

WASHINGTON AND LEE UNIVERSITY DEFINED CONTRIBUTION PLAN

SUMMARY OF MATERIAL MODIFICATIONS

The Washington and Lee University Defined Contribution Plan (referred to as "the Plan") has recently been amended. Effective, January 1, 2011, the Plan has been amended as follows:

1. The definition of Compensation has been amended to exclude fringe benefits for purposes of the Plan. Fringe benefits that are currently excluded for Plan purposes include taxable lodging, taxable moving expenses, gift certificates or other gifts, taxable employer paid life insurance premiums, taxable education reimbursements, domestic partner health offsets, telephone stipends, cash and non-cash prizes and awards, imputed home loan interest, unsubstantiated travel expenses/advances, stipends not in exchange for services, and accrued Combined Time Off paid at the time of severance. In addition, severance payments have been excluded from the definition of Compensation. Differential wage payments made to an employee performing service in the uniformed services will be considered as Compensation for all Plan purposes.
2. In order for your account to receive a share of the University's employer matching contribution and nonelective contribution for a Plan Year, you must complete 1,000 Hours of Service in the Plan Year (January 1 – December 31). If you are expected to work 1,000 hours or more in the Plan Year, the employer contributions will be made concurrently. If you are not expected to work at least 1,000 hours in the Plan Year, satisfaction of the 1,000 Hours of Service requirement will be determined as of December 31.

Faculty members teaching at least four courses during the terms within the Plan Year will satisfy the 1,000 Hours of Service requirement. The four course threshold is designed as a means of measuring eligibility for part-time/adjunct faculty who do not have associated administrative, advising, scholarship, and/or other responsibilities and duties to the university. Department heads, Clinic directors, and other full-time faculty who are contracted to teach fewer than four courses in a given year are deemed to satisfy the 1,000 hours of required service through their associated administrative duties, and/or scholarship and other responsibilities and duties, as specifically applicable to their position. Concurrent university contributions will be made.

Faculty who are eligible for and elect to participate in the phased retirement program (PRP) will receive concurrent university contributions in accordance with the PRP terms and conditions.

Employees (faculty and staff) on approved paid leaves (including, but not limited to sabbatical leave, parental leave, sick leave, etc.) retain their employee status

(full-time, part-time, etc.). Periods of approved paid leave will be credited as hours of service based on an employee's normal teaching schedule, or normal work schedule for non-faculty members.

3. Subject to the terms of the applicable annuity contract or custodial account agreement, upon attaining age 59 ½, you may withdraw all or a portion of your vested account if you are still employed by Washington and Lee University.
4. The terms of service with a predecessor employer that will be credited towards eligibility have been amended. 1,000 Hours of Service with an institution of higher education in the 12-month period immediately prior to the date of employment with Washington and Lee University will be credited in determining whether the Employee has a Year of Service for eligibility. If an Employee has 1,000 Hours of Service with an institution of higher education in each of the two consecutive 12-month periods immediately prior to the date of employment with Washington and Lee University, both of those years of service will be credited in determining whether the Employee has two Years of Service for eligibility.
5. The methods of distribution to a participant upon severance from employment have been amended. A participant who has incurred a severance from employment and who will receive a non-mandatory distribution may elect distribution in the form of lump sum or any distribution method that is available under the applicable funding vehicle.
6. Washington and Lee University will add Fidelity Investments as a vendor for purposes of Plan contributions as of April 1, 2011.

You should keep this notice with your copy of the Summary Plan Description.

4/1/11
Date

Amy Barnes
Plan Administrator

Plan Name: Washington and Lee University Defined Contribution Plan

Plan Number: 001

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