

M Manhattan
School of Music

Employee Handbook



Foreword

Dear Employee,

This Employee Handbook of Policies and Procedures (“Employee Handbook”) sets forth currently-effective policies and practices of Manhattan School of Music (“MSM” or “School”) applicable to all employees serving in the School.¹ It is intended to assist all School employees in understanding operational requirements, employee rights and responsibilities, and workplace standards – and in acting consistent with our institutional mission.

This is a dynamic handbook. It is intended to be revised and updated on a regular basis as changing laws, accreditation requirements, best practices, and institutional mission dictate. As such, the School reserves the right to revise, supplement, or rescind these policies in whole or in part, in the School’s sole and absolute discretion. When changes are made to this Employee Handbook or the policies herein, employees will be notified. Such changes will be incorporated into the version of the Employee Handbook that is posted on the School’s intranet, which should be relied upon as the authoritative version of the Employee Handbook.

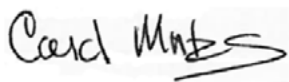
This Employee Handbook is not intended to create and does not create a contract, express or implied. Nor do the policies and provisions set forth in this Employee Handbook guarantee employment for any specific duration of time or under any particular terms or conditions.

Some of the subjects covered briefly in this Employee Handbook, including specific provisions regarding faculty and staff benefits, are covered in greater detail in official policy and plan documents, such as benefits plans. Employees should refer to those policies and plans for more specific information than can be found in the summaries within this Employee Handbook. Please also note that the specific terms of those policy documents or plans control over more general statements in this Employee Handbook. Benefits plans and other governing policy documents are available on the School’s Intranet.

If you have any concerns or questions about this Employee Handbook or about any work-related policies and procedures, I encourage you to voice these concerns either to your supervisor or to me. The School is committed to responding fully and effectively to employee questions and concerns. We want to provide a work environment that is conducive to personal and professional growth, and we welcome your thoughts on how to do so.

I close by thanking you, on behalf of Manhattan School of Music, for your service to our students and our School.

Sincerely,



Carol Matos
Vice President for Administration and Human Relations

¹ Faculty serving in the Precollege are, while performing services on behalf of the Precollege, subject to the provisions of the applicable Collective Bargaining Agreement.

M Manhattan School of Music

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SECTION ONE

I. Equal Opportunity and Employment Policies

101. Employment At-Will; Written Employment Agreements

Employment with the School is a voluntary relationship. An employee is generally free to resign at will at any time, with or without cause, although all employees, particularly faculty, should strive to time departures to minimize disruption and to be sensitive to the needs of students.

Any non-faculty employee who does not serve pursuant to a written employment agreement serves “at will.” Offer Letters do not constitute or form the basis for a written employment agreement unless so indicated on the face of the offer.

Service “at will” means that the non-faculty employee may separate or be separated from School employment by the School at any time, without notice or cause, to the fullest extent permitted by law.

Faculty and selected staff serve pursuant to written agreements that specify a particular term of service or other conditions of employment. Such agreements may include or incorporate the provisions of the applicable Faculty Handbook or include other terms and conditions unique to the particular position or employment relationship being undertaken. Only the School’s Board Chair, President, or designee is authorized to enter into an agreement offering employment at the School for a specified period or to make any promises or commitments contrary to the general provisions of this Employee Handbook. All such employment agreements must be in writing and signed by both parties. Oral commitments or promises are never enforceable.

As noted in the Foreword to the Employee Handbook, this Employee Handbook is not intended to create and does not create a contract, express or implied. Nor do the policies and provisions in this Employee Handbook guarantee employment for any specific duration of time or under any particular terms or conditions.

102. Non-Discrimination and Anti-Harassment Policy (Equal Employment and Educational Opportunity Policy)

Manhattan School of Music is committed to maintaining an environment that is free from discrimination, harassment, and retaliation. It is the policy of Manhattan School of Music (“MSM” or “the School”) not to tolerate discrimination, harassment, or retaliation based on age, actual or perceived race (including traits historically associated with race), color, creed, ethnic origin, national origin, alienage or citizenship status, disability, religion, sex (including sexual harassment), gender (including actual or perceived sex, gender identity and gender expression including a person’s actual or perceived gender-related self-image, appearance, behavior, expression, or other gender-related characteristic, regardless of the sex assigned to that person at birth), actual or perceived height or weight, sexual orientation, marital or partnership status, military or veteran status, predisposing genetic characteristics, unemployment status, pregnancy, familial status, caregiver status, sexual and reproductive health decision, prior criminal convictions, or status as a victim or witness of domestic violence, sex offenses, or stalking, or on any other legally protected basis. Such behavior is unlawful and inconsistent with the commitment of MSM. This commitment is central to MSM’s Mission as well as to its legal compliance obligations.

MSM also does not permit retaliation against individuals who oppose such alleged misconduct or who participate in an investigation into such allegations.

This policy applies to all terms and conditions of employment, including actions and decisions relating to recruitment, hiring, admission, financial aid, compensation, benefits, evaluation, promotion, and termination. It also requires non-discriminatory, non-harassing, and non-retaliatory treatment of students and of prospective students in all aspects of student life and studies, including during student application, admission, and financial aid processes.

MSM maintains a comprehensive set of policies, including this Non-Discrimination Policy, that are intended to operate together to prohibit discrimination, harassment, and retaliation within our workplace and learning environment. These include three other policies that address, respectively, (i) Sex-Based Harassment for Students and Sex Discrimination that do fall within the legal parameters of Title IX; and (ii) Sexual Harassment that does not fall within the purview of the School's Title IX policy. Depending upon the allegations of a particular complaint, modifications to different procedures or timelines may be required in order to harmonize policy requirements, sequence investigations, and ensure a full and fair resolution of concerns. See Section III *Reservation of Rights* in the full policy, which details the circumstances in which the School may modify policies and timelines under this policy and the School's other policies.

Please note the broad scope of this *Non-Discrimination and Anti-Harassment Policy*. It prohibits discrimination, harassment, and retaliation, as defined above, by or against all students, faculty, staff, applicants for employment or enrollment, interns, whether paid or unpaid, anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in our workplace (including persons commonly referred to as independent contractors, gig workers, and temporary workers). It also applies to persons providing equipment repair, cleaning services, or any other services through a contract with MSM, guest artists, and competition judges (the individuals described in this paragraph being collectively referenced within this policy as "covered individuals"). This policy not only broadly protects the individuals identified in this paragraph but also prohibits all such individuals from engaging in any of the conduct prohibited by this Policy.

This policy applies to all forms of discrimination, harassment, or retaliation -- other than sexual harassment and sexual misconduct, which also constitute discrimination but are separately and more specifically addressed under the School's Title IX and Non-Title IX Sexual Harassment policies described above. Disparate treatment on the basis of gender or gender characteristics, other than sexual harassment or sexual misconduct, falls within the provisions of this Non-Discrimination Policy. An example of disparate treatment that falls within this policy would be treatment of similarly situated employees differently with respect to the terms and conditions of employment, if based upon gender, or treatment of similarly situated students differently with respect to grades or programs, again if based upon gender. Complaints involving gender may include intermingled allegations of disparate treatment and sexual harassment. In such circumstances, complaints may be resolved using modified procedures and timelines to assure full and fair resolution of all concerns (as further described in Section III *Reservation of Rights*).

Compliance with Equal Opportunity policies is every community member's responsibility. Faculty, department chairs, and supervisory and managerial staff are responsible for taking reasonable steps so that no faculty, staff, student, or other covered individual is subjected to -- or engages in -- conduct that constitutes discrimination, harassment, or retaliation.

Managers and supervisors **are required** to report any complaint that they receive, or any discrimination, harassment, or retaliation that they observe or of which they become aware. Any other faculty or staff member who has knowledge (whether direct or indirect) of any discriminatory, harassing, or retaliatory conduct is encouraged to make a report using the online [Discrimination and Harassment Complaint Form](#) in accordance with the complaint procedure in the full policy.

The School's complete Non-Discrimination and Anti-Harassment Policy can be found at www.msmnyc.edu/equal-employment-and-educational-opportunity-non-discrimination-and-anti-harassment-policy

103. Sexual Harassment Policy (Equal Employment and Education Opportunity Policy)

Manhattan School of Music is committed to maintaining an environment that is free from discrimination, harassment, and retaliation. It is the policy of Manhattan School of Music ("MSM" or "the School") not to tolerate discrimination, harassment, or retaliation based on age, actual or perceived race (including traits historically associated with race), color, creed, ethnic origin, national origin, alienage or citizenship status, disability, religion, sex (including sexual harassment), gender (including actual or perceived sex, gender identity and gender expression including a person's actual or perceived gender-related self-image, appearance, behavior, expression, or other gender-related characteristic, regardless of the sex assigned to that person at birth), actual or perceived height or weight, sexual orientation, marital or partnership status, military or veteran status, predisposing genetic characteristics, unemployment status, pregnancy, familial status, caregiver status, sexual and reproductive health decision, prior criminal convictions, or status as a victim or witness of domestic violence, sex offenses, or stalking, or on any other legally protected basis. Such behavior is unlawful and inconsistent with the commitment of MSM. This commitment is central to MSM's Mission as well as to its legal compliance obligations.

MSM does not permit retaliation against individuals who oppose such alleged misconduct or who participate in an investigation of such allegations.

This policy applies to Sexual Harassment, which is one kind of discrimination. Sexual harassment is further defined in Section I of the full policy. This policy prohibits harassment relating to all terms and conditions of employment within MSM -- including recruitment, hiring, admission, financial aid, compensation, benefits, evaluation, promotion, and termination. It also requires non-discriminatory, non-harassing, and non-retaliatory treatment of students and prospective students in all aspects of student life and studies, including during student application, admission, and financial aid processes.

MSM maintains a comprehensive set of policies, including this Sexual Harassment Policy, that are intended to operate together to prohibit discrimination, harassment, and retaliation within our workplace and learning environment. These include three other policies that address, respectively, (i) Non-Discrimination (other than in circumstances of sexual harassment or misconduct); and (ii) Sex-Based Harassment for Students and Sex Discrimination that fall within the legal parameters of Title IX. Depending upon the allegations of a particular complaint, modifications to different procedures or timelines may be required in order to harmonize policy requirements, sequence investigations, and ensure a full and fair resolution of concerns. See Section IV *Reservation of Rights* in the full policy, which details the circumstances in which the School may modify policies and timelines under this policy and the School's other Equal Opportunity policies.

Manhattan School of Music ("MSM" or "the School") is committed to a workplace and learning environment free from harassment and discrimination. Sexual harassment is a form of workplace discrimination that subjects an employee or student to inferior conditions of employment or learning/living environments, due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation. Sexual harassment is often viewed simply as a form of gender-based discrimination, but MSM recognizes that sex discrimination can be related to or affected by other identities beyond gender. Different identities impact our understanding of the world and how others perceive us. For example, an individual's race, ability, or immigration status may impact their experience with gender discrimination in the workplace.

This Policy focuses upon Sexual Harassment that does not fall within the School's [Title IX Sex-Based Harassment for Students Policy](#) or [Title IX Sex Discrimination Policy](#). The [Non-Discrimination and Anti-Harassment Policy](#) addresses allegations of gender discrimination and other forms of discrimination (e.g., race, ethnicity) that do not involve sexually harassing conduct, but there can be overlap between issues covered by this policy and the *Non-Discrimination Policy*. The methods for reporting and investigating discrimination and harassment under this Policy and the *Non-Discrimination Policy* are essentially the same. Moreover, where complaints raise one than more ground for discrimination (as where, for instance, a complaint alleges both sexual harassment and some other form of discrimination), the School may modify procedures or timelines involved in an investigation. The School is committed to ensuring a full and fair investigation of complaints. See Section IV *Reservation of Rights* in the full policy.

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing or discriminatory behavior, or for any reason suspect that sexual harassment or sex discrimination is occurring, **are required to report** such suspected sexual harassment to the Office of Administration and Human Relations. Individuals are encouraged to report suspected or alleged instances of sexual harassment or any other type of concerning conduct that might fall under this category using the online [Sexual Harassment Complaint Form](#) in accordance with the complaint procedure in the full policy.

The School's complete Sexual Harassment Policy can be found at

www.msmnyc.edu/equal-employment-and-educational-opportunity-sexual-harassment-policy

104. Title IX Sexual Misconduct Policy

Complaints of sexual harassment, including sexual assault, as defined by Title IX, are reviewed, investigated and adjudicated pursuant to the School's Title IX Sexual Misconduct Policy.

The School's complete Title IX Sexual Misconduct Policy can be found at

www.msmnyc.edu/msm-title-ix-sexual-misconduct-policy

All MSM employees, regardless of title or supervisory role, are obligated to report instances of sexual assault either to the Title IX Coordinator/Vice President for Administration & Human Relations, or anonymously by filling out the Sexual Misconduct Report Form online at [Title IX Sexual Misconduct Report Form](#).

105. Title IX Pregnancy Modifications Policy

The Manhattan School of Music (the "School") is committed to providing all students and employees with the opportunity to pursue and attain their individual goals as it relates to the School's admissions, employment, and educational programs or activities. This commitment includes the School's students and employees who are pregnant, parenting, or experiencing pregnancy related conditions. The School prohibits differential treatment or discrimination against students and employees based on the student or employee's current, potential, or past parental, family, marital status, or pregnancy or related condition.

The School will treat employee pregnancy or related conditions as any other temporary medical condition for all job-related purposes and will provide accommodations as appropriate. The School will further adhere to its leave policies for employee pregnancy or related conditions. Please contact Jessica Ferrell, Director of HR Operations, at jferrell@msmnyc.edu for related accommodation requests.

The School's complete Title IX Pregnancy Modifications Policy can be found at www.msmnyc.edu/msm-title-ix-pregnancy-modifications-policy.

106. Accommodation of Individuals with Disabilities Policy

The School is committed to providing individuals with disabilities access to its programs, services, and activities. Pursuant to Section 504 of the Rehabilitation Act, the Americans with Disabilities Act (ADA), and other applicable federal, state, and local laws and regulations, the School prohibits discrimination and harassment against qualified individuals with disabilities. The School also provides reasonable accommodations where they are necessary for individuals to perform the essential functions of a position or to full participate in the School's educational and artistic programs and activities.

The School's complete Accommodation of Individuals with Disabilities Policy can be found at msmny.edu/accommodation-of-individuals-with-disabilities-policy.

107. Service Animal / Assistance Animal Policy

Manhattan School of Music supports the use of Service Animals and Assistance Animals on campus by individuals with disabilities in appropriate circumstances and in accordance with this policy. The School has established a policy and procedures regarding the use of Service Animals (including Service Animals in training) and Assistance Animals on campus. Pets and other animals are otherwise prohibited on School property. The School reserves the right to amend this policy and its procedures, as it deems necessary.

The School's complete Service Animal/Assistance Animal Policy can be found at msmny.edu/service-animal-assistance-animal-policy.

108. Workplace Violence Policy

A. Policy Against Workplace Violence

Manhattan School of Music will not tolerate violent behavior made on School property, or while in work status at a workplace. It is a violation of this policy to engage in Workplace Violence as defined herein or to brandish or possess a weapon as prohibited by the School's policy against weapons on campus. Violations of this Policy may form the basis for discipline under the Guidelines for Appropriate Conduct or relevant provisions of the Faculty Handbook.

B. Definition and Examples of Workplace Violence

"Workplace Violence" is defined as any behavior that is violent, threatens violence, coerces, harasses or intimidates others, interferes with an individual's right of movement or expression, or disrupts the workplace or academic environment.

Examples of Workplace Violence include, but are not limited to, the following:

1. Intentional physical contact for causing harm (such as spitting, slapping, punching, striking, shoving, or other physical attack).
2. Using or brandishing any object as a weapon.
3. Engaging in menacing, terrorizing, or threatening behavior, where a reasonable person witnessing or experiencing the behavior would interpret it as evidencing intent to cause harm to individuals.
4. Disruptive behavior that disturbs, interferes with, or prevents normal work activities by causing a reasonable concern about intent to cause harm to individuals.

5. Electronically communicated threats, intimidation, or harassment.

C. Procedures for Investigating and Addressing Workplace Violence

1. Where an employee experiences or has observed an act that the employee believes constitutes Workplace Violence, the employee should report the incident immediately to the Associate Vice President of Facilities and Campus Safety, the Vice President for Administration and Human Relations, the Dean of Students, or any other responsible administrator of the School. Workplace Violence may be an emergency. It should be reported regardless of the identity or position of the alleged perpetrator or the reporting or personal relationships involved. The employee may, but is never required to, report the act to their own supervisor or talk with the person whom the employee believes to be engaging in inappropriate conduct. However, an employee should not place themselves at risk – and, when in doubt, should report to one of the officials identified above and not to one’s supervisor or the alleged perpetrator.

All reports of such acts will be investigated by the Associate Vice President of Facilities and Campus Safety, the Vice President for Administration and Human Relations, the Dean of Students, or other qualified investigators, immediately and appropriately.

2. Employees found to have engaged in Workplace Violence are subject to disciplinary action, up to and including dismissal, and may be reported to law enforcement authorities.
3. Persons involved in Workplace Violence may be referred to the Employee Assistance Program.
4. An employee who has obtained a judicial protective or restraining order that mentions School property, or involves a School employee or a person working at or attending the School, must immediately notify the Associate Vice President of Facilities and Campus Safety and the Vice President for Administration and Human Relations and provide a copy of the order so that the School can take appropriate protective steps.
5. Employees who receive inquiries from the media about an alleged incident of Workplace Violence should always refrain from comment and instead direct the media inquirer to the Vice President for Media and Communications. An employee should not share any information with the media about alleged Workplace Violence without prior approval from the School.

D. Retaliation Prohibited

It is prohibited to retaliate (meaning, to take adverse employment action) against employees because they have in good faith reported or participated in the investigation of perceived acts of Workplace Violence (“protected activity”). Any person found responsible for retaliatory action against someone who has engaged in protected activity will also be subject to discipline up to and including dismissal. Any complainant or participant in a Workplace Violence investigation who has alleged experienced retaliation because of protected activity should report concerns either to the same individuals to whom Workplace Violence reports are made (noted above) or else to any other responsible administrator of the School.

109. Drug and Alcohol Policy

In accordance with the Drug-Free Schools and Communities Act, and with the safety and well-being of members of our community in mind, Manhattan School of Music has established guidelines for dealing with alcohol and drug use. The School enforces federal and state drug laws as well as state underage drinking laws. Manhattan School of Music is committed to maintaining a drug-free school and workplace. The illegal or abusive use of drugs and alcohol by employees adversely affects the quality of campus life and the School’s mission and is therefore prohibited. Employees are expected to comply with all local, state, and federal laws related to the use or abuse of drugs and alcohol. It is also a violation of MSM Policy to misuse or to offer for illegal sale to others prescription medication that

has been prescribed to oneself or to another.

The School does not permit or condone the unlawful manufacture, distribution, dispensing, possession, solicitation, or use of illegal drugs or alcohol on School property or in the course of any School or work-related activity. Employees are prohibited from appearing on School premises (or property owned or leased by the institution) or from engaging in work activities for the School while under the influence of alcohol or drugs.

The School does not permit alcohol to be served at School functions or on School premises, unless authorized by a senior staff member. This prohibition includes, consistent with New York State law, the consumption of alcohol by individuals under 21 years of age and the knowing distribution of alcohol to individuals under 21 years of age.

Employees who unlawfully furnish alcoholic beverages to students or to any employees who are not of legal drinking age shall be in violation of school policy and subject to disciplinary action and may be liable for personal injury or property damage resulting from misconduct committed by underage, intoxicated students or employees. Manhattan School of Music expects all employees to become familiar with the law and the School policy and the penalties and risks that can result from violations.

A. Institutional and Legal Sanctions

Employees are accountable for any inappropriate conduct or job performances issues that they exhibit while intoxicated or impaired, where they violate the standards of individual and group conduct of Manhattan School of Music, as set forth in this Employee Handbook, in the Faculty Handbook, or in other School policies articulating community standards.

An employee who violates the School's Drug and Alcohol Policy may be subject to disciplinary actions, up to and including termination of employment, and may be referred to the appropriate law enforcement agency. Institutional sanctions may also include counseling, mandatory participation in an appropriate rehabilitation program, a verbal or written warning, and suspension from employment. Legal sanctions may include criminal prosecution, incarceration, and the imposition of substantial monetary fines.

B. Common Drugs and Risks of Abuse

Illegal activity involving alcohol or drugs has the potential to damage the quality of life, workplace, and learning activities at the School in many respects, including:

1. By causing physiological and psychological harm to individuals who misuse drugs or alcohol;
2. By endangering the welfare of those who are in the immediate vicinity of the illegal activity or who are affected by those engaged in the illegal activity;
3. By being a disruptive influence upon our workplace and learning environments; and
4. By attracting criminal activity to the campus.

Moreover, there are very serious health risks associated with the illicit use of drugs or the abuse of alcohol or legally-available drugs, including:

1. Alcohol

Alcohol consumption causes a number of marked changes in behavior. Repeated use of alcohol can lead to dependence. Alcohol withdrawal can lead to severe health issues. Long-term consumption of large quantities of alcohol can lead to permanent damage to vital organs, as well as doing significant damage to the immune system. The School discourages the irresponsible use

of alcohol under any circumstances. Binge drinking — drinking several drinks in one sitting, often with the intent of getting drunk — is strongly and significantly associated with diminished academic/musical performance, property damage, injury (to oneself or others), sexual assault, risk of other injury or death.

2. **Stimulants**

These are substances that stimulate the central nervous system:

- a. Examples: cocaine, nicotine, methamphetamine, amphetamine
- b. Symptoms of use (and misuse) include restlessness, anxiety, nervousness, irritability, mood swings, and inability to concentrate and focus.
- c. Some of these stimulants (but not all) are legal (such as nicotine) or may be prescribed by medical professionals (such as amphetamines in controlled circumstances). Even then, use should be carefully monitored because they can cause significant impairment and are hazardous, particularly when mixed with other substances such as alcohol.
- d. Hazards of use (or misuse) include addiction, sleeplessness, anxiety, loss of appetite, organic brain damage, risk of other injury or death.

3. **Depressants**

These are substances that slow down the central nervous system:

- a. Examples: alcohol, marijuana, Quaalude, certain sedatives.
- b. Symptoms of use (and misuse) include drowsiness, confusion, impaired judgment, and slurred speech.
- c. Some of these depressants (such as alcohol) are legal or may be prescribed by medical professionals. Even then, use should be carefully monitored because they can cause significant impairment and are hazardous, particularly when mixed with other substances.
- d. Hazards of use (or misuse) include addiction with severe withdrawal symptoms, risk of other injury or death.

4. **Narcotics**

These are substances that stimulate the central nervous system:

- a. Examples: heroin, morphine, opium, codeine.
- b. Symptoms of use (and misuse) include drowsiness, lethargy.
- c. Some narcotics are legal when prescribed by medical professionals. Even then, use should be carefully monitored because they can cause significant impairment and are hazardous, particularly when mixed with other substances.
- d. Hazards of use (or misuse) include addiction, impaired memory and perception, risk of other injury or death.

5. **Hallucinogens**

These are drugs that alter perception of reality:

- a. Examples: PCP, LSD, ecstasy.
- b. Symptoms of use (and misuse) include extreme distortions of what is seen and heard, loss of concentration, lack of coordination, confusion, aggression.
- c. Hazards of use (or misuse) include anxiety, depression, impaired memory, loss of mental function, risk of other injury or death

6. **Inhalants**

These are substances abused by inhalation:

- a. Examples: nitrous oxide, amyl nitrate, butyl nitrate, chlorohydrocarbons, hydrocarbons.
- b. Symptoms of use (and misuse) include impaired judgment, poor motor coordination, impaired vision, memory and thought.
- c. Hazards of use (or misuse) include addiction, organ failure, muscular damage, risk of other injury or death.

The abuse of alcohol and use of drugs other than as prescribed or as used in appropriate moderation presents the risk of physical or psychological dependency, as well as serious injury to oneself or others. Every effort will be made by the School to help an employee seeking and undertaking treatment or rehabilitation, although the decision to accept treatment is the responsibility of the employee.

Please note that employee insurance benefits help to meet the cost of both in-patient and outpatient alcohol and/or drug abuse treatment. Referrals to an Employee Assistance Program (EAP) may also be made and may be covered. Questions regarding the type and extent of coverage and liaison arrangements will be handled, in confidence, by the Vice President for Administration and Human Relations or designee. The Vice President for Administration and Human Relations will, to the extent that resources permit, also provide reference information and assistance to employees seeking outside counseling. Every case will be handled confidentially to the extent required and/or permitted by law.

110. **Smoking Policy**

Manhattan School of Music's commitment to provide a positive work and learning environment for all members of the MSM community extends to its Smoking Policy, which recognizes that all forms of tobacco products, including smokeless forms and e-cigarettes, pose serious health risks both to direct tobacco users and to those whose exposure is secondhand. The following policy has been enacted to address these concerns.

Smoking is prohibited in every area, without exception, within school-owned buildings; these include the student residence hall at 134 Claremont Avenue and the main building at 130 Claremont Avenue. Smoking is also prohibited outdoors within the confines of the campus; this includes terraces and outdoor dining areas. For those who go outside the perimeter to smoke, do not smoke within at least 50 feet from MSM entrances. Even in outdoor areas in which smoking is permitted, please be mindful of your proximity to office and residence hall windows, and to those passing by. If, for some reason, outdoor smoking raises issues for individuals within the School's buildings, smokers may be asked to move further away from our buildings.

The areas near the School's entrances and exits on Claremont Avenue have also been designated as No Smoking areas. Smoking is permitted around the corner on Broadway just north of 122nd Street and across the street from the School's campus on Claremont Avenue.

MSM is committed to assisting employees and students in making healthy lifestyle choices and reducing or ceasing smoking. Students are invited to visit the Office of Student Affairs for information on (and assistance with) smoking cessation programs, while interested employees may obtain information from the Office of Administration and Human Relations. In addition, all residents of New York State can access related services via the New York State Quitline at 1-866-697-8487 or nysmokefree.com

Employees are protected from retaliatory action or from being subjected to any adverse personal action for exercising or attempting to exercise their rights under the Smoking Policy. Any violation of this

policy may result in disciplinary action, up to and including discharge.

Any questions regarding the Smoking Policy should be directed to the Vice President for Administration and Human Relations.

SECTION TWO

II. Workplace Operating Policies

201. Administrative Computing and Electronic Communications Policies

A. Definitions

Manhattan School of Music defines “Administrative Computing” as the full array of computing and electronic-communication activities required or sanctioned by the School for the conduct of its business, including educational offerings to its students and cultural and performance offerings to the public. “Administrative Computing” encompasses without limitation the creation and preparation of documents, electronic communications (such as emails, text messages, and social media postings), data processing, and in particular documentation relating to financial management, strategic planning, programmatic activities, pedagogy, and research conducted by the School and its agents. Full- and part-time staff and faculty, student work-study or other categories of employees, and students may conduct the School’s business using computers on or off the School’s campus. Administrative Computing is governed and managed by the School’s Office of Information Technology (“I.T.”). Policies concerning Administrative Computing are developed and approved in consultation with the Vice President for Administration and Human Relations and the Assistant Vice President of IT and Chief Information Officer.

Faculty members who perform administrative functions and/or have permanent office locations and computer workstations on the School’s campus are identified in this policy as “Administrative Faculty.”

The School provides hardware and software resources (“Computing Resources”) to ensure that its staff and faculty can pursue their educational and artistic mission with the assistance of effective, updated, and powerful technology. Security and privacy are of paramount importance to Administrative Computing activities. Users must understand and comply fully with the policies and procedures set forth in this policy.

B. Computing Resources

Most staff and administrative faculty members are provided by the School with a Microsoft Windows computer that can be used to perform job-related tasks. A small number of users are authorized to use Apple computers for pedagogy, graphic design, imaging, desktop publishing, and other specialized purposes, and a small number of users are provided with laptops PCs. Common tasks that will be undertaken as staff or administrative faculty of the School, which include creating documents, word processing, electronic communications, and internet searching, can be performed using the software applications available on these systems. A high bandwidth connection enables users to connect to and use the Internet efficiently.

Administrative Computing is devoted in large part to the maintenance of the School’s “Institutional Data.” The School’s Institutional Data is the collective body of digital information describing the School’s staff, faculty, and students, including but not limited to biographical, contact information, employment, financial, enrollment, and academic records. Institutional Data is subject to specific I.T. policies.

Faculty who do not have fixed work locations on the School’s campus may use the Faculty Lounge for Internet browsing, e-mail, and document preparation. Administrative Faculty and other authorized faculty may also use the School’s administrative remote-access capabilities as described in the “Remote-access Capabilities” section below.

In order to ensure the integrity, safety, and appropriate, equitable distribution and use of computing resources, staff and faculty must abide by specific School policies; moreover, in designated circumstances, staff and faculty must observe specific procedures. Computer hardware and software used in electronic music studios or for classroom instruction may be subject to additional policy and procedures not described in this policy.

1. **Internet Connectivity**

Administrative offices are linked by a local area network (the “Network”) on each floor occupied by Manhattan School of Music administrators. I.T. maintains and monitors the Network and oversees, either itself or with third-party assistance, the configuration and maintenance of the Network’s hardware equipment, wiring, and LAN and Internet connectivity.

The School reserves the right to deny Network access to individuals or to all staff and/or faculty collectively whenever the School believes circumstances warrant such action. In that event, I.T. will endeavor to restore Network access individually or collectively when it is judged safe and advisable to do so.

2. **PC Workstations and Application Services**

All Administrative PCs are equipped with the following basic software: Adobe Acrobat Reader, anti-virus software, Google Chrome web browser, Microsoft Office productivity suite (Access, Excel, Outlook, and Word), and a Windows operating system.

The following communication and productivity tools are provided to all staff and faculty on their campus office PCs:

- a. E-mail. Staff and faculty members are assigned a Manhattan School of Music e-mail address. In general, email addresses consist of the first initial plus the last name (e.g., jdoe@msmny.edu for John Doe). Non-alphabetic characters such as apostrophes and hyphens are typically removed. Duplicate names are assigned e-mail addresses with additional distinguishing characters.
- b. Internet access. Staff or faculty members who operate a networked PC at the School may access the Internet using the Administrative internet connection (see “Internet Connectivity” above).
- c. Applications. Staff or faculty members also are provided with appropriate Microsoft Office applications for document processing, spreadsheet, and other productivity purposes.

Many additional software packages and services not enumerated above are provided to individual departments or users for specialized purposes.

3. **Remote-access Capabilities: Email, Intranet, Remote Desktop**

- a. Email. The School hosts its email using a service provided by Microsoft. Email can be accessed remotely by using the Outlook Web Client, which can be accessed by going to <http://outlook.office365.com>; the employee or student’s email address is also the username, and the password is the same as the one the community uses on their School computer.
- b. Intranet. The school’s intranet can be accessed securely from outside the school by going to <http://intranet.msmny.edu> and logging in with the user id and password.
- c. LogMeIn. For selected users who need remote access to their desktop computer, the School provides remote desktop access using LogMeIn. These accounts allow users to connect to

their computer remotely and run programs as if they were sitting in front of the computer. Use of remote desktop access is not universal and users seeking this access must make a request and demonstrate the need for access. Upon approval, the Office of Information Technology will setup the software and provide instructions.

4. I.T. Role, Services, and Limitations

- a. Roles and Services. I.T. is responsible for all information technology strategic planning, decision- making, and implementation. No computer hardware or software, or any system or device that connects to the Administrative Network, may be acquired, installed, deployed, or used at the School without the explicit permission of I.T. and the Senior Vice President and Chief Financial Officer. Hardware or software may not be approved for use at the School for many reasons such as incompatibility with existing systems, obsolescence, and the difficulty or cost of its support or replacement.
- b. I.T. addresses staff and faculty questions and problems relating to Internet and network connectivity, as well as storage and retrieval of data.
- c. I.T. neither offers nor warrants technical support to staff or faculty for privately owned computer equipment. The School and its representatives are not responsible for any staff or faculty computing activities not related to the School's business.
- d. I.T. does not distribute Institutional Data to any individual staff or faculty member except as authorized by the School. The distribution of Institutional Data may be further restricted by applicable FERPA or other privacy policies. Questions about I.T. roles and services should be directed to the Assistant Vice President of IT and Chief Information Officer in person, by phone, or by email.

C. Privacy; Ownership; and Access to Electronic Materials

The School owns the rights to all data and files in any computer, network, or other information system used in the School and to all data and files sent or received using any School system or using the School's access to any computer network, to the extent that such rights are not superseded by applicable laws relating to intellectual property or other School policies. The School also reserves the right to monitor electronic mail messages (including personal/private/instant messaging systems) and their content, as well as any and all use by employees of the Internet and of computer equipment used to create, view, or access e-mail and Internet content. The School may also monitor or review electronic materials, including electronic messages, for investigative, operational, or compliance purposes.

Employees must be aware that the electronic mail messages sent and received using School equipment or School-provided Internet access, including web-based messaging systems used with such systems or access, are not private and are subject to viewing, downloading, inspection, release, and archiving by School officials at all times. The School has the right to inspect any and all files stored in private areas of the network or on individual computers or storage media in order to conduct investigations and ensure compliance with School policies and state and federal laws. No employee may access another employee's computer, computer files, or electronic mail messages without prior authorization from either the employee or an appropriate School official.

The School uses software in its electronic information systems that allows monitoring by authorized personnel and that creates and stores copies of any messages, files, or other information that is entered into, received by, sent, or viewed on such systems. Employees should assume that whatever they do, type, enter, send, receive, and view on School electronic information systems is electronically stored and subject to inspection, monitoring, evaluation, and School use at any time. Further, employees who

use School systems and Internet access to send or receive files or other data that would otherwise be subject to any kind of confidentiality or disclosure protections thereby waive whatever right they may have to assert any confidentiality right or legal privilege from disclosure. Employees who are concerned about maintaining confidentiality, privacy, or privilege interests with regards to communications or documents must send or receive such information using some means other than School systems or the School-provided Internet access.

The School has licensed the use of certain commercial software application programs for business purposes. Third parties retain the ownership and distribution rights to such software. No employee may create, use, or distribute copies of such software that are not in compliance with the license agreements for the software. Violation of this policy can lead to disciplinary action, up to and including dismissal.

1. Unauthorized Access to Others' Electronic Mail

As noted above, electronic mail is subject at all times to monitoring by the School, and the release of specific information within or through electronic mail is subject to applicable state and federal laws and School rules, policies, and procedures on confidentiality. Existing rules, policies, and procedures governing the sharing of confidential information also apply to the sharing of information via commercial software.

Subject to these compliance limitations, however, the electronic communications of other colleagues should be respected by all MSM employees. It is a serious violation of School policy for any employee, including system administrators and supervisors, to access and review electronic mail and computer systems files for inappropriate or unauthorized purposes, including simply to satisfy one's curiosity about the affairs of others. Access must be for appropriate and for authorized purposes related to the accessing employee's job duties. Employees found to have accessed and reviewed materials for inappropriate or unauthorized purposes will be subject to disciplinary action, up to and including termination of employment for cause.

2. Electronic Mail Tampering

Electronic mail messages received should not be altered without the sender's permission; nor should electronic mail be altered and forwarded to another user and/or unauthorized attachments be placed on another's electronic mail message. Violation of this requirement may, again, subject the user to disciplinary action, up to and including termination of employment for cause.

3. Misuse of Internet/Intranet Browser(s)

The Internet access provided by the School is to be used only to further the School's mission; to provide effective service of the highest quality to the School's students, faculty, and staff, as well as to the public; and to support other direct job-related purposes. The various modes of Internet/ Intranet access constitute School resources, and they are provided as business tools to employees who may use them for research, professional development, and work-related communications.

Limited personal use of Internet resources is a special exception to the general prohibition against the personal use of computer equipment and software and will be permitted on a limited basis, preferably during breaks or lunch periods, as long as that use does not violate School behavioral standards or other provisions of this Policy, and as long as this does not interfere with the ability of the employee or others to perform their responsibilities on behalf of the School.

Violation of this requirement may, again, subject the user to disciplinary action, up to and including termination of employment for cause. Moreover, employees should recognize that they

may also be individually liable for any and all damages incurred as a result of their violations of this policy, including where they violate the School's computer security policies or the copyright or licensing rights of the School or individuals. In aggravated cases, an employee may even be subject to criminal penalties for misuse of the internet or violation of the rights of others.

4. **Application of General School Policies to Administrative Computing**

Not only this policy but also all School conduct policies, professionalism standards, and compliance obligations apply to employees' conduct on the Internet and through use of electronic communication. In particular, employees are responsible for complying while using computing and online communication methods with all policies and obligations regarding intellectual property; confidentiality; School information dissemination; standards of conduct; use of School resources; prohibitions against anti-discrimination and harassment; and information and data security. Employees are subject to disciplinary action, up to and including termination of employment for cause, for violation of any general School policies through misuse of the School's internet access, electronic communication, or administrative computing systems and capabilities.

D. Personal Electronic Equipment

The School prohibits the use or possession in the workplace of any type of digital camera, video camera, or other form of image- or voice-recording device and prohibits photographing or recording within the School without the express permission of the School and of each person whose image and/ or voice is/are recorded. Employees with such devices should leave them at home unless expressly permitted by the School to do otherwise. This provision does not apply to designated School personnel who must use such devices in connection with their positions of employment and are authorized to do so. In addition, personal smartphones or devices used primarily used for communications are acceptable to bring to the workplace, as long as the user adheres to the aforementioned limitations and does not film or record any areas or any persons without permission from the School and/or each such individual.

Personal devices brought onto School premises are subject to inspection under legitimate circumstances. This means that any employee bringing a personal computing device, data storage device, or image-recording device onto School premises should understand that they thereby give permission to the School to inspect the personal computer, data storage device, or image-recording device at any time, using personnel of the School's choosing. Likewise, the employee also gives permission to the School to analyze any files, other data, or data storage devices or media that may be within or connectable to the personal computer or image-recording device in question. Employees must cooperate in facilitating such inspections. Employees who do not wish such inspections to be performed on their personal computers, data storage devices, or imaging devices should not bring such items to the workplace.

Downloading, saving, or storing School information on a personal computer (that is, on a computer not owned and managed by the School) is prohibited without the express authorization and oversight of the Office of Information Technology. If permission is granted for an employee to store confidential school information and use it for MSM business purposes, the Office of Information Technology must first approve the security settings on the computer, including the password. In such circumstances, the School retains all the rights specified above relating to use of personal devices for School business, including the right to inspect the personal computer or device; the employee give permission for and must cooperate in such inspections. This includes providing passwords and any other information required to access the computer, as a condition to being permitted to store confidential information on the computer and use that confidential information for MSM business

purposes.

Violation of these requirements, or failure to permit and cooperate in an inspection of any device covered by this Policy, may result in disciplinary action, up to and including termination of employment depending upon the severity or repeated nature of the offense. In addition, the employee may face both civil and criminal investigation or liability, including civil actions by the School or individuals whose rights are violated.

E. Cloud Storage Services

The School provides the Microsoft Office365 cloud service for conducting business, email, data storage, collaboration, and a full suite of additional tools.

Use of other “cloud-based” data storage services for School data is prohibited without express, prior approval by the Office of Information Technology. Examples of data storage services requiring express prior approval include, but are not limited to, Drop Box, Google Calendar, Google Drive, and any other service that is not presently used by the School for storage of electronic information.

F. Use of Social Media While On-Duty or Off-Duty

During office hours, or while an MSM employee is engaged in performing their job responsibilities on behalf of MSM, it is inappropriate to post to social media using MSM Electronic Communications Systems, unless the posting is undertaken as part of one’s MSM job responsibilities.

Outside of work, while the School encourages its employees to enjoy and make good use of their off-duty time, certain social media activities may raise concerns if postings or usage impairs the work of the posting employee or any other MSM employee; if an employee’s social media usage harasses, demeans, or creates a hostile working environment for any other employee; if an employee’s social media usage disrupts the smooth and orderly flow of work within the office; or if an employee’s social media usage undermines the goodwill and reputation of the School among its various constituencies or within the community at large. For this reason, the School reminds its employees that the following guidelines apply in their use of social media, both on and off duty:

1. If an employee publishes any personal information about the employee, another employee of the School, the School, a student, or a member of the campus community in any public medium (print, broadcast, digital, or online) that:
 - a. has the potential or effect of involving the employee, their coworkers, or the School in any kind of dispute or conflict with other employees or third parties;
 - b. interferes with the work of any employee;
 - c. creates a harassing, demeaning, or hostile working environment for any employee;
 - d. disrupts the smooth and orderly flow of work within the office, or the delivery of services to the School’s students or members of the public;
 - e. harms the goodwill and reputation of the School within the campus community or with the community at large; or
 - f. tends to place in doubt the reliability, trustworthiness, or sound judgment of the person who is the subject of the information, this may constitute employment misconduct. In such circumstances, the employee(s) responsible for such conduct may be subject to counseling and/ or disciplinary action. Discipline may include termination of employment, depending upon the severity or recurring nature of the offense.
2. No employee may use School equipment or facilities for furtherance of non-work activities or

relationships without express advance permission, provided that School computers and devices may be used for limited personal use during breaks and lunch periods, as long as that use does not violate School behavioral standards or other provisions of this Policy, and as long as this use does not interfere with the ability of the employee or others to perform their responsibilities on behalf of the School.

3. Use of social media that involves any kind of criminal activity or civil liability, or that violates any other policies of the School, may result in criminal prosecution, civil liability to those harmed, discipline including termination of School employment, or any and all of the above.

Employees may address any questions on this policy to the Vice President for Administration and Human Relations.

G. Credit Card Data

The collection, storage or transmission of credit card information numbers and associated security codes on any MSM system or resources is strictly prohibited. Due to privacy concerns and consumer protection laws, the School must take special precautions to protect the privacy or credit card numbers and security codes. Any credit card information discovered on any MSM system or resource, including in paper form, requires an immediate notification to the Office of Information Technology.

H. Protection of School Data on Personal or Shared Resources

Protection of confidential School data is a high priority and must be a consideration whenever staff access School information on a personal or shared computer. In particular, employees should take appropriate precautions to ensure that any information that is downloaded cannot be viewed by unauthorized individuals. The following policy guidelines are intended to ensure responsible use and appropriate protection of School information when accessed on non-School computers.

1. Personal Computers

School employees are strictly prohibited from downloading and storing any confidential School information on a personal computer. To avoid this, employees should use remote desktop connections (as described in the “Computing Resources” section above), which allows all data safely to remain on the School provided computer at the workplace.

If an employee accesses MSM resources on their personal computer, anti-virus software is required as well as use of the employee’s secured (password protected) network or wireless service.

2. Shared Public Computers or Devices

No school systems, resources, or data should ever be accessed from public computers under any circumstances.

3. Public or Unsecured Wi-Fi services

No school systems, resources or data should ever be accessed using public and unsecured networks or wireless services under any circumstances.

I. Proper Use and Content of Electronic Communications

1. Business Use and Limited Personal Use

As noted, the School provides employees with access to its computer, internet, and email systems, as well as to telephone, voice mail, copy, and fax machines (collectively referred to as “Electronic Communications Systems”) for use in conducting the business of the School. MSM

email addresses are provided for business use and all MSM-related communications should be undertaken using that email address. Faculty and staff should regularly check their @msmny.edu accounts to ensure that communications from students, colleagues, and MSM community members are promptly noted and addressed.

This policy does not prohibit limited use of one's MSM email for personal messages of a social nature that do not contain otherwise prohibited content. Sending occasional personal messages is permitted, but the length and frequency of such messages should be kept to a minimum, should not disrupt the workplace or undermine the ability of the employee or others to perform their work responsibilities, or violate any other policies of the School.

2. Compliance With MSM Policies

It is vital for all employees to remember that communications made via MSM's Electronic Communications Systems must be appropriate for an educational institution and a business environment and must comply with all legal restrictions and compliance requirements. In particular, the School's equal employment and opportunity policy and its policies against sexual or other harassment apply fully to the School's e-mail and voice mail systems and all forms of electronic communication undertaken using the School's Electronic Communications Systems. Violation of the School's general conduct or compliance policies through inappropriate electronic communication is very serious and constitutes grounds for discipline, up to and including termination of employment. This means that no e-mail, no voice mail messages, and no other electronic communications should be created, sent, forwarded, or received using School Electronic Communications Systems if the communications include intimidating, hostile, or offensive material concerning sex, race, religion, color, national origin, sexual orientation, age, marital status, disability, or any other classification protected by law. It is also a violation of the School's Administrative Computing and Electronic Communications Policy to use MSM e-mail for personal list serves or to circulate political messages, charitable or other solicitations, or petitions.

3. Compliance with Applicable Law and Safe Practices

In addition to avoiding policy violations, School employees should also take care never to use e-mail or MSM electronic communications in a way that may be illegal or criminal. Never send messages that are threatening, obscene or harassing; never access, print, download, or attach obscene or pornographic material or images to e-mail messages or to anything conveyed using the School's Electronic Communications Systems. Any such conduct may constitute the basis not only for termination of MSM employment for cause but also for investigation by law enforcement, as well as civil and criminal liability.

In addition, it is important to remember that, once sent, electronic messages cease to be subject to the sender's control. They can easily be forwarded to multiple recipients, such that messages are disclosed to a much larger audience than was originally intended by the original sender. Do not include sensitive, confidential, or proprietary information in any message or attachment sent outside the School, including to oneself. In addition, do not put sensitive information in messages for wide distribution. In addition, refrain from using inappropriate language or make comments that would if disclosed be embarrassing to the sender or to the School, undermine relationships within the workplace, or potentially violate MSM Policy if made publicly available. A good practice is to avoid placing anything in an electronic communication that one would hesitate to place in a hard-copy communication. Moreover, employees should exercise care when circulating emails to a large group of recipients, using "reply all" in responding to emails, or using pull-down

menus to address an email.

4. Personal Applications, Software, and Hardware

Employees may not install their own applications (Apps), software or hardware on the School's Electronic Communications Systems (for example, employees may not buy or bring in from home or any other source any form of software or hardware to use on the School's Electronic Communications Systems), unless an exception to this rule is requested by the department head and authorized by the Assistant Vice President of IT and Chief Information Officer.

5. Passwords

The sharing of individual user-assigned accounts and passwords is expressly prohibited to ensure the safety of the School's data, systems, and technology resources whether the resources are hosted internally or on a cloud service. For resources that use MSM's network security protocol, institutional policies, and practices are in place to require password complexity and periodic resetting of your MSM network account password to reduce risk to the institution.

For departmental shared network or online accounts, the departmental owner of the shared account will be required to reset the account's password periodically per IT policies and then securely communicate the new password to other departmental users who share the account. When a colleague who has access to shared departmental accounts separates from the school, the departmental account owner must change the shared password immediately.

Employees are not permitted to password protect or otherwise encrypt any files, applications or communications maintained on MSM Electronic Communications Systems. All passwords used to access school IT resources or services are School property. If an Employee believes material needs to be password-protected, that material probably does not belong on MSM Electronic Communications Systems.

Violation of this password policy places MSM data at risk and undermines the ability of MSM personnel to fulfill their job responsibilities. As such, violations may result in disciplinary action, up to and including termination of employment, depending upon the severity or repeat nature of the offense.

202. Use of School Resources Policy

The use of School paid postage for personal correspondence is not permitted. All School photocopying and facsimile machines, computer hardware and software, networking systems, and office supplies are to be used for business purposes only.

203. Confidentiality Policy

Employees of Manhattan School of Music may come into contact with, or use, confidential or private information over the course of employment at the School. Such confidential information may include student education records, medical information, donor or development prospects' financial information, employee demographic information, financial records of MSM, or proprietary information belonging to the School or others. Some of this information, such as student, medical, or financial information, must be maintained as strictly confidential and protected from disclosure as a matter of federal, state, or local law as well as best practice.

For purposes of this policy, "confidential information" generally includes any information about (or belonging to) the School or its constituents or representatives that is not generally known to the public. This includes proprietary information of the School, such as financial, development, and marketing

information as well as business plans and proposals. This also includes leases, appraisals, income and expense projections, cost data, promotional data, financial statements, loan or financing documents, purchase and sales agreements, employee personnel record information, student education records, management agreements, strategic and programmatic documentation, and all other information not generally known to the public regarding the School, its business, its employees, its programs, and its students.

It is the School's policy to ensure that all confidential information of the School, its students, and its stakeholders is maintained as confidential to the greatest extent possible. This means that all confidential information must therefore be accessed and used with the utmost care. If, during your employment, you acquire or need to use confidential information about or belonging to the School or its stakeholders, you must maintain that information in strictest confidence. You should not discuss the information with outsiders or with any School employees or representatives lacking a business reason to know the information. Employees are also responsible for the internal security of such information; confidential information must always be maintained in our systems and files in secure locations and storage formats.

Alumni, students, parents, donors, and other supporters may share with the School confidential information including financial and payment details. This information must always be strictly maintained as confidential and must never be disclosed or used for any inappropriate purpose. Confidential financial and donor information may never be copied or forwarded for use or storage outside the School, except upon explicit written authorization of the School.

Another category of confidential information to which you may gain access is information that is derived from student education records. This information is protected by law. The Family Educational Rights and Privacy Act (FERPA) is a federal law enacted in 1974, which broadly protects the confidentiality of student records and information derived from those records, with just a few exceptions. This means that you should not release student information, to anyone other than to the student themselves, unless your position specifically requires you to disclose student-related information or unless you obtain written consent from Manhattan School of Music. This includes not sharing information about one student with another student. Information about students may be shared within the faculty and staff but should be limited to those who need the information in question in order to perform job responsibilities on behalf of the School. You must refer any requests for information about students to your supervisor to avoid violating FERPA. And, when in doubt, consult the Registrar, Dean of Students, or a member of the President's Council before sharing student-related information.

As a matter of policy, employees may not remove from the School's premises or transmit electronically, without written permission from a member of the President's Council, the contents of the School's records or information; including, without limitation, documents, files, records, computer files, or similar materials, except when required for a business purpose. This includes not only student education records but also other proprietary or confidential information of the School.

Employees who improperly access, use, forward, or disclose confidential or proprietary information may be subject to disciplinary action, up to and including termination of employment. Violation of this policy may, under some circumstances, result in the School's exercising its legal rights, including without limitation, instituting legal and/or criminal proceedings against an offending employee.

204. Personnel Records Policy

An employee's personnel file is confidential in nature and should only be accessed by School employees who need to review the information in order to perform their responsibilities on behalf of the School.

An employee who wishes to see their records should make a written request to the Vice President for Administration and Human Relations. Within a reasonable time after receipt of this request, and consistent with applicable law, an employee will be able to inspect and copy non-confidential, non-privileged portions of the employee's personnel file. Such inspection and copying shall take place during regular business hours, within the presence of the Vice President for Administration and Human Relations or designee. Employees are entitled to respond in writing to information within personnel records which they wish to clarify or supplement, or with which they disagree. Such information shall also be maintained within the employee's personnel record.

So that an employee's personnel and benefits records are accurate and current, it is important that the Vice President for Administration and Human Relations be kept informed, in writing, of any changes in personnel data, including personal mailing addresses, telephone numbers, marital status, information regarding dependents (include name, date of birth, relationship to employee), individuals to be contacted in the event of an emergency, educational accomplishments, and other such status changes.

205. Employment of Relatives Policy

The School may, at its sole discretion, permit the employment of qualified relatives of employees as long as such employment does not, in the opinion of the School, create actual or perceived conflicts of interest. For purposes of this policy, "relative" is a spouse, partner, child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin, or corresponding in-law or step relation. The School will exercise sound business judgment in the placement of relatives in accordance with the following guidelines:

Relatives may, at the sole discretion of the School, be permitted to work for the School, provided no direct reporting or supervisory/management relationship or other conflict of interest exists. That is, no individual is permitted to work within the chain of command of a relative such that one relative could influence the other relative's work responsibilities, salary, or career progress.

No relatives are permitted to work in the same department or in any other positions in which, in the sole discretion of the School, an inherent conflict of interest may exist.

Employees who marry or enter into a committed relationship while both individuals are affiliated with the School should report the relationship change to their supervisors or to the Vice President for Administration and Human Relations, and this change will be addressed in accordance with these guidelines. Similarly, other changes in circumstances that create new relatives or alter the chain of reporting within the School community will be addressed in accordance with these guidelines.

If, at the sole discretion of the School, a conflict or apparent conflict arises as a result of marriage or family relationship between two individuals affiliated with the School, the School will attempt to transfer one of the individuals at the earliest practical time. If a conflict of interest cannot be corrected within a reasonable period of time, the individuals will be consulted. If practicable, the individuals will be allowed to choose which individual terminates but decisions about employment in these circumstances must ultimately meet the needs of students and the School as a whole and ultimately are reserved to the discretion of the School.

When relatives serve together at the School, at a minimum, the relative more senior in rank or with elevated supervisory authority must withdraw from participation in activities, from supervision, or from decisions that may benefit (or disadvantage) the other relative/affiliated individual. Depending upon the circumstances, the School may take other management action to avoid conflicts or the appearance of conflicts in operations, supervision, or decision-making. Examples of activities or decisions that may require such modifications in process or decision-making include, without limitations, the processes of hiring, evaluation, promotion, compensation, assignment, referrals, and discipline, as well as all considerations of transfer, assignment, or performance opportunities.

In unusual circumstances, the President may grant an exemption from this policy when full termination of the School relationship would create undue hardship, where adequate protections can be implemented to eliminate conflict or potential conflict, and where the interests of the School and its community merit an exemption.

Relationships that predated this policy will continue to be handled consistent with the principles of this policy, subject to exemptions implemented using the procedure above and in the sole discretion of the School.

Employees are referred to the School's Romantic or Sexual Relationships Policy and its Conflict of Interest Policy for further information that may be pertinent to operation of this policy.

206. New Hire Policy and Procedures

All recruitment and hiring of Manhattan School of Music ("MSM") employees is conducted according to applicable School, state, local, and federal laws and policies concerning equal employment. Hiring managers must strictly follow the policies and procedures of the School, including policies set forth in this Employee Handbook and in the Faculty Handbook, as applicable.

This includes obtaining and submitting appropriate documents and written authorizations as required in a timely manner and working with the Office of Administration and Human Relations to ensure that core hiring requirements such as criminal background checking and other reviews are completed on a timely and equitable basis in accordance with School policy and applicable law.

Furthermore, only the Office of Business and Finance can document and approve the hiring and compensation of individuals who serve as independent contractors rather than employees, regardless of the nature of the services provided. Hiring managers are responsible for obtaining the proper documentation of independent contractors' status and reporting to the Office of Business and Finance.

The engagement of faculty members is accomplished through the Office of the Provost but will be subject to certain standardized screening requirements such as criminal background checking. The hiring of these categories is subject to the oversight of the Executive Vice President and Provost, working in conjunction with the Office of Administration and Human Relations to ensure compliance with policy and law in the processes of recruitment, interviewing, criminal background checking, degree verification, and other hiring requirements. Student workers are engaged through the Office of Admissions and Financial Aid.

Further information about faculty hiring eligibility and procedures is set forth in the Faculty Handbook in Section II and may also be set forth in policies to be promulgated by the Office of the Provost or Administration and Human Relations. Further information about the hiring of student workers can be found on the School's Intranet. Information about the hiring of non-faculty staff can be found in the Staff Handbook.

207. Engagement of Third-Party Professionals Policy

No individual employee has the right to retain third-party professionals without the School's knowledge and written approval from their supervisor and the Senior Vice President and Chief Financial Officer. All hiring of independent contractors must be authorized and conducted through the Office of Business and Finance as noted in the New Hire Policy and Procedures. Conflict of Interest standards must be observed as set forth in the Conflict of Interest Policy.

208. Communications with the Media and Others Policy

At any point in time, Manhattan School of Music has numerous projects in process, some of which may be made public and some of which may not. Therefore, from time to time, members of the media and other external organizations, associations or individuals may contact employees with questions about the School's operations. To ensure accurate and consistent responses to questions, as well as to avoid any potential violations of privacy or compliance responsibilities, all such contacts or requests for information should be referred to the Vice President for Media and Communications. Under no circumstances is any employee permitted to speak to members of the press without the specific authorization of the Vice President for Media and Communications.

209. Open-Door Policy

Manhattan School of Music promotes an atmosphere whereby employees can talk freely with members of management. Employees are encouraged to openly discuss any concerns with their supervisor, so appropriate steps may be taken. The Office of Administration and Human Relations is available for consultation and guidance. The School is committed to providing a supportive and welcoming environment for all employees.

210. Work Hours and Pay Procedures

Hourly employees are required to record their hours worked on the School's timesheets (including overtime where applicable). Timesheets must be signed both by the employee and their supervisor. Employee must submit timesheets to the Payroll Manager according to the dates listed on the School's Pay Schedule.

Non-exempt employees are eligible for overtime pay at one and one-half time their regular hourly rate of pay for all hours worked beyond the fortieth hour in any given workweek. (from Sunday to Saturday).

All employee, except for 32BJ union members, are paid on a semi-monthly basis, usually on the 15th and the last day of the month. A list of payroll dates is distributed annually. All required deductions, such as federal and state taxes, and all authorized voluntary deductions, such as contributions to the 403(b) plan, will be withheld automatically from paychecks. Employees are responsible for checking their paychecks for errors. Mistakes should be reported to the Payroll Manager.

211. Attendance, Punctuality and Dependability Policy

Employees are expected to work on all scheduled workdays and during all scheduled work hours and to report to work on time. Employees must notify their supervisor no later than their scheduled starting time if they expect to be late or absent. Absenteeism and lateness, which in the School's judgment is unexcused or excessive may be subject to disciplinary action.

212. Appearance Policy

Employees are expected to present a clean and neat appearance and to dress according to the requirements of their position. Dress, grooming and personal cleanliness affect the image the School presents to students and visitors. In general, the School has adopted a “Business Casual” dress code. Employees should consult with their supervisor if they have questions as to what constitutes appropriate attire.

213. Office Upkeep Policy

Employees are expected to keep their offices looking as professional, neat, and clean as possible at all times.

214. Complaint Resolution Policy (non-faculty employees only)

Misunderstandings or conflicts can arise in any work environment. To ensure effective working relationships, it is important that such matters be resolved before serious problems develop. Most incidents resolve themselves naturally; however, if a situation persists that an employee believes is detrimental, they should follow the procedure described below for bringing a complaint to management’s attention.

An employee’s failure to fulfill this obligation could affect their rights in pursuing legal action within the time frames established under Title VII or other anti- discrimination law.

A. Step One

Employees discussing the problem with their immediate supervisor is encouraged as a first step. If you do not believe a discussion with your supervisor is appropriate, you may proceed directly to Step Two.

B. Step Two

If your problem is not resolved after discussion with your supervisor or if you feel discussion with your supervisor is inappropriate, you are encouraged to request a meeting with the Vice President for Administration and Human Relations. In an effort to resolve the problem, the Vice President for Administration and Human Relations will consider the facts, conduct an investigation, and may also review the matter with senior staff members. You will normally receive a response regarding your problem with five (5) to ten (10) working days of meeting with the Vice President for Administration and Human Relations.

C. Step Three

If you are not satisfied with the decision of the Vice President for Administration and Human Relations and wish to pursue the problem or complaint further, you may prepare a written summary of your concerns and request that the matter be reviewed by the president.

After a full review of the matter (which may include a review of the written summary of your statement, discussions with all individuals concerned, and a further investigation if necessary), the president or their representative will normally advise you of their decision within fifteen (15) working days. The decision of the president shall be final.

The School does not tolerate any form of retaliation against employees availing themselves of this procedure. The procedure should not be construed as preventing, limiting, or delaying the School from taking disciplinary action against any individual, up to and including termination, in circumstances where the School deems disciplinary action appropriate.

215. Lost and Found Policy

The Manhattan School of Music Lost and Found is operated by the Office of Facilities located on the 4th floor of the school's main building in room 400. All found items should be brought to this office during the business hours of 8:00 AM to 3:00 PM, Monday through Friday. After business hours, or when the Office of Facilities is closed, you may turn in the item to the Security Guard Desk at the 130 Claremont entrance.

216. Pets/Animals on Campus Policy

Manhattan School of Music is devoted to the efficient and effective delivery of education and related services to students, parents, and members of the community. This policy endeavors to enhance the safety and comfort of all employees, students, and visitors, while also reducing the possibility of disruptions/distractions in living, learning, and working environments.

Manhattan School of Music policy prohibits animals from being brought into the main school building at 130 Claremont Avenue and in student resident housing. The only exception to this policy applies to service animals and assistance animals as set forth in the Service Animal / Assistance Animal Policy.

All Manhattan School of Music employees are responsible for assuring compliance with this policy and will refrain from bringing non-authorized pets/animals onto School property. Violations of this policy are to be reported to the Vice President for Administration and Human Relations. Violations will result in disciplinary action against the offending employee or student.

SECTION THREE

III. Leave and Benefits Policies

301. Protected Time Off Policy

The School provides Protected Time Off to all employees. This benefit is intended to assist employees and to comply with applicable state and local law. It is subject to change from time to time as laws and/or needs of the MSM employee population changes.

A. Paid Sick and Safe Time

Employees, except for full-time staff, will accrue paid sick and safe time upon hire at the rate of one hour for every 30 hours worked up to a total of 56 hours per fiscal year from July 1st to June 30th. Paid sick and safe time for employees can be used in minimum increments of 0.5 hours with a minimum of 1 hour per request. Employees can take a maximum of 56 hours per fiscal year. There is no waiting period for use of safe and sick time.

Up to 56 hours of accrued, but unused, sick and safe time will be rolled over from one fiscal year to the next; however, no employee may use more than 56 hours in any one fiscal year. Unused sick and safe time will not be paid to employees while they are employed or upon termination of employment.

Paid sick and safe time provisions applicable to faculty and full-time staff are described in the respective *Faculty Benefits Booklet* and *Staff Handbook*.

B. Unpaid Sick and Safe Time

Employees are provided with 32 hours of unpaid sick and safe time upon hire and annually on July 1st. Unpaid sick and safe leave for employees can be used in minimum increments of 0.5 hours with a minimum of 1 hour per request. There is no waiting period for use of unpaid safe and sick time. Unpaid sick and safe time can be used if the employee has not accrued enough paid sick and safe time, has reached the annual maximum, or specifically requests to use unpaid time.

There is no rollover of unused unpaid sick and safe leave at the end of each fiscal year (June 30th).

C. Requesting Sick and Safe Time

Employees may use (paid and unpaid) sick and safe time for periods of temporary absence due to the following reasons:

1. The employee's own mental or physical illness, injury, or health condition; to get a medical diagnosis, care, or treatment of mental or physical illness, injury, or condition; to get preventive medical care.
2. The employee must care for a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition, or who needs preventive medical care.
 - a. Family members include an employee's child, grandchild, spouse, domestic partner, parent, grandparent, child or parent of the faculty member's spouse or domestic partner, sibling (including half, adopted, or step sibling), any individual whose close association with the employee is the equivalent of family, and any other individual related by blood to the employee.

3. The School closes due to a public health emergency or if the employee needs to care for a child whose school or childcare provider closes due to a public health emergency.
4. The employee is a caregiver and must provide care for a minor child or care recipient.
 - a. A caregiver is a “person who provides direct and ongoing care for a minor child or a care recipient.”
 - b. A care recipient is “a person with a disability, including a temporary disability, who (i) is the caregiver’s family member or resides in the caregiver’s household and (ii) relies on the caregiver for medical care or to meet the needs of daily living.”
5. A “public disaster,” including events such as fires, explosions, severe weather, or other emergencies declared by the U.S. President, New York governor, or New York City mayor, that results in:
 - a. The closure of the School;
 - b. The employee’s need to care for a child whose school or childcare provider is closed or has restricted in-person operations;
 - c. A directive from public officials to remain indoors or avoid travel which results in the employee being unable to report to their worksite; or
 - d. To care for a child whose school or childcare provider has been closed or has restricted in-person operations by order of a public official due to a public disaster.
6. The employee or their family member may be the victim of any act or threat of domestic violence or unwanted sexual contact, stalking, or human trafficking and needs to take actions necessary to restore the physical, psychological, or economic health or safety of themselves or their family members or to protect those who associate or with the employee, including to:
 - a. Obtain services from a domestic violence shelter, rape crisis center, or other services program.
 - b. Participate in safety planning, relocate, or take other actions to protect their safety or that of their family members, including enrolling children in a new school.
 - c. Meet with an attorney or social service provider to obtain information and advice related to custody, visitation, matrimonial issues, orders of protection, immigration, housing, and discrimination in employment, housing, or consumer credit.
 - d. File a domestic incident report with law enforcement or meet with a district attorney’s office.
7. To seek safety when the employee or their family member is a victim of workplace violence which is defined as “any act or threat of violence against an employee that occurs in a place of employment.”
8. To initiate, attend, or prepare for a legal proceeding or hearing related to subsistence benefits or housing to which the employee, the employee’s family member, or the employee’s care recipient is a party, or to take actions necessary to apply for, maintain, or restore subsistence benefits or shelter for the employee or their family member or care recipient.

Employees who are unable to report to work and wish to use sick and safe time should notify their direct supervisor as soon as possible in writing, preferably to the supervisor’s MSM email account. The direct supervisor must also be contacted on each additional day of absence, until a date of return is established. Supervisors are responsible for ensuring sick and safe time is recorded in the School’s time-off system in ADP. Depending upon the circumstances, employees who fail to contact their immediate supervisor or the Office of the Human Relations if they are unable to reach their supervisor may be subject to corrective action or discipline and, in circumstances of persistent or aggravated failure to communicate, may be considered as voluntarily having resigned their

employment with the School.

If an employee is absent for three (3) or more consecutive days due to eligible use of sick and safe time, documentation will be required, at the School's request, to verify the need for the use of safe and sick time taken and its beginning and expected ending dates. Such documentation may include a statement from a licensed health care provider, a letter from a school or daycare, a services provider, a record from the police, a government agency or court. An employee will have seven (7) days upon returning to work to provide the requested documentation and is to submit such documentation to the Director of HR Operations. The failure to provide the required documentation in a timely manner can result in an employee not receiving sick and safe time benefits or a delay in the receipt thereof. If an employee is charged by a provider for the requested documentation or incurs costs or expenses for other uses of paid sick and safe time to obtain the requested documentation, the employee may submit a reimbursement request to the Director of HR Operations for such costs. The employee must also provide proof that such fees or costs were incurred by the employee.

D. Paid Prenatal Leave

All employees are provided with 20 hours of paid prenatal leave in each 52-week period for healthcare during pregnancy or related to pregnancy. The 52-week period begins on the first day an employee uses paid prenatal leave. Paid prenatal leave does not carry over from year to year but can be used for more than one pregnancy during the 52-week period. Only employees directly receiving health care for their pregnancy can use paid prenatal leave. Covered health care for paid prenatal leave can include:

1. Physical examinations
2. Medical procedures
3. Monitoring
4. Testing
5. Discussions with a health care provider
6. End of pregnancy care
7. Fertility treatment

Paid prenatal leave is provided in addition to sick and safe leave. Employees can request paid prenatal leave in the time-off system with ADP Workforce Now in minimum increments of 1 hour.

302. Family and Medical Leave Policy

A. Family & Medical Leave Act of 1993

The School, pursuant to the Family & Medical Leave Act of 1993 employees ("FMLA"), provides eligible employees with up to 12 workweeks of unpaid leave for the following reasons: (1) an employee's own serious health condition, (2) childbirth and subsequent parental care of a newborn child, (3) the placement of a child with the employee for adoption or foster care, or (4) the serious health condition of a child, spouse, or parent. A spouse means a husband or wife as defined or recognized under state law for purposes of marriage in the State where the employee resides, including common law marriage and same sex marriage. The following policy applies to all employees, except where provisions are specifically identified as applicable only to faculty or staff.

If an employee has accrued paid leave (e.g., vacation, sick leave, personal leave), however, the employee must use any qualifying paid leave first. "Qualifying" paid leave is leave that would otherwise be

available to the employee for the purpose for which the FMLA leave is taken. The remainder of the 12 workweeks of leave, if any, will be unpaid FMLA leave. Any paid leave used for an FMLA qualifying reason will be charged against an employee's entitlement to FMLA leave. This includes leave for disability or workers' compensation injury/illness, provided that the leave meets FMLA requirements. The substitution of paid leave for unpaid leave does not extend the 12-workweek leave period.

Non-faculty employees who have been employed by the School for twelve months or more and have worked at least 1,250 hours in the immediately preceding twelve-month period, are eligible for unpaid leave of up to a maximum of twelve weeks, within a twelve-month period, when warranted by FMLA qualifying reasons. The twelve-month period is a rolling twelve-month period measured backward from the date an employee uses any FMLA leave. When medically necessary, employees are entitled to take unpaid intermittent FMLA leave, or a reduced leave schedule, for a total of twelve weeks, during a twelve-month period.

College faculty members who have been employed by the School for two consecutive academic semesters on a full-time equivalent basis are entitled to unpaid leave of up to a maximum of twelve weeks within a twelve-month period. The twelve-month period is a rolling twelve-month period measured backward from the date a college faculty member uses any FMLA leave. When medically necessary, college faculty members are entitled to take unpaid intermittent FMLA leave, or a reduced leave schedule, for a total of twelve weeks, during a twelve-month period. Faculty may also be entitled to other benefits, as set forth in the Faculty Handbook or Faculty Benefits Booklet.

All applicable leave policies and benefits will be counted against the employees' FMLA entitlement (e.g., disability-related leave, workers' compensation, unpaid personal leave, etc.). Where leave provided within one policy is comparable to leave provided under another, employees will be entitled to the leave or benefit that is more generous.

Eligible employees who request FMLA leave must provide 30 days' advance written notice of the need for a foreseeable leave, which shall include the anticipated timing and the duration of such leave. If 30 days' notice is not practicable, employees shall give notice as soon as practicable (i.e., within two business days of learning of the need for FMLA leave).

Employees requesting FMLA leave for either their own serious health condition, including the birth of a child, or for the care of a child, spouse, or parent with a serious health condition, must provide a completed medical certification form, authorized and signed by an appropriate healthcare provider, prior to taking the FMLA leave.

During an FMLA leave, employees may be required to submit subsequent recertification of the serious health condition, from time to time, but not more frequently than every 30 days during the FMLA leave period. Before returning from an FMLA leave for their own serious health condition, employees may be required to submit a medical fitness-for-duty certification stating that they are able to return to work. FMLA leave or return to work may be delayed or denied if the appropriate documentation is not provided in a timely manner.

During FMLA leave, employees continue to receive all School benefits made available to full-time employees. However, employees will be required to continue to pay their share of monthly health insurance premium(s) throughout the leave. If an employee's payment of health insurance premium(s) is more than 30 days late, the School may discontinue coverage upon notice to the employee.

Upon return from FMLA leave, the School will restore all employees, other than "Key Employees,"

to their same position, or to an equivalent position with equivalent benefits, pay, or other terms and conditions of employment, subject to the exceptions stated below and applicable law. “Key Employees,” defined by law as salaried employees among the highest paid 10 percent of employees at the worksite, may be denied job restoration at the end of a FMLA leave, if job restoration would cause substantial and grievous economic injury to the operations of the School. Where the School believes there is a possibility that the “Key Employee” may be denied reinstatement, the “Key Employee” will receive notice of his or her status prior to commencing the leave.

Furthermore, an employee is not entitled to reinstatement if, because of a layoff, reduction in force, or other reasons, the employee would not be employed at the time job restoration is sought.

If the employee does not return to work following the conclusion of FMLA, and subject to applicable legal requirements (including ADA requirements), the employee will be considered to have voluntarily resigned. If the employee fails to return to work at the end of a FMLA leave for reasons within their control, the School may seek to recover all healthcare and other premiums it paid on his or her behalf during the FMLA leave. In such cases, and to the extent permitted by law, the School may require medical certification of the serious health condition of the employee or the employee’s relative. Absent receipt of such certification within 30 days, and again to the extent permitted by law, the School may seek recovery of all healthcare and other premiums paid on the employee’s behalf during the FMLA leave.

B. Limitations on FMLA Leave

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

When spouses or partners are employed by the School, they are together entitled to a combined total of twelve (12) workweeks of FMLA leave within the designated twelve-month period for the birth, adoption, or foster care placement of a child with the employees, for aftercare of the newborn or newly placed child, and to care for a parent (but not in-law) with a serious health condition. Each spouse may be entitled to additional FMLA leave for another FMLA qualifying reason (for example, if each took six weeks of leave to care for a newborn child, each could later use an additional six weeks due to his or her own serious health condition or to care for a child with a serious health condition).

In accordance with School policy, outside employment or supplemental employment while on FMLA leave is prohibited. Violation of this policy may result in denial of continued leave or termination of employment.

In addition, the School maintains a non-FMLA disability policy specific to faculty, which is set forth on the Faculty Benefits Booklet.

C. The Family and Medical Leave Act and National Defense Authorization Act for FY 2008

On January 28, 2008, President Bush signed into law H.R. 4986, the National Defense Authorization Act for FY 2008 (NDAA), Pub. L. 110-181. Among other things, section 585 of the NDAA amends the Family and Medical Leave Act of 1993 (FMLA) to permit a “spouse, son, daughter, parent, or next of kin” to take up to 26 workweeks of leave to care for a “member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.”

The NDAA also permits an employee to take FMLA leave for “any qualifying exigency (as the Secretary of Labor shall, by regulation, determine) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.” By its express terms, this provision of the NDAA is not effective until the Secretary of Labor issues final regulations defining “any qualifying exigency.” DOL is expeditiously preparing such regulations.

303. New York State Paid Family Leave (PFL) POLICY

The New York State Paid Family Leave Act (PFL) provides job protected paid leave for full-time and part-time employees whose primary work location is in New York State. Eligible employees have a right to return from approved PFL to the same or comparable job with comparable employment benefits, pay, and terms /conditions of employment.

Under the New York Paid Family Leave law, some categories of workers are excluded from the definition of “employee” for the purposes of this leave. Examples include licensed ministers; priests or rabbis; persons engaged in a professional or teaching capacity for a not-for profit; and compensated executive officers of a not-for-profit.

Covered employees are eligible for coverage once they have met the minimum time-worked requirement:

1. Employees with a regular work schedule of 20 or more hours per week are eligible after 26 consecutive weeks worked (counting paid leave time) prior to the leave
2. Employees with a regular work schedule of less than 20 hours per week are eligible after 175 days of employment (which need not be consecutive)

Important Notes

1. PFL is not applicable to an employee’s own serious health condition. An employee with a serious health condition may have job protection under the Family Medical Leave Act (FMLA).
2. Although PFL and the Family Medical Leave Act both protect your job, PFL is paid and the Family Medical Leave is unpaid.
3. PFL and Family and Medical Leave run concurrently where applicable. If your absence qualifies for both PFL and Family and Medical Leave, but you choose not to apply for PFL, your absence will still count against your PFL allotment.

A. Reasons for Paid Family Leave (PFL)

1. Bonding with a newborn child or with a newly-adopted or newly-placed foster child (the paid leave and benefit must be taken and end within 52 weeks of the event, or within 52 weeks of the first day of leave, if in the case of adoption or foster care the leave begins before the child arrives for necessary preparation)
2. Family Care when an employee’s family member has a serious health condition. A serious health condition refers to serious injuries or chronic or acute health conditions including but not limited to diabetes, epilepsy; long-term illness care, injury impairment, physical or mental conditions (such as Alzheimer’s; Dementia), stroke or terminal stages of a disease, treatments for cancer (chemotherapy or radiation), severe arthritis and kidney diseases.

Under the PFL, family member includes spouse, domestic partner, children, parents, parents-in-law, grandparents, grandchildren and sibling.

3. Active Military Duty Deployment, when a spouse / domestic partner, child, or parent of the

employee is on active military duty or has been notified of an impending call or order of active military duty. Employees can take PFL to help out with obligations arising out of a call to duty.

B. Amount of Leave

The amount of PFL available to eligible employees was phased in over several years. The maximum amount of PFL time available to an eligible employee during a 52-week period (counted by measuring backwards from each day for which PFL is taken) is twelve (12) weeks as of January 1, 2021.

PFL may be taken in weekly or daily increments. In the event an employee also collects short-term disability benefits for their own disability, the maximum combined amount of time that the employee can take for short-term disability and PFL is 26 weeks in a 52-week period.

PFL can be taken intermittently in full-day increments for any of the qualifying reasons for PFL. If an employee uses intermittent FMLA leave for less than a full day for a PFL-qualifying reason and the employee is paid for working the remaining part of the day, the School will track the amount of intermittent FMLA leave used by the employee and deduct one day from the employee's PFL allotment when the employee's cumulative partial-day intermittent FMLA leave use totals the length of their regular workday.

If more than one eligible employee seeks to take PFL for the same qualifying event, those employees will not be permitted to take PFL at the same time. For example, if both parents of a newborn child work for the School, each parent will be able to take time off to bond with that child but only one parent at a time will be permitted to take PFL.

C. Pay During PFL

Employees do not receive their pay from the School during PFL. Instead, an employee on PFL will receive a partial wage replacement benefit directly from the School's insurance carrier after the employee files a claim with that insurance carrier. The amount of the partial wage replacement benefit is set by state law as a percentage of the employee's weekly wage up to a maximum amount. As of January 1, 2021, the benefit amount that an eligible employee will be eligible for is 67%. The maximum benefit amount will be determined annually by New York State.

If a continuous PFL leave spans across calendar years, the employee's benefit amount is set at the start of the leave and does not increase during the leave.

D. Process and Communication

PFL requests will require certification and documentation similar to Family Medical Leave.

Employees are required to provide the School with 30 days' notice of their intention to use PFL, unless leave is unexpected, in which case we require notification as soon as possible.

E. Applying for Pay Benefits

In order to receive pay benefits while on PFL, an employee must submit a claim using the Request for Paid Family Leave form (PFL-1) to the School's PFL insurance carrier, as well as the appropriate certification form (PFL-2 for bonding; PFL-3/PFL-4 for providing care; or PFL-5 for qualifying exigency) and supporting documentation. These claim forms provide details regarding the documentation that will be required to support an employee's request to be paid PFL. Claim forms and the appropriate certification forms are available from the Office of Administration and Human Relations, the School's PFL insurance carrier and New York State's PFL website (ny.gov/new-york-state-paid-family-leave).

Prior to submitting the Request for Paid Family Leave form to the School's PFL insurance carrier, an employee must provide the form to the Office of Administration and Human Relations so that the School can complete the employer section (Part B) of that form. The School will return the form to you with the employer section completed within three business days.

Employees are responsible for timely filing their own PFL claim forms, certification forms and supporting documentation with the School's PFL insurance carrier. The School will not file a claim on an employee's behalf, but the Office of Administration and Human Relations is available to answer questions employees may have. The School's PFL insurance carrier will either pay or deny an employee's PFL claim within 18 days of when the completed PFL claim form, certification form, and supporting documents are submitted by the employee to the insurance carrier. No payment will be made to an employee by the School's PFL insurance carrier until the employee's PFL claim is fully submitted and approved.

If an employee is seeking payment for time off that they previously took (for example, for time off taken because of an unforeseeable emergency), the employee's PFL claim must be filed with the School's insurance carrier within 30 days of the date(s) for which payment is sought. However, employees are encouraged to file PFL claims as quickly as possible to ensure prompt payment of benefits for qualifying leaves.

The School's PFL insurance carrier will make the final determination of whether an employee is eligible for PFL, whether the reason for the leave qualifies under the law, and whether the employee has provided sufficient documentation to support his/her need for leave. The School cannot make that determination.

If an employee is absent from work and their PFL claim is denied by the School's PFL insurance carrier, the School may charge the employee's accrued and unused leave time balances to cover the absence or treat the absence as an unpaid and/or unauthorized absence under the School's attendance policies.

F. Substitution of Paid Time Off

If an employee takes leave for one of the PFL-qualifying reasons and wants to receive their full wages during the leave, the employee can elect to use their accrued and unused paid leave time concurrently during the period of PFL. If the employee elects to use their accrued paid leave time concurrently during the period of PFL, the employee will be paid their regular wage by the School and the PFL benefit payment will be remitted to the School (instead of to the employee) by its PFL insurance carrier. In no case can an employee on PFL receive more than 100% of their regular wage.

G. Maintenance of Health Benefits

While an employee is on PFL, the School will maintain the employee's health benefits as if the employee continued to be actively employed and not on leave. The School will continue to pay its portion of the employee's group medical premium during an approved PFL absence.

If the employee elects to use their paid leave time concurrently with PFL (as discussed in the Substitution of Paid Time Off section above), the School will deduct the employee's portion of the group medical premium as a regular payroll deduction. Otherwise, the employee will be responsible for paying their portion of the monthly premium mailing it to the Office of Human Relations no later than the first day of each month. The employee's group medical coverage and the coverage of all their enrolled dependents will be terminated if the employee's portion of the premium is paid more than 30

days late. The School will provide at least 15 days' written notice to the employee prior to terminating medical coverage for non-payment.

H. Restoration to Employment

An employee will be reinstated to the same or comparable position (with comparable employment benefits, pay and other terms and conditions of employment) upon the end of their period of approved PFL. If an employee has exhausted all of their approved PFL and is still unable to return to work, the employee is no longer provided with any job restoration rights under PFL. The School cannot guarantee that it will be able to keep an employee's position vacant following the expiration of any PFL leave unless other job protections apply (such as under our FMLA policy).

I. Appeal Rights

An employee whose claim for PFL benefits has been denied by the School's PFL insurance carrier has the right to appeal the carrier's determination through an arbitration proceeding. Further information about appeal can be obtained from the School's PFL insurance carrier.

J. Protection Against Discrimination and Retaliation

The School will not discriminate or retaliate against any employee for inquiring about, applying for, or using PFL. Employees who believe they have experienced such discrimination and/or retaliation should contact the Office of Administration and Human Relations.

304. Break Time for Nursing Mothers and Lactation Accommodation Policy

The School provides accommodations to employees who need to express breast milk during work hours. In accordance with the New York City Human Rights Law and New York Labor Law, the School provides reasonable accommodations for employees' pregnancy, childbirth, or related medical conditions, including accommodations for lactation. Employees who need to take time during the workday to express breast milk should notify the Office of Administration and Human Relations, preferably, prior to their return to work following the birth of their child. The School will work with the employee to provide a reasonable accommodation to express breast milk at work in accordance with applicable laws and regulations.

The School will not tolerate discrimination, harassment or retaliation against any employee based on the request for or usage of lactation accommodations. Any discrimination, harassment, retaliation or other violations of this policy can be reported to the Office of Administration and Human Relations.

A. Designated Space for Lactation

1. The School will designate a room or other location which will be made available for use by an employee who wishes to express breast milk in the workplace.
2. School will ensure the designated room or other location will, be in close proximity to the work area, well lit, shielded from view, free from intrusion from other individuals in the workplace or the public, have at least one electrical outlet, a surface to place a pump and other personal items, a chair, and is near running water and a refrigerator to store breast milk. The School will discuss with the employee how to accommodate the employee's needs to pump at work, including how to ensure the employee's privacy and maintain a sanitary pumping environment.
3. If the sole purpose or function of the designated room or other location is not dedicated for use by employees to express breast milk, the room or other location will be made available to an employee when needed and will not be used for any other purpose or function while in use by the

employee to express breast milk. The School will notify all other employees as soon as practicable when a room or other location is designated for use to express breast milk.

B. Reasonable Break Time

1. The School will provide thirty minutes of paid break time for an employee to express breast milk when the employee has a reasonable need to express breast milk. Employees can use existing paid break or mealtime if they need additional time for breast milk expression beyond the paid 30 minutes. Employees may opt to take shorter paid breaks. The School will speak with the employee to determine a schedule of breaks that reasonably accommodates the pumping needs of the employee.
2. Employees who use their break time to express breast milk will be compensated to the same extent and in the same way that other employees are compensated for break time.
3. Employees are not required to work while pumping. However, if the employee works while pumping, the employee will be paid at their regular rate for that time.

C. Lactation Accommodation Request Process

1. Before an employee returns from parental leave, the School will resend this policy to the employee in writing (electronically or by mail) and request information from the employee regarding the need for a reasonable accommodation to express breast milk at work.
2. Employees may also independently request a lactation accommodation by contacting the Director of HR Operations. A request may be made orally or in writing to the Director of HR Operations and should indicate that the employee will need accommodations for expressing breast milk at work.
3. The Director of HR Operations will respond to a request for a lactation accommodation **as quickly as possible**. Under no circumstances will this amount of time exceed five (5) business days. During the time it takes to respond to a request and/or engage in a cooperative dialogue to determine the accommodation, The School will provide a temporary accommodation to the employee so that the employee can pump in a manner that meets the employee's immediate needs, unless that poses an undue hardship for the employer.
4. The School recognizes that employees' lactation accommodation needs may change over time. Employees may request changes to their existing lactation accommodation at any point.

D. Undue Hardship

1. If the School believes that the lactation accommodation requested poses an undue hardship, they will discuss reasonable alternatives with the employee to accommodate the employee's needs, initiating a cooperative dialogue as quickly as possible, but absolutely no later than five (5) business days from the date of the request. The conversation between the School and the employee will be in good faith, may occur orally or in writing, and will conclude with a final written determination of whether the accommodation is granted or denied. This process gives the employee an opportunity to have an open discussion with the School about their needs, and the School has an opportunity to hear its employee and work with them to come up with an appropriate accommodation for the employee.
2. For example, if the School believes the length of time an employee needs to pump is an undue hardship for the School to accommodate, the School will engage in a cooperative dialogue with the employee to determine if there is an accommodation, such as an adjusted pumping schedule, or

more frequent pumping breaks for shorter periods of time, that addresses the School's concerns and the employee's needs.

3. During the time it takes to respond to a request and/or engage in a cooperative dialogue to determine the accommodation, the School will provide a temporary accommodation to the employee so that the employee can pump in a manner that meets the employee's immediate needs unless doing so poses an undue hardship.

305. Short-Term Disability Benefits Policy

The Disability and Paid Family Leave Benefits Law (Article 9 of the WCL) provides weekly cash benefits to replace, in part, wages lost due to injuries or illnesses that do not arise out of or in the course of employment (WCL §204). If you get injured or become disabled while you are eligible for or are collecting unemployment benefits, and if your injury or disablement results in you being ineligible for unemployment benefits, you are eligible for disability benefits.

Under the Disability and Paid Family Leave Benefits Law, some categories of workers are excluded from the definition of "employee" for the purposes of this leave. Examples include licensed ministers; priests or rabbis; persons engaged in a professional or teaching capacity for a not-for-profit; and compensated executive officers of a not-for-profit.

Disability benefits are covered through the School's disability benefits insurance carrier. The benefit is 50% of the employee's average weekly wage for the last eight (8) weeks worked to a maximum set by New York State. The current maximum is set at \$170 per week and is paid for a maximum of 26 weeks during any 52-week consecutive period. In the event an employee also takes Paid Family Leave, the maximum combined amount of time that the employee can take for short-term disability and PFL is 26 weeks in a 52-week period and cannot be taken at the same time.

In order to claim short-term disability benefits an employee must submit a claim using the Notice and Proof of Claim for Disability Benefits form to the School's short-term disability benefits carrier.

This claim form provides details from the employee and their health care provider which is required to support an employee's request to be paid short-term disability. Claim forms are available from the Office of Administration and Human Relations,

Prior to submitting the Notice and Proof of Claim for Disability Benefits form to the School's PFL insurance carrier, an employee must provide the form to the Office of Administration and Human Relations so that the School can complete the employer section (Part C) of that form. The School will return the form to you with the employer section completed within three business days.

Employees are responsible for timely filing their own short-term disability benefit claim forms with the School's disability carrier. The School will not file a claim on an employee's behalf, but the Office of Administration and Human Relations is available to answer questions employees may have.

SECTION FOUR

IV. Safety and Security Policies

401. Security Policy

All employees should adhere to the following security procedures:

1. Lock all offices when unattended.
2. Do not lend your office keys or identification to anyone.
3. Please report all suspicious and/or emergency situations directly to the Associate Vice President of Facilities and Campus Safety or the Vice President for Administration and Human Relations as soon as possible or, if after regular office hours, directly to the guard station.
4. Do not accept personal property of others for safekeeping.
5. In the event of a loss or theft, please report it immediately to the Office of Facilities.
6. The School is not and cannot be responsible for lost personal property.

402. Visitors in the Workplace Policy

To provide for the safety and security of members of the School community, only authorized visitors are allowed in the workplace. Restricting unauthorized visitors helps maintain health and safety standards, protects against theft, ensures security of equipment, protects confidential information, safeguards employee welfare, and avoids potential distractions and disturbances.

As such, all visitors must enter the School at the Security Guard Desk at the 130 Claremont Street entrance. Authorized visitors will receive directions or be escorted to their destination. All employees including faculty are responsible for the conduct and safety of their visitors.

If an unauthorized individual is observed on the School's premises, employees must immediately notify their supervisor or, if necessary, direct the individual to the Security Guard Desk. Concerns should be reported immediately to the Security Guard Desk and to the Associate Vice President of Facilities and Campus Safety.

403. Internal Investigations and Searches Policy

From time to time, the School may be required to conduct internal investigations pertaining to security, auditing, legal compliance, or work-related matters. Employees are expected to cooperate fully with and assist in these investigations, as well as to maintain confidentiality, if requested to do so.

To safeguard the health, safety and property of our employees and the School, to prevent Workplace Violence, and to help prevent the illegal possession, sale, and use of drugs on the School's premises, the School reserves the right to question employees and all other persons entering and leaving our premises and to inspect any packages, parcels, purses, handbags, briefcases, or any other possessions or articles carried to and from the School's premises. The School will also undertake appropriate health and safety screening, as set forth in other policies to be issued by the School.

Employees should also understand that all offices, desks, files, computers, and so forth, are the property of the School and are issued for the use of employees only during their employment with the School. Inspections may be conducted at any time at the discretion of the School, consistent with applicable law.

404. Accidents and Emergencies Policy

All employees will be provided access to first aid and emergency services, as required, for injuries or illnesses while on School premises.

In case of medical emergency, employees or others on the scene should immediately contact the Associate Vice President of Facilities and Campus Safety, the Vice President for Administration and Human Relations, or Emergency Medical Services directly. The emergency room at Mount Sinai Morningside Hospital is the nearest such facility at 443 West 113th St New York, NY 10025. In the event that an ambulance is needed, call the New York Police Emergency Medical Services number, which is 911.

If you are injured on the job, the School provides coverage and protection in accordance with Workers' Compensation Law. Any such injuries must be reported and documented as soon as possible for purposes of Worker's Compensation coverage and also for purposes of other insurance coverage. Any injury sustained while at work must therefore be reported immediately to the employee's supervisor, who in turn will notify the Associate Vice President of Facilities and Campus Safety of the incident. The injured employee's supervisor, witness, or Security, depending upon the circumstances, should fill out and submit an Incident Report Form, which can be found on the School's Intranet. The Incident Report Form must be submitted as soon as possible to the Associate Vice President of Facilities and Campus Safety, who will also forward the form to the Director of Employment Relations.

Failure to report accidents is a serious matter as it may preclude or delay an employee's coverage under Workers' Compensation Insurance and may subject the School to penalties under the Workers' Compensation Law. Employees experiencing such injuries will also be required to fill out appropriate forms or other documentation in connection with Worker's Compensation claims. Please contact the Director of Employment Relations with any questions.

405. Health & Safety Regulations; Fire Evacuation Plan (Subject to Further Compliance and Health/Safety Review)

Health & Safety Regulations. The School reserves the right to take appropriate action to address health and safety risks, including but not limited to continuing to address the COVID-19 pandemic. Policies regarding these and other initiatives will be posted on the School's website, as well as with its Emergency Plan, and will be distributed to the campus community.

Hazardous Conditions. The School maintains procedures and policies for addressing hazardous conditions. Employees have the responsibility for immediately reporting the existence of any hazardous condition(s) or practice(s) in or near their work locations, including classroom, practice, and performance spaces. Any such observation should be reported to the Associate Vice President of Facilities and Campus Safety or to the Security Guard Desk as soon as possible.

Fire Evacuation Plan. The School also maintains a robust fire evacuation plan and coordinates with the City to update and refine it periodically. Employees should familiarize themselves with the School's fire evacuation plan and other emergency planning requirements and keep a link to the plan on their phones or other devices for convenient reference in the event of an emergency. All employees must participate in the periodic fire drills conducted on the premises. The School's Fire Evaluation Plan can be found at msmny.edu/Emergency-Plan.

406. Emergency Response Plan

The School maintains an Emergency Response Plan that has been prepared by the Emergency Management Team to update and integrate Manhattan School of Music's policies and procedures for mitigation of potential injury or loss from a variety of emergencies through preparedness, response, and recovery. It is intended to facilitate coordination between the School and local emergency management officials. New York City has excellent emergency response capabilities, which this plan takes into account.

This plan applies broadly to emergencies, including fire, power outage, weather and earthquake situations, terrorism and civil unrest, pandemic and health emergencies, hazardous chemical spills, and natural disasters. It includes information about building evacuation, sheltering in place, assistance of those with disabilities, reunification plans, and other components of a comprehensive Emergency Plan.

MSM's Emergency Response Plan will be revised as needed or on an annual basis. The current Plan is posted on the School's Web site at msmnyc.edu/Emergency-Plan. Employees should review this Plan and keep a link to the Plan on their phones or other devices for convenient reference in the event of an emergency. Questions about the plan should be directed to the Senior Vice President and Chief Financial Officer or the Associate Vice President of Facilities and Campus Safety.

407. New York Health and Essential Rights Act (NY HERO Act)

The purpose of this plan is to protect employees against exposure and disease during an airborne infectious disease outbreak. This plan goes into effect when an airborne infectious disease is designated by the New York State Commissioner of Health as a highly contagious communicable disease that presents a serious risk of harm to the public health. This plan is subject to any additional or greater requirements arising from a declaration of a state of emergency due to an airborne infectious disease, as well as any applicable federal standards.

The School's complete Airborne Infectious Disease Exposure Prevention Plan under the NY Hero Act can be found at [intranet.msmnyc.edu/MSM Airborne Infectious Disease Exposure Prevention Plan](http://intranet.msmnyc.edu/MSM_Airborne_Infectious_Disease_Exposure_Prevention_Plan).

408. Inclement Weather (snow days, etc.)

During severely inclement weather such as snowstorms or hurricanes, the Administration may decide to cancel classes and lessons. Notification will be posted on the School's website, the Student Website and sent by MSM email to employees and students. The building will generally remain open so that students may practice or study.

Even though classes may be cancelled, performance related activities (concerts, master classes, dress rehearsals, auditions, distance learning events and student recitals) may take place, as scheduled. These will be announced on a case-by-case basis. Therefore, when performance related activities (some or all) are not cancelled, staff and faculty members responsible for supporting these events are expected to make every effort to report to work.

SECTION FIVE

V. MSM Business and Professional Conduct Policies

501. Business Expense Reimbursement Policy

The School maintains a Business Expense Reimbursement Policy which applies to all employees, including faculty and staff, who see reimbursement for School-related travel and expenses. This policy is subject to periodic revisions in order to meet evolving accounting and financial requirements and to meet evolving MSM business needs. The School's complete Business Expense Reimbursement Policy can be found on the intranet at Business Expense Reimbursement Policy

502. Solicitations for Non-School Purposes Policy

In the interest of maintaining a proper business environment and preventing interference with work and inconvenience to others, employees may not, for non-School purposes, distribute literature or printed materials of any kind, sell anything, solicit financial contributions, or solicit for any other cause during working time. Employees who are not on working time (such as those on lunch hour) may not solicit employees who are on working time for any cause, distribute literature of any kind to them, or engage in any of the other conduct prohibited in this policy. Furthermore, employees may not distribute literature or printed material of any kind in working areas at any time.

503. Political Activities Policy

Manhattan School of Music has adopted a policy that prohibits employees, in their capacities as employees and representatives of MSM, from participating in any activity whatsoever on behalf of or in opposition to any candidate for public office, whether such office be federal, state, or local. Employees are not permitted to conduct any such activity, lobby, or provide support for any national, state, or local political campaign on behalf of Manhattan School of Music.

Due to the School's nonprofit status, Manhattan School of Music is strictly prohibited from participating or intervening in any political campaign on behalf of or in opposition to any candidate for public office, whether such office be federal, state, or local. Employees may not participate in political campaign activities on behalf of the School or in their official capacities as employees. The use of the campus or campus facilities for partisan political campaign activities is not permitted, and any invitations to candidates or political figures must be coordinated through the Office of Media and Communications or the Office of the President and is subject to reasonable time, place, and other limitations.

504. Guidelines for Appropriate Conduct Policy

Employees of Manhattan School of Music, including faculty and staff, are expected to accept certain responsibilities, adhere to acceptable business and professionalism standards, and exhibit a high degree of personal integrity at all times. This not only involves our exhibiting sincere respect for the rights and feelings of others, but also demands that we refrain from any behavior that might be harmful to ourselves, our coworkers, students, or the School.

Those acting on behalf of the School should observe the following principles of professional conduct in the performance of their job responsibilities:

1. **Integrity**, by maintaining an ongoing dedication to honesty and responsibility in execution of one's job responsibilities;

2. **Trustworthiness**, by acting in a reliable and dependable manner toward all members of the campus community and the public;
3. **Evenhandedness**, by treating others with fairness and impartiality;
4. **Respect**, by treating others with civility and decency;
5. **Stewardship**, by exercising custodial responsibility for School property and resources;
6. **Compliance**, by following State and Federal laws and regulations and School policies related to their duties and responsibilities;
7. **Confidentiality**, by protecting the integrity and security of School information, including without limitation protecting student records, employee information, donor information, financial documents, medical information, and contracts.

The School expects each employee to meet the above expectations for professional conduct; when employee conduct falls below these standards, corrective or disciplinary action may be appropriate. Such corrective or disciplinary action may take the form of verbal or written warnings, probation, suspension, or termination, depending on the nature and severity of the conduct.

Certain types of behavior and conduct may be so detrimental as to warrant immediate termination, consistent with any applicable procedural requirements. While it is impossible to list all such conduct or behavior, the following are some examples of conduct or behavior that are serious infractions and may result in significant intervention, up to and including termination of employment:

1. All forms of dishonesty, including cheating, plagiarism, supplying of false information to any School official; falsifying employment or other School records; forgery; or improper use of School documents or instruments of identification.
2. Violation of the School's equal employment opportunity, anti-harassment, or other civil rights policies.
3. Violation of the School's Administrative Computing and Electronic Communications Policies in a manner that potentially undermines the integrity of the School's system or exposes the School or the employee to liability.
4. Disregard or violation of the School's health and safety, security, or emergency policies.
5. Refusal to comply with School or law enforcement directives involving health and safety, security, or emergency situations.
6. Solicitation or acceptance of gratuities from vendors.
7. Violation of the School's alcohol and substance abuse policy.
8. Fighting or use of obscene, abusive, or threatening language or gestures on School property or when representing the School or performing services on behalf of the or under the auspices of the School.
9. Stealing information or property from coworkers or the School.
10. Selling, purchasing, producing, possessing or distributing any weapons, explosives, fireworks or incendiary devices on or contiguous to School property.
11. Unauthorized entry, use or occupation of School facilities as well as unauthorized possession, duplication or use of keys or key cards to gain access to School facilities.
12. Insubordination.
13. Failure to maintain confidential information of the School and its community, including confidential information that is protected by FERPA or medical privacy laws or confidential financial information provided to the School by students, parents, supporters, employees, or other stakeholders.

14. Taking School funds or property or charging against a School account without authorization.
15. Violating civil or criminal law or engaging in conduct, whether on-site or off-site, that may compromise the School's reputation or undermine its ability to fulfill its Mission.

In addition, if an employee's performance, work habits, overall attitude, conduct, or demeanor becomes unsatisfactory in the judgment of the School, an employee is subject to disciplinary action, up to and including immediate dismissal. Nothing contained in this policy should be construed to be a promise or guarantee that particular action will be taken in any particular situation

Additional procedures and standards applicable to faculty are set forth and discussed in the Faculty Handbook.

505. Romantic or Sexual Relationships Policy

A. Policy Against Romantic or Sexual Relationships

Manhattan School of Music is committed to providing a safe and productive environment for all members of the School's community. The School is responsible for the stewardship of its resources and the public and private support that enables it to pursue its mission.

The School's internal controls and operating procedures are intended to detect and to prevent or deter improper activities that are contrary to School policy or in violation of federal, state, and local laws and regulations. However, intentional and unintentional violations of laws, regulations, policies, and procedures may occur and may constitute unlawful or improper activities. The School has a responsibility to investigate matters that may represent violations of laws, regulations, policies, and procedures and report to appropriate parties' allegations of suspected improper activities, and to protect those employees who, in good faith, report these activities to the appropriate authority.

This policy governs both the reporting and investigation of allegations of suspected unlawful activities and protects employees from reprisal by adverse employment action as a result of having disclosed wrongful conduct. It informs employees how allegations of wrongful conduct can be disclosed and describes the procedures for investigating known or suspected improper activities and addressing complaints of retaliation for raising such issues.

Manhattan School of Music encourages all members of the School's community to disclose serious breaches of conduct covered by School policy or law and concerns about:

B. Reasons for the Policy

Manhattan School of Music provides various mechanisms to assist and encourage employees to come forward in good faith with reports or concerns about suspected compliance issues. Employees may report suspected non-compliance issues without fear of reprisal or retaliation.

Any person may report allegations of suspected illegal or improper activities. Knowledge or suspicion of improper activities may originate from employees, students, internal or external auditors, customers, vendors, or other third parties.

A report of suspected improper activity should be made to the Vice President for Administration and Human Relations. However, when there is potential conflict of interest or for any other reason, such reports may be made to the Senior Vice President and Chief Financial Officer.

In the event of a claim of financial misconduct or inappropriate expenditure(s) of funds (including all grant funds, federal, and non-federal), or a claim regarding questionable internal controls, accounting practices, or auditing matters, the employee should make such a report to the Vice President for

Administration and Human Relations or by sending a sealed letter to the Chairman of the Finance Committee of the Board of Directors.

If an employee is unsure about the best course of action, the employee should consult with the Vice President for Administration and Human Relations or the Senior Vice President and Chief Financial Officer. If the employee is not comfortable raising an ethical issue or discussing a possible or actual violation with any of the foregoing individuals, the employee should report the matter by sending a sealed letter to the President of the School. Anonymous reports will be handled in the same manner as verbal or written signed reports; however, no response will be sent. Every effort will be made to protect the confidentiality of the source subject to any legal or regulatory requirements.

The investigator will maintain a file for the purpose of documenting the resolution to reported violations or suspected violations. The School may seek the help of outside counsel to investigate complaints it receives and to determine the appropriate corrective actions.

C. Exceptions; Required Disclosure of Relationship

The School will investigate all allegations of wrongdoing and ensure that appropriate action is taken in response to the allegations. All employees are required to cooperate fully with any internal or external investigation and shall maintain the confidentiality of any investigation and related documentation, unless specifically authorized to disclose such information.

506. Reporting Fraudulent, Dishonest Or Unlawful Behavior Policy

A. Policy Overview

Manhattan School of Music is committed to providing a safe and productive environment for all members of the School's community. The School is responsible for the stewardship of its resources and the public and private support that enables it to pursue its mission.

The School's internal controls and operating procedures are intended to detect and to prevent or deter improper activities that are contrary to School policy or in violation of federal, state, and local laws and regulations. However, intentional and unintentional violations of laws, regulations, policies, and procedures may occur and may constitute unlawful or improper activities. The School has a responsibility to investigate matters that may represent violations of laws, regulations, policies, and procedures and report to appropriate parties' allegations of suspected improper activities, and to protect those employees who, in good faith, report these activities to the appropriate authority.

This policy governs both the reporting and investigation of allegations of suspected unlawful activities and protects employees from reprisal by adverse employment action as a result of having disclosed wrongful conduct. It informs employees how allegations of wrongful conduct can be disclosed and describes the procedures for investigating known or suspected improper activities and addressing complaints of retaliation for raising such issues.

Manhattan School of Music encourages all members of the School's community to disclose serious breaches of conduct covered by School policy or law and concerns about:

1. Fraud and financial irregularities
2. Activities endangering the health and safety of the School community's members or others
3. Any criminal activity
4. Any violation of applicable law
5. Failure to comply with legal obligations

6. Unlawful discrimination or illegal workplace behavior
7. Unethical or dishonest conduct

B. Procedure for Reporting Suspected Improper Activities

Manhattan School of Music provides various mechanisms to assist and encourage employees to come forward in good faith with reports or concerns about suspected compliance issues. Employees may report suspected non-compliance issues without fear of reprisal or retaliation.

Any person may report allegations of suspected illegal or improper activities. Knowledge or suspicion of improper activities may originate from employees, students, internal or external auditors, customers, vendors, or other third parties.

A report of suspected improper activity should be made to the Vice President for Administration and Human Relations. However, when there is potential conflict of interest or for any other reason, such reports may be made to the Senior Vice President and Chief Financial Officer.

In the event of a claim of financial misconduct or inappropriate expenditure(s) of funds (including all grant funds, federal, and non-federal), or a claim regarding questionable internal controls, accounting practices, or auditing matters, the employee should make such a report to the Vice President for Administration and Human Relations or by sending a sealed letter to the Chairman of the Finance Committee of the Board of Directors.

If an employee is unsure about the best course of action, the employee should consult with the Vice President for Administration and Human Relations or the Senior Vice President and Chief Financial Officer. If the employee is not comfortable raising an ethical issue or discussing a possible or actual violation with any of the foregoing individuals, the employee should report the matter by sending a sealed letter to the President of the School. Anonymous reports will be handled in the same manner as verbal or written signed reports; however, no response will be sent. Every effort will be made to protect the confidentiality of the source subject to any legal or regulatory requirements.

The investigator will maintain a file for the purpose of documenting the resolution to reported violations or suspected violations. The School may seek the help of outside counsel to investigate complaints it receives and to determine the appropriate corrective actions.

C. Investigation

The School will investigate all allegations of wrongdoing and ensure that appropriate action is taken in response to the allegations. All employees are required to cooperate fully with any internal or external investigation and shall maintain the confidentiality of any investigation and related documentation, unless specifically authorized to disclose such information.

D. Protection from Retaliation

No individual who in good faith reports a violation or suspected violation shall suffer harassment, retaliation, or adverse employment due to their report of a violation or suspected violation or cooperation in an investigation. For employment purposes, adverse action means adverse employment action taken because the individual in good faith reported a violation or suspected violation or cooperated in an investigation. Employees who knowingly file false accusations of misconduct shall be subject to disciplinary action.

Any employee who believes they have been subjected to or affected by retaliatory conduct for (1) reporting suspected unlawful activity, or (2) for refusing to engage in activity that would result in a violation of law, should report such conduct to the Vice President for Administration and Human

Relations. Likewise, any employee who receives such a report, or who otherwise is aware of retaliatory conduct, is required to advise the Vice President for Administration and Human Relations. If the employee believes that reporting such conduct to the Vice President for Administration and Human Relations is inappropriate, or if the report to the supervisor has been made and the retaliatory conduct has not ended, the employee should report the incident directly to the Senior Vice President and Chief Financial Officer.

Any person who takes any action whatsoever in retaliation against an employee of Manhattan School of Music shall be subject to serious sanctions, up to and including termination of employment. It is also a violation of this policy to encourage others to retaliate.

Any questions regarding the information contained in this policy may be directed to the Vice President for Administration and Human Relations.

507. Legal Review Policy

The Vice President for Administration and Human Relations is charged with the responsibility for discerning if any matters have potential legal consequences to the School. Legal issues may trigger deadlines that can have serious consequences, and therefore, it is imperative such matters be referred for review as soon as they arise.

The School also encourages employees to bring any requests for legal advice or representation to the attention of the Vice President for Administration and Human Relations.

Examples of matters with potential legal consequences for the School include:

1. A lawsuit brought or threatened against the School, or an employee, based on conduct within the scope of employment.
2. A subpoena served on an employee while on School grounds or related to the School.
3. A written agreement drafted, negotiated, or signed by an employee.
4. An accident on School grounds resulting in personal injury or property damage.
5. A student action or complaint involving a violation of law, School policy, or a person's rights.
6. Information regarding potential violations of the School's anti-discrimination and anti-harassment policies.

If you are not sure whether a particular issue has legal ramifications, you should assume it does and refer the issue to the Vice President for Administration and Human Relations, or to the Senior Vice President and Chief Financial Officer in the Vice President's absence, as soon as possible.

508. Conflict Of Interest Policy

A. Policy Statement and Purpose of This Policy

Manhattan School of Music values integrity, honesty, and fairness, and strives to integrate these values into all aspects of its activities. The School's faculty and staff – and all who serve on the School's behalf – should conduct their affairs in accordance with the highest ethical and legal standards, consistent with the educational mission of the School.

As such, employees are expected to avoid even the appearance of impropriety in the performance of their duties on behalf of the School. Faculty and staff must carry out their duties and administer School resources only in furtherance of the School's mission and not for personal gain. They may not use their positions or knowledge gained on the job to inappropriately influence decisions for the

personal advantage of themselves, their families, or their friends.

To manage such risks, all faculty and staff have an obligation to refrain from acting in circumstances of conflict. They also have an affirmative obligation to disclose potential conflicts of interest in writing and obtain advance approval to proceed before initiating any transaction or engaging in any decision on behalf of the School. When appropriate, faculty and staff also have an obligation to withdraw from all involvement, debate, voting, or decision-making in matters where a conflict of interest or commitment exists or may exist.

Conflicts, if not disclosed and addressed, may undermine confidence in decision-making. Conflicts may also raise legal and compliance issues and undermine our institutional mission. An employee's failure to disclose conflicts and potential conflicts on a timely basis will be addressed by the School and may form the basis for discipline, up to and including termination of employment. Conflict avoidance and management is a responsibility of all who represent the Manhattan School of Music community.

B. Application to Faculty and Staff

This Policy applies to all members of the faculty and staff serving the MSM community. Different members of the community may be subject to different policies or procedures, however. For instance, those involved in teaching students or in conducting research may be subject to additional requirements stemming from interactions with students or obligations to comply with external grant or regulatory guidelines. Certain administrative positions or units may be subject to additional guidelines, procedures, or disclosure requirements, depending upon the particular responsibilities or functions of the administrator or unit. In addition, a particular outside interest, activity, or relationship may raise a conflict for one member of the community but not another. Circumstances matter, and an individualized assessment is critical. This is one of many reasons why employees should disclose conflicts or potential conflicts and are encouraged to bring questions to knowledgeable individuals.

C. Definitions

1. Conflict of Interest means a situation in which the interests of an employee and the interests of the School diverge or may appear to diverge. Conflicts may arise when there is the potential for an employee, the employee's immediate family members, or the employee's friends to benefit personally as a result of the employee's involvement in a School activity or decision. Conflicts of interest also may arise when an employee has non-School interests or duties that could possibly influence how they act in executing their duties on behalf of the School. Actual, present impropriety is not necessary for a conflict to arise. The appearance or potential for a conflict can be as damaging as actual self-dealing.
2. Immediate Family Member means a faculty or staff member's spouse, child (including adopted or stepchild), sibling, parent, parent-in-law, legal guardian, domestic or civil union partner, or household member.
3. Financial Interest means anything of monetary value, whether or not the monetary value is readily ascertainable.
4. Institutional Responsibilities means responsibilities expected and performed on behalf of Manhattan School of Music for which a faculty or staff member is employed and compensated by the School.
5. Outside Professional Activity means any paid or volunteer activity undertaken by a faculty member or employee outside the scope of one's employment at the School. Outside Professional Activities may include consulting, performing, participating in civil, religious, or charitable organizations, working as a technical or professional advisor, or holding a part-time job with another employer,

whether working in one's School occupation or another.

6. Potential Conflict means a situation that, while not necessarily a formal conflict, raises such a significant risk of an appearance of impropriety or conflicted decision-making that it should be brought to leadership and managed.

D. Conflicts of Interest

1. Financial Conflicts

Employees must maintain independence from vendors, contractors, and others doing business with the School. This means that employees may not directly or indirectly expend School funds for personal gain. Absent advance written disclosure and approval, employees may not purchase or influence the purchase of equipment, goods, or services for School use or with School funds from an individual, firm, or organization: (i) in which the employee or their immediate family members or friends have a financial interest; or (ii) if the employee also is employed by, or is negotiating, or has an arrangement concerning prospective employment with that individual, firm, or organization. Members of the School community who stand to gain from a particular contract must identify the situation to their supervisors or, in the case of staff at the level of Director, Dean, or Vice President, to the President or Chair of the Board of Trustees.

2. Gifts, Favors, or Gratuities

Employees may not solicit or accept money, gratuities, gifts, favors, entertainment, or reimbursement of expenses from individuals, firms, or organizations with which the School has business dealings if acceptance might reasonably be interpreted as an attempt to influence the employee in the conduct of the employee's duties.

- a. Examples of Prohibited Acceptance of Gifts or Services. Gifts or services that must be declined or returned immediately include, but are not limited to:
 - i. Multiple gifts from a single source in any calendar year;
 - ii. Gifts of money regardless of the amount;
 - iii. A gift valued in excess of \$100 or of undetermined value, unless employed for a School purpose or shared widely within the School or a department thereof;
 - iv. A vendor's offer to pay for travel to and/or attendance at a conference, business meeting, or similar function without the prior written approval of the Senior Vice President and Chief Financial Officer or the President.
- b. Prohibited Conduct Regarding Grants. Employees involved in awarding or administering grants or contracts using federal or other government funds are prohibited by law from soliciting or receiving gratuities, favors, or anything of monetary value from current or potential contractors or sub-contractors.
- c. Judging and Admission Prohibitions. Employees, including faculty and artistic staff, involved in judging competitions, bestowing grants or awards, making casting decisions, or offering acceptance into any program or any competitive opportunity are prohibited from soliciting or receiving gratuities, favors, or anything of monetary value from students, parents or relatives of students, or anyone being judged or evaluated -- regardless of the amount or value of the gratuity, favor, or monetary benefit.
- d. The Student Loan Sunshine Act. This statute recommends lenders be prohibited from offering any gift worth more than \$10 to a college employee, including free or discounted trips, meals, invitations to entertainment events or other form of hospitality. The Act prohibits lenders

from offering services to financial aid offices that create a conflict of interest. Consistent with these recommendations, employees involved in admissions and/or financial aid processes are prohibited from accepting any service or gift worth more than \$10.

- e. **Reporting Obligation.** Any employee who receives an unsolicited gift from an individual or company seeking any advantageous action by, or relationship with, the School should immediately submit a written report to his or her supervisor specifying the date the gift was received, the donor, the estimated value, and any other information the employee deems relevant.

3. Employment and Grading Conflicts

Employees and their immediate family members may not be assigned to positions in which one would have direct or indirect administrative or supervisory responsibility for the other or would be in a position to influence the terms or conditions of the other person's employment. Likewise, employees may not initiate or participate in institutional decisions involving or conferring a direct benefit (e.g., initial appointment or hire, retention, promotion, salary, bonus, leave of absence, or other benefits) upon their immediate family members. Employees may not sign off on payroll/personnel forms or disbursements that affect their own salaries or those of immediate family members or approve reimbursement of their own expenses or those of a direct supervisor.

Faculty and staff should not participate in hiring, renewal/non-renewal, promotion, disciplinary, termination, or other decisions, recommendations, or votes where the faculty or staff member (or their immediate family members) are directly involved in or may be directly affected by the matter under consideration. As soon as a faculty or staff member becomes aware that a matter before an internal committee or decision-making authority may raise conflicts, the faculty or staff member should disclose this information to the Chair of the committee or the decision-maker immediately, and they will make a prompt determination as to whether to participate. More specific procedures governing such circumstances may be described in the Faculty Handbook or in the Employment of Relatives Policy.

Faculty members are discouraged from teaching immediate family members and should not do so unless necessary to meet the programmatic needs of the student and pursuant to an exemption from the President. Even in such circumstances, the faculty member should not grade, or confer or cooperate in assigning a grade to, the immediate family member and must avoid the appearance of any partiality or favoritism with regard to assignments, availability of practice space, or any other aspects of class management. Faculty should confer with their chairs or the Executive Vice President and Provost to avoid the appearance of impropriety. In some circumstances, the School may decide to reassign the faculty member to another teaching assignment to avoid conflict issues involving an immediate family member.

4. Unauthorized Use of School Resources

Employees may not use School resources or facilities (such as telephones; fax and duplicating machines; campus mail; the School server or network; computing equipment and time; staff, office, and classroom space; supplies; athletic equipment; vehicles; postage; etc.) in a manner that results in personal and/or financial gain to the employee, members of his or her immediate family, or his or her friends. The use of the School name, logo, and seal by members of the School community, other than in the context of authorized uses consequent to their job responsibilities at the School, is also prohibited. Other School policies may address more specifically the limitations upon employee use of School resources.

5. Exploitation of School Human Resources or Students for Personal Gain

Faculty and staff may not use or employ other School personnel, or current or prospective students of the School, as part of the employee's outside consulting or business activities or for any other non-School or personal purposes, without prior disclosure and written approval from the Vice President for Administration and Human Relations or other senior leader of the School. This is the case even where the other personnel or students in question are volunteers at the outside entity and not remunerated for the outside work in question. Examples of such inappropriate use would include a faculty member assigning tasks to students, other faculty, staff, or scholars, for purposes of advancing the faculty member's own monetary or personal interests. Likewise, the services or time of other faculty or staff members should not be used to advance the personal or monetary interests of employees without prior disclosure and written approval of the School.

This does not necessarily preclude assignment of students to legitimate field work, clinical placement, or internships, some of which may involve assignments that directly advance the students' learning experiences. But any such assignments must be authorized by the School in advance, particularly where they involve a faculty or staff member's personal or outside professional interests. Any questions about appropriate use of staff or students should be addressed to the Vice President for Administration and Human Relations.

6. Unauthorized Use of or Access to Information, Programs, Resources, or Technology

An employee may not use—for personal gain, outside consulting or business interests, or other unauthorized reason—any confidential or privileged information acquired in connection with the employee's School activities. "Confidential or privileged information" includes, but is not limited to, medical, personnel, financial security records of individuals, or any records protected by statute or attorney-client privilege; anticipated material requirements or price actions; and knowledge or forthcoming programs or of section of contractors or subcontractors in advance of official announcements.

Faculty and staff also may not use School programs, resources, services, or technology to advance the employee's outside consulting or business activities, for personal gain, or for any other unauthorized purposes, without prior disclosure and written approval from the Senior Vice President and Chief Financial Officer or other officer of the School.

Employees may not disclose, provide, or transmit to a private individual, firm, or entity outside Manhattan School of Music access to any School or School-related work products, research results, materials, services, facilities, technology, records, confidential or privileged information, or other resources that are not made generally available to the public.

7. Assignment of Materials Authored by or Composed by School Faculty and Musicians

Except upon prior written permission of the Executive Vice President and Provost, faculty members may not assign their own texts or publications for classroom use or assign their own compositions for classroom use or music lessons, where such assignment requires students to purchase a text, publication, or music in which the faculty member has a financial interest in the sale or licensing of such materials. A faculty member may not exert pressure upon other faculty or staff to assign the faculty member's texts, publications, or compositions where the faculty member has a financial interest in the sale or licensing of such materials. The Executive Vice President and Provost may consult the faculty member's department or other knowledgeable personnel within MSM in evaluating whether to approve such an assignment.

E. Responsibilities Under This Policy

Issues of conflict of interest can best be defused or eliminated by advance, voluntary disclosure and, when necessary, independent review. In this way, apparent or potential conflicts, as well as actual conflicts, can be avoided or managed. In accordance with the processes set forth above, employees must disclose potential conflicts of interest in writing to their supervisors, chairs, or committee chairs (depending upon the context) and must obtain advance approval to proceed before initiating any transaction or engaging in any decision on behalf of the School. The Office of Business and Finance may promulgate more specific disclosure and resolution requirements to supplement the general provisions of this Policy. All conflict of interest disclosures will be held in the strictest confidence possible and shared only on a need-to-know basis.

Annually, certain designated employees involved in financial dealings, or in decisions at the senior leadership or Board levels, will also be required to disclose any actual or potential conflicts of interest by submitting a conflict disclosure statement to a designated official. The School will maintain and will distribute a form for the disclosures, which may be updated periodically. The annual disclosure process for the Board of Trustees is governed by the Board's Conflict of Interest policies.

The President and Board have the discretion to address conflict concerns raised by any employee of the School in the manner deemed appropriate to the nature of the concern. This may, but need not involve, obtaining additional information from or meeting with faculty, staff, or others with knowledge of the circumstances or arranging for independent review of the alleged conflict. The School will resolve such concerns consistent with the provisions of this Policy; relevant policies, laws, regulations, or grant agreements; and the mission of Manhattan School of Music.

F. Compliance With This Policy

Division heads and supervisors are responsible for ensuring this policy is communicated to and understood by the employees in their division and is strictly enforced.

If any person is aware of an action by another which might be considered a violation of this policy, or seeks guidance, they should contact the Vice President for Administration and Human Relations or follow the procedure outlined in the Reporting Fraudulent, Dishonest, or Unlawful Behavior Policy.

Any employee who violates this policy may be subject to disciplinary action, up and including dismissal from employment.