

# Keweenaw Bay Ojibwa Community College



# Employee Handbook

Current as of September 9, 2024

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# INSTITUTION INFORMATION

## 1.1. INTRODUCTION

This handbook was created as a general guide outlining policies and procedures for Keweenaw Bay Ojibwa Community College employees. It serves as a focal point for employees to access information regarding college operations and support. Though this handbook *references* official policies, it is not a repository of all policies that employees must adhere to and should not be considered as such. All employees are responsible for reading and adhering to all KBOCC policies, whether specifically stated in this handbook or not.

### **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 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 transferring 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 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.

## **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**

The Faculty Council consists of the Dean of Academic Affairs and all Faculty Chairs. The 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 Academic Affairs 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 Secretary/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 Success Council**

The Student Success Council shall be comprised of campus stakeholders including the Deans, Student Services staff, Cultural & Wellness staff, and Land Grant staff. Its purpose is to make recommendations to the Faculty Council and other relevant committees and individuals regarding the College's Mission and Strategic Plan.

### **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.

### **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.

- **Ad Hoc Grievance Committee**

The Ad Hoc Grievance Committee will be comprised of no less than three members, all of whom must not work directly with the complainant. This process will be overseen by the Director of Human Resources and approved by the President. See section 8.2, GRIEVANCE PROCEDURES, for further details.

## **GOVERNING POLICIES**

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

All employees are considered “at will” employees. 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.

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

Employees are prohibited from engaging in any activity or conduct which conflicts with the objectives and goals of the College. This section does not attempt to limit the employees’ 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 the Dean of Academic Affairs/Dean of Student Services.

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 Human Resources Department.

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 Human Resources Department. In case of an emergency, contact 911. Incidents of violence at the College are serious misconduct and will not be tolerated. Violent incidents will result in disciplinary action including dismissal and restriction (barring) from all KBOCC campuses.

## **2.8. CAMPUS 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 aged 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 to the President.

## **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 to provide an environment that promotes the well-being of its employees.

**SMOKING IS PROHIBITED INSIDE ALL COLLEGE FACILITIES.** This includes cigarettes, cigars, smokeless tobacco, and e-cigarettes/vaporizers. Employees are required to enforce regulations and to exercise common courtesy and respect the needs and sensitivity of others regarding the smoking policy. Smoking is prohibited. 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 shall not use their official authority or influence for the purpose of interfering with an election or a nomination affecting the result thereof. Employees are expected to exchange ideas and beliefs in a respectful manner at all times.

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 must 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.

## **EMPLOYEE SELECTIONS**

### **3.1. SELECTION POLICY**

#### **Recruitment**

Job openings will be advertised internally for a minimum of seven calendar days. 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.

#### **Establishing 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.

#### **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. Active KBOCC employees are given a 7-day internal application period, after which a position advertisement will be released to the public. An "active employee" is defined as a College employee, either full- or part-time, actively working and receiving pay.

#### **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.

## **Americans with Disabilities Act**

The College has a duty to provide reasonable accommodation 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 Disclosure of Pregnancy or Pregnancy-Related Conditions**

If an employee discloses that they are pregnant or have a pregnancy-related condition, the College must: (1) provide the student with the Title IX Coordinator’s name and contact information; and (2) inform the student that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student has equal access to KBOCC’s education program or activity.

KBOCC’s Title IX Coordinator is Lindsay Hatzis and she can be reached at [Lindsay@icslawyer.com](mailto:Lindsay@icslawyer.com) or (423) 667-1838.

## **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 Directors. Department Directors and Supervisors 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 Human Resources Department for inclusion in the employee's personnel file.

## 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.

## 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. Student Interns typically fall into this category.

## 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.

## **JOB DESCRIPTION AND PERFORMANCE REVIEW**

### **4.1. JOB DESCRIPTION POLICY**

All jobs will be described using a standard format which defines qualifications, duties, and responsibilities. Position descriptions outline the key duties of the job but do 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. Please contact the Human Resources department for further information or assistance.

### **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 rendered to all new employees. All employees will receive written feedback annually based on date of hire. Faculty evaluation periods end in alignment with the academic year in June.

**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 copy of the signed evaluation will be submitted to the Human Resources department for inclusion in the employee's personnel file.

A substandard evaluation may result in an extended probationary period or suspension.

## **COMPENSATION AND BENEFITS**

### **5.1. COMPENSATION**

#### **Payroll Policies**

Pay will be issued on a bi-weekly basis (26 pay periods per calendar year) through direct deposit with the completion of a time sheet signed by the employee and supervisor. Any alterations must be annotated 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.

Overpayments due to an accounting error or miscalculation will result in either returning the overpaid amount immediately or by an adjustment of the 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 a 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 Academic Affairs 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 Human Resources department. AFLAC is available to all employees.

## TIME OFF POLICIES

### 6.1. TIME OFF NOTIFICATIONS

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 or electronically using the J1 Web platform.

When faculty members must miss a scheduled class session, a substitute instructor (pre-approved by the Dean of Academic Affairs) 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 Academic Affairs 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 may adjust schedules to accommodate workload and student needs. Any deviations from an employee's regular schedule must be in writing and approved/signed by their supervisor.

### 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, Juneteenth, Independence Day, Labor Day, Michigan Indian Day, Indigenous Peoples' 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 have 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

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 may 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 if the J1Web platform is unavailable. 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**

Employees are granted five (5) days leave with pay in the event of the death of an immediate family member. "Immediate family" is defined as: spouse/partner, parents, stepparents, children, step/foster children, siblings, grandparents, and grandchildren. Additional bereavement leave may be granted by the President on a case-by-case basis. Employees may supplement time off using annual leave or sick leave with supervisor approval.

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

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)

## 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 for upfront. Upon return, an employee must submit a Travel Report to the supervisor for approval within five (5) days. 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: 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 not be provided to employees 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 Academic Affairs 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.

## **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 per week. Part-time employees may receive pro-rated 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 supervisor's approval. Online/distance learning classes that are taken outside of normal working hours are not eligible for educational leave.

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 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.

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. This leave may not be taken during the last 30 minutes of the employee's regularly scheduled shift. Fitness Leave is not accruable.

All fitness forms must have prior approval from direct supervisor.

## **Inclement Weather/Emergency Closing**

The College will follow the L'Anse Area Schools protocol for delays and closures due to weather.

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 Human Resources department. 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: (may use annual leave)	Fifteen days of required training within a year
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 physician-verified illnesses or conditions 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 request a signed physician's statement verifying the employee's medical reason for the absence.

In the event of dismissal, any accrued sick leave is lost. In the case of resignation or retirement, any accrued sick leave beyond 80 hours is forfeited.

Eligible employees who accrue sick leave exceeding 720 hours may have their excess hours reimbursed annually. Please contact the Payroll Department for further information.

### **Sick Leave Transfer Policy**

Employees who are experiencing illness or medical emergency and are 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 HR

### **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 Human Resources department 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 Human Resources department 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 shall 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 Human Resources department 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 or enter their leave requests online using the J1 Web Portal. Supervisor approval is required for all leave. 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.

## **EMPLOYEE EXPECTATIONS AND CONDUCT**

### **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 submitted to the Human Resources department.

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 Academic Affairs 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 KBOCC Powwow 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 adjust 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 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 30 minutes 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 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.

KBOCC will treat an employee’s pregnancy or pregnancy related conditions as any other temporary medical conditions for all job-related purposes. This may include KBOCC providing reasonable workplace accommodation, including a voluntary leave of absence.

To discuss reasonable accommodation, please contact KBOCC Title IX Coordinator Lindsay Hatzis at [Lindsay@icslawyer.com](mailto:Lindsay@icslawyer.com) or (423) 667-1838.

## **7.3. UNAUTHORIZED ABSENCE**

Any unauthorized absence will be considered 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 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 are 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. DRESS AND PERSONAL APPEARANCE**

As representatives of a higher learning institution, employees are expected to be dressed and groomed appropriately while performing duties at the College. Business casual attire is required Monday through Thursday. Casual attire is permitted on Fridays and during designated College outings.

Examples of appropriate business casual attire include:

- Slacks or business dress pants, khakis, chinos, knee-length skirts or dresses
- Button-down or collared shirts, polos, sweaters, vests, blouses or cardigans
- Close-toed shoes such as loafers, Oxfords, boots, pumps, flats, or clean street shoes
- Open-toed business-appropriate sandals (not flip-flops or slides)
- Simple, professional accessories such as belts, ties, scarves, or jewelry

Examples of inappropriate attire include:

- Lightly colored jeans or jeans with holes or a distressed appearance
- Flannel or pajama pants
- Workout attire such as joggers, leggings, or spandex, tank tops, and shorts
- Hooded sweatshirts
- Graphic tee shirts
- Clothing items that appear dirty, wrinkled, or worn
- Clothing that is considered immodest or revealing (exposed midriffs, chest, shoulders or back)

Exceptions may be granted based on duties performed and at supervisor discretion.

## **7.6. 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.

### **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.

## **7.7. 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.

## 7.8. MEDICATION

Employees must report the use of prescription medication that may affect their physical and cognitive ability to their supervisor. The supervisor will evaluate their ability to perform their job safely and properly and adjust duties to accommodate as necessary. This includes offsite events and official College functions.

In the event of an accident or injury at work or during work-related events, employees will be required to submit a drug screening test in accordance with the College's Drug Use and Accident/Incident policies. Employees must disclose the use of prescription medications and provide proof of prescription at the time of the test.

## 7.9. SEX-BASED DISCRIMINATION, HARASSMENT, AND ASSAULT

The College enforces zero tolerance for sex- or gender-based discrimination, harassment, and assault. It is committed to fostering an inclusive environment where all individuals are respected, valued, and perspectives that contribute to the richness of our community. All staff, faculty, and students are deserving of a space where everyone feels safe, supported, and empowered to thrive and live in truth.

All employees are responsible for learning and adhering to the College's policies and procedures regarding discrimination, harassment, assault, including Title IX. These policies can be found on the KBOCC website.

Additionally, all employees should be aware of the following:

### Definitions:

- **LGBTQ2S:** An initialism that stands for "lesbian, gay, bisexual, queer, transgender, and two-spirit". LGBTQ2S is an umbrella term used to refer to the community as a whole. The term also includes anyone who is non-heterosexual, non-cisgender, or non-binary instead of exclusively people who are lesbian, gay, bisexual, transgender, and/or two-spirit.
- **Sexual Orientation:** A person's identity in relation to the gender or genders to which they are sexually attracted; the fact of being heterosexual, homosexual, bisexuality, asexuality, etc.
- **Sex:** A biological descriptor based on reproductive, hormonal, anatomical, and genetic characteristics. Typical sex categories include male, female, and intersex.
- **Gender Identity:** The actual or perceived gender-related identity, appearance, mannerisms, or other gender-related characteristics of a person, regardless of the person's designated sex at birth.
- **Two-Spirit:** Two-Spirit people, reserved for indigenous people, have both male and female spirit within them and are blessed by their Creator to see life through the eyes of both genders. A Two-Spirit person

may be non-heterosexual or transgender, non-heterosexual or transgender person is not inherently Two-Spirit. Claiming the role of Two-Spirit is to take up the spiritual responsibility of the traditional role.

### **Examples of LGBTQ2S discrimination**

- A student spreads information about a classmate's gender identity, sex, or two-spirit identity without the classmate's explicit approval.
- A faculty member prevents a student from using the bathroom aligned with their gender; the student then must use a restroom that is uncomfortable and potentially unsafe.

### **Examples of LGBTQ2S harassment**

- An employee uses derogatory names or slurs when speaking about a transgender or two-spirit coworker.
- An instructor continues to mock a student's gender by refusing to use their self-identified gender pronouns after the student previously clarified their pronouns and expressed their uncomfortably with the instructor.
- An employee probes for explicit details regarding a student's gender expression, sexual orientation, transgender identity, or physical anatomy even though the student appears upset or uncomfortable.

## **7.10. 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.

## **7.11 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 Human Resources Department.

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.

### **Notice of Nondiscrimination**

KBOCC prohibits sex discrimination in any education program or activity that it operates. Individuals may report concerns or questions to the Title IX Coordinator. The notice of nondiscrimination is located at [www.kbocc.edu/notice-of-nondiscrimination](http://www.kbocc.edu/notice-of-nondiscrimination).

### **Student Disclosure of Pregnancy or Pregnancy-Related Conditions**

If a student discloses to any KBOCC employee that they are pregnant or have a pregnancy-related condition, the employee must: (1) provide the student with the Title IX Coordinator's name and contact information; and (2) inform the student that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student has equal access to KBOCC's education program or activity.

KBOCC's Title IX Coordinator is Lindsay Hatzis and she can be reached at [Lindsay@icslawyer.com](mailto:Lindsay@icslawyer.com) or (423) 667-1838.

### **Student Disclosure of Sex Discrimination or Sex-based Harassment**

If a student discloses to any KBOCC employee (who is not designated as a confidential employee) information about conduct that may reasonably constitute sex discrimination or sex-based harassment (including sexual assault, domestic violence, dating violence, and stalking), the employee must notify the Title IX Coordinator. An employee may notify the Title IX Coordinator by filing an online report or emailing the coordinator at [Lindsay@icslawyer.com](mailto:Lindsay@icslawyer.com).

## **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 must be changed or accomplished and sets a specific period of time in which it must be completed.
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**

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**

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 for up to five days. Another written reprimand will be placed in the personnel file documenting the incident. Any further violations are grounds for 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 with regulations.

## **8.2. GRIEVANCE PROCESS**

All employees are expected to resolve conflicts and disagreements directly, respectfully, and at the lowest level possible. When a conflict or action is beyond resolution, employees may exercise their rights to submit a grievance. 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.

### **Grievance Procedure and Appeals**

Grievances must be presented in writing and submitted within ten (10) business days of the incident/action. All grievances, at any step in this process, must be handled with the utmost tact, discretion, and seriousness. Grievances are not to be discussed with other employees, students, or members of the Board of Regents. Not adhering to this is a violation of the College's Employee Confidentiality Policy and grounds for discipline.

Employees shall be granted necessary and reasonable absence from work for scheduled grievance meetings with the immediate supervisor and/or Ad Hoc Grievance Committee. This time is considered official business and will not be charged as leave.

All grievances shall be in written form and contain the following information:

1. Nature of the work-related complaint.
2. Date(s) and time(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.

Grievances will be submitted to the involved employee's supervisor. Grievances filed against the College President will be submitted to the Chair of the Board of Regents. Supervisors of the involved employees are charged with reviewing the grievance, investigating the claim(s), and providing written response to the submitting party within five (5) business days. Supervisors may enlist the assistance of the Human Resources Director for policy guidance and security camera footage review if applicable. Original grievances, to include the supervisor response, will be filed in the submitting party's personnel file.

In the event a grievance is appealed, an employee must submit the following in written form to the Human Resources Director:

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

The Human Resources Director will assemble an Ad Hoc Grievance review committee. This committee will be comprised of no less than three (3) but no more than seven (7) employees that were not directly involved in the

incident/action and do not fall within the supervisory chain of either party. The Ad Hoc Committee will investigate the incident/action and original grievance response and provide an objective report of said findings to the College President (or Board of Regents if the grievance is filed against the President). The President will review the report and announce a result of the grievance, to include any discipline or corrective action. This decision will be final.

### **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.

### **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.

## **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 the information available and determine if termination is the appropriate action.
2. The supervisor will then meet with the Director of Human Resources, who will assist the supervisor in completing the appropriate forms.
3. After all the forms have been completed and reviewed by the Director of Human Resources, the supervisor will meet with the employee regarding their termination.
4. The supervisor will deliver all signed termination forms to the Human Resources Department which will complete the exit interview. The exit interview will be conducted 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 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 Ad Hoc Committee. (Ad Hoc 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 if the appointments, program, or grant is not renewed. A written notice of termination will be given by the Human Resources Department.

#### **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 Human Resources Department 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 Human Resources Department 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 Human Resources Department 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 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.

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

## **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 Human Resources Department will maintain personnel, and professional development documentation. The Human Resources Department 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 Human Resources Department for an employee to review their files. Original files will not be removed from the Human Resources 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 Human Resources Department. Only administrative staff will have access to the personnel files and payroll files.

## **EXPENSE/TRAVEL POLICY**

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

Employees will be reimbursed for expenditures in accordance with the College's accounting procedures. 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. Meals will be reimbursed even if they are included in the agenda or conference.

## **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 eight (8) hours of comp time plus any additional hours for the length of time it takes them to get to their destination and home.