



New International Graduate Student Employee University Policies and Guides

All new international graduate student employees appointed to the University must read and retain the following University policies and guides and return this signed acknowledgment form with the other completed pre-employment paperwork, within two weeks of receipt in order to be placed on the University's payroll system by their start date.

Return all properly completed forms to the Office of Research and Graduate Studies, First Floor Quinn Administration Building. Please contact this Office with any questions or further information regarding these policies and guides:

- ☐ State Ethics Law/ Conflict of Interest Law
- ☐ Guide to Political Activity (Public Employees and Fundraising)
- ☐ Sexual Harassment Policy and Procedures
- ☐ Drug-Free Workplace Policy
- ☐ Policy on Fraudulent Financial Activities
- ☐ Principles of Employee Conduct
- ☐ Policy Against Intolerance
- ☐ Affordable Care Act Notice of Healthcare Coverage
- ☐ Responsible/Acceptable Use of Computing and Data Resources

I have received, retained, and understand the policies and guides listed above. I also understand that my name will not be added to the University's payroll until all of the appropriate paperwork, including this form, is properly completed and submitted to the Office of Research and Graduate Studies.

Signature

Date

Appearance of Conflict

Section 23(b)(3) prohibits a public employee from acting in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy the public employee's favor in the performance of his or her official duties, or that he or she is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his or her appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.

Section 23(b)(3) has often been described as the section that covers "appearances" of conflicts of interest. The statute as it currently reads, however, does not use the term "appearance." It is worth emphasizing that §23(b)(3) prohibits acting "in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude" that the official would be unduly influenced or unduly favor any party or person.

Example: A reasonable person could conclude that a board of health member might favor or disfavor his cousin's application. Although the cousin is not a member of his immediate family under §19, the family link would implicate §23(b)(3). To dispel such a reasonable conclusion, the board of health member should make a written disclosure to his appointing authority, describing the relevant facts of the family relationship and the official action, prior to his acting as a board member. If the board member were popularly elected, she must make a disclosure that is "public in nature." The Commission has advised that elected municipal officials should make such disclosures in writing and file them as public records with their municipal clerk. In some circumstances, it may also be prudent to reiterate the disclosure as part of the meeting minutes.

Confidential Information

Section 23(c)(1) prohibits a current or former municipal employee from accepting "employment or engag[ing] in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position." Section 23(c)(2) prohibits him from "improperly disclos[ing] material or data within the exemptions to the definition of public records as defined by section seven of chapter four, and were acquired by him in the course of his official duties nor use such information to further his personal interest."

Adequate disclosure

Section 23(d) provides that "any activity specifically exempted from any of the prohibitions in any other section of this chapter shall also be exempt from the provision of this section. The state ethics commission . . . shall not enforce the provisions of this section with respect to any such exempted activity."

Example: Because adequate disclosure may be part of complying with §§19 or 20 (which were discussed in previous Ethics Primers), a municipal employee may comply with the disclosure requirements of §23(b)(3) by complying with the former. For further guidance regarding whether more than one disclosure is required, you should review the matter with municipal counsel or contact the Ethics Commission.

For additional information, call the State Ethics Commission at (617) 727-0060 or visit their website at: <http://www.state.ma.us/ethics>.



#2009-07: Political Activity

With the election approaching, it is important to understand what we, as public employees, may or may not do in support of political candidates or ballot questions. Massachusetts General Law Chapter 55 generally covers campaign finance, but also includes sections covering the rights and limitations of public employees and the use of public buildings.

Public employees (other than elected officials) may not:

- ❑ Sell or distribute tickets for a fundraising event to benefit any political candidate or political committee or solicit attendance at such an event;
- ❑ Otherwise ask for contributions to support any candidate or political committee (federal, state, county or local) or a ballot question;
- ❑ Host a political fundraising event;
- ❑ Accept donations or payment for admission at a political fundraising event or accepting money at the door of a political fundraising event;
- ❑ Sign a fundraising letter or advertisement on behalf of a candidate or political committee;
- ❑ Permit his/her name to be listed on campaign stationery as an officer, member or supporter, if the stationery is used to solicit funds for a political purpose;
- ❑ Provide persons raising money for a candidate or committee with the names of individuals who would then be solicited;
- ❑ Providing general or specific advice to a political campaign with regard to fundraising strategies

However, a public employee may:

- ❑ Make a contribution to a candidate or political committee or attend a political fundraiser;
- ❑ Serve as a member of a political committee or hold a committee position (other than treasurer or any other position that involves fundraising);

- ❑ Perform any service for a campaign that does not involve fundraising, such as holding signs, stuffing envelopes, signing endorsement letters (as long as those letters do not also ask for money) or working at political fundraisers in a non-fundraising capacity, such as setting up tables or preparing food (not collecting money at the door).
- ❑ Meet with anyone, including other public employees, for political purposes, as long as no fundraising activity takes place;
- ❑ Raising money for humanitarian, charitable or educational causes or other issues not related to elections.

The use of public buildings is more restrictive: No one may use a public building:

- to ask for or receive contributions to *any* political committee or candidate;
- as a return address for contributions or use a phone number in the building as a contact for buying tickets to a fundraiser;
- ❑ to post an advertisement or a circular selling tickets to a fundraiser or otherwise seeking contributions

Finally, no public resources (including paid time, telephones, computers, copiers, and/or office supplies) may be use for political campaign purposes.

A complete guide to campaign finance is available on the Office of Campaign & Political Finance's website at www.mass.gov/ocpf/guides/guide_pub_emp.pdf. Specific questions can be directed to the Office at (617) 979-8300.

**UNIVERSITY OF MASSACHUSETTS BOSTON
SEXUAL HARASSMENT POLICY AND PROCEDURES
(Doc. T92-037)**

I. POLICY

Sexual harassment is sex discrimination and, therefore, a violation of federal and state law. It is the policy of the University of Massachusetts that no member of the University community may sexually harass another. For purposes of this policy and consistent with federal regulations, sexual harassment is defined as follows:

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

It is the policy of the University to protect the rights of all persons within the University community by providing fair and impartial investigations of all complaints brought to the attention of appropriate officials. Any member of the University community found to have violated this Sexual Harassment Policy will be subject to disciplinary action.

II. PROCEDURES

The University of Massachusetts at Boston will administer the Sexual Harassment Policy and Procedures under the Sexual Harassment Office.

These procedures are available to any person who, at the time of the acts complained of, was employed at or was enrolled as a student at the University of Massachusetts Boston. However, any person who files a complaint with any outside agency or court shall be deemed to have waived his/her rights to an internal University proceeding.

No individual shall be penalized by the University for participating in the procedures stipulated here, nor shall any retaliation be permitted. Complaints of retaliation should be addressed to the Sexual Harassment Office or, where formal proceedings have been initiated, to the respondent's Vice Chancellor, who, in consultation with the Sitting Panel, shall immediately attempt to address and resolve the issues (see section B.7).

Informal Resolution

Because of the emotional and moral complexities surrounding most sexual harassment incidents, every effort should be made to resolve the complaint on an informal basis.

- A. Complaints of sexual harassment should, whenever possible, be discussed informally in the first instance by the complainant with the respondent's department head or staff supervisor, in hopes that the department head/supervisor may effect an informal resolution.
- B. If this approach is either unacceptable to the complainant or unavailing, the complaint should be reported to the Sexual Harassment Officer. The Sexual Harassment Officer will inform the complainant concerning the Sexual Harassment Policy and Procedures and will counsel him or her concerning options for proceeding.

The Sexual Harassment Officer may rule that a complaint is (a) frivolous, or (b) outside the purview of the Sexual Harassment Policy and Procedures and decline to pursue it further; such ruling is subject to appeal by the complainant to the Sexual Harassment Hearing Board, which is empowered to instruct the Sexual Harassment Officer to entertain the case.

Upon certification that a complaint is non-frivolous and within the purview of this Policy and Procedures, the complainant may elect to file a written Informal Complaint Form. Upon the filing of this form, the Sexual Harassment Officer shall **attempt** an informal resolution of any complaint of sexual harassment, provided it is brought **within 180 calendar days of the alleged act**. In his/her neutral capacity, the Sexual Harassment Officer shall inform the parties of all possible courses of action, such as informal resolution and formal hearing, and of campus support and counseling services.

Steps of the Informal Resolution Process:

1. The Sexual Harassment Officer will counsel the complainant concerning options for responding to the problem on his/her own initiative (e.g. through oral or written communication to the respondent). If the complainant expresses willingness to proceed in this fashion, the Sexual Harassment Officer shall provide guidance and support to the complainant, throughout the process.
2. If this approach is either unacceptable to the complainant or unavailing, the Sexual Harassment Officer will undertake an Informal Hearing Process, in an attempt to reach a disposition agreeable to both complainant and respondent, to include the following.
 - a. a private informal hearing with the complainant;
 - b. a private informal hearing with the respondent;
 - c. if deemed necessary, an informal hearing among the Sexual Harassment Officer, the complainant and the respondent.
 - d. The Sexual Harassment Officer shall normally complete his/her investigation and all efforts to arrive at an informal resolution within thirty (30) calendar days of receipt of the complaint, unless extraordinary circumstances dictate otherwise. When it is determined, as a result of the Sexual Harassment Officer's review, that an incident of sexual harassment has in fact occurred, the Sexual Harassment Officer's attempts to arrive at informal resolution shall be guided by concern to provide appropriate relief to the aggrieved party while sensitizing the person at fault to the effects of such behavior.
 - e. Upon completion of the review, the Sexual Harassment Officer shall send a confidential report to both parties and to the Chancellor, outlining his/her findings. If a resolution is reached that has been agreed to by both parties, the Sexual Harassment Officer shall include the terms of that resolution in the report. The Chancellor shall move to implement any sanctions called for by the terms of the resolution.

The Sexual Harassment Officer shall ensure that all communications shall be kept confidential. He/she may not be called to testify at any University hearing regarding these privileged communications unless otherwise agreed by both parties.

If no Informal Complaint Form is filed by the complainant, no written records shall be kept. Where an informal resolution process is initiated, written records indicating the nature of the complaint, the names of the parties, and a dated copy of the terms and the resolution (if any) shall be kept by the Sexual Harassment Officer for a period of eight years. Such records shall normally be available only to the complainant, the respondent, the Sexual Harassment Officer and the Chancellor; they shall be made available to the respondent's Vice Chancellor in the event that, in accordance with these procedure, this or any subsequent charge of sexual harassment against the respondent or any charge of retaliation by the respondent is brought before the Vice Chancellor for review. These records are also available pursuant to a judicial subpoena, subject to the provisions of the University's Fair Information Practices Regulations (Doc. T77-059).

In extraordinary circumstances and for good cause, the Sexual Harassment Officer may, at his or her discretion, rule that the Informal Resolution Process may be omitted, and a complainant may move directly to Formal Proceedings.

Formal Proceedings

1. Hearing Process

a. Filing a Complaint

If informal proceedings do not result in resolution, or if the resolution agreed upon is not carried out, or if the Sexual Harassment Officer rules that the Informal Resolution Process may be omitted, the Sexual Harassment Officer shall advise the complainant of his/her right to a formal hearing. The Sexual Harassment Officer shall review the formal procedures for both parties.

If the complainant decides to proceed with a formal hearing, a formal written complaint shall be filed with the respondent's Vice Chancellor. The complaint shall state, clearly and concisely, the facts which are the grounds for the proceeding and the relief sought. Within two (2) working days the complaint shall be forwarded by the Vice Chancellor to the Sexual Harassment Officer in his/her capacity as coordinator of the Sexual Harassment Hearing Board and to the respondent, with notice that an answer must be filed with the Vice Chancellor within ten (10) calendar days.

The respondent's answer shall contain full, direct and specific responses to each claim in the complaint, admitting to, denying or explaining the material facts. The Vice Chancellor shall forward the answer to the complainant within two (2) working days of its filing.

It shall be the Sexual Harassment Officer's responsibility to appoint a Sitting Panel, schedule a hearing date, and notify the respective parties at least twenty-one (21) calendar days before the hearing. The hearing will be scheduled and held no later than forty-five (45) calendar days after the formal written complaint has been filed, unless continued by the Board pursuant to Section d, ii, 6 or 7 below.

b. Composition of the Hearing Board

The Chancellor, in consultation with the appropriate governing and administrative bodies, shall appoint a 12-member Sexual Harassment Hearing Board. The Sexual Harassment Officer shall act as the coordinator of the Board.

The Hearing Board shall be composed of 3 faculty members, 3 members of the professional staff, 3 classified employees and 3 students.

Appointments will be guided by consideration of continuity, experience, and sensitivity to the concerns of those most profoundly affected by sexual harassment. Insofar as possible the Board shall reflect the diversity of the campus community. The membership of each constituency shall include at least one woman and one man. Members are to serve for staggered terms of three years.

The members of the Board shall act at all times to preserve the confidentiality of complainants and respondents. Board members shall participate in sexual harassment training workshops designed to sensitize them to the issues encompassing sexual harassment, including confidentiality, and the hearing procedures herein.

c. The Sitting Panel

Upon notice of a formal complaint, the Sexual Harassment Officer shall designate 5 members of the Board to serve as Sitting Panel. The Sitting Panel shall normally include two Board members from the respondent's constituency (faculty, professional or classified staff, students), two from the complainant's, and a fifth drawn from a neutral constituency. In such case as the complainant and respondent come from the same constituency, or Board members disqualify themselves in sufficient numbers to make the normal configuration of the Panel impossible, the Sitting Panel shall normally include three Board members from that constituency, the remaining membership to be chosen by the Sexual Harassment Officer from neutral constituencies; but in no case shall a student sit on a case which does not involve students. The Sitting Panel shall elect a Presiding Officer at its first meeting.

The function of a Sitting Panel is to hear and consider testimony and other relevant, reliable evidence, to make findings of fact, to determine whether the University Policy on Sexual Harassment has been violated, and, if so, to recommend appropriate penalties and relief.

d. Duties and Powers of the Presiding Officer and the Sitting Panel

i. The Presiding Officer shall have the following specific duties:

1. To ensure an orderly presentation of evidence and issues;
2. To ensure that a record is made of the proceedings; and
3. To ensure that a fair, independent, impartial decision based on the issues and evidence presented at the hearing is issued by the Sitting Panel no later than fourteen (14) calendar days, or thirty (30) calendar days when briefs are submitted, after the conclusion of the hearing.

ii. The Sitting Panel shall have the following specific duties or prerogatives:

1. To conduct a fair hearing to ensure that all the rights of the parties are protected;
2. To define issues;
3. To receive and consider all relevant and reliable evidence of the kind which reasonable people are accustomed to rely upon in the conduct of serious business;
4. To assist all those present in making a full and free statement of the facts in order to bring out all the information necessary to decide the issues involved;
5. To ensure that all parties have full opportunity to represent their claims orally, or in writing, and to secure witnesses and evidence to establish their claims;
6. To continue the hearing to a subsequent date to permit either party to produce additional evidence, witnesses, and other material;
7. To change the date, time or place of the hearing on its own motion or upon request of any party, for good cause shown and upon due notice to the parties;
8. To permit the parties or their representatives to submit briefs within fourteen (14) calendar days of the conclusion of the hearing, on the condition that notification of intent to file is made to the Presiding Officer of the Panel within three (3) calendar days of the conclusion of the hearing;
9. By majority vote to rule on all questions of fact; interpretations of rules, regulations and policies; penalties and relief; and such requests as are made during the hearing.

e. Hearing Procedure

1. Unless otherwise agreed by a majority of the Sitting Panel (pursuant to Numbers 6, 7 or 9 of the preceding section), a closed hearing shall be held within forty-five (45) calendar days of the receipt of the formal complaint by the Sexual Harassment Officer.
2. Each party shall be afforded the opportunity to hear all the testimony; to examine all the evidence; to respond to any adverse testimony; to present evidence and witnesses; to advance any pertinent arguments on his/her own behalf; and to file a brief within fourteen (14) calendar days of the conclusion of the hearing, on the condition that notification of intent to file is made to the Presiding Officer of the Panel within three (3) calendar days of the conclusion of the hearing.
3. Each party shall have the right to be accompanied, advised and/or represented by up to two members of the campus community (not legal counsel) at any stage of the proceedings.¹

¹ N.B.: Each party is free to retain legal counsel for advise, but may not bring legal counsel to University proceedings.

4. The hearing shall be tape-recorded by the Sitting Panel, the tape to remain the property of the University. Subsequently, either party shall have supervised access to the tape through the Sexual Harassment Officer.
5. The proceedings before the Sitting Panel shall be as follows (unless waived or modified by the parties at such point as the respondent admits his/her guilt):
 - a. The Presiding Officer shall read the charge(s) and allow the respondent to either admit to or challenge the allegations;
 - b. First the complainant, then the respondent may present a brief opening statement;
 - c. First the complainant, then the respondent will present any and all evidence and testimony germane to the allegations, with the following provisions:
 - i. each party may question evidence and testimony introduced by the other;
 - ii. each party may rebut any inferences drawn by the other
 - d) First the complainant, then the respondent may briefly summarize his/her case to the Board.

f. Decision of the Sitting Panel

After the hearing and the filing of briefs (if any), the Sitting Panel shall convene for private deliberations to determine whether the University's Policy on Sexual Harassment has been violated. If so, the Panel will make findings of fact and propose penalties for the respondent and relief for the complainant.

The Panel's findings of fact and its proposal of penalty and relief shall be based solely on the testimony and evidence presented at the hearing and in the briefs (if any). In making its determination, the Panel will examine the totality of the circumstances, such as the nature of the sexual harassment and the context in which the alleged incident(s) occurred. Penalties should reflect the severity of the incident(s).

Possible penalties for employees shall include, but not limited to, oral admonition, written reprimand, to be included in the individual's personnel file, probation, suspension with or without pay, ineligibility to receive merit pay for a state period of time, involuntary demotion, removal from administrative duties within a department, required professional counseling, and dismissal.

Possible penalties for students shall include, but not be limited to, oral admonition, disciplinary reprimand, disciplinary probation, suspension from the University for a stated period of time, and expulsion from the University.

The Sexual Harassment Officer shall review the Panel's proposed penalty in conjunction with any records of previous sexual harassment violations by the respondent and, if evidence of recidivism is found, may adjust the severity of the Panel's proposal accordingly.

In cases (a) where the respondent has been found guilty of sexual harassment and (b) where the Panel finds substantial reason to believe that the complainant may have been unfairly treated with respect to a grade, the Panel shall have the power to mandate to the respondent's department or program that the department or program appoint a committee

of three faculty members to determine the student's grade. Unless extraordinary circumstances dictate otherwise, final determination of the student's grade by this committee shall be made within thirty (30) calendar days of the Panel's referral of the case to the department of program.

Within fourteen (14) calendar days, or, if briefs are to be submitted, within thirty (30) calendar days of the hearing, the Panel's written decision (including findings of fact and recommendations for penalty and relief, if any) shall be forwarded to the complainant, the respondent, and the appropriate Vice Chancellor.

The Sitting Panel's decision shall be implemented within ten (10) calendar days, unless a review at the Vice Chancellor's level is requested within that period.

2. Standard of Proof

In cases where the allegations of sexual harassment are contested by the respondent, a violation of the Policy on Sexual Harassment shall be found only when there is a preponderance of evidence that a violation occurred. The Sitting Panel, the Vice Chancellors, and Chancellor shall be bound to make their determinations based on this standard of proof.

3. Vice Chancellor's Review

Either party may request review within ten (10) calendar days of the date of the Panel's decision by filing a written petition with the respondent's Vice Chancellor. The petition shall set forth in detail the specific grounds upon which review is sought. The Vice Chancellor shall immediately forward a copy of the petition to the Sitting Panel and the other party. Upon review, the Vice Chancellor may affirm the decision of the Panel; request specific findings from the Panel; remand the matter for further hearing (either for reconsideration or because additional evidence has been presented which, for good reason, could not be presented at the hearing); or, following due consultation with the Sitting Panel, set aside or modify the decision, if he/she determines that the substantial rights of any party may have been prejudiced because the Panel's decision is:

- a. unsupported by substantial evidence; or
- b. in violation of constitutional provisions, academic freedom, or these procedures; or
- c. arbitrary, in abuse of discretion or in excess of the Panel's powers; or
- d. reflective of arbitrary or unreasonable adjustment in severity by the Sexual Harassment Officer on the basis of respondent recidivism.

The Vice Chancellor shall make his/her determination upon consideration of the entire record, indicating specific reasons for any change of the Panel's decision. Within twenty-one (21) calendar days of the request for review, his/her final written decision shall be sent to the complainant, the respondent and the Sitting Panel. This 21-day period shall include any time allotted to the Panel upon request of the Vice Chancellor for specific findings or further hearings. The final decision of the Vice Chancellor shall be implemented without delay.

4. Reconsideration by the Chancellor

Either party may request reconsideration within ten (10) calendar days of the date of the Vice Chancellor's decision by filing a written petition with the Chancellor. The provisions and procedures of the Vice Chancellor's review (see previous section) shall apply to the Chancellor's reconsideration. The decision of the Chancellor shall constitute final University disposition of the matter, and the parties shall, upon the rendering of the Chancellor's final decision, have exhausted their administrative remedies within the University.

5. Retaliation

No reprisal or retaliation of any kind shall be taken against any person participating in these procedures. Where there is an allegation that retaliatory action has been taken, immediate review of such allegation shall be granted by the respondent's Vice Chancellor. The person alleging retaliatory action shall set forth in detail, in a written petition, the facts which are the grounds for the allegation and the relief sought. The Vice Chancellor shall immediately notify the respondent of the charge and request a written response. If a case of retaliatory action is established to the satisfaction of the Vice Chancellor, in consultation with the Sitting Panel, the Vice Chancellor shall take immediate action to redress any and all negative consequences resulting from such retaliatory action.

6. Retention of Records

Records of the hearing process and any review or reconsideration shall be kept by the Affirmative Action Office for eight years. During that period, the records shall be available only to the Sexual Harassment Officer, the respondent's Vice Chancellor or the Chancellor. The records are also available pursuant to a judicial subpoena, subject to the provisions of the University's Fair Information Practices Regulations (Doc. T77-059).



Department of Human Resources

POLICY & GUIDANCE AIDS OR ADVISE

#2008-06: Drug-Free Workplace

University policy requires that the following notice be distributed each year throughout the UMass Boston community.

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

In the event that an employee is observed to be under the influence of drugs or alcohol during work hours, appropriate disciplinary action is to be taken. The progression of actions, from the least to the most severe, is the following:

1. The immediate supervisor will discuss his/her concerns and observations with the employee. He/she will recommend that the employee seek professional assistance and will suggest a referral to a substance abuse counseling/rehabilitation program. This will occur on an informal (verbal) basis and will not be included in the employee's personnel record. Appropriate arrangements will be made to ensure that the employee reaches his/her home safely that day.
2. Should there be a repeat occurrence, a formal written warning will be given, and again, the employee will be encouraged to utilize the services of a counseling/rehabilitation program.
3. Any continued use by the employee of drugs and/or alcohol at work will result in a suspension from work ranging from one to five days. At this time, the employee will be required to utilize the services of a counseling/rehabilitation program as a condition of employment.
4. Further use in the workplace of drugs and/or alcohol or failure to utilize the services of a counseling/rehabilitation program will result in a longer suspension and/or termination.

All employees will have available the appropriate hearing and grievance procedures during these disciplinary actions.

In addition, under the terms of the Drug Free Workplace Act, any employee engaged in the performance of a federal grant must, as a condition of employment, notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such a conviction.

Upon notification by an employee the University must, within 30 days of receiving such notification with respect to any employee who is so convicted:(1) Take appropriate personnel

action against such an employee, up to and including termination, or (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program. The University recognizes alcohol and drug dependency as an illness and a major health problem. Alcohol is the number one drug problem in the country. Drinking alcohol has acute effects on the body. It impairs judgment, vision, coordination and speech and often leads to dangerous risk-taking behavior. These may include drunken driving, injuries and serious accidents. Nearly half of all accidental deaths, suicides and homicides are alcohol related. The misuse of alcohol is often involved in violent behavior, acquaintance rape, unintended pregnancies, and the exposure to sexually transmitted diseases. Long-term excessive drinking and drug use can lead to a wide variety of health problems in many different organ systems.

The use of drugs and alcohol can cause physical and psychological dependence. They can interfere with memory, sensation and perception. Drugs impair the brain's ability to synthesize information. Regular users of drugs develop tolerance and physical dependence often experienced by withdrawal symptoms. The psychological dependence occurs when the drug taking becomes central to the user's life.

Finding Help for Alcohol and Other Drug Problems

Many people with alcohol or other drug problems can be treated successfully entirely on an outpatient basis and do not have to interrupt their work and home lives. Outpatient programs exist in a variety of settings, including community mental health centers, family service agencies, private physicians' and therapists' offices, and specialized treatment facilities.

Inpatient services, designed for those with more serious alcohol problems, can be found in hospitals, residential care facilities and community half-way houses.

Paying for Treatment

If you are covered by an insurance plan through the Group Insurance Commission or another healthcare provider, your insurance will pay for a portion of treatment for alcohol or other drug problems. Each plan has different provisions, but all provide some level of coverage. Contact your plan for information as to how you access treatment.

Employee Assistance Program

UMass Boston is pleased to offer LifeWorks to all its employees. LifeWorks is a comprehensive employee assistance program that provides confidential consultants you can call on the phone 24/7, as well as an award-winning website where you can read helpful articles, order free materials and resources, and much more.

To contact LifeWorks, call 888-267-8126 or visit LifeWorks online at www.lifeworks.com (user id:umass, password: lifeworks). To speak with a Spanish speaking consultant, call 888-732-9020. For TTY/TDD service, call 800-346-9188. For additional information about how

April 3, 2008

University of Massachusetts Boston
Department of Human Resources
100 Morrissey Blvd.
Boston, Massachusetts 02125
(617) 287-5150
www.umb.edu/hr

to use the program or about LifeWorks' management line for supervisors and managers, contact the Department of Human Resources at 617/287-5150.

The Health Education and Wellness Center of University Health Services

The Health Education & Wellness Center is staffed by persons who can provide information about local referral resources available to you even if you do not have medical insurance. The Health Education & Wellness Center also has a variety of brochures and pamphlets, as well as general information related to alcohol and other substance abuse issues.

The Health Education & Wellness Center also provides training to the campus community on a number of topics related to substance abuse. For more information about the services of the Health Education & Wellness Center stop by the Campus Center room 2017, call 287-5680, or visit their website at www.umbwellness.org.

Summary of Massachusetts Substance Abuse Laws

- Massachusetts law prohibits the sale or delivery of alcoholic beverages to persons under 21 years of age, with a fine of up to \$2,000 and 1 year imprisonment, or both, for violations. Misrepresenting one's age or falsifying an identification to obtain alcoholic beverages is punishable by a fine of \$200 and up to 3 months imprisonment.
- A first conviction for driving under the influence of alcohol has a penalty of a \$500 up to \$5,000 fine, a revocation of one's driver's license, up to two½ years in prison, and mandatory participation in an alcohol rehabilitation program.
- Cities and towns in Massachusetts prohibit public consumption of alcohol and impose fines for violations. The Metropolitan District Commission also prohibits public consumption of alcohol in its parks.
- Criminal penalties for the illicit use of controlled substances ("drugs") vary with the type of drug. In general, narcotics, addictive drugs, and drugs with a high potential for abuse, have heavier penalties.
- Possession of controlled substances is illegal without valid authorization. While penalties for possession are generally not as great as for manufacture and distribution of drugs, possession of a relatively large quantity may be considered distribution. Under both State and Federal laws, penalties for possession, manufacture and distribution are much greater for second and subsequent convictions. Many of these laws dictate mandatory prison terms and require that the full minimum term be served.
- Massachusetts law makes it illegal to be in a place where heroin is kept and to be "in the company" of a person known to possess heroin. Anyone in the presence of heroin at a private party risks a serious drug conviction. Sale and possession of "drug paraphernalia" is also illegal in Massachusetts.

- It is illegal in Massachusetts to aid or abet a person under the age of 18 in dispensing, distributing or possessing with the intent to distribute or sell a controlled substance. Conviction leads to a minimum term of five years in prison.

Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance

- 21 U.S.C. 844(a)

1st conviction: Up to 1 year imprisonment and fined at least \$1,000 but no more than \$100,000, or both.

After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2,500

After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5,000 but no more than \$250,000, or both.

special sentencing provision for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years and fined up to \$250,000, or both, if:

- (a) 1st conviction and the amount of crack possessed exceeds 5 grams.
- (b) 2nd crack conviction and the amount of crack possessed exceeds 3 grams.
- (c) 3rd or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

- 21 U.S.C. 853(a)(2) and 881 (a)(7)

Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment. (See special sentencing provisions re: crack)

- 21 U.S.C. 881(a)(4)

Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.

- 21 U.S.C. 844a

civil fine of up to \$10,000 (pending adoption of final regulations.)

- 21 U.S.C. 853a

Denial of Federal benefits, such as student loans, grants, contracts, and professional commercial licenses, up to 1 year for the first offense, up to 5 years for second and subsequent offenses.

- 18 U.S.C. 922(g)

Ineligible to receive or purchase a firearm.

- **Miscellaneous**

Revocation of certain Federal licenses and benefits, e.g., pilot licenses, public housing tenancy, etc., are vested within the authorities of individual Federal agencies

UNIVERSITY OF MASSACHUSETTS
FRAUDULENT FINANCIAL ACTIVITIES GUIDELINES
(Doc. T00-051)

GUIDELINES

These Guidelines are issued pursuant to the Board of Trustees' Policy Statement on Fraudulent Financial Activities (Doc. T00-051, adopted August 2, 2000). Described herein are the steps to be taken when fraud, misappropriation, or similar dishonest activities are suspected.

Each campus will be responsible for developing procedures designed to comply with this University Guideline and informing all employees of the Policy on Fraudulent Financial Activities.

GENERAL PROTOCOL – REPORTING PROCEDURE

Anyone who believes fraud has occurred should report such incident. Employees are protected under Massachusetts General Law, Chapter 149, section 185, from retaliatory actions by the employer.

Use the channel of communication with which you are most comfortable. Accordingly, you may report your concerns to your immediate supervisor, department head, campus audit liaison, vice chancellor, chancellor, and/or directly to the University Auditor's Office or their campus police department.

Immediate supervisors, department heads, campus audit liaisons, vice chancellors, and chancellors must report all apparent cases of fraud brought to their attention to the University Auditor's Office, and if appropriate, to their campus police department. Please see the last section of this guideline for situations deemed Non-Fraud Irregularities, and reference the definition of fraud in Doc. T00-051.

RESPONSIBILITIES

University administrators and all levels of management are responsible for establishing and maintaining proper internal controls that provide security and accountability for the resources entrusted to them.

Administrators should be familiar with the risks and exposures inherent in their areas of responsibility and be alert for any indications of improper activities, misappropriation, or dishonest activity.

If the situation warrants immediate action – for example, obvious theft has taken place, security is at risk, or immediate recovery is possible – management and non-managerial staff receiving reports should immediately contact the responsible campus police department. In addition, follow the "General Protocol - Reporting Procedure."

Responsibilities of management and non-managerial staff for handling fraudulent activities include the following:

- Insure that notification promptly reaches the University Auditor's Office and the campus police department. Refer to the "General Protocol - Reporting Procedure."
- Do not contact the suspected individual to determine facts or demand restitution. Under no circumstances should there be any reference to "what you did", "the crime", "the fraud", "the forgery", "the misappropriation", etc.
- Managers should consult with campus or University human resources departments and University Counsel to determine if any immediate personnel actions are necessary.

- Do not discuss the case, facts, suspicions, or allegations with anyone, unless specifically directed to do so by the University Counsel, campus police, human resources, or the University Auditor's Office.
- Direct all inquiries from any suspected individual, his or her representative, or his or her attorney to the University General Counsel. Direct all inquiries from the media to the campus news office.

The University Auditor's Office may investigate any suspected dishonest or fraudulent activity, which, in its opinion, may represent risk of significant loss of assets or reputation to the University. The University Auditor's Office may work with internal or external departments, such as the University General Counsel's Office, University and campus human resources departments, campus police departments, and Commonwealth law enforcement agencies, as circumstances may require.

Campus management will support the University's responsibilities and will cooperate with the University Auditor's Office and law enforcement agencies in the detection, reporting, and investigation of fraudulent acts, including prosecution of offenders. The University Auditor's Office has full, free and unrestricted access to all records and personnel of the University. Every effort should be made to effect recovery of University losses from responsible parties or through University insurance coverage.

Great care must be taken in dealing with suspected fraudulent activities to avoid any incorrect accusations, alerting suspected individuals that an investigation is under way, violating any person's right to due process, or making statements that could lead to claims of false accusation or other civil rights violation.

INVESTIGATION RESPONSIBILITIES

The University Auditor's Office will evaluate reported situations involving possible impropriety in financial matters pertaining to the University and make inquiries to the extent necessary to determine whether the allegation has substance. The campus audit liaison will be kept apprised of these activities. The University Auditor's Office is available and receptive to receiving relevant information on a confidential basis and may be contacted directly whenever a fraudulent activity is suspected.

When warranted, an internal investigation will be conducted. The Auditor's Office will proceed as follows if evidence is uncovered showing possible dishonest or fraudulent activities.

- Notify the campus audit liaison, respective area management and University General Counsel.
- Advise management to meet with the campus human resources director to determine if any immediate disciplinary personnel actions should be taken.
- Coordinate the notification of insurers and filing of claims with the Treasurer's Office Risk Manager. The Treasurer is responsible for notifying the bonding companies and filing bonding claims.
- Advise the campus on requirements to notify the Office of the State Auditor as required by Chapter 647 of the Acts of 1989.
- If federal funds are involved, determine the required federal reporting in cooperation with University General Counsel.

- If illegal activity is indicated, the responsible campus police department will be notified to coordinate the investigation. If illegal activity appears to have occurred, the findings will be reported to the appropriate agency for review, such as the District Attorney and/or Attorney General. This will be coordinated with University General Counsel.
- The University Auditor's Office will review the results of any investigations with responsible management and cognizant administrators as necessary, making recommendations for improvement to the systems of internal control.

NON-FRAUD IRREGULARITIES

Identification or allegations of acts outside the scope of this policy, such as personal improprieties or irregularities, whether moral, ethical, or behavioral, safety or work environment related, or complaints of discrimination or sexual harassment, should be resolved by the respective area management in conjunction with human resources and/or reference to any other existing University guidance or resource. Examples include the scholarly and research misconduct policy, the principles of employee conduct, the policy against intolerance, the sexual harassment policy, and the MGL Chapter 268A conflict of interest law (this list is not all-inclusive). The campus Ombuds Office or Equal Opportunity Office may also be of assistance.

The University Auditor's Office or University General Counsel may be contacted if guidance is needed to determine if an action might constitute fraud as defined in this policy.

DOC. T96-136, as amended
Passed by the BoT
12/4/96

PRINCIPLES OF EMPLOYEE CONDUCT UNIVERSITY OF MASSACHUSETTS

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

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

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

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

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

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

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

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

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

The University expects to provide its employees:

a work environment that is professional and supportive;

a clear sense of the duties of their job, the procedures for performance review, and access to relevant University policies and procedures;

within the scope of each employee's assigned areas of authority and responsibility, the duty to exercise appropriate judgment and initiative in performing duties;

the right to seek appropriate review of matters that violate the ethical principles contained in these Principles.

C

Doc. T92-036, as amended
Passed by the BoT
6/3/92
Revised 2/23/11

**UNIVERSITY OF MASSACHUSETTS
POLICY AGAINST INTOLERANCE**

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



Overview of Health Insurance Marketplaces



YOU ARE RECEIVING THIS NOTICE AS REQUIRED BY THE NEW NATIONAL HEALTH REFORM LAW (ALSO KNOWN AS THE AFFORDABLE CARE ACT OR ACA)

On January 1, 2014, the Affordable Care Act (ACA) will be implemented in Massachusetts and across the nation. The ACA will bring many benefits to Massachusetts and its residents, helping us expand coverage to more Massachusetts residents, making it more affordable for small businesses to offer their employees healthcare, and providing additional tools to help families, individuals and businesses find affordable coverage. This notice is meant to help you understand health insurance Marketplaces, which are required by the ACA to make it easier for consumers to compare health insurance plans and enroll in coverage. In Massachusetts, the state Marketplace is known as the Massachusetts Health Connector. While you may or may not qualify for health insurance through the Health Connector, it may still be helpful for you to read and understand the information included here.

Overview: When key parts of the national health reform law take effect in January 2014, there will be an easy way for many individuals and small businesses in Massachusetts to buy health insurance: the Massachusetts Health Connector. This notice provides some basic information about the Health Connector, and how coverage available through the Health Connector relates to any coverage that may be offered by your employer. You can find out more by visiting: MAhealthconnector.org, or for non-Massachusetts residents, Healthcare.gov or (1-800-318-2596; TTY: 1-855-889-4325).

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

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

Can I qualify for federal and state assistance that reduces my health insurance premiums and out-of-pocket expenses through the Health Connector?

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

QUESTIONS?

For more information about the Health Connector, please visit MAhealthconnector.org or call 1-877 MA-ENROLL (1-877-623-6765) or TTY: 1-877-623-7773, Monday to Friday, 8:00 a.m. to 6:00 p.m.

Acceptable Use of University Information Technology

1.01 Purpose

This document describes the guidelines that Information Technology uses in providing services to its clients. Information Technology has great leeway within these guidelines to ensure that services it administers are operated as smoothly as possible.

Many people and organizations, local and distant, including those that telecommute, use University resources. Within this document we refer to this collective group as clients. This document is intended to tell clients what they can expect from Information Technology and what Information Technology expects from them.

2.0 Information Technology Responsibilities

Information Technology operates a variety of services for its clients, and assures its clients that these services will be reliable. By reliable we mean that the services will operate according to schedule, efficiently, correctly, and securely. Information Technology will take any action necessary, including unannounced inspection of a client's files, network traffic, denial of access, and instigation of formal University disciplinary procedures, in order to protect the reliability of the services and the security of information. In addition to the policies and responsibilities discussed in this document, Information Technology will also rely on other relevant University documents, such as University of Massachusetts Policies and Guidelines when appropriate.

2.01 Mass Boston Network services

Information Technology maintains connections to various networks, and considers these connections to be among the most vital of our services. Information Technology has a responsibility to help maintain the reliability of computers and networks at other sites. Information Technology will treat any attempt to compromise the reliability of another computing system through the University's computer network as if the attempt were directed at Information Technology's computers.

2.02 Moderate security

Information Technology makes every effort to ensure that the information in its systems is secure. By secure we mean that the information stored in the computer will be safe from unauthorized access, and that Information Technology won't lose the information. It is important to realize that Information Technology cannot make these guarantees absolute. Clients have a variety of levels of security available, and must choose the level appropriate for their own information.

2.03 Privacy

Information Technology will only inspect the contents of non-public files to protect the reliability of its services. Information Technology makes no attempt to censor any information held on its systems. Information Technology may be called upon to provide information and/or files to law enforcement agencies for the express purpose of assisting in active criminal investigations.

3.1 Backup

Information Technology runs regular file backups on its computers. Theoretically, in the event of a computer failure, it is possible to recover all information stored in a computer at the time of the last backup. There are, however, occasional problems with these restorations which can result in other lost information. Information Technology does not restore email messages or mailboxes except in the sole case of a total system restore when recovering from some type of computer disaster.

3.2 Client responsibilities

Information Technology clients must bear certain responsibilities in order to continue using Information Technology resources. Responsible clients are necessary if Information Technology is to provide reliable services. Information Technology computer systems are not immune to tampering. Information Technology relies on its clients to refrain from deliberate attempts to abuse the systems. Information Technology clients are responsible for contacting Information Technology prior to undertaking any activity which Information Technology could interpret as compromising the reliability and security of computer systems and networks. Several other specific responsibilities are described below.

3.3 Proper Use

Information Technology computers and networks are funded by a variety of State and University sources. University employees and students may use Information Technology resources only for work done for the University, and only when it is appropriate that the work be supported by public funds. Personal, for-profit activities are explicitly forbidden.

3.4 Shareable Resource

Information Technology resources are limited, and shared by many clients. To avoid performance problems and/or unnecessary expenses, clients must refrain from initiating activities that consume an unreasonable amount of resources.

3.5 Unauthorized Access

Clients must only access information that belongs to them, is permitted to them, or is public. Clients must not attempt to decode, crack, or discover passwords that belong to others. Information Technology may remove clients who are found to possess programs that could be used to access private information that belongs to others.

Clients can ensure the privacy of their own information by being careful to NEVER share a password with anyone. Do not send passwords through e-mail, because others can easily scan e-mail messages looking for them.

3.6 Harassment

Information Technology clients must not use University resources to harass others. This is considered a serious offense which Information Technology will pursue according to University regulations. Information Technology considers displaying or sending of un-requested, objectionable (as defined by the recipient) material to others to be harassment.

Clients may not use University resources to support inappropriate activities on any network, even if the activities don't interfere directly with University resources. Information Technology will pursue allegations of inappropriate network activities with the utmost diligence.

4.3.3 Back-up IT

Clients are responsible for maintaining their own multiple, current back-up copies of valuable or critical information to insure against inadvertent loss by Information Technology.

4.3.4 Exception to Information Technology Information

Information Technology may at times use its systems to provide clients with important information. We ask that clients pay attention to announcements and/or requests in order to protect themselves from unnecessary difficulties.

5. Telecommuting

Telecommuting users⁽¹⁾ are employees of the UMass Boston in non-faculty positions with the exception of those employees whose presence is critical on site during standard work hours of administrative operations. These employees have been approved by their department head to work from a home office, using technology to communicate with the office and coworkers. The employee will adhere to the *Telecommuting* policy which can be found at <http://www.umb.edu/hr/policies>:

IT will provide the following services:

- ITSD will supply the telecommuting employee with a computer/laptop to perform their work. University data may only be accessed with computer equipment provided by the university via secure communication channels.
- The hard drive is encrypted.
- The computer has the McAfee Anti-Virus Software installed, and
- The employee has a VPN account to access such confidential information.

[For more information about IT Services, please refer to our webpage on "Getting Services" - https://www.umb.edu/it/getting_services]

In addition, telecommuting users will abide by the same rules and guidelines for the acceptable use of information technology on campus.

⁽¹⁾ Information on the Telecommuting User policy can be found at <http://www.umb.edu/hr/policies>

