

BOARD OF HIGHER EDUCATION

**MASSACHUSETTS STATE UNIVERSITIES
NON-UNIT PROFESSIONALS
PERSONNEL POLICIES HANDBOOK**

OCTOBER 2023

State Universities Non-Unit Professionals (NUP) Handbook

Introduction:

This document contains a summary description of the policies and practices that apply to those executive and professional employees of the University who are excluded from coverage under any collective bargaining agreement, known as Non-Unit Professionals (NUP). Hereinafter, this document will be referred to as the “NUP Handbook”. All references to “employee” or “employees” are therefore references to such excluded executive and professional employees only.

Except in matters governed by particular provisions of law, the University reserves the right to revise, supplement, or rescind any policy and practice in this NUP Handbook from time to time, in its sole and absolute discretion, with or without notice.

No provision of this NUP Handbook document or of any other document developed or disseminated by the University constitutes an employment contract or an agreement to continue your employment or any other obligation on the part of the University in regard to your employment. All employees covered by this NUP Handbook remain employees-at-will, meaning either the University or the employee can terminate the employment relationship at any time and for any reason. The University reserves the right to change the specific conditions of employment without notice or negotiation.

Except in matters governed by particular provisions of law, the final interpretation of the policies and practices described in this NUP Handbook or in any other documents developed or disseminated by the University is the exclusive responsibility of the University.

This document has effect on and after October 9, 2023. It supersedes all prior descriptions of the employment policies that apply to the University’s employees.

For more detailed information about particular benefits, including current rules governing their availability and use, employees covered by this NUP Handbook should contact their University’s Human Resources Department.

1. Salary and Compensation

The salary of each employee, including an initial starting salary, is set by the University with reference to any salary range that may be of application to the position the employee holds and otherwise with reference to what the University judges to be the relevant market and to the employee’s qualifications and experience.

All employees are paid bi-weekly (generally an annual total of 26 pay periods) by direct deposit through the Commonwealth of Massachusetts Human Resources and Compensation Management System (HR/CMS).

Each employee’s salary is generally adjusted on an annual basis with effect on the first pay period of the Commonwealth’s fiscal year. The University may, from time to time, review an employee’s salary for the purposes of adjustments relative to job performance, increased responsibilities, and salary equity. Those adjustments are made in accordance with guidelines published by the Department of Higher Education.

2. Expectations, Evaluations, and Policy Compliance

The duties and responsibilities in an employee's job description include, but are not exclusively limited to, factors used to evaluate job performance. Employees are evaluated relative to their job performance during work hours. Employees may be required to participate in training on topics determined or selected by the President or their designee including, but not limited to, cyber security, anti-discrimination, sexual misconduct, conflict of interest, skills improvement and other policies, practices and procedures as determined by the University. The University will endeavor to offer multiple opportunities for each training. A copy of the University's policies can be found on the University's web page or by requesting such policies from the University's Human Resources Department.

3. Employee Benefits

a. Retirement

Employees are encouraged to educate themselves as early as possible about statutory state retirement opportunities and options. Detailed information about employee retirement plans and related matters is available at www.mass.gov/orgs/massachusetts-state-retirement-board or by contacting the University's Human Resources Department.

i. State Employees' Retirement System

All employees who are not eligible for enrollment in the Optional Retirement Program (see below) must enroll in the State Employees' Retirement System in accordance with the provisions of Chapter 32 of the General Laws. The system establishes a defined-benefit plan in which an employee is vested after accumulating the equivalent of ten (10) years of full-time, or its equivalent, state service. The amount of an employee's mandatory pre-tax contributions is a percentage of regular salary that is fixed by law on the basis of the employee's date of entry into the retirement system.

An employee's retirement allowance is determined by a formula based on a combination of these factors:

- Age at retirement;
- Total years of creditable state service;
- The average of the highest three (3) consecutive years annual rate of regular compensation if hired before April 2, 2012, and the average of your highest five (years annual rate of regular compensation if hired on or after April 2, 2012; and
- Your retirement group classification.

ii. Optional Retirement Program

Certain employees at the State Universities, (generally benefited employees whose positions are exempt from overtime and who are not vested in the Massachusetts State Employees' Retirement), if eligible to enroll in the State Retirement System, are also eligible at the time of their initial employment to enroll in the Optional Retirement Program (a 401(a) plan), which is managed by the Department of Higher Education under the provisions of Section 40 of Chapter 15A of the Massachusetts General Laws (MGL). An election to enroll in the Optional Retirement Program must be made within 180 days of an employee becoming an eligible employee. That election precludes enrollment in the State Retirement System and is generally irrevocable once made.

The amount of an employee's contribution to the Optional Retirement Program is the same as it would be if made the employee had elected the State Retirement System. The Commonwealth's gross contribution to an employee's account in the Optional Retirement Program is 5% of the employee's regular compensation, but up to one (1) percentage point may go to statutorily required expenditures, including the costs of long-term disability insurance and life insurance.

The Optional Retirement Program is a defined contribution plan. An employee's retirement benefit would therefore be based on the total of the funds contributed by the employee and the Commonwealth to the employee's retirement account under the plan and the investment experience of those funds.

iii. Social Security

Massachusetts state employees do not have Social Security taxes withheld from their earnings. Employees who retire with a state pension (under either the State Retirement System or the Optional Retirement Program) and who are also eligible, because of employment elsewhere, for Social Security benefits may have their Social Security benefits reduced by Social Security's windfall elimination provision or government pension offset. For more information concerning Social Security benefits, employees should contact their local Social Security office, or visit the Social Security Administration website at www.ssa.gov.

iv. Medicare Taxes

Massachusetts state employees hired on or after April 1, 1986, have Medicare taxes withheld from their earnings. State employees who have been employed without a break in service since before that date are exempt from Medicare tax withholdings.

b. Payroll Savings Opportunities

An employee is eligible as of their first date of employment to participate in the following:

i. Employees are eligible to enroll in 403(b) Tax-Sheltered Annuity Plans. Any employee, including any employee enrolled in the State Retirement System, can purchase annuities or make other investments on a tax-sheltered basis by creating an account with an approved Tax-Deferred Annuity provider. For information about approved plans and applicable requirements, employees should contact the University's Human Resources Department.

ii. The Commonwealth of Massachusetts SMART 457 Plan is a retirement savings program available to permit an employee to save and invest before tax and after-tax dollars through salary deferrals into a number of investment options. The SMART 457 Plan is qualified under Section 457(b) of the Internal Revenue Code and administered by Empower Retirement. For information about enrollment procedures, call 1-877-457-1900, or visit the website www.mass-smart.com.

iii. Flexible Spending Accounts (FSAs), including Dependent Care Assistance Program (DCAP) and a Health Care Savings Account (HCSA), are administered by the Massachusetts Group Insurance Commission (GIC). Both of these plans lower an employee's tax liability by the amount of their deductions.

- Funds saved into a DCAP can be used to pay for childcare or assistance with disabled adult dependents. Information about the Dependent Care Assistance Program (DCAP) is available on the Group Insurance Commission website at www.state.ma.us/gic/dcap.htm.

- Funds saved into a HSCA can be used to pay for medical expenses for eligible dependents. Information about the Health Care Spending Account (HCSA) is available on the Group Insurance Commission website at www.state.ma.us/gic/hcsa.htm.

iv. The U. Fund College Investing Plan is a qualified state tuition plan under Section 529 of the Internal Revenue Code; it is a program of the Massachusetts Education Financing Authority with investments managed by Fidelity Investments. For more information and enrollment forms, call 800-544-2776 to speak with a U. Fund representative or visit the website <http://personal.fidelity.com/planning/college/content/ufundfactsheet.shtml.cvsr>.

v. U.S. Series EE Savings Bonds may be purchased through the Payroll Savings Plan. Authorization cards are available in the University's Human Resources Department. For more information, visit the website www.savingsbonds.gov.

vi. MBTA transit passes may be purchased through payroll deductions. The cost of the pass is deducted during the first pay period of the month. The cost, or a portion of the cost, of the pass through this payroll option benefit is tax free based on State and Federal tax policy. More information about purchasing MBTA transit passes through a payroll deduction and authorization forms are available in the University's Human Resources Department.

c. Health Insurance

Employees may choose from various plans of health insurance, including individual or family coverage, which are available through the Commonwealth's Group Insurance Commission. The rates at which employees are required to contribute to the cost of premiums under these plans are fixed by statute and are subject to change.

A new employee must complete enrollment forms within ten (10) days of their first day of employment to activate health insurance coverage. Thereafter, coverage can generally be secured only during annual enrollment periods. More detailed information about GIC insurance programs can be found on the GIC's website at www.state.ma.us/gic. Employees should contact the University's Human Resources Department if you have specific questions about health insurance programs.

d. Life Insurance

All employees are eligible to enroll in basic term life insurance policy with a death benefit of \$5,000. An employee must enroll in this basic life insurance coverage if they wish to enroll in GIC health insurance coverage or in optional life insurance coverage.

A new employee may also elect to purchase additional term life insurance coverage of up to eight (8) times their salary without the need for any medical review. Current employees may apply for the first time or apply to increase their coverage at any time during the year, but they must be enrolled in the basic life insurance plan and are subject to medical evidence of insurability.

For more information on GIC's Optional Life Insurance program, visit the GIC's website at mass.gov/gic.

e. Disability Insurance

Long-term disability insurance (LTD) is also available to employees through the GIC at the employee's expense. New employees may enroll in LTD within 10 days of hire. Current employees can apply for LTD coverage during annual enrollment, or at any time during the year but must provide proof of good health/insurability to receive coverage under the plan.

For more information on the nature and terms of this coverage please see the GIC's website at mass.gov/gic or contact the University's Human Resources Department.

f. Non-Unit Employee Health and Welfare Fund

Supplemental insurance is available under the Board of Higher Education Non-Unit Employee Health and Welfare Fund, which is overseen by an independent board of trustees. An employee is eligible for supplemental insurance in the form of dental insurance under the Board of Higher Education's Non-Unit Employee Dental Care Program. Eligibility begins on the first day of the calendar month following completion of two full calendar months of employment. The insurance is available at the employee's expense. Contact the University's Human Resources Department for information on the nature and terms of coverage.

g. Workers' Compensation Insurance

All employees are covered by the Commonwealth's plan of workers' compensation insurance for injuries incurred in the course of their employment. The plan is established and administered under the provisions of Chapter 152 of the MGL.

4. Employee Statutory Leaves

The following section includes a summary of leaves that employees may be eligible for based on certain statutory requirements and their reason for needing to be out of the workplace. If an employee needs to be out of the workplace for a period of time, they must inform the University's Human Resources Department.

a. Federal Family and Medical Leave Act (FMLA)

The Federal Family and Medical Leave Act (FMLA), 29 U.S.C. 2601 as amended, provides an employee who has been employed for one (1) year and has worked at least 1,250 hours in that year, with up to twelve (12) weeks of unpaid, job-protected, family and medical leave.

This leave shall run concurrently with leave taken under other applicable State and Federal leave laws, including the Massachusetts Parental Leave Act (MGL, c. 149, s. 105D) and the Massachusetts Paid Family and Medical Leave (MGL c. 175M).

The following are reasons an employee may use FMLA:

- The care of a child after birth, adoption or foster care placement with the employee;
- The employee's own serious health condition that makes the employee unable to perform the functions of their position;
- The care of the employee's spouse, child or parent who has a serious health condition;
- To address certain qualifying exigencies;
- If your spouse, son, daughter, or parent is called to active duty; and
- To care for a family member who is a current member of the Armed Forces with a serious injury or illness incurred in the line of duty.

This is only a brief summary of the FMLA policy. A copy of the complete policy on the Family and Medical Leave Act is available in the University's Human Resources Department.

b. Massachusetts Paid Family Medical Leave Act (PFML)

Employees may be eligible for paid leave through the Commonwealth of Massachusetts' Paid Family Medical Leave Act (PFML) (MGL c. 175M). This leave is funded through mandatory payroll contributions at a rate that is assessed annually by the Department of Family and Medical Leave (DFML). Eligibility and the annual rate of the employee's wages are set by the Commonwealth.

Leave taken under Massachusetts PFML shall run concurrently with leave taken under other applicable State and Federal leave laws, including the Commonwealth's Parental Leave Act (MGL c. 149, s. 105D) and the Family and Medical Leave Act of 1993 (FMLA).

Eligible individuals may receive up to 12 weeks of paid family leave per benefit year, 20 weeks of paid medical leave for their own serious health condition, and up to 26 weeks of paid leave to care for a family member who is a covered service member.

There is a 7-day waiting period to receive benefits through PFML. Eligible employees are required to use their accrued time off (if applicable) during this 7-day period in order to receive compensation. In certain situations, such as pregnancy, the employee may not have a waiting period if exercising a medical leave that turns into a family leave upon the birth/adoption of a child.

Reasons an employee may take PFML:

- Care for a sick family member;
- Bond with a newborn child;
- Bond with a child after adoption or foster care placement;
- Manage family affairs when a family member is on active duty in the armed forces; and
- Manage a personal serious injury or illness.

For additional information about PFML please visit: <https://www.mass.gov/info-details/paid-family-and-medical-leave-pfml-overview-and-benefits> or contact the University's Human Resources Department.

c. Massachusetts Parental Leave Act (MPLA)

The University complies with the Massachusetts Parental Leave Act (MPLA), (MGL c. 149 s 105D), which shall run concurrently with leave taken under other applicable State and Federal leave laws, including PFML and FMLA. If feasible, it is requested that you give 2 weeks' notice of the need for such leave, and of your intent to return to the workplace.

Any employee who is not eligible for FMLA (has not worked for the Commonwealth for one year) or PFML (by not meeting the income requirements over the last four (4) quarters) will be eligible for leave for the birth or adoption of a child (under age 18, or under age 23 if the child is mentally or physically disabled) if they have completed 90 days of employment.

Additionally, during the first ten (10) workdays subsequent to the birth or adoption of a child, eligible employees shall receive their regular weekly salary. Where eligible full-time or part-time employees and their eligible spouse are both employees of the Commonwealth, they shall jointly be entitled to a combined total of not more than ten (10) days paid under the provisions of this section.

Please note, if an employee intends to take PFML after the birth or adoption of a child, taking the full ten (10) day paid leave of this benefit may affect eligibility. For information on Massachusetts Parental Leave Act and benefit options, contact the University's Human Resources Services Department.

d. Military Leave

In accordance with applicable State and Federal Law, employees are entitled to paid leave (and in some instances, unpaid leave) for the purpose of fulfilling certain obligations as members of the National Guard or as members of a reserve component of the Armed Forces of the United States. An employee is asked to provide the University with advanced notice of such leave. For more information, contact the University's Human Resources Department.

e. Small Necessities Leave Act (SNLA)

Employees are entitled to unpaid leaves of absence for an aggregate period of up to 24 hours annually for the purpose of participating in a child's school activities, accompanying a child to routine dental or medical appointments and accompanying an elderly relative both to such appointments and to appointments with others when related to the elderly relative's care. The requirements governing eligibility for such leaves are the same as those governing eligibility for leaves under the Federal Family and Medical Leave Act. In other respects, the leaves are governed by the provisions of Section 52D of Chapter 149 of the MGL.

f. Jury Duty

Paid leave for jury duty is granted as necessary to all employees in accordance with Section 48 of Chapter 234A of the MGL.

g. Leave for Victims and Family Members Related to Abusive Behavior

Section 52E of Chapter 149 of the MGL entitles eligible employees to take up to fifteen (15) days of leave from work in a 12-month period to seek or obtain medical attention, legal services, court proceedings, victim support services, counseling, or for other reasons directly related to abusive behavior against the employee or a family member of the employee. For more information on this leave, please contact the University's Human Resources Department.

5. Vacation Leave, Sick Leave, Holidays, Personal Leave and Bereavement Leave

a. Vacation Leave

Employees will accrue vacation based on their length of state service. An employee's prior state service as an employee of the Commonwealth will be treated as a part of their length of service for these purposes of vacation accruals.

i. Annual Vacations and Rates of Accrual

a) Effective January 1, 2017, vacation accrues on an hourly basis at rates equivalent to the schedule below. Accrued vacation is credited hourly on the basis of a 7.5-hour day.

Length of Service Vacation Hourly Rate of Accrual

- Less than 5 years: 20 days (.076923 per hour)
- 5 years but less than 10 years: 22 days (.084615 per hour)
- 10 years but less than 15 years: 23 days (.088461 per hour)
- 15 years but less than 20 years: 24 days (.09230 per hour)
- 20 or more years: 25 days (.096153 per hour)

b) Notwithstanding the above, no employees hired before January 1, 2017 shall have their vacation accrual rate reduced below their current accrual rate as a result of the implementation of the above accrual rates schedule. However, the above accrual rates schedule will determine all future accrual rates for current employees as they accrue more years of service.

c) Notwithstanding anything above, all employees who have reached twenty-five (25) years of service by December 31, 2017, shall be entitled to begin accruing thirty (30) days of vacation leave on their anniversary date if still actively employed as a full-time non-unit employee at that time.

d) For determining vacation leave entitlement or accrual rate status, an appointing authority may count the newly hired employee's relevant years of experience towards determining their annual vacation leave accrual rate.

iii. Accumulation of Vacation Days

Vacation days not used in the year of their accrual may be accumulated and used in a subsequent year or years. An employee may accumulate no more than three hundred and seventy-five (375) hours of unused vacation. Any employee with more than three hundred and seventy-five (375) hours of accrued vacation time as of December 31st of each year, shall forfeit those excess accruals.

Notwithstanding any carry over of accrued vacation leave, no payment of accrued vacation leave in excess of three hundred and seventy-five (375) hours shall be made upon the separation of the employee, whether voluntary or involuntary, from the University.

iv. Separation of Employment

Vacation accruals have cash value. Upon the separation of an employee's employment, whether voluntary or involuntary, the University will pay an employee (or the employee's estate) the value of any accumulated and unused vacation accruals, subject to the three hundred and seventy-five (375) hours maximum in the above section.

b. Sick Leave

i. Availability

Employees also accrue sick leave time immediately upon starting their employment. An employee is entitled to use their accumulated sick leave for illness, medical appointments or treatment. The University reserves the right to require that an employee provide, in writing or electronically, confirmation from a medical provider the necessity for any such leave or absence. In the case of a foreseeable need to use sick leave, such as a medical appointment, employees are asked to provide as much notice as possible of their need to use leave.

An employee may also take up to ten (10) days of their accumulated sick leave in any calendar year when their spouse, domestic partner, child, stepchild, domestic partner's child, parent, spouse's or domestic partner's parent or relative living in their immediate household is seriously ill. An employee may take, and may therefore be requested to take, up to an additional twenty days of their accumulated sick leave in any calendar year whenever granted leave under FMLA in connection with the birth or adoption of a child or to care for their spouse, child or parent, to care for the child or parent of their spouse, or to care for a relative living in their household. Sick leave may also be specifically available under Commonwealth policy when an employee has been the victim of domestic violence or when accepting the placement of a foster child in their home.

ii. Accrual

Entitlements to sick leave accrue and are credited on an hourly basis at a rate equivalent to 1.25 days for each calendar month of employment.

iii. Supplementary Sick Leave

At the request of an employee who exhausts their accumulated sick leave before being able to return to work, the University President may grant additional discretionary sick leave of not more than sixty (60) days in any twelve-month (12) month period.

iv. Separation of Employment

Sick leave accruals have no cash value. Upon the separation of employment, an employee does not receive a pay-out of unused sick leave accruals.

v. Retirement Sick-Leave Buy-Back

While an employee is not entitled to compensation for accumulated sick leave upon separation of employment, an employee retiring may be entitled to a Sick-Leave Buy-Back under the following conditions. An employee must provide the University with at least three (3) months' advance written notice of their intent to retire, along with their retirement date. If the employee does so, the University will pay them twenty (20) percent of the value of their accumulated and unused sick leave upon retirement. The University President, for reasons deemed satisfactory to them, may waive the three (3) month notice requirement.

An employee who is otherwise qualified for the Sick-Leave Buy-Back but who, having given notice thereof to the University at the time their employment terminates, defers their retirement in accordance with the requirements of the State Retirement Act is entitled to be paid their Sick-Leave Buy-Back when they actually retire, and the value of such Buy-Back will be calculated on the basis of their rate of pay as it was when they were last employed as an employee.

c. Holidays

The University observes all legal holidays as paid holidays; there are twelve (12):

New Year's Day
Martin Luther King Day
Washington's Birthday
Patriot's Day
Memorial Day
Juneteenth
Independence Day
Labor Day
Columbus Day/Indigenous People's Day
Veteran's Day
Thanksgiving Day
Christmas Day

Legal holidays that fall on a Saturday are observed on that day. For employees whose regular work schedule is Monday - Friday, employees are permitted, with approval of their supervisor, to take off either the preceding Friday or following Monday of the Saturday holiday. Employees who are required to work

both the preceding Friday and following Monday of the Saturday holiday will earn a compensatory day to be taken at a time approved by the University and within sixty (60) days of the Saturday holiday. Legal holidays that fall on a Sunday are observed on the following Monday. Any employee scheduled to work on a holiday and who does work on that holiday shall be granted a day off within the next succeeding sixty (60) day period.

d. Personal Leave

On the first day of each calendar year, each employee is credited with five (5) days (37.5 hours) of paid personal leave for use that year, for any purpose.

Employees starting later in the year will be credited, on the first day of their employment, personal leave pro-rated based on the schedule below:

- After January 1 but before April 1, four (4) days (30 hours)
- After April 1 but before July 1, three (3) days (22.5 hours)
- After July 1 but before September 30, two (2) days (15 hours)
- After October 1, no days (0 hours)

Personal leave has no cash value. Upon the separation of employment, an employee does not receive a payout of personal leave accruals.

e. Bereavement Leave

A leave of absence with pay shall be granted to an employee who suffers the loss by death of a spouse, domestic partner, child, including stepchild or foster child, for a period not exceeding seven (7) days.

In the event of the death of a parent, including step-parent, sibling or step-sibling, aunt, uncle, grandparent, grandchild, or parent of a spouse or person living in the immediate household of the employee, domestic partner or spouse, for a period not exceeding four (4) days.

Similarly, a leave of absence with pay shall be granted to an employee who suffers the loss by death of their child's spouse or domestic partner or their spouse's sibling, grandparent, or grandchild for a period not exceeding two (2) days. At the discretion of the President or their designee, employees are permitted up to one (1) day off for the purposes of attending the funeral of a colleague at the University.

In the event of the death of the above-named relatives, the employee shall inform their immediate supervisor and the University's Human Resources Department.

In the event that the interment of, or memorial service for, any of the above-named relatives is to occur at a time beyond the bereavement leave granted, the employee may request to defer one of the days to the later date. Such request shall be made at the time of notification of the employee's supervisor or the University's Human Resources Department of the death of one of the above-named relatives and may be granted at the discretion of the President or President's designee.

In unusual circumstances, additional unpaid leave may be granted for these purposes.

6. Additional Benefits

a. Professional Education Leave

With the approval of the University President, unpaid leaves of absence may be granted to an employee for, among other reasons, the following:

- i. Advanced study related to the employee's professional responsibilities;
- ii. Participation in exchange programs or cultural programs related to the employee's professional responsibilities; and
- iii. Service in a public office.

b. Tuition Remission

All employees, including certain members of their families, are eligible for tuition remission at the public institutions of higher education in the Commonwealth in the manner and to the extent permitted under applicable policies of the Department of Higher Education.

Employees are invited to consult with the University's Human Resources Department concerning University specific policies on tuition remission.

c. Professional Development Leave

Paid leaves of absence may be granted an employee to attend conferences, seminars, courses of study or like professional events with the President's prior approval on such terms and for such period as the President may in each case determine.

7. Expenses/Reimbursements

The University will reimburse an employee for expenses, including travel-related expenses that they reasonably incur in connection with the performance of assigned duties. If an employee is uncertain whether any anticipated expense will be reimbursed, approval to incur the expense should be sought in advance from the employee's supervisor or, where that is not possible, from the Chief Financial Officer.

The University may adjust reimbursement rates from time to time relative to meals and travel in personal vehicle, to include the IRS mileage rate, parking and tolls.

8. Termination of Employment

a. Resignation

An employee may resign at any time from their employment at the University. They should provide advance written notice of the decision to resign and the date of resignation to the University President. In order to enable the University to plan for any needed transition, employees are urged to give at least thirty (30) days' notice of a resignation when possible.

b. Retirement

An employee who plans to retire should contact the University's Human Resources Department at the earliest practicable date for assistance with the retirement process. For information on their retirement, visit the Massachusetts State Employee Retirement System (MSERS) or the Optional Retirement Plan (ORP) at mass.gov/retirement.

c. Dismissal

i. For Just Cause

The University may dismiss an employee for just cause at any time and without notice as their employment is at-will. Employees will be afforded the opportunity to be heard relative to the separation. Just cause includes neglect or dereliction in the performance of any assigned duty, a lack of competence in the performance of any such duty, insubordination, dishonesty in connection with an employee's employment (including the misuse of any University moneys or properties), University policy infractions, violation of the State Ethics Statute, or conviction of a crime of moral turpitude or a felony.

ii. Other than for Just Cause

The University may dismiss an employee at any time, with or without cause, by giving them advance written notice of the effective date of the dismissal. The length of the notice to which an employee is entitled is a function of the length of their service. An employee's prior service as an employee of the Commonwealth will be treated as a part of their length of service for these purposes if that prior service is continuous with the employee's employment at the University. The length of notice is determined as follows:

Length of Service Length of Notice of Separation

- Not more than 1 year: None
- 1 year but not more than 3 years: 1 month
- 3 years but not more than 5 years: 3 months
- 5 years but not more than 10 years: 6 months
- More than 10 years: 12 months

In lieu of granting the whole or any part of the notice described above, the University, in the President's sole discretion, may:

In the case of any affected employee whose employment as an employee within the meaning of this Policy commenced prior to November 1, 2010, pay to such employee, in a lump sum, an amount equal to one hundred percent (100%) of their salary for the period by which the notice is foreshortened; and

In the case of any affected employee whose employment as an employee within the meaning of this Policy commenced on or after November 1, 2010, pay to such employee an amount equal to, but not exceeding, one hundred percent (100%) of their salary for the period by which the notice is foreshortened.

9. Non-Discrimination and Accommodations

Each University is governed by the Board of Higher Education's Equal Opportunity, Diversity and Affirmative Action Plan (the "Plan"). With the Plan, the Universities continue to take a step beyond and, both collectively and individually, commit themselves to the valuing of human dignity, and to the appreciation of the necessity of providing all members of the University community an experience that equips them to relate to all persons and groups in the increasingly global and diverse world in which we all live and work. Every employee is responsible for reviewing and abiding by the Plan.

Generally, the Plan recognizes that each individual has the right to work in a professional atmosphere that promotes equal employment opportunities, and the University prohibits unlawful discriminatory practices, based on any protected class including: age (40 and older), color, religion or religious creed, disability status, marital status, national origin, race, gender (to include pregnancy), gender identity, sexual orientation, veteran or military status, genetic information, or any other legally protected class.

The University requires all employees adhere to its prohibitions against discrimination in all that they do in their capacity as employees. The University's commitment to ensuring employees are free from discrimination, includes a commitment to ending sexual harassment in the workplace. Should harassment or discrimination occur, the University will take prompt, remedial action to prevent its continuation or recurrence. Please contact the University's Equal Opportunity Officer "EO Officer" or the University's Human Resources Department if employees have any questions, concerns or complaints regarding discrimination, discriminatory harassment or retaliation.

Information about the University's Non-Discrimination Policy, including legally protected classes and reasonable accommodations can be found at www.mass.edu or by contacting the University's Human Resources Department.