

**BOWDOIN COLLEGE RETIREMENT PLAN  
(July 1, 2013 Amendment and Restatement)**

**SECOND AMENDMENT**

The Bowdoin College Retirement Plan (the "Plan") was last amended and restated generally effective July 1, 2013. The Plan was subsequently amended effective July 1, 2016. The Plan is hereby further amended in the following respects.

1. The terms used in this Amendment shall have the meanings set forth in the Plan unless the context indicates otherwise.

2. Section 1.8 is amended to read in its entirety as follows:

1.8 "Disability" or "Disabled" means a Participant's incapacity to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or be of long-continued and indefinite duration. Disability shall be established by the award of disability benefits under Title II or Title XVI of the Social Security Act.

3. Sections 10.2 through 10.4 are amended to remove provisions specifically referring to determinations of Disability, to read in their entirety as follows:

10.2 *Denial of Claim.* If a claim is wholly or partially denied ("adverse benefit determination"), the Plan Administrator shall furnish the claimant with written or electronic notification of the adverse benefit determination. Any electronic notification shall comply with the standards imposed by 29 C.F.R. § 2520.104(b)-1(c)(1)(i), (iii) and (iv). The notification shall set forth in a manner calculated to be understood by the claimant:

- (a) the specific reason or reasons for the adverse benefit determination;
- (b) reference to the specific Plan provisions on which the determination is based;
- (c) a description of any additional material or information necessary for the claimant to perfect his or her claim and an explanation why such material or information is necessary; and
- (d) a description of the Plan's procedures for review of an adverse benefit determination and the time limits applicable to such procedures, including a statement of the claimant's right to bring a civil action under Section 502(a) of ERISA following an adverse benefit determination on review.

Such notification shall be furnished to the claimant within ninety (90) days after receipt of his or her claim, unless special circumstances require an extension of time for processing such claim. If an extension of time for processing is required, the Plan Administrator shall, prior to the termination of the initial ninety (90) day period,

furnish the claimant with written notice indicating the special circumstances requiring an extension of time and the date by which the Plan Administrator expects to render the benefit determination. In no event shall an extension exceed a period of ninety (90) days from the end of the initial ninety (90) day period.

10.3 *Appeal of Denied Claim.* A claimant or his or her authorized representative may appeal an adverse benefit determination by filing a written request for review with the Plan Administrator within sixty (60) days after receipt by the claimant of the notification of such adverse benefit determination. A claimant or his or her duly authorized representative:

(a) may submit to the Plan Administrator written comments, documents, records, and other information relating to the claim for benefits; and

(b) shall be provided, upon request and free of charge, reasonable access to, and copies of, all documents, records and other information relevant to the claimant's claim for benefits;

The Plan Administrator's review of any denied claim shall take into account all comments, documents, records and other information submitted by the claimant or his or her authorized representative relating to the claim, without regard to whether such information was submitted or considered in the initial benefit determination.

10.4 *Decision on Appeal.* The Plan Administrator shall provide the claimant with written or electronic notification of the benefit determination on review not later than sixty (60) days after receipt of a request for review, unless special circumstances require an extension of time for processing. Any electronic notification shall comply with the standards imposed by 29 C.F.R. § 2520.104b-1(c)(1)(i), (iii) and (iv). If an extension of time for processing is required, the Plan Administrator shall, prior to the termination of the initial sixty (60) day period, furnish the claimant with written notice indicating the special circumstances requiring an extension of time and the date by which the Plan Administrator expects to render the determination on review. In no event shall such extension exceed a period of sixty (60) days from the end of the initial sixty (60) day period.

In the case of an adverse benefit determination, the notification shall set forth in a manner calculated to be understood by the claimant:

(a) the specific reason or reasons for the adverse determination;

(b) reference to the specific Plan provisions on which the determination is based;

(c) a statement that the claimant is entitled to receive, upon request and free of charge, reasonable access to, and copies of, all documents, records and other information relevant to the claimant's claim for benefits; and

(d) a statement of the claimant's right to bring a civil action under Section 502(a) of ERISA.

4. This Amendment shall be effective as of April 1, 2018.

IN WITNESS WHEREOF, the Employer has caused this Amendment to be executed this 2<sup>nd</sup> day of April, 2018.

BOWDOIN COLLEGE

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

Senior Vice President for Finance and Administration  
& Treasurer