

**Union College**  
**Clarkson University Educational Assistance Plan for Employees**  
**(Amended and restated effective July 1, 2010)**

Union College hereby amends and restates the Clarkson University Educational Assistance Plan for Employees (the “Plan”) as set forth in this document. The Plan is intended to support the educational goals of its employees and encourage professional development. Union College recognizes that the skills and knowledge of its employees are essential to ensuring the success of the College.

The Union College Educational Assistance Plan for Employees is intended to be a qualified educational assistance plan under Section 127 of the Internal Revenue Code of 1986, as amended. This Plan shall be administered and interpreted consistent with that intent.

**Article I**  
**Definitions**

“**Code**” means the Internal Revenue Code of 1986, as amended.

“**College**” means Union College.

“**Eligible Employee**” means each full-time Employee.

“**Employee**” means an individual who the College treats as its common law employee for federal income tax withholding purposes and who is paid through the College’s payroll system.

“**Participant**” means an Eligible Employee who has met the eligibility requirements under Article II and has been approved to receive benefits under the Plan.

“**Plan**” means the Clarkson University Educational Assistance Plan for Employees.

“**Plan Administrator**” means the College’s Vice President, Administration and Finance, or such other person appointed by the College as plan administrator of this Plan.

“**Working Condition Fringe**” means any property or services provided to an Employee that, if the Employee paid for such property or services, such payment would be allowable as a deduction under Code Sections 162 or 167.

**Article II**  
**Eligibility and Participation**

Eligibility:

All Eligible Employees may participate in the Plan immediately upon their date of hire, subject to the College’s approval of their participation in the Plan.

Participation:

Eligible Employees must follow the application procedures established by the College to participate in the Plan.

**Article III  
Benefits**

Benefits under the Plan are limited to the College's payment of tuition costs for Clarkson University courses that the Participant takes. Notwithstanding the foregoing, all benefits paid under this Plan must qualify as "educational assistance" within the meaning of Code Section 127(c)(1). Additionally, benefits provided under this Plan are subject to the following limitations:

1. No benefit will be paid under the Plan unless the Participant obtains approval from Financial Services for payment for the cost of a covered course prior to commencing the course, and separate approvals must be obtained for each course.
2. A Participant may take up to four (4) courses per academic year (the academic year begins with the summer term), but no more than two (2) per term, without tuition charge. If space is limited in a particular course, preference will be given to full tuition paying students.
3. Only two (2) courses may be taken in Education and three (3) courses may be taken in other disciplines as a non-matriculated student. At that point, matriculation into a degree-granting program must be declared and all admissions and requirements for that program met, including the requirement for GMAT standards where applicable.
4. Certificate Program students are not eligible for benefits under this Plan.
5. To receive benefits under this Plan, an Eligible Employee must satisfy Clarkson University's admission requirements and maintain a cumulative GPA of 3.2 or higher.

**Article IV  
Other Limitations on Benefits**

The Plan is subject to Section 127 of the Code, which rules and regulations are incorporated by reference. Such rules include the following.

1. Educational assistance benefits under this Plan are not taxable up to a statutory maximum amount. The current maximum amount is \$5,250. Benefits in excess of the statutory limit are generally taxable and will be included on the Eligible Employee's W-2 for the current year in which such excess occurred. However, if the benefits qualify as a Working Condition Fringe, they may not be taxable to the Employee. All taxable benefits are subject to applicable withholding requirements.

2. This Plan may benefit only Eligible Employees of the College. Any courses taken by the Eligible Employee's dependents, spouse, or domestic partner are not eligible for tuition assistance under this Plan (but see the Clarkson University Educational Assistance Plan for Dependent Children, Spouses, and Domestic Partners).
3. In no event shall an Eligible Employee be given a choice between receiving educational assistance benefits under this Plan and any other remuneration that would be includible in gross income.
4. The Plan shall benefit Employees who qualify under a classification set up by the College that is not to be discriminatory in favor of Highly Compensated Employees within the meaning of Code Section 414(q) or their spouses, domestic partners, and/or dependents.

### **Article V Administration**

The Plan Administrator is responsible for administering the Plan and can adopt such rules and procedures he/she deems appropriate to administer the Plan. Additionally, the Plan Administrator has sole discretionary authority to interpret the Plan, to make eligibility and benefit determinations, and to make factual determinations in connection with the Plan. Any determinations of the Plan Administrator are final and binding on all parties.

### **Article VI Amendment or Termination of Plan**

The College grants the Plan Administrator the authority and power at any time and from time to time (and retroactively, if necessary or appropriate to meet the requirements of the Code) to modify or amend, in whole or in part, any or all provisions of the Plan. The College also grants the Plan Administrator the authority and power to discontinue or terminate the Plan at any time.

### **Article VII General Information**

#### Right to Continued Employment:

Neither the Plan nor any action taken with respect to it shall confer upon any person the right to continue in the employ of the College.

#### No Representation of Tax Advice

The College makes no representation that benefits offered under the Plan will not be subject to tax. Employees are responsible for any taxes that must be paid as a result of participation in the Plan. Employees are encouraged to consult with their own professional tax advisor for additional information.

Assignment:

No benefit under the Plan shall be subject in any manner to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance or charge, and any attempt to do so shall be void.

Funding

Employees are not required or permitted to contribute to the Plan. All Plan benefits are to be paid by the College from its general assets.

Calendar Year Basis

The Plan operates on a calendar-year basis.

Written Communications:

All communications in connection with the Plan made by an Eligible Employee shall become effective only when duly executed and filed with the Plan Administrator.

Governing Laws:

This Plan is to be construed, administered, and governed by the laws of the state of New York, to the extent not superseded by the Internal Revenue Code or other federal law.

Severability:

Should any part of the Plan subsequently be invalidated by a court of competent jurisdiction, the remainder thereof shall be given effect to the maximum extent possible.

Effective Date

The College has caused this restated plan document to be adopted with an effective date of July 1, 2010.

**IN WITNESS WHEREOF**, we have executed this Plan document as of the date set forth below.

**UNION COLLEGE**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_