is appropriate considering the nature of the employee's job.

Generally, requests to telecommute should not be contemplated when:

1. The nature of the job requires the employee's physical presence (e.g. it may not be appropriate where the employee must supervise the work of other employees);
2. University efficiency is compromised when the employee is not present;
3. The employee's performance evaluations do not indicate sustained high performance;
4. The employee's observed productivity levels are problematic;
5. The employee requires close supervision as indicated, for example, by the employee's consistent need for guidance on technical matters;
6. The employee has been employed for less than one (1) year; or
7. The employee has received disciplinary action or has a demonstrated attendance problem.

Telecommuting is not intended to permit employees to have time to work at other jobs or to run their own businesses. Failure to fulfill normal work requirements, both qualitative and quantitative, on account of other employment, may be cause for disciplinary action and/or termination of employment.

Permission to telecommute is dependent upon the employee having a suitable work location at the off-site premises, and on compliance with the requirements set forth below.

Duration: All telecommuting arrangements are granted on a trial and revocable basis, and may be discontinued by the University at any time and for any reason. In addition, an employee may discontinue participation in telecommuting at any time (except in those circumstances noted earlier where telecommuting is required of the position).

In making telecommuting arrangements, both the department and the employee must be mindful that the policy is designed to provide a consistent and stable working arrangement, and it should not be used as a constant series of short-term arrangements. Employees who change their mind frequently about participating will not be permitted to telecommute.

Guidelines: The following guidelines apply to telecommuting arrangements:

1. A specific work schedule, including work days and hours, must be agreed upon in advance;

2. Employees must be on site as necessary to attend meetings, training sessions, or similar events or occurrences;
3. Employees must maintain a normal workload;
4. Employees who are unable to work due to illness, or wish to be relieved of responsibility for work on a particular day, must use appropriate leave, as provided in the Leaves of Absence policy, and report their absence to their supervisor;
5. Employees remain responsible for the safety and security of all University property and proprietary information; and
6. University property such as computers and other equipment loaned to an employee is the employee's responsibility while it is not on University premises. It is the employee's responsibility to make sure that their homeowners or renters insurance policy covers injury arising out of or relating to business use of the home.

University Property: Equipment and services may be provided by and paid for by the employee's department at the department's sole discretion. In many cases, employees will be expected to provide their own equipment, such as computers and telephone lines, if they wish to telecommute. Equipment such as computers, printers, software, and services such as fax lines provided on loan by the University remain the property of the University while on loan, and must be returned upon termination of the telecommuting arrangement. If University equipment is provided, each piece of equipment must be listed with its serial number when the employee takes possession. Employees must return the equipment in the same condition in which it was originally received, minus normal wear and tear. Employees are personally liable for missing or damaged equipment.

Insurance: The University assumes no liability for injuries occurring in the employee's home workspace outside of work hours. Employees should note that some homeowners' insurance policies do not automatically cover injuries arising out of, or relating to, the business use of the home. For the employee's protection, employees should have their homeowners/tenants liability policy endorsed to cover bodily injury and property damage to all third parties arising out of or relating to the business use of their home. Employees who live in rented property should be aware that their lease may not permit business use of the premises.

Meal Period and Rest Breaks: Non-exempt employees who work more than 6 hours are allowed an unpaid meal period and two breaks.

Non-exempt employees scheduled to work less than a full day are entitled to one 15-minute rest period for every four hours worked.

The standard meal period is one (1) hour. Break periods are 15 minutes each.

Non-exempt employees may not skip meal or rest periods in order to shorten the workday, or to earn extra paid leave. Rest periods may not be saved for later use, accumulated, or used to compute additional pay.

Except in unusual circumstance, breaks should be taken, but they may be omitted occasionally with supervisor approval.

3.3.27 Tobacco Use

To comply with government regulations, Lynn University has prohibited smoking and tobacco/simulated tobacco use throughout its workplace, including all University buildings, offices and facilities. Please refer to the University's Tobacco Use Policy in Volume II of the *Lynn University Policy Manual* for additional information.

Employees are protected from retaliatory action or from being subjected to any adverse personal action for exercising or attempting to exercise his/her rights under the Tobacco Use Policy. Any violation of this Policy may result in appropriate corrective disciplinary action, up to and including termination.

Any questions regarding the Tobacco Use Policy should be directed to the office of Employee Services.

3.3.28 University Information and Property

The protection of University business information, property and all other University assets are vital to the interests and success of Lynn University. No Lynn University related information or property, including without limitation, documents, files, records, computer files, equipment, office supplies or similar materials (except in the ordinary course of performing duties on behalf of Lynn University) may, therefore, be removed from the University's premises without appropriate permission. In addition, when an employee leaves Lynn University, the employee must return to the University all University related information and property that the employee has in his/her possession, including without limitation, documents, files, records, manuals, information stored on a personal computer or portable media storage, supplies, and equipment or office supplies. Violation of this policy is a serious offense and will result in appropriate disciplinary action, up to and including termination. If the employee does not return the equipment, then the retail value of such equipment shall be deducted from employee's paycheck.

3.3.29 University Property

All employees are responsible for items issued to them by Lynn University. Examples of such items include, but are not limited to, the following:

1. Credit cards;
2. IT equipment and software;
3. Computers, cell phones, tablets, or other electronic equipment;
4. Identification cards;
5. Keys and access cards;
6. Manuals and Handbooks;
7. Protective equipment and uniforms;
8. Parking decals or hangtags;
9. Library books.

All University property must be returned by the employee on or before their last day of work to a supervisor. Lynn University may also take action deemed appropriate to recover or protect its

property. In some instances, replacement and/or repair costs may be deducted from employee's paycheck.

3.3.30 Use of Lynn University Letterhead

Lynn University and departmental letterheads are reserved for correspondence regarding Lynn University business so that personal correspondence may not be assumed to be official University statements. Employees are reminded that members of the campus community, either individually or collectively, shall not officially use the name, seal, or logo of the Lynn University in any activity outside of the regular work of the University without prior written permission from the Chief Marketing Officer. Violation of this rule is regarded as sufficient cause for constructive discipline. Please refer to the Use of the Lynn University Name, Seal, Logo, Trade and Service Marks Policy in Volume II of the *Lynn University Policy Manual* for additional information.

3.3.31 Use of Lynn University's Equipment, Property and Computer Systems

Protecting the University's assets, both tangible and intangible, against loss, theft, and misuse is each employee's responsibility. These assets were acquired solely for the purpose of conducting the University's business. They may not be used for personal benefit, sold, loaned, given away, or disposed of except with proper authorization. Assets include cash, business plans, student information, vendor information, intellectual property (including computer programs, models and similar items), physical property (including equipment, vehicles, tools and supplies) and services.

Employees are expected to exercise care in the use of University equipment and property and use this property only for authorized purposes. Loss, damages or theft of University property should be reported at once. Negligence in the care and use of University property may be considered grounds for discipline, up to and including termination.

The University's equipment, including postage, fax and copy machine, is intended to be used for business purposes. An employee may only use this equipment for non-business purposes in an emergency and only with supervisor permission. Personal usage, in an emergency, of these or other equipment that results in a charge to the University should be reported immediately to your supervisor so that reimbursement can be made.

Misappropriation of University assets is a theft and a breach of duty to the University. An employee engaging in this action is subject to immediate termination and prosecution, if applicable.

University equipment is to be used only for University activities. Personal use or use for private gain is prohibited. University equipment must not be loaned to non-campus organizations, except to departments of the state or federal government under special, approved circumstances. University equipment cannot be taken off campus, except where approved in writing by supervisor.

Upon termination of employment, the employee must return all University property, equipment, work product and documents in his or her possession or control.

If an employee becomes aware of the theft or misuse of University assets, employees must immediately report the matter to their respective supervisor or the office of Employee Services.

3.3.32 *Visitors in the Workplace*

Personal visitors in the workplace should be limited. A University employee must always accompany visitors. University employees are responsible for the conduct and safety of their visitors. Restricting unauthorized visitors helps maintain safety standards, protects against theft, ensures security of equipment, protects confidential information, safeguards employee welfare, and avoids potential distractions and disturbances.

If an unauthorized individual is observed on Lynn University premises, employees shall immediately notify Campus Safety.

3.4 Personnel Records Policies

3.4.1 *Personnel Files*

Personnel records are maintained for each employee and are the sole property of Lynn University. Employee Services maintains official personnel files for all employees digitally. These include past and current contracts; performance reviews and evaluations; official transcripts; recommendation letters and a current vita.

3.4.2 *Change in Personal Data*

It is the employee's responsibility to inform Employee Services in writing as soon as feasible of any changes in personal information that would be contained in your personnel file.

To keep necessary University records up to date, it is extremely important that you notify Employee Services of any changes in:

1. Name and/or marital status;
2. Address and/or telephone number;
3. Number of eligible dependents;
4. W-4 deductions;
5. Person to contact in case of emergency;
6. Copies of any educational certificates, diplomas, professional certificates, or degrees received by employees after joining Lynn University.

3.4.2.1 *Right to Access*

Employees have the right to review their personnel files during regular office hours after giving reasonable notice to the Director of Employee Services. At the discretion of Employee Services, employees may obtain copies of any documentation in their Employee Services Personnel File. In addition, faculty members may obtain copies of any documentation in their Office of the Director of Employee Services' file. Personnel records are the property of Lynn University and are not allowed to leave the Office of the Director of Employee Services or the Vice President for Academic Affairs as applicable.

In the event that there is a disagreement regarding the accuracy of original data in a file, the employee is to identify the inaccuracy in writing stipulating whether a correction or removal of alleged inaccurate data is being sought. Lynn University will determine whether or not to correct

or to remove the alleged inaccurate data from a file and subsequently inform the employee of the determination in writing. If a request to correct or remove allegedly inaccurate data is accepted as submitted by the employee, no record of the original data or the request for correction or removal will be maintained in the employee's file. However, a copy of a written denial to change or remove data will become part of the employee's file.

Employees must provide their written permission before there will be a disclosure of personal information to an external source, with the exception of the following information:

1. Employment verification requests, either verbal or written. All responses to such requests will be made by the Director of Employee Services (or a designee) and will be restricted to dates of employment and the last or current position held.
2. Personal information that Lynn University is legally required to reveal by court order or subpoena.
3. Access to an employee's personnel file to law enforcement officials or local, state, or federal agencies in accordance with applicable laws.

Subpoenas for any employee record must be forwarded to the Office of General Counsel. In most civil actions, a subpoena for such records must contain an affidavit stating the employee has received notice of subpoena. The University will comply with its legal obligations to produce employee records requested by subpoena. A right of privacy, however, may protect employee records. Accordingly, the Office of General Counsel will contact the employee when a subpoena for records is received in order to afford the employee the opportunity to review the records being requested in the subpoena. The employee may file papers with the court before the date specified on the subpoena for producing records if the employee objects to the University furnishing records to the party seeking records. The University must receive written documentation to cancel the subpoena from the court or the requesting party on or before the production date.

Note: The foregoing shall not be construed as prohibiting Lynn University from publishing an employee directory, which lists the employee's name, Lynn University email address, and telephone extension.

3.5 Holidays, Vacation and Leave of Absence Policies

3.5.1 *Holidays*

All full-time employees (including those in initial employment period) are eligible for the paid holidays, which are announced by the President prior to the start of each calendar year.

3.5.1.1 Religious Holidays

Employees desiring to observe a religious holiday not coinciding with an official University holiday may be given time off without pay or may be authorized to take vacation time or personal time. Requests must be made in advance with the supervisor at least ten (10) days prior to the day of religious observance. A request by an employee for time away from work to observe a religious holy day shall not be denied unless the duties performed by the employee are urgently required and the employee is the only person available who can perform the duties as determined by the Vice President with oversight responsibilities for the employee's department.

3.5.2 Vacation

Vacation with pay is provided to regular full-time employees as a time for rest and relaxation. Full-time employees receive vacation pay equal to the average number of hours worked per day for the specific number of vacation days granted for the year. The vacation accrual rate is also dependent on the position and/or length of employment. Questions about this policy should be directed to Employee Services.

Regular full-time employees are eligible to accrue vacation time as of the full-time date of hire. Vacation accrual is on a per-pay period basis at a rate of 1/26 of an employee's total annual accrual. Employees categorized as temporary or part-time, or faculty do not accrue vacation.

Vacation time may be used for vacation, personal time, or time off to care for dependents. Vacation time must be scheduled at least ten days in advance and approved by your supervisor. The Vacation Policy does not cover scheduled University holidays, time off for jury duty, bereavement, or sick leave. Questions about vacation time should be referred to your supervisor or the office of Employee Services.

Vacation accrual is calculated on an employment year basis and is earned on the first pay period following the anniversary of your date of employment. Vacation time for regular full-time employees is based on the following schedule:

Completed Years of Continuous Employment	35-hour work week employees	40-hour work week employees	42-hour work week employees
	Annual Vacation Accrual (in hours)	Annual Vacation Accrual (in hours)	Annual Vacation Accrual (in hours)
Up to and including year 5	70	80	84
Beginning year 6	77	88	96
Beginning year 7	84	96	108
Beginning year 8	91	104	120
Beginning year 9	98	112	132
Beginning year 10	105	120	144
Beginning year 15	140	160	168

Time off may only be used as it is accrued.

If an employee terminates employment and has taken vacation time in excess of the accrued time, the employee's final pay will be adjusted for any excess vacation taken. Unused vacation time cannot be taken during the notice period prior to separation. It is expected that the employee work throughout the notice period. No vacation days will be accrued once an employee terminates and/or is collecting severance pay.

3.5.2.1 Vacation Time Carryover

Earned, unused vacation time may be carried over into the next year, however the time carried over may not exceed one half your entitlement for the current year. The vacation time accrued will not exceed the maximum annual vacation accrual. The maximum vacation time carryover is as follows:

Completed Years of Continuous Employment	35-hour work week employees		40-hour work week employees		42-hour work week employees	
	Annual Vacation Accrual (in hours)	Maximum Vacation Carryover (in hours)	Annual Vacation Accrual (in hours)	Maximum Vacation Carryover (in hours)	Annual Vacation Accrual (in hours)	Maximum Vacation Carryover (in hours)
Up to and including year 5	70	35	80	40	84	42
Beginning year 6	77	38.5	88	44	96	48
Beginning year 7	84	42	96	48	108	54
Beginning year 8	91	45.5	104	52	120	60
Beginning year 9	98	49	112	56	132	66
Beginning year 10	105	52.5	120	60	144	72
Beginning year 15	140	70	160	80	168	84

Employees should submit their vacation requests to their immediate supervisor or designee as far in advance as possible. Based upon department needs, the University will attempt to grant an employee the vacation dates s/he requests.

When a University holiday falls during a scheduled vacation, it is not counted as a vacation day. Any employee that becomes ill during a scheduled vacation cannot exchange vacation time for sick time; scheduled vacation time counts as vacation even if an employee would ordinarily take sick time.

3.5.2.2 Guidelines for Vacation Pay for Terminating Employees

Employees leaving Lynn University due to voluntary resignation, retirement, or termination will not be eligible to be paid for their unused vacation days except in the following circumstances:

1. Upon resignation or retirement, if adequate notice is provided; and
2. Upon termination for reasons other than gross misconduct, gross negligence, or other cause.

An employee that does not provide adequate notice upon resignation or leaves within the probationary period forfeits any rights to unused vacation pay.

3.5.3 Leave of Absence Policies

The following Leave of Absence policies apply to all eligible employees. Leaves that apply only to faculty (i.e. sabbatical) are outlined in Volume IV, Section 4.8 of the *Lynn University Policy Manual*.

3.5.3.1 Absence Due to Illness

To keep the University and each department running smoothly and efficiently, it is important that every employee be on the job, on time, regularly. For this reason, careful attention is given to promptness, absence record, and overall dependability.

Lynn University recognizes, however, that an employee may occasionally be disabled by injury or illness. As a result, the Absence Due to Illness Policy is designed to provide protection to employees against loss of income during unavoidable illness or injury.

All full-time employees are eligible for sick days at the rate of one day per month to a maximum of twelve (12) days in a calendar year. Unused sick days can be carried over from one (1) calendar year to the next until the maximum carryover allowance of forty-five (45) days is reached. Employees, however, are not paid for accrued, unused sick days either at the end of the calendar year or upon termination of employment.

To be eligible for sick pay, employees unable to report to work due to illness must notify their supervisor directly, utilizing the supervisor's preferred notification method (which may include phone, email, text, etc.) each day of their absence, as far in advance as possible, but no later than one hour before their scheduled arrival time. If their supervisor is not available, the supervisor's designee should be contacted. The supervisor or designee must be contacted each day of absence. An employee who fails to contact his/her immediate supervisor or designee may be considered as having voluntarily resigned.

If Lynn University has questions about the nature or length of an employee's absence due to illness, a written certification from a physician or licensed health care professional may be required.

3.5.3.2 Bereavement Leave

In the unfortunate event of a death in the immediate family, a leave of absence of up to 5 days with pay will be granted. These days are to be taken consecutively within a reasonable time of the day of death or day of the funeral, and may not be split or postponed.

For this purpose, immediate family is defined as:

1. Spouse;
2. Domestic Partner;
3. Child;
4. Step-child;
5. Parents (including in-laws), step-parents;
6. Siblings, step-siblings;
7. Grandparents;
8. Grandchildren;

9. Person of significance.

Employees should make their supervisor aware of their situation. In turn, the supervisor should notify Employee Services of the reason and length of the employee's absence.

Upon returning to work, the employee must record their absence as a Bereavement Leave on the attendance record.

3.5.3.3 Birthdays

Full-time employees are eligible for one (1) paid birthday to be used only once per calendar year. As with vacation, birthdays must be requested at least ten (10) days in advance and approved by your supervisor. Employees are not paid for unused birthdays either at the end of the year or upon termination of employment

3.5.3.4 Family and Medical Leave

The Family and Medical Leave Act (FMLA) provides eligible employees with up to twelve (12) weeks of unpaid leave for certain family and medical reasons during a twelve (12) month period and up to twenty-six (26) weeks of unpaid leave to care for certain family members who become seriously injured or ill during active duty. During this leave, an eligible employee is entitled to continued group health plan coverage as if the employee had continued to work. At the conclusion of the leave, subject to some exceptions, an employee generally has a right to return to the same or to an equivalent position.

3.5.3.4.1 Employee Eligibility Criteria

To be eligible for FMLA leave, an employee must have been employed by Lynn University:

1. For at least twelve (12) months (which need not be consecutive);
2. For at least 1,250 hours during the twelve (12) month period immediately preceding the commencement of the leave; and
3. At a worksite with:
 - a. Fifty (50) or more employees; or
 - b. Where fifty (50) or more employees are located within seventy-five (75) miles of the worksite.

3.5.3.4.2 Events Which May Entitle an Employee to FMLA Leave

FMLA leave may be taken for any one, or for a combination of, the following reasons:

1. The birth of the employee's child or to care for the newborn child within one year of birth;
2. The placement of a child with the employee for adoption or foster care or to care for the newly placed child within one year of birth;
3. To care for the employee's spouse, child or parent (but not in-law) with a serious health condition;
4. The employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of his or her job;

5. To care for the employee's spouse, child, parent or other relative who is next-of-kin, who is also a covered service member of the Armed Forces (including a member of the National Guard or Reserves) with a serious injury or illness; and/or
6. Qualifying exigent circumstances because the employee's spouse, son, daughter or parent is on active duty in the Armed Forces, the National Guard or Reserves in support of a "contingency operation" or has been notified of an impending call to duty.

For 3 and 4 above, a "serious health condition" is an injury, illness, impairment, or physical or mental condition that results in (a) any period of incapacity or treatment related to inpatient care in a hospital, hospice, or residential care facility, (b) any period of incapacity requiring absence from work, school, or other regular activity for more than three (3) calendar days that also involves continuing care [treatment two or more times by a health care provider or pursuant to a regimen of supervised care], or (c) that requires continuing care by a health care provider for a chronic, serious health condition or which results in a period of incapacity, or (d) prenatal care.

[Note: A more detailed definition of "serious health condition" can be found in the Department of Labor's Certification of Health Care Provider Form (Form WH-380-December 1994).]

For purposes of 5 above, "next of kin" means the nearest blood relative of that individual; and "covered service member" means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. The injury or illness must have been incurred while on active duty and in the line of duty, and must be of a nature that it could render the service member unfit to perform the duties of his or her office, grade, rank or rating.

For purposes of 6 above, a "contingency operation" is defined in Section 101(a)(13) of the United States Code and Department of Labor regulations. It includes operations designated by the Secretary of Defense where members of the Armed Forces are or may become involved in military actions, operations, or hostilities against an enemy or opposing forces, and certain operations that result in a call-up to or retention on active duty for members of the Uniformed Services. A "qualifying exigent circumstance" includes the following: short-notice deployment; military events and related activities; childcare and school activities of the service member's child; financial and legal arrangements for the service member; counseling; rest and recuperation of the service member; attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member; or additional activities that the employer and employee shall agree qualify as an exigency and agree to both the timing and duration of such leave.

Nothing in this FMLA policy limits any employee leave rights under the University's Military Leave Policy, in accordance with applicable federal or state law. See the Military Service Leave Policy or Employee Services for further details.

3.5.3.4.3 How Much FMLA Leave May Be Taken

An eligible employee may take up to twelve (12) workweeks of unpaid leave during a twelve (12) month period for the FMLA qualifying reasons described in numbers 1-4, and 6, above.

An eligible employee is entitled to take up to twenty-six (26) workweeks of unpaid leave for the service member FMLA leave described in number 5. Unlike other FMLA leaves, the twenty-six (26) week service member leave is only available in a single twelve (12) month period. During that single twelve (12) month period, the employee may not take more than a maximum combined total of twenty-six (26) workweeks of FMLA leave for all purposes, *i.e.*, for any or all of the reasons described in numbers 1-6.

3.5.3.4.4 *The 12-Month Period*

The twelve (12) month period is a rolling twelve (12) month period measured backward from the date an employee uses any FMLA leave.

3.5.3.4.5 *Limitations on FMLA Leave*

Leave to care for a newborn or for a newly placed child must conclude within twelve (12) months after the birth or placement of the child.

When both spouses are employed by Lynn University, they are together entitled to a combined total of twelve (12) workweeks of FMLA leave within the designated twelve (12) month period for the birth, adoption or foster care placement of a child with the employees, for aftercare of the newborn or newly placed child, and to care for a parent (but not in-law) with a serious health condition. Each spouse may be entitled to additional FMLA leave for other FMLA qualifying reasons (*i.e.*, the difference between the leave taken individually for any of the above reasons and twelve (12) workweeks, but not more than a total of twelve (12) workweeks per person). For example, if each spouse took six (6) weeks of leave to care for a newborn child, each could later use an additional six (6) weeks due to his/her own serious health condition or to care for a child with a serious health condition.

If both spouses are employed by Lynn University and leave is taken for the serious injury or illness of a service member relative, or a combination of such leave and other types of FMLA leave, then they are together entitled to a maximum combined total of twenty-six (26) workweeks of FMLA leave within the designated twelve (12) month period. Note, however, that the combined twelve (12) week limit described above for other types of family leave still applies.

3.5.3.4.6 *Intermittent or Reduced Work Schedule Leave*

Where medically necessary, an employee may take leave intermittently (in separate blocks of time) or through a reduced work schedule (that reduces an employee's usual number of hours per work week or hours per workday). FMLA leave to care for a newborn or for a newly placed child may not be taken intermittently or on a reduced work schedule unless Lynn University agrees with respect to an individual leave request.

Leave because of a qualifying exigency due to the active duty or impending call to duty of a spouse, son, daughter or parent may be taken all at once or on an intermittent or reduced work schedule.

If an employee takes leave intermittently or on a reduced work schedule basis, the employee must, when requested, attempt to schedule the leave so as not to unduly disrupt the Lynn University's operations. When an employee takes intermittent or reduced work schedule leave, Lynn University may temporarily transfer the employee to an alternative position with equivalent pay and benefits for which the employee is qualified and which better accommodates recurring periods of leave.

3.5.3.4.7 Requests for FMLA Leave

An employee should request FMLA leave by completing the Leave Request form and submitting it to Employee Services.

When leave is foreseeable, the employee must provide the University with at least thirty (30) days advance notice. If thirty (30) days' advance notice is not practicable or the timing of the leave is not foreseeable, the employee must provide Lynn University with notice of the need for leave as soon as is practicable (i.e., within 1 or 2 business days of learning of the need for the leave).

When leave is foreseeable for an exigency due to a family member's active duty or notice of an impending call to duty, the employee must provide as much notice as is reasonable and practicable.

Note: The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of employees or their family members. In order to comply with this law, the University requests that employees do not provide any genetic information when replying to this request for medical information. 'Genetic information,' as defined by GINA, includes an individual's family medical history, the results of an individual's or family members genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual of an individual's family member or an embryo lawfully held by an individual or family member receiving reproductive services.

3.5.3.4.8 Required Documentation

When leave is taken to care for a family member, Lynn University may require the employee to provide documentation or statement of family relationship (e.g., birth certificate or court document).

When leave is taken for an exigency due to a family member's active duty or notice of an impending call to duty, Lynn University may require the employee to provide a certification to support the need for the leave as allowed under the law.

An employee may be required to submit medical certification from a health care provider to support a request for FMLA leave for the employee's or a family member's serious health condition, or for a service member relative's serious injury or illness. Medical certification forms are available through the office of Employee Services.

If Lynn University has reason to doubt the employee's initial certification, Lynn University may with the employee's permission:

1. Have a designated health care provider contact the employee's health care provider in an effort to clarify or authenticate the initial certification; and/or
2. Require the employee to obtain a second opinion by an independent Lynn University-designated provider at Lynn University's expense. If the initial and second certifications differ, Lynn University may, at its expense, require the employee to obtain a third, final and binding certification from a jointly selected health care provider.

During FMLA leave, Lynn University may request that the employee provide recertification of a serious health condition at intervals in accordance with the FMLA. In addition, during FMLA leave, the employee must provide Lynn University with periodic reports regarding the employee's status and intent to return to work.

Failure to meet the certification and recertification requirements may result in counting the employee's days off against his or her attendance record; disciplinary action, up to and including termination; or denial of reinstatement following the leave.

If the employee's anticipated return to work date changes and it becomes necessary for the employee to take more or less leave than originally anticipated, the employee must provide Lynn University with reasonable notice (*i.e.*, within two (2) business days) of the employee's changed circumstances and new return to work date. In order for a FMLA leave of absence to be extended for longer than what was originally approved, the request must be accompanied by an appropriate health care provider certification indicating the condition or disability and circumstances for the extension before the request will be considered.

If the employee gives Lynn University notice of the employee's intent not to return to work, the employee will be considered to have voluntarily resigned.

Before the employee returns to work from FMLA leave for the employee's own serious health condition, the employee will be required to submit a fitness for duty certification from the employee's health care provider, with respect to the condition for which the leave was taken, stating that the employee is able to resume work.

FMLA leave or return to work may be delayed or denied if the appropriate documentation is not provided in a timely manner. Also, a failure to provide requested documentation of the reason for an absence from work may lead to termination of employment.

3.5.3.4.9 Use of Paid and Unpaid Leave

The leave provided under the FMLA is unpaid. If an employee has eligible paid leave (*e.g.*, vacation, sick leave), however, the employee must use any qualifying paid leave concurrent with the FMLA leave. "Qualifying paid leave" is leave that would otherwise be available to the employee at the same time the FMLA leave is taken. The remainder of the twelve (12) workweeks of leave, if any, will be unpaid FMLA leave. Any paid leave used for an FMLA qualifying reason will be charged against an employee's entitlement to FMLA leave. This includes leave for disability or workers' compensation injury/illness, provided that the leave meets FMLA requirements. The substitution of paid leave for unpaid leave does not extend the twelve (12) week leave period.

3.5.3.4.10 Designation of Leave

Lynn University will notify the employee that leave has been designated as FMLA leave. Lynn University may provisionally designate the employee's leave as FMLA leave if Lynn University has not received medical certification or has not otherwise been able to confirm that the employee's leave qualifies as FMLA leave. If the employee has not notified Lynn University of the reason for the leave, and the employee desires that leave be counted as FMLA leave, the employee must notify Employee Services within two (2) business days of the employee's return to work that the leave was for an FMLA reason.

3.5.3.4.11 Maintenance of Health Benefits

During FMLA leave an employee is entitled to continued group health plan coverage under the same conditions as if the employee had continued to work.

To the extent that an employee's FMLA leave is paid, the employee's portion of health insurance premiums will be deducted from the employee's salary. For the portion of FMLA leave that is unpaid, the employee's portion of health insurance premiums may be paid at the same time as if made by payroll deduction. Similarly, employees contributing to their family's health care coverage are required to make the appropriate contributions during the approved family or medical leave of absence.

If the employee's payment of health insurance premiums is more than thirty (30) days late, Lynn University may discontinue health insurance coverage upon notice to the employee.

3.5.3.4.12 Prohibition on Working During FMLA Leave

Except where express authorization is given, employees on FMLA leave are prohibited from performing any work, paid or unpaid, for any other person or entity, including the employee's own business. Violations of this prohibition may result in FMLA leave being revoked and the employee's prior days off being counted against his or her attendance record; disciplinary action, up to and including termination; or denial of reinstatement following the leave.

3.5.3.4.13 Return from FMLA Leave

Upon return from FMLA leave, Lynn University will place the employee in the same position the employee held before the leave or an equivalent position with equivalent pay, benefits and other employment terms.

Limitations on Reinstatement

An employee is entitled to reinstatement only if s/he would have continued to be employed had FMLA leave not been taken. Thus, an employee is not entitled to reinstatement if, because of a layoff, reduction in force or other reason, the employee would not be employed at the time job restoration is sought.

Lynn University reserves the right to deny reinstatement to salaried, eligible employees who are among the highest paid ten (10) percent of Lynn University's employees employed within seventy-five (75) miles of the worksite ("key employees") if such denial is necessary to prevent substantial and grievous economic injury to Lynn University's operations. If a key employee is notified of the University's intent to deny restoration of employment, the key employee will continue to be entitled to maintenance of health benefits until such time as the key employee gives notice that (s)he no longer wishes to return to work, FMLA leave entitlement is exhausted, or restoration is actually denied at the end of the leave period. Premium costs paid on behalf of key employees in such circumstances are not recoverable.

Failure to Return to Work Following FMLA Leave

If the employee does not return to work following the conclusion of FMLA leave, the employee will be considered to have voluntarily resigned. In addition, employees who exceed their FMLA entitlement without extension(s) of their leave approved under other appropriate leave provisions, may be subject to dismissal from employment.

Lynn University may recover health insurance premiums that Lynn University paid on behalf of the employee during any unpaid FMLA leave except that Lynn University's share of such premiums may not be recovered if the employee fails to return to work because of the employee's or a family member's serious health condition or because of other circumstances

beyond the employee's control. In such cases, Lynn University may require the employee to provide medical certification of the employee's or the family member's serious health condition.

3.5.3.4.14 Employee Rights

Any employee who feels his or her rights to FMLA leave have been improperly denied, restrained, violated, or interfered with in any way may lodge a complaint with Employee Services. Lynn University will investigate and take appropriate remedial action. An employee may also file a complaint with the US Department of Labor (www.wagehourdol.gov; 1-866-487-9243) or file a private legal action. Discrimination and retaliation against employees who exercise rights under the FMLA and this Policy will not be tolerated and use of FMLA leave will not result in the loss of accrued benefits or affect an employee's rights under any other law, policy, contract or collective bargaining agreement.

For further information or clarification about FMLA leave, please contact Employee Services.

3.5.3.4.15 FMLA Time Off Donation

Lynn University has established a procedure by which eligible employees may voluntarily donate a portion of their accrued unused time off to assist another employee who is on FMLA leave and has exhausted his/hers due to extended illness or disability.

All regular full-time employees are eligible to participate. Time off donations will not be accepted from employees who have given notice of resignation.

1. Donations of accrued time off must be in whole hours, with a minimum of one hour.
2. The donating employee shall specify the employee to receive the donation.
3. Only employees who are on FMLA leave may receive time off donations.
4. Prior to processing the first donation(s) to an employee, Employee Services will verify the eligibility of the named recipient.
5. The office of Employee Services will not inform the recipient of the names of those donating hours.
6. Once a donation has been processed, neither the donor nor the recipient may revoke the transaction.
7. Time off donations are applied to the designated recipient on an as-needed basis in the order they are received.

3.5.3.5 Jury Duty

A leave of absence for jury duty will be granted to any full-time employee who has been notified to serve. During this leave, full-time employees will be compensated their regular salary. An employee on jury duty is expected to report to work any day s/he is excused from jury duty.

Upon receipt of the notice to serve jury duty, the employee should immediately notify his/her supervisor. Additionally, absences due to service should be reported on the employee's attendance record/timecard.

If the jury duty falls at a time when the employee cannot be away from work, the University may request that the court allow the employee to choose a more convenient time to serve if s/he makes a request in accordance with the court's procedures. The employee must cooperate with this request.

If summoned to serve jury duty on a standby or call-in basis, the employee is expected to report for work every day that the employee is not needed by the court. When an employee on standby is advised to report for jury duty, the employee must notify the supervisor. During extended periods of jury duty, the employee is expected to stay in contact with the supervisor on a regular basis, and assist in coordinating work during the employee's absence. Failure to adhere to the University's policy may result in corrective discipline.

An employee who desires to appear in court for any other reason may request to use accrued vacation or personal time or leave without pay for the period of time spent in court.

Other Court or Deposition Appearances

When an employee is summoned or subpoenaed to appear in court or at a deposition, the employee should immediately notify his/her supervisor. The employee must provide a copy of the summons to the supervisor.

When an employee is summoned or subpoenaed to appear in court for any reason, the employee may request to use vacation or personal time or leave without pay. If an employee is required to appear on behalf of Lynn University, the time would not be considered an absence, but rather time worked.

An employee who receives a summons or a subpoena to appear in court or a deposition for any other reason may request to use accrued vacation leave or leave without pay for the period of time spent in court.

3.5.3.6 Leave of Absence without Pay

Should a situation arise that temporarily prevents an employee from working, s/he may be eligible for a personal Leave of Absence without Pay. However, employees must be employed for at least one (1) year prior to the requested leave.

Any request for a leave of absence without pay must be submitted in writing as far in advance as possible and it will be reviewed on a case-by-case basis by the employee's supervisor and Employee Services. The decision to approve or deny is based on the circumstances, the length of time requested, the employee's job performance, attendance and punctuality record, the reasons for the leave, the effect the employee's absence will have on the work in the department, and the expectation that the employee will return to work when the leave expires.

Leaves of absence without pay will be considered only after all accrued vacation and personal time has been exhausted. Moreover, a request for unpaid leave that qualifies under the Family and Medical Leave Policy (see Subsection 3.5.3.4) will be governed by the terms of that policy. The duration of a leave of absence is granted at the sole discretion of the University. Vacation, sick leave, and holiday benefits do not continue to accrue during an unpaid leave of absence.

3.5.3.6.1 Continuing Benefit Plan Coverage

While on a personal unpaid leave of absence, an employee's medical coverage will end on the 1st day of the month following the start of such leave. Employees will have the opportunity of continuing their benefits for a maximum period of eighteen (18) months by paying the monthly premiums as required by COBRA legislation.

Unemployment insurance benefits cannot be collected while on a leave of absence without pay.

3.5.3.6.2 Returning/Not Returning from a Leave

Due to the nature of our business, Lynn University cannot guarantee either that an employee's job will remain available or that a comparable position will exist when return from an unpaid leave is sought. When an employee is ready to return from a leave of absence without pay, Lynn University will attempt to reinstate the employee to their former position or to one with similar responsibilities.

If the position or a similar position is not available, the employee will be terminated.

An employee who returns to work following an unpaid leave will be considered as having continuous service. If an employee does not return from an unpaid leave of absence, the termination date is the last day of the authorized leave period or the date the employee notifies their supervisor s/he is not returning, whichever is sooner. Such employees may be considered for reemployment.

3.5.3.7 Military Leave

Lynn University, in compliance with the Uniformed Services Employment and Re-employment Rights Act (USERRA), and other applicable state and local laws, encourages individuals to fulfill military obligations by providing equitable treatment to employees who have military obligations.

An employee who is a member of the United States Army, Navy, Air Force, Marines, Coast Guard, National Guard, Reserves, Florida National Guard or Public Health Service will be granted an unpaid leave of absence for military service, training or related obligations in accordance with applicable law. Employees on military leave may substitute their accrued vacation, personal or birthday leave time for unpaid leave. At the conclusion of the leave, upon the satisfaction of certain conditions, an employee generally has a right to return to the same position he or she held prior to the leave or to a position with like seniority, status, and pay that the employee is qualified to perform.

Continuation of Health Insurance and Benefits

During a military leave of less than 30 days, an employee is entitled to continued group health plan coverage under the same conditions as if the employee had continued to work. For military leaves of more than 30 days, an employee may elect to continue health coverage for up to twenty (24) months of uniformed service, but may be required to pay all or part of the premium for the continuation coverage.

[Note: Employees and/or dependents who elect to continue their coverage may not be required to pay more than 102% of the full premium for the coverage elected. The premium is to be calculated in the same manner as that required by COBRA.]

If the employee cancels health coverage while on leave, upon reemployment, the employee must notify Employee Services within 31 days of returning to work of the employee's intent to re-enroll.

The University will continue to provide Life Insurance coverage during the military leave until such time as any legal obligation to restore the employee to employment expires. The employee and dependents may continue enrollment in the University's other insurance programs by paying the monthly premium(s).

Eligibility for participation in Long-Term Disability coverage terminates at the beginning of the **unpaid** leave.

An employee's service in the military must be counted in determining vested interest and accrued benefits in the University's Retirement Plan only to the extent required to do so under the law. (USERRA Regulations, 20 CFR & 1002.259, 260, 261, 262)

Requests for Leave

Leave for Active or Reserve Duty: Upon receipt of orders for active or reserve duty, an employee should notify their supervisor, as soon as possible (unless s/he is unable to do so because of military necessity or it is otherwise impossible or unreasonable).

Leave for Training and Other Related Obligations: Employees will also be granted time off for military training (normally fourteen (14) days plus travel time) and other related obligations, such as an examination to determine fitness to perform service. Employees should advise their supervisor and/or department head of their training schedule and/or other related obligations as far in advance as possible.

Return from Military Leave

Notice Required: An employee who served for less than thirty-one (31) days or who reported for a fitness to serve examination, must provide notice of intent to return to work at the beginning of the first full regular scheduled work period that starts at least eight hours after the employee has returned from the location of service. An employee who served for more than thirty (30) days, but less than 181 days, must submit an application for reemployment no later than fourteen (14) days after completing their period of service, or, if this deadline is impossible or unreasonable through no fault of the employee, then on the next calendar day when submission becomes possible. An employee who served for more than one-hundred eighty (180) days must submit an application for reemployment no later than ninety (90) days after the completion of the uniformed service. An employee who has been hospitalized or is recovering from an injury or illness incurred or aggravated while serving must report to Employee Services (if the service was less than thirty-one (31) days or if employee reported for a fitness to serve examination), or submit an application for reemployment (if the service was greater than thirty (30) days), at the end of the necessary recovery period (but which may not exceed two (2) years, unless for a fitness to serve examination).

Required Documentation: An employee whose military service was for more than thirty (30) days must provide documentation upon return (upon the request of the employer) (unless such documentation does not yet exist or is not readily available) showing the following:

1. The application for re-employment is timely (*i.e.* submitted within the required time period);
2. The period of service has not exceeded five (5) years; and

3. The employee received an honorable or general discharge.

Position Upon Reemployment

An employee whose period of Uniformed Service was less than 91 days must be reemployed, promptly, in a position that the employee would have attained with reasonable certainty if continuously employed (the “escalator position”). If not qualified for that position (after reasonable attempts to qualify the employee) the employee must be reemployed in the position the employee left, and if the employee is not qualified for the pre-service position (after reasonable attempts to qualify the employee), the employee will be reemployed in any other position that is the nearest approximation first to the escalator position and then to the pre-service position, provided the employee qualified for the position.

For an employee whose period of Uniformed Service was 91 days or more, the requirement is the same, however, a position of like seniority, status and pay may be offered in lieu of the escalator position or the pre-service position.

Disabled Veteran

An employee who has a disability incurred in, or aggravated during military service, and who (after reasonable efforts by the department to accommodate the disability) is not qualified due to the disability to be employed in the escalator position the employee would have attained but for the Uniformed Service must promptly be reemployed in any other position that is equivalent in seniority, status and pay to the escalator position. If the employee is not qualified for an equivalent position due to the disability, the employee will promptly be reemployed in the nearest approximation to such a position in terms of seniority, status and pay, consistent with the circumstances of the person’s case.

Dismissal

Employees returning from military leave will not be dismissed, except for cause, within these time limits:

1. Within the first year of reemployment, if the period of service was more than 180 days, or
2. Within the first 6 months of reemployment, if the period of service was between 30 and 180 days.

3.5.3.8 Personal Days

Full-time employees are eligible for two (2) paid personal days, granted on January 1 each year. New hires whose full-time hire date falls between January 1 and June 30 will be granted 2 personal days. Those whose full-time hire date falls between July 1 and September 30 will be granted 1 personal day. Personal days may be used at the employee’s discretion for religious holidays and personal matters. When possible, personal days should be requested in advance and must be approved by your supervisor. Employees are not paid for unused personal days either at the end of the year or upon termination of employment.

3.5.3.9 Time Off to Vote

On days when elections for public office (“elections for public office” includes elections for sheriff, school board, district attorney, and all primary and general elections) are scheduled throughout the state, county, city or town in which the employee works, schedules will be changed

as needed to ensure that work either starts at least two hours after the polls open or ends at least two hours before polls close. Employees may request to use vacation, personal or birthday time to cover this type of absence.

No employee will be penalized or retaliated against for requesting time off to vote.

3.5.3.10 Domestic Violence Leave

The University provides eligible employees with up to three (3) working days of unpaid leave within a 12-month period if the employee or a family or household member of the employee is a victim of domestic violence. For purposes of this Policy, the fiscal year of July 1 to June 30th is considered a 12-month period.

Definitions

Domestic Violence - defined under Chapter 741, Florida Statutes as any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member or any crime the underlying factual basis of which has been found by a court to include an act of domestic violence.

Family or household member - defined under Chapter 741, Florida Statutes as spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

Sexual Violence - means any one incident of sexual battery, lewd or lascivious act committed upon or in the presence of a person younger than 16 years of age, luring or enticing a child, sexual performance by a child (defined under Chapters 794, 800, 787 and 827, respectively, Florida Statutes) or any other forcible felony wherein a sexual act is committed or attempted regardless of whether criminal charges based on the incident were filed, reduced or dismissed by the state attorney.

Victim - defined under Chapter 741, Florida Statutes as an individual who has been subjected to domestic violence or sexual violence.

Eligibility

The University will provide leave for the following activities:

- Seeking an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;
- Obtaining medical or mental health care in connection with domestic violence;
- Seeking services from a victim services organization;
- Seeking legal assistance in addressing issues arising from domestic or sexual violence or prepare for court proceedings for the same; or

- Making the employee's home secure from the perpetrator of domestic violence or finding a new home to escape the perpetrator.

Notice

Except in the case of imminent danger to the health and/or safety of the employee or a family or household member, employees must provide his or her Supervisor with appropriate advance notice of the need for leave,

Type of Leave

The employee is required to use accrued leave. In the event that the employee does not have sufficient leave hours to cover the event, the leave that is not covered will be unpaid.

Confidentiality

The University will keep confidential all personal identifying information in documents related to an act of domestic violence or sexual violence submitted for the purpose of requesting leave under this policy. Such records are exempt from public disclosure pursuant to Section 741.313(7)(a), Florida Statutes.

Retaliation

The University will not discharge, demote, suspend, retaliate, or in any other manner discriminate against an employee for exercising his or her rights under this Policy.

3.6 Benefit Policies

The University has established a variety of employee benefit programs designed to assist you and your eligible dependents in meeting the financial burdens that can result from illness and disability, and to help you plan for retirement. This portion of Volume III of the *Lynn University Policy Manual* contains a very general description of the benefits to which you may be entitled as an employee of the University. Please understand that this general explanation is not intended to, **and does not**, provide you with all the details of these benefits. Therefore, this section of Volume III does not change or otherwise interpret the terms of the official plan documents. Your rights can be determined only by referring to the full text of the official plan documents, which are available for your examination from Employee Services. To the extent that any of the information contained herein is inconsistent with the official plan documents, the provisions of the official documents will govern in all cases.

Please note that nothing contained in the benefit plans described herein shall be held or construed to create a promise of employment or future benefits, or a binding contract between the University and its employees, retirees or their dependents, for benefits or for any other purpose. All employees shall remain subject to termination or discipline to the same extent as if these plans had not been put into effect.

As in the past, Lynn University reserves the right, in its sole and absolute discretion, to amend, modify or terminate, in whole or in part, any or all of the provisions of the benefit plans described herein. Further, the University reserves the exclusive right, power and authority, in its sole and absolute discretion, to administer, apply and interpret the benefit plans described herein, and to decide all matters arising in connection with the operation or administration of such plans.

For more complete information regarding any of our benefit programs, please refer to the online Summary Plan Descriptions or contact Employee Services.

3.6.1 Bridging

If an employee has previously worked for the University and is re-hired, the employee's previous term of employment will not be considered when calculating benefits of longevity. Benefits are calculated on a continuous basis only.

3.6.2 Core Benefits

Full-time employees are offered the option to participate in the University's core benefit plans, such as health, dental, life insurance and retirement plan and education benefits. The monthly insurance premium costs are shared between the employee and the University during the months of active employment. Please consult Employee Services and Summary Plan Descriptions for further details regarding these benefits.

3.6.3 Domestic Partnership

Lynn University offers health benefits to eligible employees' domestic partners, subject to:

1. Satisfaction of the eligibility requirements described below and the terms of the University's group medical, dental and life insurance plans (the "Plans"); and
2. The tax implications for extending health benefits to domestic partners.

Lynn University also offers its educational assistance program to eligible employees' domestic partners (the "Program"), subject to:

1. Satisfaction of the eligibility requirements described below and the terms of the Program; and
2. The applicable tax implications.

Domestic Partners are two individuals who:

1. Are of the same sex;
2. Are not married to, or legally separated from, another individual, and are not in a domestic partner relationship with any other individual;
3. Are each other's sole domestic partner and intend to remain so indefinitely;
4. Are at least the age of consent in the state in which they reside and are mentally competent to consent to contract;
5. Are not related by blood to a degree of closeness that would prohibit marriage in their state of residence;
6. Live together in the same residence and presently intend to reside together indefinitely; and
7. Mutually responsible for each other's common welfare and financial obligations.

Domestic Partner Coverage

An employee's Domestic Partner is eligible for the same health coverage, which may include medical, dental and/or life insurance coverage, and educational assistance program benefits that a spouse of such Employee would be eligible to receive from Lynn University, provided that they

satisfy all of the applicable requirements for coverage under the Plans and the Program, and timely submit all of the required information and documentation (including the Affidavit of Domestic Partnership) to Employee Services.

Important Note: *The Internal Revenue Service (“IRS”) generally does not recognize domestic partners as eligible dependents under the Internal Revenue Code’s provisions regarding employer-sponsored health plans, cafeteria plans and educational assistance programs. Therefore, the fair market value of the health coverage or Program benefits provided to a Domestic Partner constitutes taxable income to the employee. This means that the value of the coverage or Program benefits will be subject to Federal income tax and payroll taxes such as FICA and Medicare. (If you believe that your Domestic Partner may qualify as a dependent under the Internal Revenue Code, please contact Employee Services.)*

An Employee who enrolls a Domestic Partner for coverage under the Plans or the Program will be taxed on the value of the health coverage or Program benefits on each pay period.

*In addition, please note that premiums for Domestic Partner Coverage are paid by payroll deduction each pay period, and may only be made on an **after-tax basis** in accordance with IRS rules.*

Enrollment for Domestic Partner Coverage

To enroll a Domestic Partner for coverage under the Plans or Program benefits, the employee and Domestic Partner must complete and sign an **Affidavit of Domestic Partnership** (which must be notarized), and submit the Affidavit to Employee Services along with all other enrollment information and documentation requested by Employee Services.

If, at any time, an employee or Domestic Partner terminates the coverage of a Domestic Partner for any reason, such Domestic Partner may not re-enroll for coverage under the Plans or the Program until the next open enrollment period or upon the occurrence of a “life event” that would apply to an employee’s spouse under the terms of the Plans or the Program, and will be subject to all other generally applicable enrollment rules under the Plans or the Program.

In addition, notwithstanding the above, an employee may not seek to enroll a Domestic Partner for coverage under the Plans or the Program within one (1) year of the termination of another Domestic Partner’s coverage.

Important Note: *If any of the information contained in the Affidavit of Domestic Partnership or other submitted documentation is found to be incomplete, inaccurate or fraudulent, the Employee and Domestic Partner will be required to reimburse Lynn University, its insurers and agents for any expenditures made by them for benefit claims, processing fees, administrative charges and all other costs (including any attorneys’ fees incurred by them in order to collect these amounts) on behalf of a Domestic Partner.*

Terminations of Domestic Partnership

If, after executing the **Affidavit of Domestic Partnership**, an Employee and his/her Domestic Partner cease to satisfy any or all of the eligibility criteria for Domestic Partner Coverage identified in the Affidavit, such Domestic Partnership shall be considered terminated for purposes of eligibility for Domestic Partner Coverage under the Plans and/or the Program.

Upon termination of a Domestic Partnership, the Employee must complete an **Affidavit of Termination of Domestic Partnership** (the “Termination Affidavit”). The Termination Affidavit

must be completed and filed with Employee Services *within thirty (30) calendar days of such change in status.*

Coverage under the Plans and/or the Program for the former Domestic Partner will terminate as of 11:59 P.M. on the date that the Termination Affidavit is signed (or earlier, if the Employee fails to submit the Affidavit within thirty (30) days of the failure to satisfy any one of the criteria set forth in paragraph 2 of the Affidavit).

Important Note: If, for any reason, Lynn University, its insurers or agents are required to make any expenditures for benefit claims, processing fees, administrative charges or any other costs relating to the coverage of a former Domestic Partner following the coverage termination date set forth in the preceding paragraph, the Employee and former Domestic Partner will be required to reimburse Lynn University, its insurers and agents for any these expenditures (including any attorneys' fees incurred in order to collect these amounts).

Amendment, Termination, and Interpretation

Lynn University reserves the right, in its sole and absolute discretion, to amend, modify or terminate the Domestic Partner coverage under this Policy (as well as all of the other terms of the Plans), in whole or in part, at any time and for any reason. In addition, Lynn University (and its designees) has the sole and absolute discretionary authority to interpret and administer this Policy, the Plans, and the Program, as they may be amended from time to time.

3.6.4 Continuation Coverage Rights

The University complies with the Consolidated Reconciliation Omnibus Budget Act (COBRA). The law insures that employees are given an opportunity to continue medical and dental insurance coverage under group plans when certain qualifying events occur. The employee (or eligible dependent) is responsible for the entire premium cost. The qualifying events are termination of employment for any reason except gross misconduct; loss of eligibility due to reduction in work hours; death of employee; divorce or legal separation; or a dependent child ceasing to be dependent because of age or loss of full-time student status. Employees should consult with Employee Services for further details regarding their rights and obligations.

3.6.5 Social Security

The University pays Social Security taxes on the employee's earnings. Each employee also pays a social security tax, which is withheld from the employee's paycheck. These taxes contribute to the employee's Social Security benefit at retirement or upon total disability.

3.6.6 Unemployment Insurance

Employees are covered by unemployment insurance. This is a state insurance that provides monetary benefits for a defined period of time for those who are unemployed generally through no fault or choice of their own. Decisions regarding eligibility and amount of benefits are made by the State of Florida.

3.6.7 Workers' Compensation Insurance

The University is covered under statutory state Workers' Compensation laws. Should you sustain a work-related injury, you must notify your supervisor and Employee Services immediately and

complete and sign an Incident Report at the University's Health Center. No matter how minor an on the job injury may appear, it is important that it be reported.

IF AN ON THE JOB INJURY IS NOT REPORTED WITHIN 30 DAYS, RECOVERY OF WORKERS' COMPENSATION BENEFITS MAY BE BARRED.

The amount of compensation payable in each case depends upon, among other things, an employee's weekly earnings and is determined by the carrier.

In the case of an emergency, you should go to the nearest hospital emergency room for treatment.

Continuation of Salary and Benefits

Paid leave and retirement credits will continue to accrue while an employee is absent from work as a result of a workers' compensation claim until the employee returns to work or is terminated. The employee is not eligible for holiday pay during the leave.

Coordination with Family and Medical Leave Policy

An employee who is absent from work and is receiving worker's compensation benefits shall also be placed on medical leave under the Family and Medical Leave policy. Leave that qualifies as workers' compensation benefits that also qualifies as medical leave under the Family and Medical Leave Policy is counted against the employee's Family and Medical Leave entitlement. Approval of medical leave does not guarantee that worker's compensation benefits will be paid.

Termination Employment

An employee covered by workers' compensation may be terminated if the employee has been absent from the job for a period of one year.

Reasonable accommodation to enable the employee to return to work within a year will be considered when relevant. Change in employment status or termination of an employee receiving workers' compensation must be reviewed with the Employee Services. Any termination decision will be in accordance with applicable federal, state, or local law.

3.6.8 *Miscellaneous Benefits*

3.6.8.1 *Educational Benefits*

It is the policy of Lynn University that Educational Benefit programs are a privilege - not a right. As such, would-be participants must be pre-approved and funds must be available.

Employees participating in any of the educational benefits are responsible for payment of all fees including labs, service fees, graduation fees, books and any taxes that may be required by the government. The University reserves the rights to have you apply for any financial aid to which you may be entitled.

3.6.8.1.1 *Employee Scholarship*

After one year of continuous full-time service, employees, children and spouses/domestic partners of full-time employees are eligible to enroll in the Lynn University day and iLynn and graduate (masters only, and E.D.D. by application) courses, tuition-free, providing they do not interfere with schedule and work hours. All admissions are on a space available basis, and the employee, spouse or child must meet Lynn University's admission requirements. Individuals taking

advantage of this benefit must maintain at least a 2.0 cumulative GPA for undergraduate and 3.0 for graduate. Employees may not enroll in more than six (6) credits per term. The University reserves the right to revoke employee scholarship for any individual who exceeds two (2) unsuccessful attempts in the same course or if the GPA falls below the required minimum.

If eligible employees are laid off, go on a disability leave of absence, or have a status change from full-time to part-time, the employee scholarship will be retained for any approved semester or term in progress. If eligible employees voluntarily or involuntarily terminate employment with Lynn University during an approved semester or term, the University reserves the right to revoke the employee scholarship.

To apply for the employee scholarship, employees must complete and submit the Employee Scholarship Form to Student Financial Services during the enrollment period of each semester or term. The financial FERPA form is required for all first time enrollees and the Authorization of Credit form is required annually. An employee that does not following the financial form procedures will be charged the full tuition amount for the number of courses taken. Any financial aid, grant, or scholarship the student is awarded will be used by the University to offset the tuition waiver benefit. Moreover, employees who are in default on Federal Stafford Loans at the time of the tuition waiver request are not eligible for the employee scholarship benefit.

Any outstanding fees must be paid at the time of registration by all employee and dependents. Employees and/or dependents must register in person. Employee scholarship benefit applies only towards tuition not towards the purchase of books. All graduate and iLynn students will need to pay the applicable iPad deposit or bring their own tablet and the tuition cost differential between regular tuition and the MBA tuition. The employee scholarship does not cover this charge. An employee or dependent may apply for student loans to cover books and fees expenses.

The Employee Scholarship does not cover the cost of Study Abroad, however, any eligible employee or dependent will receive a discount.

Employee benefits cover only tuition or a portion of tuition. External funds from loans and grants may also be available, depending on the individual employee's eligibility. Employee scholarship recipients, however, are not eligible to receive scholarships funded by the University. Information regarding loans and grants can be found online at www.lynn.edu/financialaid.

Note: According to Section 127 of the Internal Revenue Code, only the first \$5,250.00 of graduate level education expenses covered by the University are considered non-taxable. Those amounts in excess of the \$5,250.00 exclusion are taxable and will appear as additional income on the employee's W-2 Form at year end.

3.6.8.1.2 Tuition Exchange

After one year of continuous full-time service, employees, children and spouses/domestic partners of full-time employees are eligible to apply. Tuition exchange is a reciprocal scholarship program which finances tuition for eligible students at participating institutions (eligible students are full-time employees who have completed one year of continuous service and their dependents according to the IRS definition). For more information on tuition exchange programs and to view a list of participating institutions, please refer to www.lynn.edu/mylynn.

3.6.8.2 Employee Assistance Program (EAP)

The University offers a voluntary and professional service that provides information, counseling, and referral services to all full-time employees and their dependents that may be experiencing personal stress in their lives. The University's Employee Assistance Program (EAP) provides initial consultation and makes referrals to community counseling services for further assistance.

The EAP provides the following services without cost to employees:

1. Assessment/referral interviews;
2. Telephone consultations;
3. Brief information/articles of interest to all employees.

Participation in the EAP does not excuse an employee from complying with the University's policies or meeting job requirements. Participation will not prevent the University from taking disciplinary action against any employee for performance problems that occur before, after or during the time that the employee seeks assistance.

Employees may contact Employee Services for additional information on EAP.

3.7 Performance Evaluation Policies

3.7.1 Staff Evaluation

3.7.1.1 President and Vice Presidents Evaluations

In order to promote systematic analysis for the improvement of the University and to meet the requirements of the Southern Association of Colleges and Schools (SACSCOC), an evaluation system for the assessment of Cabinet Members, specifically the President and the Vice Presidents, has been established.

President: The Board of Trustees of Lynn University is responsible for the evaluation of the President on an annual basis.

Vice Presidents: The University Vice Presidents report to the President, who reviews their performance annually. The annual comprehensive performance reviews evaluate the overall effectiveness of the Vice Presidents' division and cover goals from the past year, and an assessment of success in meeting them. In addition, goals for the coming year based on that assessment, as well as priorities identified by the Board of Trustees and the President, are addressed. In addition, a mid-year review may be conducted in January to assess interim progress.

3.7.1.2 Staff Performance Evaluations

All regular staff employees will receive periodic performance appraisals. The employee's immediate supervisor is responsible for conducting at least one annual appraisal. The appraisal program provides a planned opportunity for the employee and supervisor to meet, discuss, and document accomplishments, expectations, and overall job performance.

1. An annual evaluation to address performance and skill developmental needs and interests shall be completed by the employee's immediate supervisor and reviewed by the next level supervisor. During the performance review, the supervisor should consider the following:

- a. Attendance, initiative, and effort;
- b. Knowledge of the employee's work;
- c. The employee's ability to work as part of a team;
- d. Quality and quantity of the employee's work;
- e. The employee's communication skills.

If the supervisor does not cover these matters for some reason, the employee should feel free to ask about them.

2. Performance evaluations shall be discussed privately with the employee, who shall be given the opportunity to raise questions. An employee who disagrees with the evaluation shall be allowed to submit comments, which shall become part of the appraisal.
3. The employee shall indicate agreement with the evaluation and that the appraisal was discussed. The employee shall sign the appraisal. If the employee refuses to sign the evaluation, this shall be noted on the appraisal.
4. The evaluation shall be placed in the employee's Personnel file and will become a permanent record to which access will be limited to persons having a direct and justifiable interest. Except in unusual circumstances, the employee, a member of Employee Services, the employee's immediate supervisor/department head, or a prospective supervisor/division/department head have "need to know" access. Anyone else wishing to review the evaluations shall make such requests to the Director of Employee Services, where a determination will be made as to access.
5. Performance evaluation ratings are not subject to appeal.

3.7.2 Faculty Evaluation

For policies pertaining to faculty evaluation, please refer to Volume IV, Section 4.4.

3.8 Promotion, Transfer and Demotion Policies

3.8.1 Promotions and Transfers

3.8.1.1 Staff Promotions and Transfers

Lynn University encourages employees to assume higher-level positions or lateral transfers for which they qualify. Advancement within Lynn University is primarily based upon the following factors:

1. Experience;
2. Skills;
3. Performance;
4. Current business needs.

Generally, the prerequisites below must be met by an employee to be considered for transfer and promotion:

1. Employed as full or part-time;
2. Completed a minimum of six months of successful service in their current position before becoming eligible to transfer or be promoted to another position at Lynn University;
3. Current performance meets job expectations;
4. Meets all of the job qualifications for the position;
5. Has a good attendance and punctuality record;
6. Has not received formal performance or conduct counseling with a corrective action within the last six months of employment.

Each employee requesting a transfer or promotion will be considered for the new position along with all other applicants. Each transfer is judged on an individual basis, depending on the needs of both departments involved. All final decisions regarding transfers will be made by Management, in conjunction with Employee Services.

Employees who wish to apply for a transfer should discuss it first with their supervisor and Employee Services so that it may be determined if their skills fit the requirements of the desired job. Employees should also feel free to discuss their career aspirations with their supervisor and/or Employee Services at any time.

If an employee fits the basic criteria for the position, Employee Services will make arrangements to set up an exploratory interview with the other department.

3.8.1.2 Faculty Promotions and Transfers

For policies pertaining to faculty promotions, please refer to Volume IV, Section 4.5.

3.9 Compensation Policies

3.9.1 Compensation Program

To attract and retain a highly qualified and competent work force, Lynn University has instituted a compensation program to compensate employees in a fair and equitable manner based upon demonstrated job performance, and in accordance with its Equal Employment Opportunity policy. Through this program, it is the intention of Lynn University that employees will receive constructive work reviews designed to address performance and skill developmental needs and interests.

Generally, every fall, all employees with more than 6-months service in the same position become eligible for consideration of a salary review. Lynn University applies the same principles of fairness and opportunity to all employees when determining their wages. Wages and salaries are influenced by several factors including, but not limited to:

1. Nature and scope of the job;
2. Years of experience and education;
3. Comparison with other similar type universities for comparable jobs;
4. Availability of University resources;
5. Individual performance.

Any questions that concerning wages should be discussed with an immediate supervisor.

3.9.2 *Position Descriptions*

Each position at Lynn University, filled or vacant, has a written description. The description does not include all of the duties a department may require of an employee but only a basic function statement, a listing of some key responsibilities, the minimum education and experience required, and the supervisory relationships. It is important to ensure position descriptions are current and accurate. Each employee or applicant is entitled to a copy of the applicable position description and may request one from the Employee Services.

Writing and updating position descriptions is the responsibility of the Department Head. Position descriptions should be reviewed at the time of performance evaluations and at the time of a new hire to assure they are current.

Since the official position description does not rigidly define all the duties that may be involved, supervisors may need to assign new tasks or projects as needs of the department change. Employees should be sure they understand all duties expected of them and should not hesitate to ask their supervisor for clarification in this regard.

Request for Position Review

Employees who feel that their position duties and requirements have changed sufficiently to warrant a new evaluation should speak to their supervisor. If the supervisor agrees that the position description should be changed, the appropriate Vice President shall review the request. Upon Vice Presidential approval, the Director of Employee Services will make any necessary adjustments.

3.9.3 *Officer Compensation*

Compensation of the officers of Lynn University must allow the University to attract the best individuals for each position. That compensation shall be reviewed by the Board of Trustees to ensure that compensation packages are appropriate in the market place and do not violate the “intermediate sanctions” provisions contained in Internal Revenue Service code section 4958. At the discretion of the Chair, independent compensation experts may be utilized to determine appropriate market compensation.

Hiring of New Officers

All financial terms of offers of employment to officers of the University shall require the approval of the Executive Committee of the Board of Trustees, who shall act as Lynn University’s compensation committee. In order to provide negotiating flexibility, a salary range, with a “not to exceed” maximum salary, shall be approved regularly by the Executive Committee. In determining the maximum salary range, the committee shall rely on appropriate comparability data of salaries of officers employed by institutions similar to Lynn University. The basis for the determination of the committee shall be adequately documented concurrently with the setting of the maximum salary range determination.

Required Annual Review

The Vice President for Business and Finance shall annually provide to the President, who provides to the Chair of the Board of Trustees, all proposed officer compensation for the new fiscal year.

The Chair, in conjunction with the President, shall determine the appropriateness of officer salaries.

3.9.4 Overtime

Depending on University work needs, employees will be required to work overtime when requested to do so. Prior approval of a supervisor, however, is required before any non-exempt employee works overtime. Employees working overtime without approval will be subject to disciplinary action up to and including termination.

Non-exempt employees are eligible for additional pay for work performed 40 weekly hours. After the employee has worked 40 hours, all additional time is paid at a rate of 1½ times the employee's hourly rate. Time paid for but not worked (time off for a holiday, sick leave, vacation leave, or any leave of absence, etc.) is not considered in calculating overtime.

Employees are responsible for recording time worked through the University's timekeeping system. Employees who work overtime but do not record that time on their daily time records will be subject to immediate termination. If your supervisor or any other employee of the University requires you to work overtime and directs you not to record that time on your daily time record, you must report that request immediately to the Director of Employee Services or to the Payroll Manager. Any employee, who is aware of someone being required to work overtime without recording that time or someone working overtime and not recording that time, must immediately notify the Director of Employee Services or to the Payroll Manager. The University will promptly investigate any unpaid overtime situation brought to its attention to determine whether there has been a violation of this policy. It is the obligation of all employees to cooperate in an investigation. The University's non-retaliation policy applies to any employee who reports that he/she has been directed to not accurately record time or who cooperates in any investigation relating to such a report.

Each day, the time the employee starts and finishes work must be recorded on a time sheet. The employee's supervisor must approve all hours worked at the end of each pay period. All additional overtime worked must be approved by a supervisor each day.

3.9.5 Payment of Salary

Salary payment is made bi-weekly. Paydays usually are bi-weekly on every other Friday. Each payday includes earnings through the preceding Sunday.

Overtime payment, which is included with the non-exempt employee's base salary payment, is also paid bi-weekly with these payment covering hours worked in the prior bi-weekly period. (For additional explanations see section on Overtime Policy and procedures in Section 3.9.4 above.)

It is the University's policy that employee paychecks will only be given personally to that employee. All other arrangements for mailing or pick-up must be made in advance and in writing with Employee Services.

If the normal payday falls on a University-recognized holiday, paychecks will be distributed one workday prior to the aforementioned schedule. Under no circumstances will the University release any paychecks prior to the announced schedule.

Employees may be paid by check or through direct deposit of funds to either a savings or checking account at their bank of choice (providing the bank has direct deposit capability). To activate

direct deposit, an employee must complete and sign a Direct Deposit Agreement available online or in Employee Services. The completed form must then be returned with bank documentation verifying transit account numbers (such as a voided check) to Employee Services.

In the event of a lost or stolen paycheck, Employee Services must be notified in writing as soon as possible before a replacement check can be issued. Employee Services will issue a stop payment on the lost or stolen check. After the financial institution has notified Employee Services that payment of the check has been stopped, Employee Services will issue a new check as soon as practicable. In the event the lost paycheck is recovered and the University identifies the endorsement as that of the employee, the employee must remit the amount of the replacement check to the University within 24 hours of the time it is demanded.

A statement of earnings is available online each pay period to employees indicating:

1. Gross Pay;
2. Statutory Deductions;
3. Voluntary Deductions.

The amount of Federal withholding is affected by the number of exemptions claimed on Form W-4, Employee's Withholding Allowance Certificate. If an employee's marital status changes or the number of exemptions previously claimed increases or decreases, a new Form W-4 must be submitted to Employee Services.

Except for extreme emergencies, no salary advances will be made.

In the event of an error in payment, employees should contact their supervisor and/or Employee Services as soon as possible. Supervisors will then contact Employee Services and send the necessary paperwork to correct the matter.

3.9.5.1 Garnishment of Wages

Garnishments are court ordered deductions from wages for monies owed to a company, government or individual, for example, monies owed in child support, unpaid student loans, bankruptcy collection, unpaid taxes and/or other debt. The University is obligated by federal and state law to garnish wages from employees' paychecks upon the receipt of garnishment orders.

Garnishments remain active until Employee Services receives a release, an amendment of these federal and state garnishment orders or a letter of satisfaction. Lynn University does not refund any incorrectly deducted funds due to the errors in the requisite garnishment orders. Instead, employees must request refunds and address the errors with the issuer of a garnishment order authorizing the deduction.

3.9.5.2 Pay Deductions for Exempt Employees

Executive and professional employees of the University are classified as exempt and are not legally entitled to overtime pay for hours worked in excess of forty (40) in a workweek. As a general rule, exempt employees are paid a pre-determined salary for any workweek in which they perform work, regardless of the quality of their performance, or the number of hours worked during that workweek. However, an employee need not be paid for any workweek in which s/he performs no work.

This policy sets forth the circumstances when deductions can be made from an exempt employee's salary (in addition to tax withholdings, social security, Medicare, insurance contributions and other deductions authorized by the employee). Employees are to regularly check their pay stubs and are encouraged to immediately report any mistakes to Employee Services.

Permissible Deductions

Federal wage-hour regulations may permit limited deductions from an exempt employee's salary including:

1. The University may deduct from an exempt employee's weekly salary for any full-day that the employee is absent from work for personal reasons, other than sickness or disability. If an exempt employee is absent for personal reasons, and uses an available paid personal or vacation day, the employee will be paid for that day. If, however, an exempt employee takes a personal day after having exhausted their entitlement to personal and vacation days, the University may deduct from the exempt employee's salary a full day of pay for each full-day absence.
2. The University may deduct from an exempt employee's weekly salary for any full day that the employee is absent from work for sickness or disability if the deduction is made in accordance with the University's sick leave policy, short-term or long-term disability plan, or applicable state disability insurance or workers' compensation law, or pursuant to the University's practice of providing compensation for loss of salary occasioned by sickness or disability. Deductions for such full day absences also may be made for absences due to sickness or disability occurring before the employee has qualified for benefits under the applicable plan or policy and after s/he has exhausted the leave allowance under the plan or policy. The University is not required to pay any portion of the employee's salary for full day absences for which the employee receives compensation under the plan, policy, or practice. An exempt employee who needs to miss work due to sickness or personal disability should speak with a member of Employee Services regarding possible entitlement to the continuation of a portion of salary through the University's disability insurance policies.
3. The University may suspend an employee without pay, for any amount of time, without affecting the employee's exempt status, for a violation of safety rules of major significance to the University. Such a violation would include a safety or health standard directly applicable to the University's business, or the violation of which would or could result in a serious citation under the Occupational Safety and Health Act.
4. The University may suspend an exempt employee from work without pay for one or more full days for serious workplace misconduct in violation of the University's workplace conduct rules, including, but not limited to, violations of the University's Non-Discrimination and anti-Harassment, Sexual and Gender-based Misconduct, Workplace Violence, and Drug and Alcohol policies.
5. The University is not required to pay the full salary of an exempt employee during the initial or terminal weeks of employment if that employee does not work for the entirety of those weeks. The University will pro-rate the employee's salary, during these weeks, in proportion to the days (or time) worked.
6. The University may deduct from an exempt employee's weekly salary for time that the employee takes as unpaid leave under the Family and Medical Leave Act (whether it is a full-

time leave, or intermittent leave or reduced-schedule leave). For example, if an employee who usually works 40 hours per week takes 4 hours in intermittent-leave time, the University may reduce the weekly salary for that week by 10%. Employees should review the University's Family and Medical Leave Act Policy for further information about such leaves of absence.

Complaint Procedure

If you have questions about deductions made from your earnings, please contact Employee Services.

If you believe that deductions have been made improperly or in error, please inform Employee Services. The University will promptly investigate any such matter to determine whether there has been an error. It is the obligation of all employees to cooperate in such an investigation, any improper or mistaken salary deduction will be remedied promptly.

3.9.5.3 Final Wage Payment

Employees will receive their final paycheck on the next regularly scheduled pay date. At the time of termination, employee benefits are directly impacted. All accrued, vested benefits that are due and payable at termination, such as vacation, will be included in the final paycheck. Some benefits, such as health plan coverage, may be continued at the individual's expense via COBRA. Employees will be notified in writing regarding the terms, conditions and limitations of continued health plan coverage.

3.9.6 Time Records

The attendance of all employees is recorded daily by each department and is submitted to Employee Services bi-weekly. Attendance records are University records and care must be exercised in recording the hours worked, overtime hours, and absences. Employees are not to clock or sign in or out for other employees. Violations of this policy may result in appropriate disciplinary action, up to and including immediate termination.

All non-exempt employees must record the time they begin and end work, each day. Your supervisor will advise you how you are to record your time,. Your time record should reflect the actual time you start work, end for lunch, begin after lunch, and stop work at the end of the day. We expect you to record on your time record all time that you work for the University. Each employee is responsible only for their own recordkeeping.

Once an employee clocks or signs in, work is to commence immediately. Failure to do so is considered falsification of timekeeping records.

If an employee forgets to clock or sign in or out, he or she must notify his or her supervisor immediately so the time may be accurately recorded for payroll.

Overtime for non-exempt employees is calculated on a weekly basis (see overtime section for further explanation). An employee's supervisor **must approve all overtime; employees with overtime entries that do not have prior approval will be subject to disciplinary action up to and including termination.**

Any changes or corrections to your time record must be approved by your Supervisor. Under no circumstances may any employee tamper with or change another employee's time record.

Tampering with, altering or falsifying time records, or recording time on another's time record shall subject the individual to disciplinary action up to and including termination.

Exempt employees are not required to sign in or out; however, business trips, vacation, sick and personal days must be recorded on the record.

3.10 Disciplinary and Termination from Employment Policies

3.10.1 Discipline and Corrective Action Policies

3.10.1.1 Faculty Discipline and Corrective Action

For Discipline and Corrective Policies pertaining to faculty, please refer to Volume IV, Section 4.6.

3.10.1.2 Staff Discipline and Constructive Discipline

All staff employees ("employees") are expected to meet Lynn University's standards of work performance. Work performance encompasses many factors, including attendance, punctuality, personal conduct, job proficiency, and general compliance with the University's policies and procedures. If an employee does not meet these standards, the University may, under appropriate circumstances, take corrective action, other than immediate termination.

The intent of corrective action is to formally document problems while providing the employee with a reasonable time within which to improve performance. The process is designed to encourage development by providing employees with guidance in areas that need improvement such as poor work performance, attendance problems, personal conduct, general compliance with the University's policies and procedures and/or other disciplinary problems.

Where Lynn University believes that an infraction of written or unwritten standards or practices, including failure to maintain high standards of performance, may have occurred, Lynn University may take any of the following actions, at any time and in any order:

1. Oral warnings;
2. Written warnings;
3. Probationary periods;
4. Suspension with or without pay;
5. Termination.

Lynn University reserves the right to discipline or terminate an employee, without warning, for any reason or no reason, even if the action constitutes a first offense.

Written Warnings

Generally, the supervisor should discuss a significant problem and present a written warning to the employee in the presence of an Employee Services representative. This should identify the problem and outline a course of corrective action within a specific time frame. The employee should understand both the corrective action and the consequence (*i.e.*, termination) if the problem is not corrected or recurs. The employee should acknowledge receipt of the warning and include any additional comments before signing it. A record of the discussion and the employee's

comments may be placed in the employee's personnel file in Employee Services, at the discretion of Employee Services.

Employees who have had formal written warnings are not eligible for salary increases, bonus awards, promotions or transfers during the warning period.

3.10.2 Termination of Employment Policies

3.10.2.1 Faculty Termination

For termination policies pertaining to faculty, please refer to Volume IV, Section 4.6.

3.10.2.2 Staff Termination

3.10.2.2.1 Involuntary Termination

Every Lynn University staff employee has the status of "employee-at-will," meaning that no one has a contractual right, express or implied, to remain in Lynn University's employ. Lynn University may terminate an employee's employment, or an employee may terminate his/her employment, without cause, and with or without notice, at any time for any reason. No supervisor or other representative of the University (except the President) has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above.

Immediate Terminations – Misconduct

Any employee whose conduct, actions or performance violates or conflicts with Lynn University's policies may be terminated immediately and without warning.

Note: THE FOLLOWING GUIDELINES MAY BE APPLIED AT THE DISCRETION OF LYNN UNIVERSITY'S MANAGEMENT:

The following are some examples of grounds for immediate termination of an employee:

1. Deliberate non-performance of work;
2. Unsatisfactory performance, including negligent or careless work or neglect of duty or conduct that does not meet the requirements of the position;
3. Willful involvement in, concealment of, or failure to report to management a potential or actual professional liability claim;
4. Falsification of Lynn University records, including time records, the employment application, and other employment records, or refusing to provide timely evidence confirming credentials;
5. Any act or conduct that constitutes fraud or dishonesty against Lynn University, its employees, its students, and those third parties with which it conducts business;
6. Violation of the Drug and Alcohol Free Workplace Policy;
7. Theft, abuse, misuse, marring, defacing or other willful damage to any supplies, equipment or property of Lynn University, the property of other employees, or the property of parties with whom Lynn University conducts business;

8. The involvement with a student that is in conflict with the Romantic or Sexual Relationship policy;
9. Possession of weapons on University property or University vehicles;
10. Fighting, provoking a fight, or threatening other employees, students etc. or other serious breach of acceptable behavior;
11. Unsatisfactory attendance or tardiness;
12. Failure to report injuries that impact your ability to perform your job to appropriate supervisors;
13. Insubordination, for example, disregarding or refusing to comply with instructions given by authorized persons or refusal to perform work as directed;
14. Acting in a manner that has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment, including sexually harassing another employee or student;
15. Failure to cooperate in an investigation conducted by the University or University-designated agents;
16. Misappropriation of Lynn University funds or other assets of Lynn University;
17. Conviction of a felony;
18. Gross negligence;
19. Violation of the Non-Discrimination and Harassment, Sexual and Gender-Based Misconduct*, Anti-Bullying, and/or Non-Discrimination and Anti-Harassment policies;
20. Larceny or unauthorized possession of, or the use of, property belonging to any co-worker, visitor, or customer of Lynn University;
21. Unauthorized possession, use or copying of any records that are the property of Lynn University;
22. Gambling, conducting games of chance or possession of such devices on the premises or during work hours;
23. Violation of NCAA regulations;
24. Sleeping on duty.

This list is intended to be representative of the types of activities that may result in disciplinary action. It is not exhaustive, and is not intended to be comprehensive and does not change the employment-at-will relationship between the employee and the University. The University reserves the right to decide when an employee's conduct is detrimental and the nature of the discipline imposed regarding such conduct, up to and including termination.

In the event of termination for misconduct, some benefits terminate at the end of the month, and others at the end of employment. COBRA may not be available to anyone dismissed from Lynn University for gross misconduct as defined under the law.

Teaching and research fellows, doctoral and graduate assistants, tutors, interns, and any other students who perform work-related functions for the University are also subject to this policy.

**Note: Incidents of sexual and gender-based misconduct will be investigated and resolved pursuant to the Lynn University Sexual and Gender-Based Misconduct Policy (see Volume VIII of the Lynn University Policy Manual).*

3.10.3 Post-Resignation/Termination Procedures

3.10.3.1 Exit Interview

Employee Services may conduct an exit interview with a terminating employee on or before the employee's last day of employment and for arranging the return of University property including, but not limited to:

1. University ID Card;
2. Parking Sticker;
3. Office keys;
4. University-issued credit cards;
5. University manuals;
6. Any additional University-owned or issued equipment.

To receive a disbursement of any amounts due from the Retirement Plan, the employee should contact TIAA-CREF.

Eligible employees may choose the continuation or waiver of applicable coverages under COBRA. Specific information will be provided at the exit interview.

3.10.3.2 Benefits

Benefits (end on your last day of employment, or, last day of the month in which your last day of employment falls depending on the benefit plan (or in accordance with plan rules/documents. An eligible employee, unless dismissed for gross misconduct, has the option to convert some benefits in accordance with The Consolidated Omnibus Budget Reconciliation Act ("COBRA") regulations.

3.10.3.3 Final Paycheck

This final paycheck will be direct deposited on the next scheduled pay date. If there are unpaid obligations to the University, such as advanced vacation time unreturned University equipment,, unpaid advances, training expenses, or any other fees, expenses or monies that may be owed by the employee to Lynn University, the final paycheck will reflect the appropriate deductions unless otherwise provided by law.

3.10.3.4 Retirement Plan

If an employee is participating in the retirement plan, information regarding this plan will be provided at the exit interview or as soon as practicable following termination of employment.

3.10.3.5 Severance Payments

Severance payments are subject to the approval of the President and Board of Trustees.

3.11 Open Door and Shared Values

From time to time issues may arise that need to be addressed by Lynn University management. Our experience has shown that when employees feel that they can deal openly and directly with management, the work environment can be exceptional, communications can be clear, and attitudes can be positive. Lynn University has demonstrated and will continue to demonstrate our commitment to employees by responding effectively to employee questions and issues. We believe that open and honest communication is best for all employees, and we encourage you to express your needs, opinions, and suggestions to Lynn University.

When you have a problem or complaint, we ask that you communicate directly with us. We suggest that you talk to your immediate supervisor, who is the individual most familiar with you and your job and is best suited to assist you. If your supervisor cannot help you resolve the matter or you feel uncomfortable approaching your supervisor, speak to someone in Employee Services. If the matter is not resolved to the employee's satisfaction by Employee Services, the matter may be pursued through Office of the Vice President for Business and Finance. Lynn University is interested in all of our employees' success and happiness with us. We, therefore, welcome the opportunity to help employees whenever feasible

Appendix: Receipt of Non-Discrimination and Anti-Discrimination and Sexual and Gender-Based Misconduct Policies

RECEIPT OF NON-DISCRIMINATION AND ANTI-HARASSMENT AND SEXUAL AND GENDER-BASED MISCONDUCT POLICIES & ACKNOWLEDGMENT OF UNDERSTANDING

I acknowledge that I have received and read a copy of Lynn University's Non-Discrimination and Anti-Harassment and Sexual and Gender-Based Misconduct Policies. I agree to read them thoroughly and abide by the policy requirements. I agree that if there is any provision of the policy that I do not understand, I will seek clarification from Employee Services.

Please sign and date this receipt and return it to Employee Services.

Date: _____

Signature: _____

Print Name: _____

Appendix: Record Retention Schedule

General Schedule

This section contains a schedule for general type of records which all divisions may maintain separate or duplicate collection of records. All divisions must abide by these terms and policy.

Records Liaisons: Chief Information Officer/General Counsel

General Schedule 1.0: Correspondence

GS 1.1 Correspondence - General/Administrative:

Any record documenting daily communications received or sent which contain information about a department's programs. This may include electronic mail or email that communicates the above.

Retention: Cut off at the end of the Academic year and retain two years.

Retention Justifications: Administrative need.

Last Updated: DATE of Approval

GS 1.2 Correspondence - Transitory:

Records documenting communications received or sent which do not contain significant department information. Records may include but is not limited to advertising materials, drafts, worksheets, memos and other transitory record types. This may also include electronic mail or email that communicates to the above.

Retention: Retain until no longer of administrative need.

Retention Justifications: Administrative need.

Last Updated: DATE of Approval

General Schedule 2.0 Policies

GS 2.1 Policies - Drafts

All documentation relating to the drafting, approval and implementation of department policies.

Retention: Retain until updated or until policy is published and approved.

Retention Justifications: Administrative need.

Last Updated: DATE of Approval

GS 2.2 Policies - Published/Approved

Approved policy published and distributed by department.

Retention: Retain until updated or superseded.

Retention Justifications: Administrative need.

Last Updated: DATE of Approval

General Schedule 3.0 Publications

GS 3.1 Publications - Drafts

All documents specific to the creation of brochures, pamphlets, reports, fact sheets, manuals, annual reports, newsletter or other published or processed documents.

Retention: Retain until superseded or no longer of administrative need.

Retention Justifications: Administrative need.

Last Updated:

GS 3.2 Publications - Published

All documents specific to the creation of the above mentioned publications that are utilized and published

Retention: Retain one until no longer of administrative need. Send to University Archives.

Retention Justifications: Administrative need/Historical value.

Last Updated:

General Schedule 4.0 Financial Records

GS 4.1 Budget Drafts/Preparation

All documentation created by a department for purposes of preparing budget requests for the coming year.

Retention: Cut off at the end of the fiscal year and retain two years.

Retention Justifications: Administrative need.

Last Updated:

GS 4.2 Employee Expense Reports

Employee copy of expense reports submitted to Accounts Payables for reimbursement of business related expenses.

Retention: Cut off at the end of the fiscal year and retain one year.

Retention Justifications: Administrative need.

Last Updated:

GS 4.3 Purchase Orders/Invoices/Expense Requests

Copies of purchase orders, Invoices, quotes, and expense requests submitted to Accounts Payable or Purchasing for processing payments to vendors for products or services.

Retention: Cut off at the end of the fiscal year and retain one year.

Retention Justifications: Administrative need.

Last Updated:

GS 4.4 Work Study Students/Student Aid and Finance Records

All documents relating to a student's work in a department. Records may include application, hiring forms, time logs and evaluations.

Retention: Retain two years form last date of student employment

Retention Justifications: Administrative need.

Last Updated:

GS 4.5 Corporate Credit Card Reconciliations

Monthly reconciliation documents and credit card statements submitted to Accounts Payable for payment.

Retention: Cut off at the end of the fiscal year and retain one year.

Retention Justifications: Administrative need.

Last Updated:

General Schedule 5.0 Employee Services Related Records

GS 5.1 Personnel Records

Department copy of an employee's personnel record.

Retention: Office of record is Employee Services. Transfer all original records to HR. Duplicates must comply with Human Resources retention schedule

Retention Justifications: Legal Obligation. 29 CFR 1602, 1627, 1630, 1904, 1910, Pub. L. 101-336; EEOC ADA Technical Assistance Manual section 6.5

Last Update:

GS 5.2 Job Search Files

All files relating to searches for open positions. Records may include applications, CVs/resumes, correspondence including email and interview records.

Retention: Retain until search is completed. Interviewed candidates will be retained one year from date job filled.

Retention Justifications: Administrative value.

Last Update:

General Schedule 6.0 Committees and Meetings

GS 6.1 Staff Meeting Records

All department documents of staff meetings, records include minutes, agendas, draft papers, reports and related correspondence.

Retention: Cut off at the end of the academic year and retain for two years. University Archive may request for review prior to disposal.

Retention Justifications: Administrative need/Historical value.

Last Updated:

GS 6.2 Standing Committee Files

All department documents and activities of standing committee, records include committee establishment and charge, minutes, agendas, draft papers, reports membership list and related correspondence.

Retention: Permanent: Establishment and charges, agendas, minutes, membership and reports.
Archives Review: All other documentation.

Retention Justifications: Administrative need/Historical value.

Last Updated:

General Schedule 7.0 Contracts

GS 7.1 Contracts

All documents related to a contract or agreement entered into by Lynn University and another party. These records can include negotiation issues, documentation, emails, memos of understanding, addendums, amendments, SOW, terms and conditions, billing and payment information and any related correspondence.

Retention: Retain seven years from the expiration of contract. General Counsel and University Archivist review before destruction of records.

Retention Justifications: Administrative need/Historical value.

Last Updated:

General Schedule 8.0 Project Files

GS 8.1 Project Records

All documents, including electronic documents email, and websites (SharePoint work-sites), relating to projects undertaken by any department which have a specific start and end date.

Retention: Retain two years from the date project ends, and then transfer to archives for historical review.

Retention Justification: Administrative need/Historical value

Last Updated:

General Schedule 9.0 Special Events

GS 9.1 Special Event Records

All documents relating to a department's involvement and participation in an off campus event.

Retention: Retain two years from when the date of event, then transfer to University Event Office for review.

Retention Justification: Administrative and Historical Value

Last Updated:

General Schedule 10.0 Organizational Charts

GS 10.1 Organization Charts

Organizational charts that show organizational lines of authority within departments.

Retention: Retain until updated or superseded.

Retention Justification: Administrative need

Last Updated:

General Schedule 11.0 Reports

Reports issued from departments on a departments activities, status, projects, accomplishments, and statistics.

GS 11.1 Reports - Weekly, Monthly or Quarterly

Retention: Cut off at end of academic year and retain for two years.

Retention Justification: Administrative needs.

Last Updated:

GS 11.2 Reports – Annual

Retention: Retain for three years and then transfer to University archivist for review

Retention Justification: Administrative needs and Historical value.

Last Updated:

GS 11.3 Reports – Statistical

Retention: Retain for three years and then transfer to the Office of Institutional Research for review.

Retention Justification: Administrative needs and Historical value.

Last Updated:

GS 11.4 Reports – Surveys

All document relating to surveys conducted by departments for various purposes.

Retention: Retain data gathered in survey two years from date survey closed. All surveys must be transferred to the Office of Institutional Research for review.

Retention Justification: Administrative needs and Historical value.

Last Update:

General Schedule 12.0 Professional Organization and Association Records

GS 12.1 Professional Organization and Association Records

Materials and information related to employee's or department's membership in a professional organization. Records include membership lists, conference materials, programs and correspondence.

Retention: Retain until no longer of administrative need or no longer a member of the organization or association.

Retention Justification: Administrative need

Last Updated:

General Schedule 13.0 Speeches

GS 13.1 Speech Records

All speech materials given by officers and other employees. Records include agendas, audio visual materials and speech transcripts.

Retention: Retain for two years from the date of speech. Send to University archivist for final review. All speeches by President and Vice Presidents or division heads will be permanent records.

Retention Justification: Administrative need and Historical Value.

Last Updated:

General Schedule 14.0 Special Media and Photographs

GS 14.1 Special Media and Photographs

Materials on special media relating to Lynn University business which are not covered by any other record type or schedule. Materials include photographs; proofs, print and digital files, audio-visual materials, maps, plans blueprints, drawings, models, magnetic tapes, computer tapes and disks, and picture films. All photographs should include identification of time, place subject and/or department activity.

Retention: Retain until no longer of administrative need and then send to University Archivist for review.

Retention Justification: Administrative needs and Historical Value.

Last Updated:

General Schedule 15.0 Records Management

GS 15.1 Records Retention Schedules

Approved department's records retention schedule.

Retention: Retain until superseded. General Counsel's Office will retain permanently

Retention Justification: Administrative need and Historical Value

Last Updated:

GS 15.2 Records Destruction Forms

Forms completed by department listing records destroyed.

Retention: Retain for two years. General Counsel Office will retain permanent copy.

Retention Justification: Administrative need and Historical Value.

Last Updated: