

# NOVA SOUTHEASTERN UNIVERSITY, 401(K) PLAN

## SAFE HARBOR NOTICE TO EMPLOYEES

**November 2022**

For the 2023 plan year, Nova Southeastern University (the "Plan Sponsor") shall operate NSU, 401(k) Plan (the "Plan") as a 401(k) "safe harbor" plan in order to satisfy certain "non-discrimination" testing requirements of the Internal Revenue Code. This document is intended to provide Plan Participants with the required notice of the "safe harbor" provisions adopted by the Plan. However, please note that while this notice does provide a brief review of certain key aspects of the Plan, if there are any discrepancies between this notice and the Plan document, the terms of the Plan document will govern.

**Safe Harbor Match Contributions.** We will satisfy the "safe harbor" requirements by making a contribution equal to a minimum of the sum of 100% of the first 4% of employees Compensation. Thus, if you contribute 4% or more of your compensation to the Plan during the year, NSU will contribute up to 10% and 4% will go into the Safe Harbor Employer Money Type Source. This contribution will be made only to the Participant who chooses to make Elective Deferrals and regardless of the number of Hours of Service he or she completes during the Plan Year and regardless of his or her employment status on the last day of the Plan Year. Participants will have a 100% Vested Interest in any of the "safe harbor" contributions which are described in this notice and which are made to the Plan on their behalf. Under Federal Law, "safe harbor" contributions cannot be withdrawn by the Participant for any reason (including financial hardship) prior to the earlier of the date the Participant reaches age 59½, dies, becomes disabled, or separates from service (but your Plan provisions govern).

**Employee Deferral Contributions.** As a participant in the Employer's 401(k) Plan, you may elect to defer (contribute) to the Plan a portion of your compensation (salary). (For information on any applicable age and service requirements, see the Summary Plan Description.) The Plan Sponsor will contribute this amount (your "deferral contributions") to the Plan. To defer a portion of your compensation, you must complete your enrollment on-line at [tiaa.org/nsu](https://tiaa.org/nsu) For the calendar year beginning January 1, 2023 you may defer up to 70% of your compensation not to exceed \$22,500. A Participant can change his or her deferral election as permitted periodically by the Administrator unless there is an unforeseen change in my financial circumstances, in which case the Plan Administrator may approve a decrease on other dates on-line at [tiaa.org/nsu](https://tiaa.org/nsu). Additionally, if you were born in 1973 or earlier, you may make a catch up contribution of \$7,500. For purposes of your deferral election, "compensation" means your earned income, wages, salaries, fees and other amounts received for personal services actually received in the course of employment. You are always 100% vested in your deferral contributions.

**Compensation.** Compensation generally means the amount of wages for income tax withholding purposes that appears on the W-2 Form issued to each employee by Nova Southeastern University as determined before taking into account the amount of Elective Deferrals he or she makes to the Plan. However, Compensation for "safe harbor" purposes may exclude any amount received before becoming a Participant in the Plan or any amount received before the date the Elective Deferral provisions of the Plan become (or became) effective.

**Other Employer Contributions.** Furthermore, the Plan Sponsor, within its sole discretion, may also make other contributions to the Plan, such as a non-safe harbor Matching Contribution. If made, this contribution will be allocated to each Participant who is eligible to share in it pursuant to the terms of the Plan. The vesting schedule provides for 0% vesting until you have completed **three years of service**. You will become 100% vested after 3 or more years of service. For more information on these additional contributions, see the Summary Plan Description.

**Plan Administrator/Plan Sponsor.** Any questions concerning this notice should be directed to the Plan Administrator. The Plan Administrator is Nova Southeastern University whose address is 3301 College Avenue, Fort Lauderdale, FL, 33314 and whose telephone number is (954) 262-7811.