

# Keweenaw Bay Ojibwa Community College



## Employee Handbook AY: 2018-2025

## Table of Contents

1. INTRODUCTORY INFORMATION .....	6
1.1. INTRODUCTION .....	6
Mission.....	6
Beliefs .....	6
Freedom of Expression .....	6
1.2. CODE OF ETHICS.....	6
Commitment to Students.....	7
Commitment to Co-Workers.....	7
Commitment to College.....	7
Commitment to Community .....	7
Commitment to the Teaching Profession-Faculty .....	8
Program Direction.....	8
1.3. BOARD OF REGENTS .....	8
1.4. COLLEGE ADMINISTRATION.....	9
President.....	9
Administrative Assistant/Human Resources.....	9
Dean of Instruction .....	9
Dean of Student Services .....	9
Assessment/Accreditation Coordinator .....	9
Office of Sponsored Programs Director .....	10
Culture and Wellness Director.....	10
Financial Aid Director .....	10
Bursar/Registrar Coordinator.....	10
Admissions Officer .....	10
Accounting Supervisor.....	10
Accounts Payable/Payroll Clerk .....	10
IT Technician .....	11
Fitness Center Coordinator .....	11
Faculty-Department Chairs.....	11
Librarian.....	11
Head Cook .....	11
Assistant Cook .....	11
Maintenance Worker.....	11
Housekeeping/Cleaning Person .....	12
Child Care Coordinator.....	12
Child Care Worker .....	12
GSRP Director .....	12
GSRP Teacher.....	12
Tutor.....	12
1.5. ORGANIZATIONAL CHART .....	1
1.6. COMMITTEES.....	1
Assessment Committee.....	1
Faculty Council.....	1
Finance Committee .....	1

Student Services Committee .....	1
Campus Safety Committee .....	1
Financial Aid Committee .....	1
Anishinaabe Advisory Committee .....	2
Ad Hoc Committees .....	2
2. GOVERNING POLICIES .....	3
2.1. EMPLOYMENT AT WILL .....	3
2.2. EQUAL EMPLOYMENT POLICY .....	3
2.3. AFFIRMATIVE ACTION POLICY .....	3
2.4. CONFLICT OF INTEREST .....	3
2.5. PUBLIC COMMUNICATIONS POLICY .....	4
2.6. CONFIDENTIAL INFORMATION .....	4
2.7. HEALTH AND SAFETY .....	5
2.8. BUILDING SECURITY .....	5
2.9. CHILDREN ON CAMPUS .....	5
2.10. GIFT GIVING/DONATIONS .....	5
2.11. ACCEPTANCE OF GIFTS AND GRATUITIES .....	6
2.12. TOBACCO POLICY .....	6
2.13. CAMPUS PET POLICY .....	6
2.14. POLITICAL ACTIVITY .....	6
2.15. U.S. COPYRIGHT LAW .....	6
Intellectual Property Rights .....	7
3. EMPLOYEE SELECTIONS .....	8
3.1. SELECTION POLICY .....	8
Recruitment .....	8
Establish Hiring Committees .....	8
Applications .....	8
Sovereignty .....	8
Indian Preference Law .....	8
American with Disabilities Act .....	9
Employee Personal Property .....	9
Employees Hired from the KBIC .....	9
Orientation of Employees .....	10
Nepotism .....	10
Personal Appearance .....	10
3.2. LEVEL OF EMPLOYMENT .....	10
3.3. CLASSIFICATION OF EMPLOYEES .....	11
4. JOB DESCRIPTION AND PERFORMANCE REVIEW .....	12
4.1. JOB DESCRIPTION POLICY .....	12
4.2. PERFORMANCE REVIEWS .....	12
5. COMPENSATION AND BENEFITS .....	13
5.1. COMPENSATION .....	13
Payroll Policies .....	13
Compensation .....	13
5.2. BENEFITS .....	13
6. TIME OFF POLICIES .....	14

6.1. TIME OFF NOTIFICATION .....	14
Flex Time and Schedule Adjustment.....	14
6.2. TYPES OF LEAVE .....	14
Holidays .....	14
Annual Leave .....	15
Bereavement and Funeral Leave.....	15
Professional Development .....	16
Educational Leave.....	17
Emergency Personal Leave.....	18
Fitness Leave .....	18
Inclement Weather/Emergency Closing .....	18
Jury Duty/Subpoena.....	19
Maternity/Paternity Leave .....	19
Military Leave.....	19
Sick Leave.....	19
Sick Leave Incentive Policy.....	20
Sick Leave Transfer Policy.....	20
6.3. FAMILY MEDICAL LEAVE ACT (FMLA) .....	21
6.4. LEAVE OF ABSENCE WITHOUT PAY .....	21
6.5. REQUESTING LEAVE .....	21
7. GENERAL INFORMATION.....	22
7.1. ATTENDANCE/SCHEDULE.....	22
Attendance .....	22
Schedule.....	22
Alternate Summer Schedule .....	22
Compensatory “Comp” Time .....	23
7.2. BREAKS.....	23
Breaks and Lunches .....	23
Breastfeeding Breaks .....	23
7.3. UNAUTHORIZED ABSENCE.....	24
7.4. COMPUTER USE, COPIERS, AND TELEPHONE USE .....	24
Computer Use .....	24
Guidelines for Use of KBOCC Computers.....	24
Copiers/FAX.....	25
Telephone Use .....	25
7.5. CELL PHONE POLICY .....	25
Instant Messaging/Cell Phone Texting.....	25
7.6. DRUG FREE WORKPLACE POLICY .....	25
7.7. MEDICATION .....	26
7.8. SEXUAL HARASSMENT AND ASSAULT POLICY.....	26
7.9. VOLUNTEER POLICY .....	47
7.10 PROHIBITED DISCRIMINATORY HARASSMENT .....	47
8. DISCIPLINE AND TERMINATION .....	49
8.1. EMPLOYEE CONDUCT AND DISCIPLINE .....	49
1. First Violation/Verbal .....	50
2. Second Violation/Written .....	50

3. Third Violation/Up to Five Day Suspension .....	50
4. Violations that Results in Immediate Dismissal .....	50
8.2. GRIEVANCE PROCEDURE.....	51
Grievance and Appeals .....	51
Freedom from Reprisal .....	52
Processing Employment Grievances.....	52
Alteration or Withdrawal of Grievance .....	52
Confidentiality of Grievances .....	52
8.3. TERMINATION PROCEDURES.....	52
8.4. APPEAL OF TERMINATION .....	53
8.5. TERMINATION–LAYOFF AND RECALL .....	53
8.6. RESIGNATION.....	53
8.7. VERIFICATION INFORMATION AFTER TERMINATION .....	54
8.8. RE-EMPLOYMENT .....	54
9. RECORD KEEPING AND EMPLOYEE FILES .....	55
9.1. EMPLOYEE RECORDS AND FILES POLICY .....	55
Employee Files.....	55
Payroll Files .....	55
File Access .....	55
10. EXPENSE/TRAVEL POLICY.....	56
10.1. EXPENSE REIMBURSEMENT POLICY .....	56
10.2. TRAVEL REPORTS .....	56
Travel Authorization Form .....	56
Travel Report Form.....	56
Credit Card Use for Travel .....	56
Transportation .....	56
Lodging.....	57
Meals.....	57
Miscellaneous Travel Expenses .....	57
ORIENTATION CHECKLIST .....	58

## **1. INTRODUCTORY INFORMATION**

### **1.1. INTRODUCTION**

#### **Mission**

Formed out of our American Indian identity, the mission of Keweenaw Bay Ojibwa Community College is to provide post-secondary education rich in Ojibwa culture, tradition and beliefs that supports life-long learning.

This mission will be accomplished by providing a professional, dedicated, open-minded and enthusiastic faculty, teaching a challenging, intellectually rigorous and relevant curriculum in a culturally sensitive environment that is safe and conducive to learning.

#### **Beliefs**

The Administration and Board of Regents have set forth these beliefs and are accountable to them:

- Education is a worthwhile endeavor and is the foundation for success.
- Everyone has the right to an accessible and affordable education.
- Everyone can learn.
- Everyone deserves a safe environment for learning.
- Education is a shared responsibility.
- Learning is a lifelong process.
- Those who teach must never cease to learn.
- Everyone is unique and has value.
- Everyone needs to maintain a sense of worth.
- Strength comes from diversity.
- The earth is our community.

#### **Freedom of Expression**

At Keweenaw Bay Ojibwa Community College (KBOCC), freedom of expression is of the utmost importance. Such freedom is felt to be absolutely critical to the growth, learning and development of the individual because it allows for the exchange of knowledge and ideas. This right is applied equally to all individuals in the college community. KBOCC expects communication to take place in a manner that is respectful of divergent perspectives and opinions. Any form of disrespect will not be tolerated.

### **1.2. CODE OF ETHICS**

Employees shall carry out their professional duties, obligations, and responsibilities with integrity and conduct themselves in accordance with the college's mission statement and the Seven Grandfather Teachings of the Anishinaabe.

- Humility - Dbaadendiziwin

- Truth-Debwewin
- Love-Zaagidwin
- Honesty-Gwekwaadziwin
- Bravery-Aakwa'ode'ewin
- Wisdom-Nbwaakaawin
- Respect-Mnaadendimowin

Employees will adhere to the Code of Ethics outlined below:

### **Commitment to Students**

- Respect each student.
- Encourage the personal and academic growth of each student.
- Apprise students of their rights, opportunities and risks.
- Seek ways to better serve the needs of students.
- Ensure a positive learning environment.
- Refrain from an inappropriate relationship with a student.
- Maintain student confidentiality.

### **Commitment to Co-Workers**

- Conduct oneself professionally.
- Act with consideration for the interests, character and reputation of co-workers.
- Support and assist co-workers in completing respective departmental responsibilities.
- Keep the trust under which confidential information is exchanged.
- Promote a positive work environment.
- Refrain from discussing staff concerns in the presence of others.

### **Commitment to College**

- Fulfill duties and responsibilities.
- Refrain from external influences which might impair commitment to the college.
- Be consistent in the application of College policies.
- Respect college property and facilities.
- Practice zero tolerance of harassment as defined in the College policy.
- Be aware of and involved in policy changes.
- Represent with accuracy one's professional qualifications, education, experience or affiliations.
- Uphold the positive image of the college.
- Present concerns to personnel according to established policies and procedures.
- Make referrals of questions and concerns to appropriate departmental staff.

### **Commitment to Community**

- Maintain respectful and responsible citizenship.
- Use facilities for purposes consistent with College policy.

- Protect the educational system from exploitation.
- Be aware of the negative impact of stereotyping and discrimination.
- Be sensitive to diversity within the community.
- Respect and treat others with courtesy.

### **Commitment to the Teaching Profession-Faculty**

- Practice intellectual honesty in teaching.
- Continue to develop scholarly competence.
- Encourage and protect the free pursuit of learning in students.
- Hold the highest scholarly and ethical standards of one's disciplines.
- Fulfill faculty responsibilities for governance and assessment.
- Be effective teachers and scholars to enhance student learning.

### **Program Direction**

Consistent with the mission and beliefs, Keweenaw Bay Ojibwa Community College sets forth these purposes:

1. Promote and preserve the Ojibwa culture by offering courses in Ojibwa language, history, and culture and an array of cultural activities.
2. Provide educational opportunities leading to certificates and associate degrees.
3. Encourage and prepare students to pursue advanced degrees.
4. Offer assistance for transfer to four-year colleges or universities.
5. Provide occupational/career programs for employment opportunities in tribal organizations, governmental agencies, and the private sector.
6. Provide instruction for students who desire to upgrade or enhance their skills.
7. Provide community educational programs that meet the changing needs of the Keweenaw Bay Indian Community and surrounding area.
8. Prepare and encourage students through guidance, advising, and counseling to meet their personal, academic, and career aspirations.
9. Offer students job placement assistance and career readiness coaching.

### **1.3. BOARD OF REGENTS**

The College is governed by a Board of Regents whose responsibility is to provide higher educational programs on the L'Anse Indian Reservation by establishing and operating programs for post-secondary degrees, certificates, and Community enrichment. The curriculum is designed to integrate traditional values with general education as a way to foster understanding and prepare students for responsible citizenship, academic competence, and career success. The functions and duties of the Board of Regents are:

- Implementing the institution's mission.
- Establishing long range plans.
- Ensuring financial solvency.
- Establishing and approving educational programs.



- Developing policies.
- Establishing departments and/or committees for specific functions.
- Conferring degrees and certificates.
- Self-evaluation.
- Hiring and evaluating the President.

#### **1.4. COLLEGE ADMINISTRATION**

*Note: A more detailed job description for each position can be located through the Human Resources office*

##### **President**

The President of the College is hired by the Board of Regents and is responsible for providing educational leadership for the College and administrative direction relating to the mission and vision.

##### **Administrative Assistant/Human Resources**

The Administrative Assistant has responsibility for assisting the President with day-to-day operations including board related assignments, record maintenance, and external agency communications, general clerical tasks, and travel arrangements for both the President and the Board.

##### **Dean of Instruction**

The Dean of Instruction is responsible for ensuring academic integrity and a quality learning experience for students, serving as chief academic officer of the College. The Dean provides supervision and direction for the faculty and academic instructional programs including on-going curriculum improvement, program development, learning assessment, and articulation initiatives. The Dean of Instruction is the presiding officer of the Faculty Council and leads its academic policy and governance activities.

##### **Dean of Student Services**

The Dean of Student Services is responsible for overseeing the student service department, (Admissions, Financial Aid, Enrollment, and other programs that work with students, staff and faculty to enhance student success). This includes promoting a supportive and safe environment that assists students both academically and personally.

##### **Assessment/Accreditation Coordinator**

The Assessment/Accreditation Coordinator will coordinate the development and implementation of a comprehensive program of assessment for the purposes of institutional improvement in accordance with accreditation requirements. The coordinator will work with all KBOCC employees and students in implementing and evaluating a comprehensive assessment program for the College.

### **Office of Sponsored Programs Director**

The Office of Sponsored Programs Director is responsible for managing all aspects related to sponsored programs, defined as projects or grant activities funded by an external source, which advances the mission and beliefs of the College. The Office of Sponsored Programs Director will prepare grant applications and proposals, coordinate with the Institutional Review Board (IRB) and research integrity processes, prepare related reports, and coordinate grant activities with project directors.

### **Culture and Wellness Director**

The Cultural/Wellness Director is responsible for implementation of a vision which provides diverse cultural and wellness opportunities promoting life-long learning and mino-bimaadiziwin.

### **Financial Aid Director**

The Financial Aid Director is responsible for the administration of all student aid; the collection and reporting of financial aid data; monitoring academic progress related to financial aid; and returning unearned aid. The Financial Aid Director presides over the Financial Aid Committee and supervises Federal Work Study.

### **Bursar/Registrar Coordinator**

The Bursar/Registrar Coordinator is responsible for the registration and record retention of all student accounts, the disbursements of financial aid and scholarships, and compilation of enrollment reports.

### **Admissions Officer**

The Admissions Counselor is responsible for student admissions processing and overall recruitment. Other duties entail marketing college programs through community outreach including high school visits, organizational events, job fairs, and the media.

### **Accounting Supervisor**

The Accounting Supervisor will direct, monitor and oversee all college financial operations including financial administration, planning and communications. Primary responsibilities include providing leadership and vision in the development and administration of fiscal and operational policies, implementation of effective financial controls, and institutional budgeting.

### **Accounts Payable/Payroll Clerk**

Responsible for performing general accounting, payroll and administrative functions in accordance with established policies, procedures and controls. Records, classifies and summarizes accounting data. Assists in the processing of payroll and maintains payroll records and documentation necessary to substantiate and record all payroll related activities.

### **IT Technician**

The IT Technician is responsible for providing maintenance and administration of the computer lab, Mac lab, employee computers and peripheral devices, domain controllers and servers, wireless network, student enrollment programs, distance learning equipment, and other equipment utilized for providing educational programming.

### **Fitness Center Coordinator**

The Fitness Center Coordinator is responsible for the coordination and planning of all fitness center activities and individualized programs for students and members.

### **Faculty-Department Chairs**

Each Department Chair, a full-time faculty position, serves as lead instructor and program director for the respective department. The Chair is responsible for the implementation and assessment of the instructional program; overseeing departmental adjunct faculty; advising students; conducting peer performance reviews; preparing departmental budgets and reports; and participating on the Faculty Council and assigned committees.

### **Librarian**

The librarian will select, order, catalogue and classify library resource materials as well as assist students, faculty, and staff with research requests and conduct literature services. Researching grants that are specific to the library and work with our Office of Sponsored Programs to secure such grants.

### **Head Cook**

This position is responsible for the overall supervision and financial oversight of the cafeteria, cafeteria staff and food service operations.

### **Assistant Cook**

This position will be responsible for assisting the Head Cook with preparation of meals, grocery shopping, and inventory, menu planning, and cleaning.

### **Maintenance Worker**

The Maintenance Worker shall be responsible for providing general repairs and daily maintenance of the facilities, vehicles, and grounds. Minor carpentry, electrical, plumbing, and painting performed as needed. Maintains work log and work orders for specific site requirements to keep a clean and safe work environment. Maintains equipment and supply inventory.

### **Housekeeping/Cleaning Person**

The Housekeeper/Cleaning Person shall be responsible for keeping the facility clean. Sweeps, mops, scrubs, and vacuums hallways, stairs and office spaces. Empties all trash containers in offices, breakrooms, employee kitchen. Cleans and disinfects restrooms, toilets and sinks. Replenishes cleaning supplies and paper products in restrooms and other rooms as necessary. Dusts and cleans walls, doors, windows, woodwork and furniture. Light grounds keeping. Assists custodian in preparing and cleaning facility before and after events. Performs other job-related duties as required by supervisor.

### **Child Care Coordinator**

This position is responsible for the coordination, planning and implementation of an early childhood education environment that is conducive to learning through play.

### **Child Care Worker**

This position is responsible for assisting the Child Care Coordinator in providing appropriate child care services and activities for children in an early childhood education environment.

### **GSRP Director**

The Great Start Readiness Program (GSRP) The GSRP Director is responsible for providing a safe and developmentally appropriate preschool program in accordance with all relevant legislation, policies and procedures. The GSRP Director will be responsible for planning and implementing a program to teach young children that ensures the development and safety of these children in accordance with relevant federal, territorial and municipal legislation and policies. The GSRP Director will be respectful of children and parents, and ensure that equipment and facilities are clean, safe and well maintained.

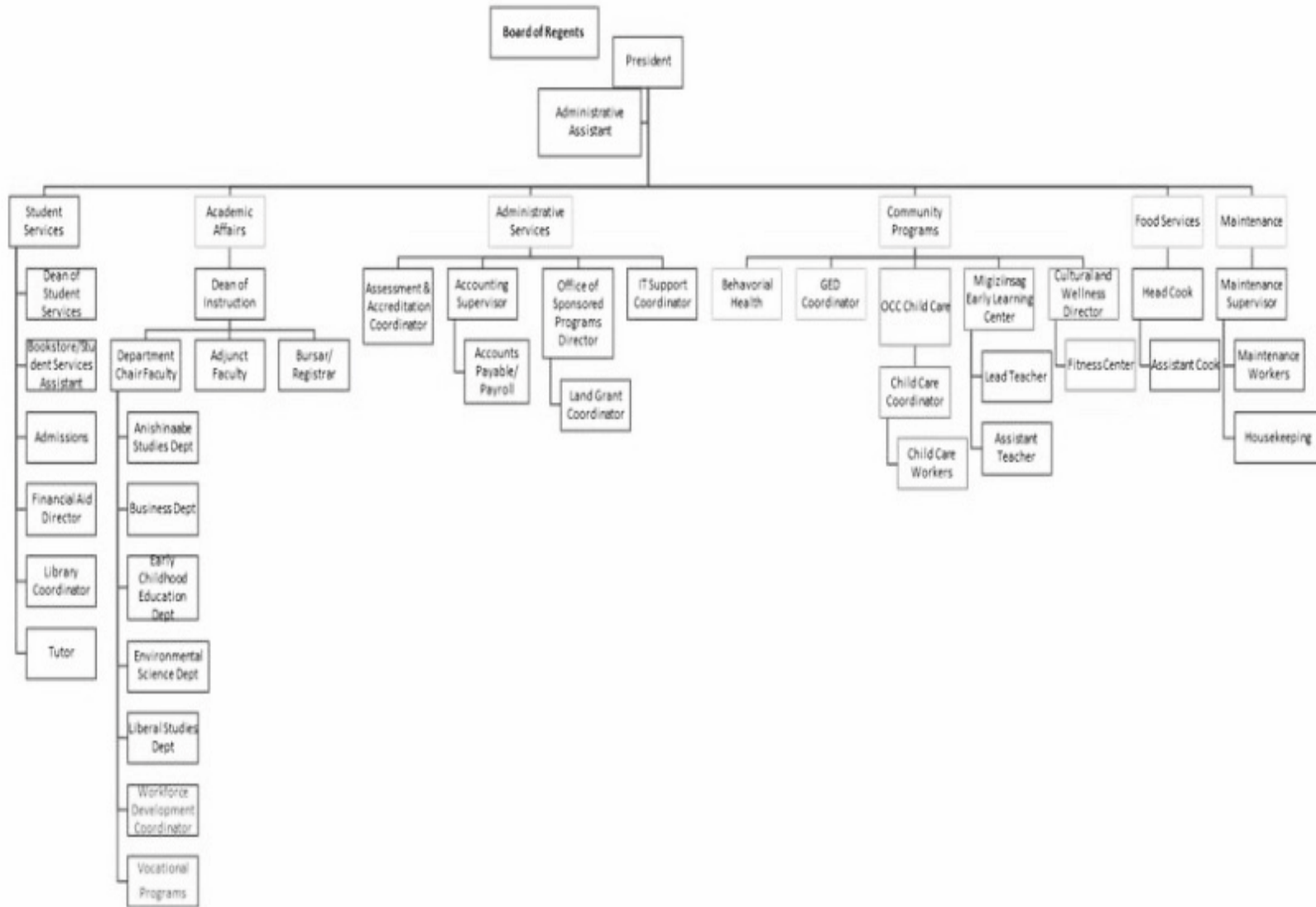
### **GSRP Teacher**

The GSRP is Michigan's preschool program for four-year old children who have risk factors that may put them at risk for school success. This person is responsible for providing a safe and developmentally appropriate preschool program in accordance with all relevant legislation, policies and procedures. This is a high-quality early childhood program that follows all rules and regulations of the Michigan Department of Education. This position requires one who is personable and dependable with a strong work ethic.

### **Tutor**

The Tutor is responsible for supporting student learning through tutoring in English, Mathematics, and Science. The Tutor will explain general concepts and answer questions to aid students in comprehension of course material.

## 1.5. ORGANIZATIONAL CHART



## **1.6. COMMITTEES**

### **Assessment Committee**

Committee members include faculty and staff representing individual departments. The Committee is responsible for ensuring integrity in College departments and programs. Each member is responsible for completing annual departmental evaluations. The Assessment/Accreditation Coordinator is the presiding officer for the Assessment Committee.

### **Faculty Council**

Faculty Council consists of the Dean of Instruction and all Faculty Chairs. Faculty Council upholds academic and professional standards and works toward maintaining and improving the quality of the College's educational programs. The Council develops and reviews curriculum, academic programs and policy; makes decisions on student academic grievances, petitions, and appeals; and promotes faculty development. The Dean of Instruction is the presiding officer for Faculty Council.

### **Finance Committee**

The Finance Committee shall be a standing committee of the Board of Regents and consist of the President, the Treasurer for the Board of Regents, Office of Sponsored Programs Director, and the Accounting Supervisor. The Treasurer from the Board of Regents shall serve as the presiding officer.

### **Student Services Committee**

Committee members will include the Dean of Student Services, staff, and student representation. The Student Services Committee will coordinate student services and activities that enrich student experience and promote a sense of community among students, and staff. The Dean of Student Services shall serve as the presiding officer.

### **Campus Safety Committee**

The Campus Safety Committee will be responsible for reviewing the policies and procedures that affect the safety of the College. The Committee will consist of the Student Services staff, Maintenance Supervisor, and Emergency Response Team members. The Cultural and Wellness Director shall serve as presiding officer.

### **Financial Aid Committee**

The Committee will be responsible for selecting appropriate scholarship recipients and hearing financial aid appeals. The Committee will consist of staff and faculty members. The Financial Aid Director will preside over the Committee.

### **Anishinaabe Advisory Committee**

This Committee is responsible for assisting faculty and staff to incorporate Anishinaabe awareness into the college curriculum and activities. All Anishinaabe employees are invited to be a part of this committee. The Culture and Wellness Director will preside over the Committee.

### **Ad Hoc Committees**

*Ad Hoc* Committees exist for a limited time to serve a specific purpose. Their membership, structure, and schedule are based on their function. *Ad Hoc* Committees may be established by Administrative Staff with approval by the President.

## **2. GOVERNING POLICIES**

### **2.1. EMPLOYMENT AT WILL**

All our employees are employees at will. This means that the College has not established any specific terms of employment and that employment may be terminated at any time by either the employee or the College regardless of the length of employment or the granting of benefits of any kind.

The President reserves the right to interpret and administer the policies and procedures outlined in this Handbook. In addition, the Board of Regents reserves the right to change, amend, or eliminate policies and procedures, without prior notice, as may be necessary.

### **2.2. EQUAL EMPLOYMENT POLICY**

The College is an equal opportunity employer. Its policy prohibits discrimination against any employee or applicant for employment because of age, gender, race, creed, color, sexual orientation, or national origin except where age, gender, or freedom from physical disabilities constitute a bona fide occupational qualification.

### **2.3. AFFIRMATIVE ACTION POLICY**

First consideration for employment shall be granted to Native Americans as outlined in the Indian Preference Act Section 7(b) of P.L. 93-638 and Section 703 (I) under Title VII of the Civil Rights Acts of 1964 as amended.

In federally funded employment, training, and/or rehabilitation programs or other programs authorized by Congress, the College may limit competition to those applications meeting federally mandated requirements, which includes the TERO.

Further, the College shall first consider KBOCC Alumni, KBIC members, KBIC veterans, and current KBOCC students for employment.

### **2.4. CONFLICT OF INTEREST**

Employees are prohibited from engaging in any activity or conduct which is a conflict with the objectives and goals of the College. This section does not attempt to limit the employee's freedom of speech, excepting the disclosure of confidential information, or speech defamatory to the College.

If an employee's outside activity (employment, participation or involvement in another business, corporation, institution or other entity) constitutes a potential conflict of interest, then the employee will (a) disclose it to the College; and (b) refrain from any decision making involving the outside activity.



## **2.5. PUBLIC COMMUNICATIONS POLICY**

Official communications with the public – whether customers, individuals in the community, government representatives, or members of the media – should be confined to those employees who have the responsibility for such communications either as a regular part of their job duties or as the result of official authorization, by the President or designee.

For purposes of this policy “official” communications are defined as those in which the College, as a whole or in any part, will be considered to have taken a position, or made a pronouncement or commitment of any kind, regarding any matter or any transition. Official communications with representatives of the media (e.g. newspaper, magazine, television, radio, etc.) are limited to the President unless authorization is previously approved by the President or designee.

Any contacts from the public that are received by employees who do not have positions warranting such contact should immediately refer those contacts to the proper College employee.

Employees who fail to follow this policy may be subject to discipline up to and including discharge, to the extent permitted by law.

## **2.6. CONFIDENTIAL INFORMATION**

Our students, donors, and employees entrust the College with important information. Any violation of confidentiality seriously injures the College’s reputation and effectiveness. Therefore, employment with Keweenaw Bay Ojibwa Community College entails an obligation to maintain confidentiality. In addition, KBOCC has specific responsibilities under the Family Educational Rights and Privacy Act (FERPA).

All employees are responsible for safeguarding confidential information, which includes personal information about students or other employees and strictly internal College information. This responsibility entails:

- Preventing disclosure of confidential information.
- Avoiding the misuse of confidential information for personal or political gain by themselves or others.
- Maintaining security of confidential records and documents.
- Seeking approval before handling, removing, or copying records or other confidential information.

Employees are not to discuss business with anyone not employed by the College or employees who do not have a direct association with the transaction. Co-workers should also refrain from discussing College business in public places.

Because of its seriousness, any breach of confidentiality may lead to disciplinary action. Deliberate disclosure of potentially harmful information or misuse of information may lead to dismissal.

## **2.7. HEALTH AND SAFETY**

Maintaining an environment that is safe and conducive to learning is an important part of the College's mission. While at College or any College-sponsored activity, employees have the right to insist that actions which threaten or insult them in any way stop immediately. If problem behavior persists, supervisors and/or employees will intervene to keep co-workers and students safe.

Every effort will be made to provide a safe environment in which to work. All employees are expected to perform their work assignments in a safe and proper manner, use appropriate safety equipment, and work with care and consideration for co-workers.

In the event of an accident or injury, employees complete the written accident report and submit it to the Administrative Assistant's Office.

Acts of violence and aggression include verbal or physical actions that are intended to create fear or apprehension of bodily harm or threaten the safety of others in our workplace. Written reports of any acts of violence must be reported to your supervisor and submitted to the Administrative Assistant's Office. In case of an emergency, contact 911. Incidents of violence at the College are considered to be serious misconduct and will not be tolerated. Violent incidents will result in disciplinary action including dismissal and restriction (barring) from all KBOCC campus'.

## **2.8. BUILDING SECURITY**

All employees are expected to perform in a manner that ensures the safety and security of people and property. A surveillance system is utilized at the College. Employees are expected to comply with campus security procedures.

## **2.9. CHILDREN ON CAMPUS**

Children accompanied by employees, students, or visitors of KBOCC must be under the supervision of a responsible adult while on college property or on the site of any approved off-campus class or other college event. For the purposes of this policy, a child is defined as any youth under the age of 16 who is not officially registered in a college class or program.

Children accompanying employees are not permitted in classes, labs, or other learning environments without the permission of the instructor or appropriate college personnel. Children age 8 or under are not allowed in the science lab.

## **2.10. GIFT GIVING/DONATIONS**

As an on-going effort to raise funds for operational, facility, scholarships, or special initiatives, all employees may donate to the annual fundraising campaign. This shows the commitment of our employees to prospective donors. Employees may contribute gifts through payroll deduction, or monetary donation. Other gifts are welcome at any time such as books or other supplies. Forms are available on the College's website or from the Administrative Assistant.

## **2.11. ACCEPTANCE OF GIFTS AND GRATUITIES**

Employees are prohibited from accepting any substantive gifts, money, or gratuities from any person or organization.

## **2.12. TOBACCO POLICY**

KBOCC complies with all applicable Federal, State, and local regulations regarding smoking in either the workplace or academic buildings in order to provide an environment that promotes the well-being of its employees.

**SMOKING IS PROHIBITED INSIDE ALL COLLEGE FACILITIES.** Employees are required to enforce regulations and to exercise common courtesy and respect the needs and sensitivity of others with regard to the smoking policy. Smoking is prohibited except in designated smoking areas. Violation of this policy will result in disciplinary action. Complaints about smoking issues should be resolved at the lowest level possible but may be processed through the grievance procedure. Employees who violate the policy will be subject to disciplinary action.

Tobacco authorized for traditional usage is permitted.

## **2.13. CAMPUS PET POLICY**

Employees are prohibited from bringing pets to campus. Pets may not be kept in cars or restrained to vehicles that are parked in College parking lots. Service animals, K9 dogs used by law enforcement, and pets used in pre-approved educational programs may be allowed per approval of the President or Dean of Student Services.

## **2.14. POLITICAL ACTIVITY**

All employees are encouraged to exercise their right of citizenship by participating in tribal, state and national elections. Employees may not use their official authority or influence for the purpose of interfering with an election or a nomination affecting the result thereof.

Employees shall not directly or indirectly coerce, command, or advise other employees to pay, lend or contribute money or anything else of value for political purposes to any party, committee, organization, agency, or person.

Employees shall not engage in any political activity during scheduled work hours.

## **2.15. U.S. COPYRIGHT LAW**

Provisions of the copyright law pertain to employees. Reproduced copies covered by copyright may be in violation of the law.

## **Intellectual Property Rights**

The creator shall own all rights in copyrightable works (scholarly or creative work, artwork, or musical compositions). The College shall own all rights in other intellectual property. The following exceptions may apply.

- Sponsored Research. Ownership of intellectual property resulting from sponsored research will be determined by the terms of the agreement between the College and funding agency.
- Commissioned Work. The College will own intellectual property resulting from College commissions.
- Copyrightable Work Created Within the Scope of Employment. Copyrightable works other than scholarly or pedagogical work within the scope of employment are owned by the College. Examples of copyrightable work subject to this provision include, without limitation, personnel manuals, written policies, administrative handbooks, public relations materials, archival audio and video recordings of College events, and official College web pages.
- Electronically Published Course Materials. Courses designed to be delivered over the internet, by computer or through similar technologies may involve both copyrightable works and other intellectual property. Consistent with its intent to recognize the creator as the owner of scholarly or pedagogical works, the College claims no ownership rights in either the intellectual content of such courses or the tools and technologies used to present them, unless the work was the result of sponsored research or is commissioned work.

### **3. EMPLOYEE SELECTIONS**

#### **3.1. SELECTION POLICY**

##### **Recruitment**

Job openings will be advertised in house for a minimum of one week, if no suitable internal candidate is selected, the position will be posted externally. The job description shall contain the basic responsibilities and necessary qualifications for the position, the prospective duration of the job, salary level of the position, supervisory control, and application procedure. Job announcements shall be posted on the KBOCC website.

##### **Establish Hiring Committees**

Hiring committees will be established and consist of members who are well trained in confidentiality, legal rights and responsibilities of the hiring process. The committee shall consist of a minimum of three members and shall be no larger than seven. A representative of the Board of Regents must sit on the committee.

##### **Applications**

Applications must be submitted in writing or electronically according to the position announcement. All other required documentation must be submitted by the closing date or the applicant will not be considered for employment.

##### **Sovereignty**

Federal labor laws, rules and regulations pertaining to employees shall be abided by in good faith to their fullest extent.

When such labor laws, rules and regulations are in conflict, the Sovereignty of the KBIC will take precedence, i.e., legal matters concerning employment at Keweenaw Bay Ojibwa Community College will be heard in KBIC Tribal Court.

##### **Indian Preference Law**

Provisions in the Federal Civil Rights Act of 1964 allow private and governmental employers on or near federal trust Indian Reservations to publicly announce and practice a policy of giving preferential treatment to qualified American Indian candidates who present proof of eligibility for Indian Preference.

The Indian Preference Law is reasonably and rationally designed to further Indian self-government. The Indian Preference Law is a distinct statute that does not violate Title VII of the Civil Rights Act of 1964, as amended. The United States Supreme Court has held that the Indian

Preference Law does not constitute harmful racial discrimination or violate the due process clause of the Fifth Amendment.

Legal references:

1. I.S.D.A. [25 U.S.C. 450e (b)(1), 41 C.F.R. 14-78,5002,] Section 7(b)(1)
2. Civil Rights Act of 1965, as amended [42 U.S.C. 2006e-2(1)] Section 703(i)
3. Executive Order 11246
4. A.R.S. 15-502, 15-504, 41-1463

The College will make every effort to recruit and hire the most qualified individuals available for all positions according to the Tribal Employment Rights Ordinance. The following is the preference the College will use when selecting from a qualified pool of candidates for each vacant position depending upon the funding source.

1. Qualified KBIC members.
2. Qualified other KBIC descendants.
3. Qualified other federally recognized tribal enrollees.
4. Qualified spouses of KBIC members.
5. Qualified other applicants.

### **American with Disabilities Act**

The College has a duty to provide reasonable accommodations to the known limitations of employees who have a documented disability. College personnel will be asked to make “reasonable accommodations” in the employment process to ensure nondiscrimination on the basis of disability. The College is prepared to reasonably accommodate persons with disabilities qualified to work in campus offices and departments in all aspects of employment including recruitment, application, hiring, benefits, promotion, and evaluation. Such accommodation may be based on documented individual disability needs.

### **Employee Personal Property**

Employee personal property at their workplace is each employee’s responsibility. The College is not responsible for loss or damage to employee personal property. The College has the right to limit the personal property in any employee’s workplace. The College is not responsible for employee personal property that is left by an employee who resigns or terminates from the College.

### **Employees Hired from the KBIC**

Consideration of years of service from the Keweenaw Bay Indian Community and other benefits may be given.

## **Orientation of Employees**

The President will be responsible for the orientation of all Department Heads. Department Heads will orient all other employees in their respective departments.

The job description will be reviewed with the employee and a copy of the Employee Handbook will be provided. The orientation checklist will be used to mark each item as it is discussed with the new employee. The new employee will sign the form acknowledging the items presented as being understood. The acknowledgement form will be submitted to the Administrative Assistant's office.

## **Nepotism**

Direct supervisory authority over an immediate family member must be avoided. If supervision of an immediate family member cannot be avoided without significant detriment to the college, the hire, promotion, or change in status leading to the supervisory relationship must be approved by the Board of Regents in advance. Immediate family is defined as spouse, parents, grandparents, grandchildren, children, or siblings.

## **Personal Appearance**

Employees are expected to dress appropriately at all times. Business casual is required Monday through Thursday (jeans are not permitted). Female employees should wear skirts or dresses to cultural events or ceremonies held during College activities. Male employees should wear short sleeve or long sleeve shirts and long pants. During the summer, knee length shorts and short sleeve tops are permitted. Suggestive attire is prohibited. Casual attire is permitted on Fridays and during designated College outings.

## **3.2. LEVEL OF EMPLOYMENT**

These definitions apply to all employees:

- Permanent full-time
  - Employees who work 30 hours or more each week on a regular basis. Full fringe benefits are allowable.
- Temporary full-time
  - Employees who work 30 hours or more each week but whose duration is limited to a definite time period. Only those fringe benefits mandated by law will be given.
- Permanent part-time
  - Employees who work up to 29 hours per week on a regular and continuing basis. Limited benefits are available.
  - Adjunct instructors who teach 6 or more credits on a regular rotation have the option of upgrading their status to PPT after 3 consecutive semesters of teaching (summer optional).
- Temporary part-time

- Employees who work less than 30 hours each week but whose duration is limited to a definite time period. Only those fringe benefits mandated by law will be given.

### **3.3. CLASSIFICATION OF EMPLOYEES**

The Fair Labor Standards Act of 1938 was amended in 1985 to permit employers to give specified amounts of compensatory time off in lieu of overtime pay.

- Non-exempt: those subjected to the minimum wage and overtime provisions; paid time and one-half for hours worked in excess of 40 hours in any given week.
- Exempt: personnel employed in executive, administrative, professional, or outside sales capacities are not eligible to receive overtime compensation.
- Employees are eligible for compensatory time-off for any hours worked in excess of a forty-hour work week.



## 4. JOB DESCRIPTION AND PERFORMANCE REVIEW

### 4.1. JOB DESCRIPTION POLICY

All jobs will be described on a standard job description which defines qualifications and duties and responsibilities. It covers the most significant characteristics of the job but does not exclude other work from being assigned. Job descriptions are part of all recruitment, performance evaluation, compensation, advancement, training, and termination decisions. It is the responsibility of the supervisor to work with employees to keep job descriptions up-to-date and accurate. Whenever a job changes significantly, the job description should be updated.

### 4.2. PERFORMANCE REVIEWS

Performance evaluations are conducted to provide supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals and expectations.

**Evaluation Periods:** At the end of the 90-day probation period, an evaluation will be performed on all new employees. At the end of 30 days, an evaluation will be performed for existing employees in new positions. An annual evaluation will be performed for all employees. Faculty evaluation periods correspond with semesters and academic years.

**Performance Evaluation Review and Filing:** The supervisor will review the performance evaluation and authorize any recommendations. Performance reviews will be discussed with the employee who shall sign the review form acknowledging receipt and any subsequent action.

A substandard evaluation may result in an extended probationary period or suspension. The evaluation form will be maintained in the employee's personnel file with a copy to the employee.

## **5. COMPENSATION AND BENEFITS**

### **5.1. COMPENSATION**

#### **Payroll Policies**

Pay will be issued on a bi-weekly basis through direct deposit with the completion of a time sheet signed by the employee and supervisor. Any alterations must be initialed by the supervisor. Timesheets are required by noon on Monday of the payroll week, unless otherwise notified. Time clock cards must be attached to the timesheets and submitted by the supervisor to the payroll office. Proper account/codes must be included on the timesheet.

Payroll advances may be given upon the approval of the department supervisor in the case of medical or family emergencies. All advances will be deducted in full from the next pay period and will require a \$5.00 service fee. Payroll deductions forms are available through the payroll office.

Overpayments due to an accounting error or miscalculation will result in either returning the overpaid amount immediately or by an adjustment of next pay period.

Underpayments on payroll checks, due to an accounting error or miscalculation, will be corrected within three business days.

#### **Compensation**

Employee pay rates will be based on the job description and level of responsibility. If the budget allows, pay increases for employees will be considered annually if approved by the Board of Regents.

Faculty members' pay rates will be established at the time of hire based on education and experience. Adjunct and part-time instructors are paid only for specified student contact hours in class and during their office hours. Full time instructors are paid based on a 40-hour work week. Pay for faculty members on ten-month appointment is pro-rated over twelve months. If faculty members who are on ten-month appointment are asked to work for the College when they are off contract, they will be paid at their most recent awarded or non-pro-rated rate, unless the work is for a grant or appointments with specified pay rates. Prior approval by the President and/or Dean of Instruction is required.

### **5.2. BENEFITS**

All benefits, such as health insurance, life/disability insurance, and retirement are given according to job classification and are administered by the Accounting Office. AFLAC is available to all employees.

## **6. TIME OFF POLICIES**

### **6.1. TIME OFF NOTIFICATION**

Employees must notify their supervisor within fifteen minutes of the regularly scheduled starting time if an absence or tardiness will occur. Authorization for absences must be approved by the supervisor by submitting a signed Absence Request Form.

When faculty members must miss a scheduled class session, a substitute instructor (pre-approved by the Dean of Instruction) or other appropriate arrangements for the class must be made. In urgent situations when alternative arrangements for a class cannot be made in advance, the Department Chair, and/or the Dean of Instruction must be notified so arrangements for class coverage or cancellation can be made. When a class is cancelled, the instructor must make appropriate arrangements to cover the missed material.

#### **Flex Time and Schedule Adjustment**

Employees are expected to adjust schedules to accommodate workload and student needs. Employees must receive approval from the supervisor for variations from their regular schedule. All employee schedules must be submitted to the Administrative Assistant's Office as changes occur.

### **6.2. TYPES OF LEAVE**

#### **Holidays**

Holiday pay will be given for eight hours for employees who regularly work forty hours and pro-rated for employees working less than forty hours. In lieu of holiday pay, full-time department chairs receive semester breaks. Adjunct and part-time instructors do not receive holiday pay. Employees must be in a pay status the workdays before and after the holiday to receive holiday pay. Paid holidays are: New Year's Eve, New Year's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Michigan Indian Day, Thanksgiving and the following days: Christmas Eve, Christmas Day, 3 day Holiday break, and employee's birthday. The Board of Regents, or the President has discretion to authorize additional paid holidays.

Employees who must work on any paid holiday will receive comp time for use at their discretion, upon approval of the supervisor.

Other Events: The President will have the discretion to allow employees time off to attend ceremonies and other cultural events. To be paid for the employee picnic, employees must either attend the picnic or be at a workstation.

## **Annual Leave**

Full-time employees working 40 hours per week shall earn annual leave at the end of each pay period according to years of service as follows:

- less than three years of service 4 hours
- 3 years but less than 12 years of service 6 hours
- 12 years of service or more 8 hours

Employees working less than 40 hours shall receive annual leave on a pro-rated basis.

Temporary employees will receive annual leave on a pro-rated basis after accruing 500 hours.

Total years of services will consist of all employment at the College and KBIC.

Employees are responsible to change their annual/sick leave status with supervisor approval and submit it to the Payroll Office.

Annual leave may be used after it is earned with supervisor approval. An Employee Absence Form must be completed. The supervisor may grant or deny annual leave depending upon the workload.

Ten days of annual leave may be carried over from one year to the next. If additional leave is requested, it must be approved by the supervisor and used by a designated date or be lost.

In case of dismissal, resignation or retirement, employees will be paid for accumulated annual leave up to 80 hours.

Instructional faculty members do not accrue annual leave. Full-time faculty will have paid leave during breaks specified in the academic calendar and between the fall and spring semester, providing all material for the ending semester is completed and required material for the upcoming semester is submitted on schedule.

Full-time faculty who work the entire academic year will receive three personal days (24 work hours) at the beginning of the appointments period, (typically August 15) and expire at the end of the appointments period (typically June 15).

## **Bereavement and Funeral Leave**

Up to three days leave with pay shall be granted in the event of death in the immediate family defined as follows: spouse/partner, parents, stepparents, children, step/foster children, siblings, grandparents, and grandchildren.

In the event the three (3) days leave granted does not allow for sufficient time for attending a funeral, annual leave or sick leave may be granted. Employees who have no annual leave or sick leave accrued, may use leave of absence without pay upon approval by the supervisor.

Employees attending funeral services will receive up to 4 hours leave with pay. Employees must complete an Absence Request Form.

### **Professional Development**

It is the policy of Keweenaw Bay Ojibwa Community College to provide a comprehensive education and professional development program for our employees. This will allow opportunities for staff to increase their skills, pursue a degree, or train for a higher-level position within the College.

### **Eligibility**

In order to be eligible for this program, employees must:

- Have completed the ninety-day probationary period
- Have a Staff Professional Development Plan that relates to position or intended faculty position and that demonstrates benefit to KBOCC
- Have satisfactory job performance in current position

### **Approval Procedure**

The employee must:

- Complete a Professional Development Form or Staff Training Form with documentation of course registration, budget of estimated expenses, and supervisor approval
- Complete an Educational Leave Request form (if applicable)

### **Educational Leave: Funding/Reimbursement**

Educational leave will be provided to employees at the rate of 4 hours per week to attend college classes during normal working hours. Release time will be provided to employees at the rate of 4 hours per week to engage in student study for classes held after normal working hours. Faculty required to obtain college credits for their positions may receive a course reduction at the discretion of the Dean of Instruction or the President.

Funding for educational leave for obtaining a degree is based upon available funds. All other sources of funding must be utilized prior to receiving College funds. Educational related expenses may include:

- Tuition
- Registration fees
- Textbooks
- Course Materials
- Student Fees
- Travel
- Childcare
- Meals

Reimbursement for tuition and fees will be paid to employees upon receipt of documentation of expenses incurred upon approval by the supervisor. All other expenses will be reimbursed upon an employee submitting a purchase request or travel report with applicable receipts.

Upon successful completion of courses, employees must submit a copy of their grade report and/or transcript to the Human Resources' office and supervisor to be eligible for future funding. Employees receiving funding must agree to work for a one-year period after every 12 credit hours funded. If unable to fulfill this commitment the employee will be responsible for reimbursing the college for all costs.

### **Native American Program of Study**

This Educational Leave policy shall also apply to Native American staff and faculty who participate in approved Native American coursework for credentialing through the Keweenaw Bay Indian Community including the Ojibwemowin Master/Apprentice project and immersion programs. To be eligible under this program, you must be a current employee of KBOCC and enrolled in a federally recognized tribe.

### **Professional Development Conferences: Funding/Reimbursement**

Funding for professional development activities is based upon available funds. All other sources of funding must be utilized prior to receiving College funds. Professional development related expenses may include:

- Registration fees
- Travel/Per Diem

Employees must complete a Travel Authorization Advance form and submit it to the supervisor for approval. Travel will be paid up front. Upon return, an employee must submit a Travel Report form and submit it to the supervisor for approval. Expenses will be reimbursed upon an employee submitting the form with applicable receipts and verification of training. No reimbursement will be made without documentation for each expense.

### **College Sponsored Internships**

The Professional Development policy may also apply to faculty and staff who participate in internships made available through the College. This may include activities through NASA, NSF, AIHEC, AICF or other College-related funding opportunities. To be eligible, the activity must relate to your position and be approved by your supervisor. Stipends will generally be paid from the agency or grant. Travel may be provided according to the travel policy. Any other internships will require an employee to request a leave of absence.

### **Educational Leave**

The policy of Keweenaw Bay Ojibwa Community College is to provide employees with educational leave for a comprehensive education and professional development program. One course taken at the College may be offered free of charge to all employees not eligible for financial aid. Textbooks and course fees are the employee's responsibility.

Full-time employees may receive four paid hours of leave. Part-time employees may receive prorated hours of education leave. Employees must record educational leave time on their timesheets. A record of training/education shall be maintained in the personnel file.

If taking an on-line class that directly benefits your position, you are permitted to utilize the 4 hours per week leave with supervisors' approval.

All educational leave must have prior approval from direct supervisor and president.

### **Emergency Personal Leave**

Employees who are emergency personnel including volunteer firemen, emergency medical technicians, first responders, etc., may be allowed leave with pay when responding to an emergency situation locally. Annual leave or leave without pay may be allowed for required training or duty outside of the immediate vicinity, pending approval by their supervisor. Every effort should be made to inform their supervisor if called to an emergency.

### **Fitness Leave**

The College acknowledges and supports the importance of physical activity which benefits the health of employees by improving job performance and reducing costs associated with health care and lost wages due to illness.

In an effort to encourage employees to engage in regular physical activity, the College will allow full-time employees up to 30 minutes per day of paid time to exercise. This leave will only be permitted when it does not create an undue hardship on the program/department or adversely affect employee productivity. The employee and supervisor must agree on the time of day and location the policy is utilized. Fitness Leave is not accruable.

All fitness forms must have prior approval from direct supervisor.

### **Inclement Weather/Emergency Closing**

The College will be closed due to inclement weather or other circumstances at the discretion of the President or appointed designee. In the event of inclement weather, the President will determine if a snow day or a delay is needed, however, it will typically follow when L'Anse Area Schools are closed. If the President is out of the area, the Board Chairman will be next to make the determination for a snow day. In the event of emergency conditions such as mechanical malfunctions or natural disaster, an emergency closing may be ordered. When the College is closed due to inclement weather or an emergency closing, employees will be paid according to their full or part time status. Adjunct and permanent part-time instructors whose classes are cancelled due to inclement weather or other emergency conditions are not paid for the classes on that day but may schedule make-up class time which will be paid.

Inclement weather closures will be announced on the College's website and Facebook page, Eagle Radio 105.7 or 98.7, and WLUC TV6.

Employees on either annual or sick leave during a school closure will remain on such leave. Employees who cannot report to work because of inclement weather shall notify their supervisor as soon as possible. Comp time or annual leave may be used upon approval by the supervisor.

### **Jury Duty/Subpoena**

Leave of absence with pay will be granted to serve jury duty during regular work hours. Compensation received from jury duty is allowed. Employees must complete an absence request form.

### **Maternity/Paternity Leave**

Maternity or paternity leave, counted as leave without pay, will be granted to any employee after the sixth month of pregnancy, as substantiated by a physician. FMLA forms must be completed and submitted to the Administrative Assistants Office. In case of emergency, leave may be granted immediately. Leave shall be given up to 12 weeks.

A two-week notice shall be given to return to work along with a physician's signed release.

### **Military Leave**

Eligibility for military leave includes: Selective Service induction, A-1 enlistment, or a call-up as a member of the National Guard or Reserve.

**Leave of absence without pay:** Fifteen days of required training within a year (may use annual leave)

**Maximum Duration of Initial Leave:** Period of Active Duty

**Maximum Duration Including Extension:** Four years plus additional time imposed by law, if any plus 90 days after release from duty.

In the event of a declaration of war, and in compliance with the Uniformed Services Employment and Re-Employment Rights of 1994 (USERRA), all personnel called to active duty for an unspecified amount of time shall be guaranteed their employment upon their return from active duty within six months of discharge. Employees who voluntarily re-enlist shall be separated from employment.

### **Sick Leave**

Full-time employees working 40 hours per week shall earn sick leave at the end of each pay period according to years of service as follows:

- less than three years of service 4 hours
- 3 years but less than 12 years of service 6 hours



- 12 years of service or more 8 hours

Employees working less than 40 hours shall receive sick leave on a pro-rated basis. Adjunct and permanent part time instructors do not receive sick leave.

Temporary employees will receive sick leave on a pro-rated basis after accruing 500 hours.

Sick leave may be used after it is earned. Claims for sick leave of three consecutive days or more will require physician verification. After ten or more consecutive days of sick leave, certification of ability to return to work from their attending physician is required.

Employees who are sick and cannot perform their job safely and effectively, or who are contagious, should not report to work. The supervisor must be notified of the situation. If employees are out sick for more than one day, they must call in every day. Employees may use sick leave for immediate family.

Employees with doctor-verified sicknesses which are covered under the Family Medical Leave Act, FMLA that extend beyond five consecutive days will be automatically placed on FMLA on the sixth day.

If a consistent pattern of sick leave develops, the supervisor may require a signed doctor's statement verifying the employee's medical reason for the absence.

In the event of termination, any accrued sick leave is lost. In case of separation, any accrued sick leave beyond 80 hours is forfeited.

### **Sick Leave Incentive Policy**

Employees with 90 days/720 hours of sick leave will be issued a check or added to their retirement account for any additional hours at the end of the calendar year.

### **Sick Leave Transfer Policy**

Employees who are experiencing sickness or medical emergency and without sufficient earned annual/sick leave, may receive voluntary donations of sick leave from other employees.

Employees must exhaust all accumulated sick, annual leave, and comp time before receiving transferred sick leave.

Employees may donate sick leave hours by submitting a SICK LEAVE PROVIDER FORM to the Payroll Office.

### **6.3. FAMILY MEDICAL LEAVE ACT (FMLA)**

Time off from work under the FMLA is provided for reasons of maternity and paternity leave, adoption, and for serious health conditions of employees and their immediate families for up to twelve weeks in a year.

Employees must complete the FMLA Certification of Health Care Provider for Employee's Serious Health Condition Form which is signed by the Health Care Provider indicating the medical condition and amount of leave needed. The form must be provided to the Administrative Assistants Office within five business days of the employee notifying the employer of the need for FMLA leave. In addition, the Notice of Eligibility and Rights & Responsibilities Form must be completed by the Administrative Assistants Office and given to the employee to complete. As required by law, KBOCC will allow the employee 15 calendar days to return this form.

A serious health condition is defined as an illness, impairment, physical or mental condition that involves inpatient care, an absence of more than three consecutive calendar days with treatment by a health care provider, or a regimen of continuing treatment for a chronic illness, pregnancy or prenatal care.

Contributions to health, dental, vision and prescription drug coverage, if applicable, will be maintained for up to twelve weeks in a year for combined time off for absences covered under the FMLA for staff with at least one year of service. Employees are responsible for payment of health and other benefits upon return.

Seniority shall accrue during maternity leave and health care will continue provided the employee pays their share while on leave. All other benefits may be frozen until staff returns to work.

### **6.4. LEAVE OF ABSENCE WITHOUT PAY**

For emergency situations a leave of absence without pay may be granted by the Supervisor, and by the president. This is time off from work for an extended period when other leave is exhausted. Employees will request the leave of absence in writing, stating the reason and length of time. The direct supervisor will submit the documentation to the President for approval and a copy will go to the Administrative Assistants office for processing.

All benefits will remain frozen and no benefits will be paid by the College unless otherwise provided herein. Employees may keep health benefits active according to COBRA regulations.

### **6.5. REQUESTING LEAVE**

Prior to any type of absence, employees will complete an Absence Request Form, obtaining the direct supervisor's signature. For urgent situations other arrangements can be made with the direct supervisor (calling for sick leave, annual leave, funeral, etc.). A copy will be retained by the direct supervisor and attached to the time sheet.

## **7. GENERAL INFORMATION**

### **7.1. ATTENDANCE/SCHEDULE**

#### **Attendance**

Every employee has an obligation to maintain regular and reasonable attendance as a condition of employment.

All Employees are expected to be at their scheduled work location during scheduled work time. Unavoidable delays must be reported directly to the supervisor at least fifteen minutes prior to the scheduled work time.

#### **Schedule**

Normal work hours will be determined in coordination with the supervisor. A copy of each employee's schedule shall be maintained by the supervisor and all schedule changes should be turned into the Administrative Assistants office.

All faculty members are required to post office hours and be available in the amount of .5 hours per week for each 1-2 credit hour course taught and 1 hour per week for each 3-4 credit hour course taught. All faculty semester schedules should be turned in to the Dean of Instruction by the end of the first week of every semester.

During the period of orientation through the drop/add date, faculty, admissions, financial aid, IT, and student services must adjust their schedules to accommodate students during the start of a new semester. During this period designated departments will work until 6:00 p.m., Monday through Thursday.

Special events such as the Honors Ceremony or Commencement are mandatory. Employees who work and attend special events shall receive flex time. When employees must work beyond their regular schedule, with supervisor approval, they must adjust their schedules within by the following pay period and/or use comp time.

Employees are not permitted to work weekends to make up for any absences during the normal work week.

#### **Alternate Summer Schedule**

During summer months, employees may adjust their work schedule by completing the Alternate Work Arrangement form (upon supervisor approval). The conditions of the request are as follows:

- The employee must adhere to the selected workweek schedule. No changes will be allowed unless approved in advance by the supervisor.

- The employee must maintain the expected quantity and quality of work.
- The employee must maintain acceptable attendance.
- If at any time the employee requests a return to a standard work schedule, the supervisor may grant the request at his/her discretion.
- From time to time, it may be necessary for a supervisor to make adjustments to the employee's work schedule. The supervisor should provide the employee with reasonable notice of the change whenever possible.
- If an employee wishes to take a day off or cannot work due to illness the employee must use sick or annual leave equal to the hours scheduled to work. For example, an employee working ten hour days must take ten hours of annual or sick leave.
- Employees shall revert back to a standard workweek for the week of any holiday.

### **Compensatory "Comp" Time**

Comp time will only be paid for if approved by supervisor in advance. Any comp time accrued without prior approval will not be paid for. In the event you must stay after hours to meet with a student or help with an important issue that is KBOCC related, the employee will email their direct supervisor at the end of the day and explain why the comp time was accrued. Also, comp time approval forms will be turned in with timecards. Further, for better payroll flow, time sheets will reflect times in and out by quarter hours. Comp time should be used within the next payroll period.

## **7.2. BREAKS**

### **Breaks and Lunches**

Under normal circumstances, employees are entitled to a lunch period in the middle of their shift. Lunch periods are usually one-half hour long and unpaid. Employees who work a shift of eight hours or more will have 30 minutes deducted from their time on the clock whether they take a lunch break or not. Employees who work a six-hour shift are mandated to take a half hour lunch break.

In addition to lunch periods, employees may take a rest period (break) of fifteen (15) minutes for each four-hour period of work. Rest periods may be taken as time and work schedule permits, though in some departments they are scheduled. Rest periods should not disrupt the normal flow and efficiency of the department. Rest periods are not cumulative; they cannot be used to extend lunch breaks, to cover for late arrivals, or to leave work early.

### **Breastfeeding Breaks**

Employees who are breastfeeding are entitled to breaks for the purpose of breastfeeding or pumping and breastmilk storage. Supervisors and employees shall work together to find mutually agreeable hours of work and breaks. The Health Office is available as an onsite lactation room.

### **7.3. UNAUTHORIZED ABSENCE**

Any unauthorized absence will be leave without pay and may be grounds for disciplinary action including dismissal. Absences of three consecutive days without authorized leave shall be deemed as voluntary resignation. In the event of extenuating circumstances such absence may be considered by the supervisor as a leave of absence without pay.

### **7.4. COMPUTER USE, COPIERS, AND TELEPHONE USE**

The College provides and maintains certain technological and office equipment services, including computer systems, use of the Internet, telephones, electronic mail, and voice mail. The College provides the systems for the use of employees in conducting College business.

#### **Computer Use**

The College reserves the right to maintain, service, monitor, inspect, and access any part of the system. The IT Department will create user accounts, reset passwords, and unlock computers.

#### **Guidelines for Use of KBOCC Computers**

- The College systems may not be used for any unlawful or any improper purpose.
- Misuse of the systems, destruction, unauthorized access, copying, removal or misappropriation of the systems, or information or data residing on the systems may lead to disciplinary action including termination of employment, civil liability and criminal prosecution.
- No employee should reasonably expect that any use of the systems will be private and no employee has any property or privacy interest in any such use or the systems used; including, but not limited to, personal items placed on the system.
- The College reserves the right to remove any material from the computer system which is not authorized by the College or deemed inappropriate, inconsistent or hazardous.
- Employees should avoid all inappropriate references in their verbal, written and/or electronic communications, including material or comments that could be construed as discriminatory, hostile, suggestive, or that may otherwise violate any law or College Policy.
- Employees are responsible for any damage caused through willful, reckless or negligent conduct. For example, employees who fail to insure the integrity of electronic data introduced into the College computer system and who, thereby, introduce a “virus” into the computer system of the College, may be (a) held responsible for the cost of eliminating such hazardous material and otherwise correcting the resulting damage to the system or the files and data residing on the system, (b) subject to discipline including termination, and (c) subject to civil liability and criminal prosecution.
- It is unacceptable to view, create, or distribute materials or information that includes material that is deemed inappropriate for an academic or professional setting.
- The sending of threatening or harassing materials or messages is strictly prohibited.

The College is the owner of all technological and systems creations developed/discovered while using the equipment.

## **Copiers/FAX**

Copiers and facsimile equipment is available for business use. Employees must contact the IT Department to get employee identification codes.

The unauthorized use of College copying and facsimile machines is prohibited as are:

- a. Excessive copying or facsimiles of personal material (more than 10 pages).
- b. Copying material that violates the College's code of conduct, standards of behavior, policies or procedures.

## **Telephone Use**

Employees may use College telephones for conducting College business and limited personal calls as necessary.

### **7.5. CELL PHONE POLICY**

All employees requiring the use of a college-owned cell phone must be approved by the President. Cell phones owned by the College must be used appropriately, responsibly, and ethically.

Privately owned cell phones may be used for business purpose upon approval from their supervisor. All expense forms for reimbursement of cost incurred due to business calls must be submitted to the Administrative Assistant. Financial reimbursement for these calls is not the responsibility of the College.

## **Instant Messaging/Cell Phone Texting**

Instant messaging and other social networking is not allowed during work hours unless directly related to your employment.

Cell phone use for personal text messaging is limited and allowed only during scheduled breaks unless it's an emergency.

### **7.6. DRUG FREE WORKPLACE POLICY**

Employees on campus or participating at a college sanctioned event are alcohol and drug free. It is the responsibility of all employees to be aware of the policy, laws, and sanctions.

The following behaviors constitute a violation of this policy:

- Consumption, possession, distribution, sale, or exchange of any alcoholic beverages or alcohol-based products on college property.
- Use of tobacco, (other than for ceremonial purposes) other than in a designated smoking area.
- Use of e-cigarettes or vaporizers other than in a designated smoking area. · Use, possession, sale, distribution, exchange, or manufacture of any illicit drug, including marijuana.

- Possession of drug paraphernalia.
- Reporting to campus or to a campus-sponsored activity while under the influence of alcohol, marijuana, illicit drugs, or abuse of a prescription drug.
- Reporting to campus or campus-sponsored activity with a noticeable odor of alcohol or marijuana.

Any violation of this policy will result in disciplinary action (consistent with Federal, State, and Tribal law), and may include expulsion or termination of employment and/or referral for a rehabilitation program or prosecution.

## **7.7. MEDICATION**

Employees who use prescribed narcotics during work **MUST** report to their supervisor to determine their ability to perform their job safely and properly.

## **7.8. SEXUAL HARASSMENT AND ASSAULT POLICY**

### **Policy:**

Keweenaw Bay Ojibwa Community College will address all incidents of sex discrimination and sexual harassment reported to the KBOCC Title IX Coordinator in compliance with the Higher Education Opportunity Act, the Clery Act, and Title IX of the Education Amendments of 1972, as amended.

### **Purpose:**

This policy informs all prospective students, current students, and all KBOCC employees of college policies and procedures regarding sex discrimination and sexual harassment to which all students, members of the faculty, and non-faculty personnel are expected to adhere during their time at KBOCC. In addition, comprehensive information is provided regarding the reporting of sex discrimination and sexual harassment and avenues to seek immediate assistance.

### **Procedure:**

Keweenaw Bay Ojibwa Community College (KBOCC) seeks to create a positive educational environment on and off campus through our academic programs, services, activities, policies and procedures aimed at providing protection against sex discrimination and harassment. To that end, KBOCC condemns discrimination in its education programs and activities based on sex or gender, sexual orientation, gender identity or expression, sexual harassment, sexual violence, domestic violence, dating violence, and stalking. Notice of a sex discrimination or sexual harassment incident to the KBOCC Title IX Coordinator charges KBOCC with actual knowledge and triggers KBOCC's response obligations as described in the institutional action section.

## **Scope of the Policy**

KBOCC must respond when sex discrimination and harassment occurs in the school's education program or activity, against a person in the United States. Education program or activity includes locations, events, or circumstances over which the school exercised substantial control over both the respondent and the context in which the discrimination or harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution. Title IX applies to all of a school's education programs or activities, whether such programs or activities occur on-campus or off-campus, including online instruction.

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time, including during non-business hours, by using the telephone number or e-mail address, or by mail to the office address, listed for the Title IX Coordinator.

Individuals are responsible for immediately reporting any knowledge or information concerning sexual harassment to the KBOCC Title IX Coordinator identified in this policy which covers unwelcome conduct of a sexual or gender-based nature, whether committed on-campus, or off-campus where KBOCC has control over the respondent or the context of the harassment.

KBOCC encourages victims of sexual harassment to talk with a counselor. Different programs within the scope of KBOCC's resources are available campus including:

- KBOCC Behavioral Health Counselor
- KBOCC Employees are required to report all the details of an incident (including the identities of both the complainant and respondent) to the Title IX Coordinator. A report to KBOCC employees (called "responsible employees") constitutes a report to KBOCC and places KBOCC on notice to take appropriate steps to address the situation.

Compliance with this policy does not constitute a violation of the Family Educational Rights and Privacy Act (FERPA). For the purpose of this policy, the outcome of a disciplinary proceeding means only the institution's final determination with respect to the alleged sex discrimination or sexual harassment offense and any sanction that is imposed against the respondent. This policy also applies to retaliation by KBOCC or any person against any other person for the purpose of interfering with Title IX rights, or because the person has participated or refused to participate in any manner in a proceeding under Title IX that is prohibited.

## **Assistance Following an Incident of Sexual Harassment**

- Immediate Assistance:  
Persons who have complaints of sexual harassment may file their complaints with the Title IX Coordinator (Amanda Nordstrom) located in the KBOCC Wabanung Campus,



770 N. Main St., L’Anse, MI 49946, in room #111, phone number 906-524-8111, or email [amanda.nordstrom@kbocc.edu](mailto:amanda.nordstrom@kbocc.edu).

If the incident is an assault, seek immediate medical attention. Do not change clothing, shower, bathe, brush teeth or douche. Delay the above and going to the bathroom (if possible) until you are examined as this preserves evidence of the assault. Medical attention should be accessed at a local hospital.

<b>Hospital Name</b>	<b>Phone Number</b>	<b>Location</b>
Baraga County Memorial Hospital	906-524-6111	L’Anse
Donald A. LaPointe Health Center	906-353-8100	Baraga
Portage Health System	906-483-1100	Hancock
UP Health System-Bell	906-486-4431	Ishpeming

We encourage you to seek emotional support. When you are ready to talk about this issue, tell someone you trust. If you would like to bring a friend or family member to speak to someone on campus, you will be fully supported.

An assault should be reported directly to a law enforcement officer, and college officials will aid in facilitating this process. Filing a police report will not obligate the complainant to prosecute, nor will it subject the reporting party to scrutiny or judgmental opinions from officers. Filing a police report will ensure that a complainant of sexual violence receives the necessary medical treatment and tests, at no expense to the complainant to the extent provided for by Michigan law, and provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later.

- **Ongoing Assistance:**

In order to ensure the safety and well-being of the complainant, KBOCC may take interim measures such as changing work schedules, academic schedules, addressing transportation issues, withdraw from/retake a class without penalty, and access academic support (e.g., tutoring), leaves of absence, campus escort services, or similar measures. In addition, while an investigation is pending KBOCC may initiate a “no contact order” between the parties that carries a sanction of expulsion if violated.

KBOCC does offer internal counseling options. On-campus you may contact Terry DesRocher-Lerma, Behavioral Health: Counseling Office Rm. 408 phone: 906-524-8408 or email: [tderocher@kbocc.edu](mailto:tderocher@kbocc.edu)

Several service organizations in Michigan have provided telephone numbers and made available other services for students, faculty, staff and campus community members.

KBOCC Dean of Student Services will assist any interested person in contacting these agencies.

- Additional Support Services:  
Keweenaw Bay Indian Community Office on Violence against Women –  
906-353-4599  
DIAL Help - 906-482-HELP. Crisis Text: 35NEEDS

### **Title IX Coordinator and Staff**

- Title IX Coordinator has primary responsibility for overseeing the process of coordinating KBOCC's compliance efforts, receiving complaints, investigations, hearing, sanctions, appeals, and education and training associated with this policy. To file a complaint or submit questions concerning actions governed by this policy contact the Title IX Coordinator (Amanda Nordstrom) located in the KBOCC Wabanung Campus, 770 N. Main St, L'Anse, MI 49946 room #111, phone: 906-524-8111 or email: [amanda.nordstrom@kbocc.edu](mailto:amanda.nordstrom@kbocc.edu)
- Title IX Co-Coordinators have the secondary responsibility and assist in the duties of the Title IX Coordinator. Deputy Title IX Officers include the Financial Aid Director (Tashina Emery) located in the KBOCC Wabanung Campus, 770 N. Main St, L'Anse, MI 49946 room #304, phone: 918-549-2803 or email: [temery@kbocc.edu](mailto:temery@kbocc.edu)
- Title IX Investigators may include but not be limited to KBOCC security officers and staff. The primary responsibility of the investigator is to collect statements and any evidence directly related to any allegations of a Title IX policy violation as directed by the Title IX Coordinator. Investigators will receive appropriate Title IX and trauma informed training.
- Title IX Hearing Officer may include a KBOCC administrator or external legal counsel. The primary responsibility of the hearing officer will be to ensure both parties receive due process in the event allegations of a Title IX policy violation are directed to a hearing by the Title IX Coordinator. Hearing Officers will receive appropriate Title IX and trauma informed training.
- Title IX Hearing Member may include KBOCC faculty or staff members. The primary responsibility of the hearing member is to listen to both sides of the complaint. Each hearing member will evaluate the information being provided by both parties to make a decision whether or not a Title IX policy violation took place. Hearing members will receive appropriate Title IX training.

### **Definitions**

KBOCC defines sex discrimination and sexual harassment broadly to include any of three types of misconduct on the basis of sex (or gender), all of which jeopardize the equal access to education that Title IX is designed to protect: Any instance of quid pro quo harassment by a

school's employee; any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; any instance of sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

Offenses prohibited under KBOCC's policy include, but are not limited to sex discrimination (including sexual orientation discrimination and gender identity or gender expression discrimination), sexual harassment, sexual violence to include non-consensual sexual contact, non-consensual sexual intercourse, sexual coercion, domestic/dating violence, stalking, and sexual exploitation.

- A. **Sex Discrimination:** includes sexual harassment and is defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education, or institutional benefits, on account of sex or gender (including sexual orientation, gender identity, and gender expression discrimination). It may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.
  
- B. **Sexual Harassment:** is unwelcome and discriminatory speech or conduct undertaken because of an individual's gender or is sexual in nature and is so severe, pervasive, or persistent, objectively and subjectively offensive that it has the systematic effect of unreasonably interfering with or depriving someone of educational, institutional, or employment access, benefits, activities, or opportunities. Students and visitors who are subject to or who witness unwelcome conduct of a sexual nature are encouraged to report the incident(s) to the Title IX Coordinator or any KBOCC employee. Employees who are subject to unwelcome conduct of a sexual nature are encouraged to report the incident(s) to the Title IX Coordinator or any employee. Employees who witness or receive reports of unwelcome conduct of a sexual nature are required to report the incident(s) or reports received to the Title IX Coordinator.
  1. **Hostile Environment:** Sexual Harassment includes conduct that is sufficiently severe, pervasive, or persistent, objectively and subjectively offensive that it alters the conditions of education or employment or institutional benefits of a reasonable person with the same characteristics of the victim of the harassing conduct. Whether conduct is harassing is based upon examining a totality of circumstances, including but not limited to:
    - The frequency of the conduct;
    - The nature and severity of the conduct;
    - Whether the conduct was physically threatening;
    - Whether the conduct was deliberate, repeated humiliation based upon sex;
    - The effect of the conduct on the alleged victim's mental or emotional state from the perspective of a reasonable person;
    - Whether the conduct was directed at more than one person;
    - Whether the conduct arose in the context of other discriminatory conduct;

- Continued or repeated verbal abuse of a sexual nature, such as gratuitous suggestive comments and sexually explicit jokes; and
  - Whether the speech or conduct deserves constitutional protections.
2. Quid Pro Quo Sexual Harassment exists when individuals in positions of authority over the complainant:
- Make unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
  - Indicate, explicitly or implicitly, that failure to submit to or the rejection of such conduct will result in adverse educational or employment action or where participation in an educational program or institutional activity or benefit is conditioned upon the complainant's submission to such activity.

Examples of Harassment:

- An instructor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student agrees to the request.
  - A student repeatedly sends sexually oriented jokes around in an email list he or she created, even when asked to stop, causing one recipient to avoid the sender on campus and in the dorms in which they both live.
  - The instructor probes for explicit details, and demands that students respond to him or her, though they are clearly uncomfortable and hesitant.
  - An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to his clear discomfort.
- C. Sexual Violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (*e.g.*, due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by school employees, other students, or third parties.
1. Non-Consensual Sexual Contact is any intentional touching, however slight, whether clothed or unclothed, of the victim's intimate body parts (primarily genital area, groin, inner thigh, buttock or breast) with any object or body part, without consent and/or by force. It also includes the touching of any part of a victim's body using the perpetrator's genitalia and/or forcing the victim to touch the intimate areas of the perpetrator or any contact in a sexual manner even if not involving contact of or by breasts, buttocks, groin, genitals, mouth or other orifice. This definition includes sexual battery and sexual misconduct.
  2. Non-Consensual Sexual Intercourse is defined as any sexual intercourse or penetration of the anal, oral, vaginal, genital opening of the victim, including sexual intercourse or penetration by any part of a person's body or by the use of an object, however slight, by one person to another without consent or against the victim's will.

This definition includes rape and sexual assault, sexual misconduct, and sexual violence.

- a) Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator. Sexual penetration means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.
3. Sexual Coercion is the act of using pressure (including physical pressure, verbal pressure or emotional pressure), alcohol, medications, drugs, or force to have sexual contact against someone's will or with someone who has already refused. This includes rape, sexual assault, sexual exploitation and sexual misconduct.
  4. Dating violence is violence between individuals in the following circumstances: The party is or has been in a social relationship of a romantic or intimate nature with the victim; and
    - The existence of such a relationship shall be determined based on a consideration of the following factors:
    - Length of the relationship
    - Type of relationship
    - Frequency of interaction between the persons involved in the relationship
  5. Domestic Violence under KBOCC policy means violence committed by a current or former spouse of the victim;
    - A person with whom the victim shares a child in common;
    - A person who is cohabitating with or has cohabitated with the victim as a spouse;
    - A person similarly situated to a spouse of the victim under Michigan domestic or family violence laws;
    - Any other person against an adult or youth victim who is protected from that person's acts under Michigan domestic or family violence laws.
- D. Advisor: A person who has agreed to assist a complainant or respondent during the Title IX process. The advisor may be a person of the student's choosing, including but not limited to a KBOCC faculty or staff member, a friend or an attorney.
- E. Complainant: an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- F. Respondent: an individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination or sexual harassment.

- G. Formal complaint: a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment and stating the date, time, place, name(s) of person(s) involved (e.g. the accused, witnesses) and sufficient detail to make a determination regarding basic elements of the formal complaint process.
- H. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the school with which the formal complaint is filed.
- I. Supportive measures - individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.

## **Consent**

Consent is the act of willingly agreeing to engage in sexual contact or conduct. Individuals who consent to sex must be able to understand what they are doing. Under this policy, “No” always means “No,” and the absence of “No” may not mean “Yes”.

- A. Consent is informed, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity.
- B. Consent to one form of sexual activity cannot imply consent to other forms of sexual activity.
- C. Previous relationships or consent does not imply consent to future sexual acts.
- D. Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity.
- E. In order to give effective consent, one must be of legal age and have the capacity to consent. Incapacity may result from mental disability, intellectual disability, unconsciousness/sleep, age, or use of alcohol, drugs, medication, and/or other substances. Consent given by someone who one should know to be, or based on the circumstances, reasonably should have known to be, mentally or physically incapacitated, is a policy violation. Incapacitation is a state where someone cannot make rational, reasonable decisions because he or she lacks capacity to give knowing consent. Note: indications of consent are irrelevant if the initiator knows or should reasonably have known of the incapacity of the other person.

Examples of when a person should know the other is incapacitated include, but are not limited to:

- The amount of alcohol, medication or drugs consumed,

- Imbalance or stumbling,
  - Slurred speech,
  - Lack of consciousness or inability to control bodily functions or movements, or vomiting, or
  - Mental disability or incapacity.
- F. Use of alcohol, medications, or other drugs will not excuse behavior that violates this policy.

## **Reporting**

### **A. Mandatory Reporting**

All KBOCC employees are responsible for taking all appropriate action to prevent sex discrimination or sexual harassment, to correct it when it occurs, and must promptly report it to the Title IX Coordinator. Failure to do so may result in disciplinary action up to and including termination. All KBOCC employees are considered responsible employees with a duty to report any incident to the Title IX Coordinator.

### **B. Confidential Reporting**

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with counselors, health service providers, victim services advocates, community resources, local or state assistance agencies, or members of the clergy who are permitted by law to maintain confidentiality (except in extreme cases of immediacy of threat or danger or abuse of a minor or elder). The Jeanne Clery Act requires the college to report annually statistical information about crime on campus including sex offenses. Confidential resources must submit anonymous statistical information for timely warning and Clery Act reporting. Identifying information is not reported to or contained in the Clery report. If a reporting party is unsure of a resource's ability to maintain confidentiality, the reporting party is advised to ask them before talking to them. All forms of sexual harassment should be reported, no matter the severity. In addition, KBOCC should be made aware of possible threats to the campus community in order to issue timely warnings.

### **C. Reporting to the Police**

KBOCC strongly encourages anyone to report sexual violence and any other criminal offenses to the police. This does not commit a person to prosecution but will allow the gathering of information and evidence. The information and evidence preserve future options regarding criminal prosecution, College disciplinary actions and/or civil actions against the respondent.

In addition to campus reporting, reports may also be made directly to the police, especially if a crime is or may be involved, by calling the following numbers:

- Emergency 9-1-1

## Local Police Departments

<b>Campus</b>	<b>Phone Number</b>	<b>Location</b>
Keweenaw Bay Tribal Police	(906) 353-5125	Baraga
Michigan State Police	(906) 475-9922	Negaunee
Baraga Village Police	(906) 353-7181	Baraga
L'Anse Village Police	(906) 524-6050	L'Anse
Baraga County Sheriff	(906) 524-6100	L'Anse

*Options for filing a report include:*

### ***ANONYMOUS AND THIRD-PARTY REPORTING***

The Title IX Coordinator and Co-coordinator accept anonymous and third-party reports of conduct alleged to violate this policy and will follow up on such reports. The individual making the report is encouraged to provide as much detailed information as possible to allow the Title IX Coordinator or Co-coordinator to investigate and respond as appropriate. The College may be limited in its ability to investigate an anonymous or third-party report unless sufficient information is provided.

### ***CONFIDENTIAL REPORTING***

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with counselors, health service providers, victim services advocates, community resources, local or state assistance agencies, or members of the clergy who are permitted by law to maintain confidentiality (except in extreme cases of immediacy of threat or danger or abuse of a minor or elder). The Jeanne Clery Act requires the college to report annually statistical information about crime on campus including sex offenses. Confidential resources must submit anonymous statistical information for timely warning and Clery Act reporting. Identifying information is not reported to or contained in the Clery report. If a reporting party is unsure of a resource's ability to maintain confidentiality, the reporting party is advised to ask them before talking to them.

### ***FORMAL REPORTING***

Complainants are encouraged to speak to College officials, such as the Title IX Coordinator or Co-coordinator or Keweenaw Bay Ojibwa Community College Security, to make formal reports. Complainants have the right and can expect, to have complaints taken seriously by the College when formally reported and to have those incidents investigated and properly resolved through these procedures. Formal reporting still affords privacy to the reporter as only a small group of officials who need to know will be told. Information will be shared as necessary with the investigator(s), witnesses, the respondent, and a hearing board if deemed appropriate. While this



process is not confidential, the number of people with this knowledge will be kept to as few as reasonably possible to preserve a complainant's rights and privacy.

### ***CAMPUS AND POLICE REPORTING***

If someone is in immediate danger or is a victim of a crime, call 9-1-1. Some acts of discrimination and harassment may also be crimes, such as sexual assault or stalking. Besides reporting to campus security, it is strongly recommended that allegations of criminal conduct be reported to law enforcement even when it is not clear whether the conduct rises to the level of a crime. Regardless, law enforcement can assist with obtaining medical care, getting immediate law enforcement response and protection, connecting with victim advocate services and counseling support, initiating a criminal investigation as appropriate and answering questions about the criminal process.

#### **D. Reporting of Student Instances**

Students shall report any instances of sex discrimination or sexual harassment to any KBOCC employee and/or the Title IX Coordinator. A complaint should be filed as soon as possible. If either the complainant or the respondent is a student, the incident will be addressed through the Title IX process. The report can be made in person, by phone, mail, or email using the contact information listed for the Title IX Coordinator or by any other means that results in the Coordinator receiving the report. The report can be made any time, even during non-business hours.

After receiving a report or notice of an incident, the Title IX Coordinator will promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. A complainant's wishes with respect to whether the KBOCC investigates should be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.

KBOCC will promptly take necessary steps to protect the complainant and ensure safety as necessary, including taking interim steps before the final outcome of any investigation once a report or knowledge of sex discrimination or sexual harassment has occurred. Periodic updates on the status of the investigation will be provided to the complainant. If the school determines that the sexual violence occurred, KBOCC will continue to take these steps to protect the complainant and ensure his or her safety, as necessary. KBOCC will provide the complainant with any available resources, such as victim advocacy, academic support, counseling, disability services, health and mental health services, legal assistance, and assistance in reporting a crime to local law enforcement.

### **Written Notice of Complaint**

Upon receipt of a formal complaint, KBOCC will provide written notice to all known parties in sufficient time to give the respondent time to prepare a response before an initial interview.

Written notice includes:

- a. Notice of the grievance process, including any informal resolution process;
- b. Notice of the allegations, including sufficient detail (i.e., names of known parties, the conduct alleged to be sexual harassment, and the date and location of the conduct, if known) to allow the respondent to prepare a response;
- c. A statement that the respondent is presumed not responsible for the conduct and that responsibility will be determined at the conclusion of the grievance process;
- d. Notice of the parties' right to have an advisor (who may be, but is not required to be, an attorney) and to inspect and review evidence; and
- e. Notice that knowingly making false statements or providing false information in the grievance process is a violation of the code of conduct and subject to disciplinary action.

## **Investigation**

The Title IX Coordinator will make a determination to begin a formal investigation of sex discrimination or a sexual harassment incident which will lead to an institutional action. The coordinator will be available to explain to both parties the process and to notify in writing of the receipt of a complaint and the actions KBOCC will take. The burden of gathering evidence and burden of proof must remain on KBOCC, not on the parties.

An investigation will be conducted by a KBOCC Title IX official. This investigation will include:

- Meeting personally with the complainant, (unless extraordinary circumstances prevent a personal meeting),
- Meeting personally with the respondent, (unless extraordinary circumstances prevent a personal meeting),
- Presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made,
- Collecting any physical evidence,
- Meeting personally with any witnesses, (unless extraordinary circumstances prevent a personal meeting with one or more witnesses), and
- Reviewing any documentary evidence.

The investigation of complaints will be adequate, reliable and impartial. The investigation process can take up to 60 days. When investigating a complaint and throughout the complaint process, KBOCC must: (1) ensure that the burden of proof and of gathering evidence rests on KBOCC rather than the parties; (2) provide an equal opportunity for the parties to present witnesses and evidence (3) not restrict either party's ability to discuss the allegations or gather and present evidence; (4) provide the parties with the same opportunities to have others present during interviews or related proceedings, including an advisor; (5) provide, to a party who is invited or expected to attend, written notice of the date, time, participants, purpose, and location of any investigative interview, hearing or other meeting with enough time to allow the party to prepare and participate; (6) provide both parties and their advisors an equal opportunity to review all evidence directly related to the allegations in the formal complaint (both exculpatory and inculpatory) at least 10 days prior to the completion of the final investigation; and (7) prepare a

written investigation report that fairly summarizes the relevant evidence and provide the report to both parties and their advisors for review and written response at least 10 days before a hearing or determination of responsibility. KBOCC will determine if a Title IX hearing is necessary. If it is determined that KBOCC will proceed with a hearing, the complainant and the respondent will be notified in writing of the hearing date.

### **Mandatory or Permissive Dismissal**

Mandatory dismissal must occur when determined in the course of the investigation that allegation in a formal complaint: (1) did not occur in KBOCC's program or activity; (2) did not constitute sexual harassment as defined; or (3) did not occur against a person within the US. Both parties must receive written notice of a mandatory dismissal and reasons.

Permissive dismissal may occur at any time during the investigation or hearing when: (1) a complainant notifies the Title IX Coordinator in writing that they would like to withdraw; or (2) the respondent is no longer enrolled or employed by KBOCC; or (3) specific circumstances prevent KBOCC from gathering evidence sufficient to reach a determination. Both parties must receive written notice of a permissive dismissal and reasons.

KBOCC may still address allegations of misconduct under the Student Code of Conduct.

### **Institutional Action**

- A. Mediation is a method of informal resolution. Informal resolutions are prohibited unless a formal complaint of sexual harassment is filed. Mediation may include conflict resolution or a restorative agreement between the parties with a trained Title IX Officer presiding over the mediation. Participation in mediation is not mandatory, but will only take place with the consent of both parties involved. Mediation may only be used:
1. Prior to a Notice of hearing being issued
  2. When a trained Title IX Officer determines this is a suitable option for resolving the concern, and both the Complainant and Respondent agree to use the process;
  3. When the complaint does not involve sexual violence as defined in the Title IX Policy.
  4. When both parties acknowledge receipt of written notice of their rights under this policy and both parties provide written, voluntary consent.
  5. Mediation is not available when the complaint alleges a KBOCC employee harassed a student.

Because the outcomes of voluntary resolution conversations are mutually developed and agreed upon by parties involved, an appeal of the process and its result is not permitted. However, either the Complainant or the Respondent may terminate mediation at any time prior to the entry of a voluntary resolution and proceed with the Title IX hearing. If the parties are unable to agree on a voluntary resolution, the matter will be referred by the Title IX Coordinator to a Title IX Hearing. No offers to resolve the conflict that were made or discussed during the informal voluntary resolution process may be introduced during the Title IX Hearing.

## B. Title IX Hearing

The Title IX Coordinator will determine if a hearing is necessary; mediation is never appropriate in sexual violence cases. If it is determined that KBOCC will proceed with a hearing, the complainant and the respondent will be notified in writing of the hearing date, the alleged policy violation and issued a notice to appear at the hearing. The written notice will be hand delivered directly to the student(s) or mailed to the local address as filed in the Registrar's Office. Students are responsible for providing and maintaining a current local address in the Registrar's Office.

The hearing members shall include at least one trauma trained individual in sex discrimination or sexual harassment adjudication to include a trained Title IX Officer as the hearing officer and three members of faculty and staff as hearing members. The selection of the hearing members will be made by the Title IX Coordinator. Criteria for the hearing committee will include: 1) have received all appropriate training, 2) not a current instructor of either party involved, 3) have no previous substantive or direct knowledge of the incident, and 4) have no other perceived conflict of interest as determined by interview process with the Title IX Coordinator.

Description of the duties of the Title IX Hearing Members will include but not limited to the following:

- Read and understand the Title IX Policy and Procedures, which include the hearing process.
- Read and understand all of the information of the Title IX case provided by the Coordinator prior to the hearing as part of a hearing packet.
- Read and understand the procedures of the Title IX hearing provided by the Coordinator prior to the hearing as part of a hearing packet.
- Have a clear understanding of the incident in question before going into deliberations for a decision.
- Decide the outcome (majority vote) and sanctions if needed based on the information presented, hearing notes, and the KBOCC Title IX Policy.
- Provide copies of notes, if made, to the hearing officer. The hearing officer will inform the parties of the decision at the hearing and send a letter as described in this policy.

### Complainant's Rights:

- Be given a written explanation of the allegations and the hearing process;
- Have access to evidentiary material in advance of the hearing;
- Be present during the entire hearing;
- Be accompanied by an advisor during the hearing. The advisor is limited to advising the student and may not present the case, or make statements during the proceedings. Students must provide KBOCC with the name and contact information for the student's advisor as soon as practical but at least three (3) days prior to the hearing; KBOCC's attorney will also be present for the hearing.
- Be given a timely hearing;

- Exclude evidence of the victim's past sexual history from discussion during the hearing. The past sexual history of the victim with persons other than the respondent shall be presumed irrelevant;
- Clarifying that evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of sexual harassment;
- Written notification of the outcome of the hearing including any sanctions; remedies/accommodations for the complainant; additional remedies for the school community;
- Written notification of any external counseling services that may be available;
- Written notification of options for changing academic, living, transportation, and work site situations if reasonable;
- Written notification of an avenue for appeal.

#### Respondent's Rights:

- Be given written notice of the allegations and the hearing process ;
- Have access to evidentiary material in advance of the hearing;
- Be present during the entire hearing;
- Have no violation presumed until found responsible;
- Be given a timely hearing;
- Be accompanied by an advisor during the hearing. The advisor is limited to advising the student and may not present the case or make statements during the proceedings. Students must provide KBOCC with the name and contact information for the student's advisor as soon as practical but at least three (3) days prior to the hearing. KBOCC's attorney will be present for the hearing;
- Written notification of the outcome of the hearing including any sanctions; remedies/accommodations for the complainant; additional remedies for the school community;
- Written notification of any external counseling services that may be available;
- Written notification of options for changing academic, living, transportation, and work site situations, if reasonable;
- Written notification of an avenue for appeal.

The hearing will include opening statements, each party's evidence and witnesses, and closing statements. Students are permitted to be present during the disciplinary hearing (except during deliberations of the panel). Students are permitted to make statements, present witnesses and present evidence during the hearing which has been previously collected and approved during the investigation process. Witnesses and evidence need to be directly related to the incident. The standard of proof used in KBOCC Title IX Hearings is the preponderance of the evidence, which means the determination to be made, is whether it is more likely than not a violation occurred. This is significantly different than proof beyond a reasonable doubt, which is required for a criminal prosecution. In-person hearing are preferred, but videoconference hearing may be conducted if the hearing officer determines that the health, safety, and welfare of all participants is better served by the alternate hearing mode.

## Outcome

If it is determined under the preponderance of evidence standard (more likely than not to have occurred) that the respondent is not responsible for a Sex Discrimination or Sexual Harassment policy violation the complaint will be dismissed.

If it is determined under the preponderance of evidence standard (more likely than not to have occurred) that the respondent is responsible for a Sexual Harassment policy violation the following sanctions will be considered. The listing of sanctions below is not intended to be exclusive; in addition, sanctions may be imposed singularly or in combination when a violation of this policy is found.

Sexual Discrimination (includes gender discrimination) may include the following sanctions of the student(s) found responsible.

- Restriction – A limitation on a student’s privileges for a period of time and may include but not be limited to the denial of the use of facilities or access to parts of campus, denial of the right to represent KBOCC, or denial of participation in extracurricular activities.
- Service Project – Community service or an education class or project beneficial to the individual and campus or community.
- Probation Level I – A specified period of time during which the student is placed on formal notice that he/she is not in good social standing with KBOCC and that further violations of regulations will subject him/her to suspension or expulsion from the KBOCC.
- Suspension – If warranted by the severity of the incident, exclusion from enrollment in classes and other privileges or activities for a definite period of time not to exceed three years and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended from KBOCC are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise directed by the Dean of Student Services. Conditions to conclude a suspension and reinstatement process will be stated in the written notification. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student’s record. Any refund of tuition or fees will be subject to KBOCC's normal withdrawal policy.
- Expulsion – Termination of student status for an indefinite period. The conditions for readmission, if any, shall be stated in the hearing outcome letter. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student’s record. Any refund of tuition or fees will be subject to KBOCC's normal withdrawal policy. Expulsion should be reserved and used only in cases involving the most severe instances of misconduct.

Sexual Harassment may include the following sanctions on the student(s) found responsible.

- Restriction – A limitation on a student’s privileges for a period of time and may include but not be limited to the denial of the use of facilities or access to parts of campus, denial of the right to represent KBOCC.

- Service Project – Community service or an education class or project beneficial to the individual and campus or community.
- Behavioral Change Requirement – Required activities including but not limited to, seeking academic counseling, substance abuse assessment, decision making class, writing a reflection paper, etc.
- Probation Level II – Adds to Level I the stipulation that students are prohibited from participating in any extracurricular activities not directly associated with academics (e.g., student organizations/clubs/associations, leadership positions, etc. Students must apply to get off Conduct Probation Level II by submitting documentation of their significant proactive efforts to become good citizens of the community and engage in responsible, productive behavior.
- Suspension – If warranted by the severity of the incident, exclusion from enrollment in classes and other privileges or activities for a definite period of time not to exceed three years and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended from KBOCC are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise directed by the Dean of Student Services. Conditions to conclude a suspension and reinstatement process will be stated in the written notification. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student’s record. Any refund of tuition or fees will be subject to KBOCC's normal withdrawal policy.
- Expulsion – Termination of student status for an indefinite period. The conditions for readmission, if any, shall be stated in the hearing outcome letter. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student’s record. Any refund of tuition or fees will be subject to KBOCC's normal withdrawal policy. Expulsion should be reserved and used only in cases involving the most severe instances of misconduct.

Sexual Violence may include the following sanction on the student(s) found responsible.

- Expulsion – Termination of student status for an indefinite period. The conditions for readmission, if any, shall be stated in the hearing outcome letter. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student’s record. Any refund of tuition or fees will be subject to KBOCC's normal withdrawal policy. Expulsion should be reserved and used only in cases involving the most severe instances of misconduct.

Both parties will be notified of the outcome in writing by certified mail or other agreed upon form of notice within five business days after the hearing at the same time. Both parties have the right to appeal the decision reached through the hearing proceedings within five days after the hearing.

### **Appeal Procedures**

An appeal is not a new hearing but is a review of the record of the original hearing. It serves as a procedural safeguard for the student. The burden of proof shifts from KBOCC to the student(s)

found responsible for the policy violation. The student must show one or more of the listed grounds for an appeal.

- A. Appeals must be submitted in writing to the President within five (5) working/school days of receiving the decision. Failure to file an appeal within the prescribed time constitutes a waiver of any right to an appeal.
- B. The appeal must cite at least one of the following criteria as the reason for appeal and include supporting argument(s):
  - 1. The original hearing was not conducted in conformity with prescribed procedures and substantial prejudice to the complainant or the respondent resulted.
  - 2. The evidence presented at the previous hearing was not “sufficient” to justify a decision against the student or group.
  - 3. New evidence which could have substantially affected the outcome of the hearing has been discovered since the hearing. The evidence must not have been available at the time of the original hearing. Failure to present information that was available is not grounds for an appeal.
  - 4. The sanction is not appropriate for the violation. This provision is intended to be utilized when a determined sanction is inherently inconsistent with KBOCC procedures or precedent. Simple dissatisfaction with a sanction is not grounds for overturning a sanction under this provision.
- C. The President will review the record of the original hearing, including documentary evidence. It is the President’s discretion to convert any sanction imposed to a lesser sanction, to rescind any previous sanction, or to return a recommended sanction to the original hearing committee for review/or reconsideration. If there is new evidence (unavailable at the time of the hearing through no fault of the parties) which is believed to substantially affect the outcome, or evidence presented at the previous hearing(s) was “insufficient” to justify a decision against the student or group, or a finding that a substantial procedural error resulting in prejudice occurred, the matter may be remanded to either a rehearing of the entire matter or reconsideration of specific issues. If remanded to the original hearing committee, either or both students may appeal the committee’s decision to the President and the procedures set out above shall control the appeal.
- D. The final decision will be communicated in writing by the President to the appealing student(s). The decision will be communicated within ten (10) working/school days of receiving the written recommendation. Both parties will be notified of the final outcome of the appeal.
- E. The decision of the President on appeal shall be final.

### **KBOCC Officers and Designees**

The designation of a KBOCC official responsible for prescribed actions shall automatically include the official’s designee in instances where an official is unable, unavailable or has concluded that the official may have a conflict of interest that causes the official to recuse from



involvement in the matter. The official's designee shall have the same authority as the official in matters involving this policy.

### **Recordkeeping Protocol**

KBOCC will document all reports and complaints of sex discrimination and provide copies of those reports to the Title IX Coordinator. KBOCC Title IX Office will maintain a secured electronic file system of all Title IX cases, reports, and complaints by academic year. The cases will include all information related to the individual case, which includes but is not limited to the initial complaint, letters sent to all parties, response from the respondent, immediate assistance, investigation notes, mediation agreement if applicable, notice of a hearing, committee selection, hearing notes, hearing decision, written notice of the outcome, and any recordings made of the hearing or in the course of the investigation. The time period to maintain the case records will be no less than seven (7) years from the date of KBOCC's final action or decision (whether through report of the investigation, mediation, or hearing). The confidential reporting of the number of incidents and types will be sent to KBOCC Security for the preparation of the Annual Crimes Report.

### **Prevention and Education**

#### **A. Education**

KBOCC requires all employees to take the following educational- training courses on an annual basis. Employees may be required to be recertified on demand. Failure to have a certification of this required training may result in appropriate disciplinary action. Additional in-person trainings are also offered periodically and on request.

#### **B. Bystander Intervention**

If you witness a policy violation, or behaviors that may lead to a policy violation, there are a variety of things you can do as a bystander:

- Divert the intended victim (e.g. "help me out of here; I don't feel well")
- Distract the perpetrator (e.g. "looks like your car is being towed")
- Delegate to a person of authority (e.g. if at a nightclub let the bartender/bouncer know of the situation)
- Direct, confront the perpetrator (e.g. "don't speak to him/her in that manner; you are going to get yourself into trouble")

#### **C. Risk Reduction Tips**

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to blame victims, and with recognition that only those who commit sexual violence are responsible for those actions, these suggestions may nevertheless help you reduce your risk of experiencing a non-consensual sexual act.

- Make your limits known as early as possible.
- Be aware of your alcohol intake. Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.

- Take care of your friends or colleagues and ask that they take care of you.

#### D. Potential Aggressor

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- DON'T MAKE ASSUMPTIONS about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go; or about whether they are physically and/or mentally able to consent.
- If there are any questions or ambiguity, then you DO NOT have consent.

Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. You must respect the timeline for sexual behaviors with which they are comfortable.

- Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size.
- Don't abuse that power. Understand that consent to one form of sexual behavior does not automatically imply consent to other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent.
- Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

### **Training**

Training on sexual misconduct: discrimination, harassment, and violence is included in KBOCC's education program.

Training for student groups and students will be conducted through a variety of presentations, student orientation, and other meetings. Informational website and brochures devoted to educating students will be presented at prevention workshops. When in-person training is neither practical nor safe, alternative modes of training shall be utilized.

Mandatory training for employees will be provided through a variety of means on sexual misconduct: discrimination, harassment, and violence and mandatory reporting through new employee orientations and other periodic training opportunities and upon request. Informational website and brochures devoted to educating employees.

### **Retaliation**

The Federal civil rights laws, including Title IX, make it unlawful to retaliate against an individual for the purpose of interfering with any right or privilege secured by these laws. This

means that if an individual brings concerns about possible civil rights problems to a school's attention, including publicly opposing sexual harassment or filing a sexual harassment complaint with the school or any State or Federal agency, it is unlawful for the school to retaliate against that individual for doing so. It is also unlawful to retaliate against an individual because he or she testified, or participated in any manner, in an OCR or school's investigation or proceeding. Therefore, if a student, parent, teacher, sponsor coach, or other individual complains formally or informally about sexual harassment or participates in an OCR or school's investigation or proceedings related to sexual harassment, the school is prohibited from retaliating (including intimidating, threatening, coercing, or in any way discriminating against the individual) because of the individual's complaint or participation. Individuals who, apart from official associations with KBOCC, engage in retaliatory activities will also be subject to KBOCC's policies insofar as they are applicable to third party actions.

KBOCC will take steps to prevent retaliation against a student who filed a complaint either on his or her own behalf or on behalf of another student, or against those who provided information as witnesses. Complaints of retaliation will follow the same process of investigation, hearing, and appeal.

If it is determined under the preponderance of evidentiary standard (more likely than not to have occurred) that a student is responsible for retaliation the following sanction will be imposed.

- Suspension – Exclusion from enrollment in classes and other privileges or activities for a definite period of time not to exceed three years and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended from KBOCC are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise directed by the Dean of Student Services. Conditions to conclude a suspension and reinstatement process will be stated in the written notification. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record. Any refund of tuition or fees will be subject to KBOCC's normal withdrawal policy.

### **Free Speech and Academic Freedom**

Members of the KBOCC community enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution. This policy is intended to protect members of the KBOCC community from discrimination and is not designed to regulate protected speech. No provision of this policy shall be interpreted to prohibit conduct that is legitimately related to course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic or literary expression of students in classrooms and public forums. However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or state anti-discrimination laws.

### **Availability of other Complaint Procedures**

In addition to seeking criminal charges through local law enforcement, members of the KBOCC community may also file complaints with the following entities regardless of whether they choose to file a complaint under this procedure:

### ***FEDERAL ENFORCER***

The U.S. Department of Education, Office for Civil Rights (OCR) is the federal agency charged with enforcing compliance with Title IX. Individuals with complaints of this nature always have the right to file a formal complaint with the United States Department Education:

Office for Civil Rights (OCR)  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Customer Service Hotline #: 800.421.3481  
Facsimile: 202.453.6012  
TDD#: 877.521.2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: [www.ed.gov/ocr](http://www.ed.gov/ocr)

### **7.9. VOLUNTEER POLICY**

Full-time employees can donate time in service to the community each year. Each employee may choose the location and type of service (though supervisor approval is required).

Eight hours of volunteer time per academic year will be considered paid time off. Volunteer time should be designated on the employee time and effort card as such.

Employees should request approval for time off for personal volunteer service in writing from their supervisor by submitting a Volunteer Request Form. This must be done at least one week prior to the date of volunteer service. Documentation of volunteer service must be presented to the employee's supervisor upon completion by submitting a Volunteer Service Hours form.

### **7.10 PROHIBITED DISCRIMINATORY HARASSMENT**

It continues to be the policy of KBOCC to provide and maintain a work environment that is free of harassment and discrimination based on race, color, creed, religion, national origin, sex (see the sexual harassment policy), disability or handicap, age, height, weight, veteran status, marital status, or any other legally protected status.

Harassment is any unwelcome or unsolicited verbal, physical, or sexual conduct that unreasonably interferes with an employee's job performance or creates a hostile, offensive, or abusive working environment. Examples of harassment include but are not limited to disparaging remarks about a person's race, color, religion, national origin, sex, disability or handicap, age, height, weight, or any other legally protected status; unwelcome or unsolicited touching or threats of physical harm; and the use of degrading words, nicknames, pictures, stories, or jokes.

All employees are prohibited from engaging in any behavior that constitutes such harassment. Any employee who feels that she/he is a victim of harassment is encouraged to bring the matter to the immediate attention of their supervisor. An employee who is uncomfortable for any reason

in bringing such a matter to the attention of their supervisor, or who is not satisfied after bringing the matter to the attention of their supervisor, should report the matter to the Administrative Assistant's Office.

An investigation will be initiated and a response will be provided to the employee within 5 working days. All allegations of harassment will be investigated in as confidential a manner as possible. No employee will be penalized in any way for submitting a report of harassment, unless it is determined that the report was deliberately false.

Any employee found to be engaging in discriminatory harassment will be subject to disciplinary action, up to and including termination of employment. Sanctions will be applied according to the severity of the violation. Any appeal under this section shall be made in writing within 20 working days.

## **8. DISCIPLINE AND TERMINATION**

### **8.1. EMPLOYEE CONDUCT AND DISCIPLINE**

Employees with conduct or performance problems may be subjected to corrective action or disciplinary actions.

Any employee who violates these rules and regulations will be subject to the following:

- corrective action
- verbal reprimand
- written reprimand
- suspension
- termination

Corrective action depends on the seriousness of the offense. Supervisors will use the following corrective action procedure for an employee's performance as part of the discipline procedure:

1. The supervisor will complete the Corrective Action Form informing the employee of the infraction and the necessary corrections which must be made, and the employee will acknowledge action to be taken by signing the Corrective Action Form.
2. Prepare an action plan which specifies performance which has to be changed or accomplished and sets a specific period of time in which it must be done.
3. Monitor the staff member's performance within the time period set. When the time period is complete, the supervisor will prepare a final report. A copy will be given to the employee and provide a copy for the personnel file.
4. If corrections are not met, disciplinary action will be initiated.

Disciplinary action will be the direct responsibility of the employee's immediate supervisor; however, the President retains the authority to supervise or discipline at any time. Copies of any disciplinary action will be kept in the personnel file.

The following are examples of conduct, not meant to be all-inclusive, warrant disciplinary action:

1. Neglect or failure to perform job duties.
2. Willful violations of College policy, rules, and regulations; including unauthorized disclosure of information designated privileged or confidential.
3. Tardiness or absenteeism.
4. Misrepresentation of hours spent in the performance of job duties.
5. Incompetence.
6. Poor performance on the job.
7. Insubordination or refusing to obey instructions properly issued by your supervisor pertaining to work; refusal to help out on a special assignment.
8. Any form of harassment.
9. Violation of the Drug Free Workplace Policy.

10. Violation of personnel policies.
11. Profane language.
12. Filing misleading reports.
13. Willful misuse, misappropriation, negligence or destruction of College property, or conversion of College property.
14. Unprofessional or discourteous conduct toward supervisors or coworkers.
15. Failure to comply with directives from administration regarding compliance.

Reprimands will be placed in the personnel file. During a probationary period, any misconduct will be grounds for dismissal.

The following disciplinary actions should be taken by the supervisor accordingly:

### **1. First Violation/Verbal**

Employees are informed of the nature of the problem and the necessary corrections as outlined in the Notice of Employee Reprimand Form. The supervisor will complete the Notice of Employee Reprimand Form informing the staff member of the infraction. The employee will sign the form and may complete the employee statement on the form and acknowledge action to be taken.

### **2. Second Violation/Written**

A second violation will result in a written reprimand and include a summary of the first incident. Further severe disciplinary action will be given in the event of another violation.

### **3. Third Violation/Up to Five Day Suspension**

A third violation will result in a suspension without pay up to five days. Another written reprimand will be placed in the personnel file documenting the incident. Any further violations will result in dismissal.

### **4. Violations that Results in Immediate Dismissal**

The determination of whether an employee's conduct warrants immediate dismissal is to be made by the department chair. Examples of misconduct that will result in immediate dismissal include:

- Violations of the Sexual Harassment and Assault Policy.
- Violations of the Drug Free Workplace Policy.
- Mishandling of funds or pilfering.
- Filing false reports.
- Giving or accepting bribes.
- Disruption, disorderly conduct, or unprofessional behavior in the performance of duties, or obstructing others during working hours.

- Threatening, intimidating, or coercing fellow students or other employees on or off the premises - at any time, for any purpose.
- Negligence or careless action which endangers the life, welfare, or safety of another person.
- Engaging in criminal conduct or acts of violence, on the premises or in the performance of the job at any location as a representative of the College.
- Theft of College property or the property of others; unauthorized possession or removal of any property, including documents, from the premises without prior permission; unauthorized use of equipment or property for personal reasons or for personal profit.
- Vandalism, such as deliberately destroying or damaging employee or College property.
- Unauthorized possession of firearms, dangerous weapons, or explosives on College property.
- Dishonesty; willful falsification or misrepresentation on your application for employment or other work records; lying about sick or annual leave; falsifying reason for leave of absence; alteration of records or other documents.
- Immoral conduct or indecency on College property.
- Insubordination or careless action which affects compliance to regulations.

## **8.2. GRIEVANCE PROCEDURE**

Examples of actions considered appropriate under this policy include: application of policies, practices, rules, regulations, and procedures believed to be to the detriment of an employee; unfair treatment such as reprisal, harassment, or intimidation; discrimination because of race, color, gender, age, religion, national origin, marital status, or handicap; improper or unfair administration of employee benefits or condition of employment such as vacations, fringe benefits, promotions, retirement, holidays, performance review, salary, or seniority.

The grievance shall be presented in writing to the immediate supervisor within 10 working days of the incident/action. If the grievance involves the immediate supervisor, the grievance will be directly submitted to the Adhoc Grievance Committee. Grievances against the President will be submitted to the Board of Regents. The supervisor, Adhoc Grievance Committee or Board of Regents shall investigate the grievance, attempt to resolve it, and reply to the employee within 5 working days.

The decision of the Adhoc Grievance Committee or Board of Regents will be final.

### **Grievance and Appeals**

Employees shall be granted necessary and reasonable absence from work for scheduled grievance meetings with the immediate supervisor and/or Adhoc Grievance Committee.

A grievance shall be in written form and contain the following information:

1. Nature of the work-related complaint.
2. Date(s) of the incident(s).
3. Name(s) of the person(s) involved.



4. Other information and evidence important to the resolution of the grievance.

An appeal from a disposition at any step in the grievance process shall be in written form and shall contain the following information:

1. Date the original grievance was filed.
2. Name(s) of the person(s) to whom the grievance was submitted.
3. Dates of each disposition of the grievance at each stage leading up to the appeal.
4. Reasons for dissatisfaction with the disposition leading up to the appeal.
5. Copies of the original grievance and each disposition and appeal leading up to the current appeal.
6. Additional information relevant to a disposition of the grievance which was not presented in the original written grievance.

### **Freedom from Reprisal**

Employees are free to use this procedure without restraint, interference, coercion, discrimination, or reprisal. Employees shall not interfere with another employee's exercise of his/her rights under this procedure. However, employees may be reprimanded for abuse of the grievance procedure by raising grievances in bad faith or for purposes of delays or harassment. Such reprimand shall be issued only from the Adhoc Grievance Committee with good cause to believe the employee is abusing the grievance procedure.

### **Processing Employment Grievances**

A grievance may be resolved at any step of the grievance procedure. Any grievance upon which a disposition is not made by the supervisor within the time limits prescribed, may be referred to the step in the grievance procedure. Any grievance not carried to the next step by the employee within the prescribed time limit shall be automatically closed at the last disposition.

### **Alteration or Withdrawal of Grievance**

A grievance, once submitted, shall not be altered without the expressed consent of both parties. Employees may withdraw their grievance at any time without prejudice.

### **Confidentiality of Grievances**

Information regarding grievances is confidential. Members of the Adhoc Grievance Committee are to investigate and discuss a grievance only with necessary personnel.

## **8.3. TERMINATION PROCEDURES**

The following procedures will be used for termination. An employee may be suspended along with their computer access immediately withdrawn, pending an investigation.

1. The supervisor will evaluate all of the information available and determine if termination is the appropriate action.

2. The supervisor will then meet with the Administrative Assistants office, who will assist the supervisor in completing the appropriate forms.
3. After all of the forms have been completed and reviewed by the Administrative Assistants office, the supervisor will meet with the employee regarding their termination.
4. The supervisor will deliver all signed termination forms to the Administrative Assistants office which will complete the exit interview. The exit interview will be conducted in order for the staff member to return all College property and sign all necessary termination forms.
5. When an employee has received notification of termination, the employee, monitored by a supervisor, will be required to return College property, including keys, and collect personal belongings.

#### **8.4. APPEAL OF TERMINATION**

Any employee dismissed from employment shall have the right to appeal. The request for an appeal hearing must be made in writing within 10 working days. Upon receipt of the request, the President may schedule an appeal hearing within 10 working days.

The supervisor shall have the opportunity to explain on the reasons for the dismissal and may file written statements in support thereof. The supervisor may also call witnesses to provide evidence.

The dismissed employee shall have the right to file written statements and shall have the right to present witnesses on and to cross-examine witnesses presented by the supervisor.

The President shall determine the facts surrounding the dismissal and apply them to the policies. The President's decision, which is final, shall be delivered in writing to the dismissed employee within 10 working days after the appeal hearing.

Appeals from the employee that have been terminated by the president will be heard by an Adhoc Committee. (Adhoc committee will be formed).

#### **8.5. TERMINATION–LAYOFF AND RECALL**

Employees whose positions are supported by grants or appointments shall not have a right of continued employment in the event that the appointments, program, or grant is not renewed. A written notice of termination will be given by the Administrative Assistants Office.

#### **8.6. RESIGNATION**

An employee's letter of resignation must be submitted to the supervisor stating the date of departure. A minimum of two weeks' notice should be given.

An exit interview with the President's office will be held to finalize the resignation and return all College property.

## **8.7. VERIFICATION INFORMATION AFTER TERMINATION**

All requests for information on terminated employees must be directed to Administrative Assistants office or President in order to ensure that all reference checks are handled in a legal and consistent manner. No other employee has the authority to give out any information on any terminated employee. The Administrative Assistant or Payroll Office will only provide the following information: 1) Name; 2) Date of Employment; 3) Job held at date of termination; 4) Date of Termination; and 5) Other information required by applicable state law.

A terminated employee may request in writing additional information from their personnel file. The Administrative Assistant will provide additional information upon receipt of payment (ten cents per page). The terminated employee will be required to sign a File Receipt Acknowledgement Form which will be placed in their personnel file.

## **8.8. RE-EMPLOYMENT**

If a former employee who was not terminated due to a violation of College policy or for poor performance and gave proper notice of resignation, he or she may be considered for rehire. The former employee must complete a new application for employment form, and complete new employment forms.

Adjunct instructors who do not teach within a three-year period will be removed from the active roster.

## **9. RECORD KEEPING AND EMPLOYEE FILES**

### **9.1. EMPLOYEE RECORDS AND FILES POLICY**

Accurate records and files are necessary in order for the College to: a) make employment decisions b) prepare reports; and c) respond to legal inquiries as required by federal law and tribal regulations.

#### **Employee Files**

The Administrative Assistants Office will maintain personnel, and professional development documentation. The Administrative Assistants Office has the responsibility for establishing, maintaining, and controlling access to the personnel files.

#### **Payroll Files**

The Accounting Office will maintain all payroll files with the necessary documentation along with copies of service agreements, intern applications, and appointment letters once approved by the President.

#### **File Access**

Employees have access to their personnel files for review only. An appointment must be made with the Administrative Assistants office in order for an employee to review their files. The files cannot be removed from the Administrative Assistant's office, but copies can be obtained by the staff member upon submitting a File Receipt Acknowledgement form.

A file access log will be maintained by the Administrative Assistants office. Only administrative staff will have access to the personnel files and payroll files.

## **10. EXPENSE/TRAVEL POLICY**

### **10.1. EXPENSE REIMBURSEMENT POLICY**

Employees will be reimbursed for expenditures in accordance to the Accounting Manual. A Purchase Request Form must be submitted to the supervisor for prior approval. If an item of expense is not properly documented or substantiated, the employee may not be reimbursed.

Work related purchases (computer and office supplies, production items, publication and subscriptions, etc.) must be processed through the College's normal purchasing and payment procedures.

### **10.2. TRAVEL REPORTS**

#### **Travel Authorization Form**

In preparation for an authorized trip on College business, an employee may obtain a temporary travel advance, equal to expected out-of-pocket expenses. Two weeks prior to any travel, a Travel Authorization Form must be submitted to the supervisor for approval and submitted to the Accounting Office

Items which are not paid for in cash will not be included in the advance. Reconciliation of the cash advance will be accomplished on the Travel Report Form. No cash advance will be issued if the reconciliation of any prior travel report is pending.

#### **Travel Report Form**

Following the travel, a Travel Report Form is to be completed within five working days of return and submitted, supervisor for approval and submitted to the Accounting Office. Employees are responsible for their own expenses and the proper supporting documentation.

#### **Credit Card Use for Travel**

All expenditures for travel directly charged to the College credit card must be recorded on the Travel Authorization and Travel Report forms with supporting documentation.

#### **Transportation**

When traveling by airplane, coach accommodations will be used.

Employees will be reimbursed for any miles based on the GSA rate. Gas reimbursement will be made for travel that exceeds 400 miles one way. Employees who wish to drive to destinations where air travel is less expensive, will be reimbursed only the amount of the airfare.

If a College or tribal vehicle is used, it is required to record the mileage on a usage log on each vehicle. All expenses incurred on College or tribal vehicles must be itemized, and receipts submitted on the Travel Report Form.

### **Lodging**

Accommodation arrangements should include consideration of discounts available for conference room blocks or requested at the government rate. All lodging expenses must be documented by the original receipt. If the duration of travel is less than 12 hours, lodging is generally not permitted.

### **Meals**

If travel time is four or more hours, employees will receive reimbursement for a meal.

### **Miscellaneous Travel Expenses**

All miscellaneous travel expenses including car rental, train fares, bus fares, cab fares, parking fees, etc., must be recorded separately and entered on the Travel Report form. A breakdown of the amount for each category must be made. Receipts for all miscellaneous expenses, regardless of amount, must be attached to the Travel Report Form.

Employees who travel and have an overnight stay shall accumulate 8 hours of comp time plus any additional hours for the length of time it takes them to get to their destination and home.

**KEWEENAW BAY OJIBWA COMMUNITY COLLEGE  
ORIENTATION CHECKLIST**

The following items are to be discussed with new staff. After each topic has been covered, please check off the appropriate box. Return to the Administrative Assistants office.

- \_\_\_\_\_ 1. Mission/Purpose of Keweenaw Bay Ojibwa Community College.
- \_\_\_\_\_ 2. Purpose of this department or program.
- \_\_\_\_\_ 3. Job duties and responsibilities.
- \_\_\_\_\_ 4. Hours of Work/Breaks.
- \_\_\_\_\_ 5. Pay Periods/Necessary Payroll Forms.
- \_\_\_\_\_ 6. Performance Evaluation.
- \_\_\_\_\_ 7. Professional Development.
- \_\_\_\_\_ 8. Employee Benefits.
- \_\_\_\_\_ 9. Absenteeism/Tardiness.
- \_\_\_\_\_ 10. Personal Conduct.
- \_\_\_\_\_ 11. Confidentiality Statement.
- \_\_\_\_\_ 12. Chain of Command/Questions.
- \_\_\_\_\_ 13. Grievance Procedure.
- \_\_\_\_\_ 14. Cooperation with Others.
- \_\_\_\_\_ 15. Introduction to Co-Workers.
- \_\_\_\_\_ 16. Resignation/Termination Procedures.
- \_\_\_\_\_ 17. Accounting Procedures.
- \_\_\_\_\_ 18. Code of Ethics.
- \_\_\_\_\_ 19. Title IX paperwork/policy

**Employee Acknowledgement**

The items listed above have been discussed with me by my supervisor or a College representative and I have received a copy of the Staff Handbook.

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

Cc: Employee  
File