



Alpena Community College

Employee Handbook

July 1, 2013

**ALPENA
COMMUNITY COLLEGE**

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PREFACE

This Employee Handbook is provided by the Human Resources Office to acquaint the employee with some of the benefits, policies, and rules that apply to the employees of Alpena Community College (“the College”).

This Employee Handbook:

1. Is not a contract and the information contained herein is not to be considered contractual promises. The information is subject to the legal documents that pertain to each benefit plan and the appropriate policies, procedures, contracts, and/or collective bargaining agreement applicable to the employee. This handbook can be changed unilaterally by the Human Resources Office at any time. The Human Resources Office will make every effort to inform employees of changes in a timely manner. In cases of conflict, the official documents and revised policies in effect at the time in question will prevail.
2. Shall not take precedence in the event that any information in this handbook conflicts with the provisions of any Board policy, collective bargaining agreement or employment agreement/contract which is applicable and in effect at the time, the provisions of the applicable Board policy, collective bargaining agreement or employment agreement/contract.
3. Is effective on the date of publication and supersedes all previous employee handbook versions.
4. Does not guarantee employment for any definite period of time. No one at the College now has or in the past has had the authority to make any binding oral promises, assurances, or representations regarding employment status or security. Any such representation made prior to the effective date of this policy are hereby rescinded and superseded by this policy.
5. Contains summaries and general overviews; it is not all-inclusive. For more information, please refer to the College’s Policies & Procedures Manual and/or the appropriate insurance policies, retirement plan regulations, contracts, or documents for exact rules and regulations.
6. Each employee has been provided with written notice of the importance of the handbook, has received instructions to access a digital version of the handbook on the College website and has the right to receive a printed copy of the handbook on request.

Chapter I

NONDISCRIMINATION

A. EQUAL EMPLOYMENT OPPORTUNITY

The College is an equal opportunity employer and is committed to recruit, employ, and promote personnel without regard to race, color, sex, age, religion, marital status, national origin, citizenship status, genetic information, marital status, familial status, height, weight or disability in compliance with federal and state statutes and regulations that pertain to non-discrimination in employment.

The Human Resources Office administers the College's Equal Opportunity policies and practices. Contact that office should the employee have any concerns related to any form of prohibited discrimination. The College's EEO statement is published on the College website at www.alpenacc.edu.

B. THE COLLEGE INSTITUTIONAL STATEMENT OF NON-DISCRIMINATION

The College policies and practices for admission, employment and activities comply with requirements of Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment of 1972, Section 504 of the Rehabilitation Act of 1973 as amended, the Age Discrimination in Employment Act of 1967 (ADEA), the Americans with Disability Act (ADA) of 1990 and the ADA Amendments Act of 2010; Title II of the Genetic Information Nondiscrimination Act of 2008. ACC does not discriminate on the basis of race, color, religion, national origin, gender, age or disability. The College practices and policies also comply with the Michigan Persons with Disabilities Civil Rights Act (PDCRA) and the Michigan Elliott-Larson Civil Rights Act (ELCRA) which prohibits discrimination in hiring based on age, height, weight and marital status and familial status in addition to race, color, religion, sex (which includes pregnancy) and national origin. For more information contact the Title IX, Section 504, the Age Discrimination Act and Title II coordinator: **Director of Human Resources**, VLH 102, (989) 358-7211. The College's Statement on Non-Discrimination is published on the College website at www.alpenacc.edu.

C. DISABILITIES

In its hiring and personnel actions, the College does not discriminate against individuals who are disabled. The College provides reasonable accommodations (provided they do not result in undue hardship to the College) for applicants and employees with disabilities to enable them to complete the application process or perform their work. Employees who are disabled and need accommodations should tell one of the following: their immediate supervisor, department chair/director, or the Human Resources Office. An individual who requests accommodation may be asked to provide a statement from a physician or other health care professional explaining the individual's functional limitations. A person who is not satisfied with the accommodations provided may seek advice from the Human Resources Office.

D. SEXUAL HARASSMENT

1. **Prohibition of Sexual Harassment and Retaliation.** Sexual harassment is a form of discrimination based on sex. Sexual violence is a form of sexual harassment. Sexual harassment, including sexual violence, is not tolerated by the College. The College will respond promptly to all reports of sexual harassment among employees, students, and College visitors. Any violation by students or College employees may result in disciplinary action. The College forbids retaliating against anyone who reports sexual harassment, who assists in making a sexual harassment complaint, or anyone who cooperates in a sexual harassment investigation.

2. **Definition of Sexual Harassment-Michigan.** Sexual harassment is defined in the Michigan Civil Rights Act as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications of a sexual nature when:

- a. Submission to such a conduct or communication is made a term or condition either explicitly or implicitly to obtain employment, public accommodations or public services, educational, or housing.
- b. Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual's employment, public accommodations or public services, education or housing.
- c. Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, public services, education, or housing environment.

For the purpose of the above regulation, the College interprets unwelcome to mean:

- a. Conduct or communication that a reasonable person in a similar circumstance would consider unwelcome.
- b. Conduct or communication that continues after notice is given that the conduct or communication is unwelcome.

3. **Conduct Guidelines:**

"Sexual Harassment" has a specific legal definition, which is stated in this section. Not all conduct or speech which a person might find inappropriate constitutes sexual harassment; neither do occasional compliments or remarks of a socially acceptable nature. Rather, the law forbids behavior on the basis of sex, which is so objectively offensive as to alter the conditions of the victim's employment. However, to avoid any misunderstandings about what might constitute sexual harassment, the following guidelines are provided for behavior, which is not appropriate.

- a. Physical**
 - i. Any unwanted and offensive physical contact of a sexual nature, including unnecessary touching, patting, hugging, brushing the body, impeding or blocking movement
 - ii. Unwanted sexual gestures or pantomiming sexual acts
 - iii. Leering or ogling

- b. Verbal**
 - i. Sexual advances or propositions
 - ii. Sexually explicit, suggestive or abusive talk
 - iii. Sexually explicit jokes, teasing or anecdotes (including jokes and comments about a person's body parts, types or conditions)
 - iv. Remarks of a sexual nature about a person's body, sexual performance, activity or prowess
 - v. Sexually suggestive or insulting sounds, including whistling
 - vi. Continuing to express interest after being informed the interest is unwelcome

- c. Visual**
 - i. Display of sexually-oriented graphic pictures, posters or other visual material
 - ii. Displaying or transmitting any sexually explicit material via e-mail or the Internet

4. Prohibition of Sexual Harassment under Title IX of the Education Amendment Act:

Title IX protects students from sexual harassment in a school's education programs and activities. This means that Title IX protects students in connection with all the academic, educational, extracurricular, athletic, and other programs of the school, whether those programs take place in a school's facilities, on a school bus, at a class or training program. Sexual violence is a form of sexual harassment prohibited by Title IX.

Sexually harassing conduct against a student creates a hostile environment if the conduct is sufficiently serious that it interferes with or limits a student's ability to participate in or benefit from the school's program. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the harassment is physical. Indeed, a single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. For instance, a single instance of rape is sufficiently severe to create a hostile environment.

Regardless of whether a harassed student, his/her parent, or a third party files a complaint under the school's grievance procedures or otherwise requests action on the student's behalf, a school that knows, or reasonably should know, about possible harassment must promptly investigate to determine what occurred and then take appropriate steps to resolve the situation. A law enforcement investigation does not relieve the College of its independent Title IX obligation to investigate the conduct.

5. Procedure for Reporting and Investigation of Sexual Harassment Complaints:

a. Reporting. Employees who experience or witness sexual harassment must report it immediately to one of the following individuals so that a prompt investigation can be made:

- Title IX Coordinator, Director of Human Resources
- Vice President for Administration and Finance

If the employee receives a report of sexual harassment, forward it immediately to one of the non-involved individuals identified above. The person to whom the report is made shall promptly arrange for investigation in accordance with these procedures. The person to whom the report is made shall be informed of the outcome of the investigation.

b. Investigation and Complaint Resolution:

- i. *Investigation.* All reports of sexual harassment made in accordance with this policy shall be promptly investigated and the person making the report shall be informed of the outcome.
- ii. *Confidentiality.* To the extent it is reasonable and practical to do so, the confidentiality of the complainant, the alleged harasser, and any witness, will be protected against unnecessary disclosure.
- iii. *Corrective Action.* If it is determined that sexual harassment has occurred, prompt and effective corrective action will be taken, which may include disciplinary action up to and including termination. If no violation is found, or if there is not sufficient information to make a determination, the complainant and the alleged harasser will be informed of that finding.
- iv. *Non-Retaliation.* No person will be subject to retaliation for making a complaint of sexual harassment or participating in an investigation under this policy.

c. Procedural Rights of Persons Involved in Sexual Harassment Complaint:

- i. Every complainant has the right to present his/her case. This includes the right to adequate, reliable, and impartial investigation of complaints, the right to have an equal opportunity to present witnesses and other evidence, and the right to the same appeal processes, for both parties.
- ii. Every complainant has the right to be notified of the time frame within which: (a) the College will conduct a full investigation of the complaint; (b) the parties will be notified of the outcome of the complaint in ways not violating confidentiality of an employee or student records; and (c) the parties may file an appeal, if applicable.

- iii. Every complainant has the right for the complaint to be decided using a preponderance of the evidence standard (i.e., it is more likely than not that sexual harassment or violence occurred).
- iv. Every complainant has the right to be notified, in writing, of the outcome of the complaint. Although federal privacy laws limit disclosure of certain information in disciplinary proceedings, the College must disclose to the complainant information about the sanction imposed on the perpetrator when the sanction directly relates to the harassed student. This includes an order that the harasser stay away from the harassed student, or that the harasser is prohibited from attending school for a period of time, or transferred to other classes or another residence hall.
- v. The Clery Act (20 U.S.C. §1092(f)), requires that both parties be informed of the outcome, including sanction information, of any institutional proceeding alleging a sex offense. Therefore, the College may not require a complainant to abide by a non-disclosure agreement, in writing or otherwise.
- vi. The grievance procedures may include voluntary informal methods (e.g., mediation) for resolving some types of sexual harassment complaints. However, the complainant has the right to end the informal process at any time and begin the formal stage of the complaint process. In cases involving allegations of sexual assault, mediation is not appropriate.

6. Grievance Procedures for Complaints of Discrimination and Sexual Harassment:

Section I

Any person believing that the College or any part of the school organization had inadequately applied the principles and/or regulation of (1) Title VI of the Civil Rights Act of 1964, (2) Title IX of the Education Amendment Act of 1972, (3) Section 504 of the Rehabilitation Act of 1973, (4) the Age Discrimination Act of 1975, and (5) Title II of the Americans with Disability Act of 1990 may bring forward a complaint, which shall be referred to as a grievance to:

Civil Rights Coordinator/Director of Human Resources
Alpena Community College
665 Johnson Street
Alpena, MI 49707

Section II

The person who believes a valid basis for grievance exists shall discuss the grievance informally and on a verbal basis with the Civil Rights Coordinator, who shall in turn investigate the complaint and reply with an answer within a reasonable period of time, not to exceed 30 days.

If the complainant feels the grievance is not satisfactorily resolved, he/she may initiate formal procedures according to the following steps.

Step 1

A written statement of the grievance signed by the complainant shall be submitted to the coordinator. The coordinator shall further investigate the matters of grievance and reply in writing to the complainant within five (5) business days.

Step 2

A complainant wishing to appeal the decision of the College's Civil Rights Coordinator may submit a signed statement of appeal to the President of the College within five (5) business days after receipt of the Coordinator's response. The President shall meet separately with all parties involved, formulate a conclusion, and respond in writing to the complainant within ten (10) business days.

Step 3

If unsatisfied, the complainant may appeal through a signed, written statement to the Board of Trustees within five (5) business days of receiving the President's response in Step 2. In an attempt to resolve the grievance, the Board of Trustees shall meet with the concerned parties and their representative within forty (40) days of the receipt of such an appeal. A copy of the board's disposition of the appeal shall be sent to each concerned party within ten (10) days of this meeting.

Anyone at anytime may contact the U.S. Department of Education/Office for Civil Rights for information and/or assistance at (216)522-4970. If the grievance has not been satisfactorily settled, further appeal may be made to the Regional U.S. Department of Education, Office for Civil Rights, 600 Superior Avenue East, Bank One Center, Suite 750, Cleveland, OH 44114-2611

Inquiries concerning the nondiscriminatory policy may be directed to Director, Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202.

The local Coordinator, on request, will provide the complainant with a copy of the district's grievance procedure and investigate all complaints in accordance with this procedure.

A copy of each of the Acts and the regulations on which this notice is based may be found in the Civil Rights Coordinator's office.

Chapter II

GENERAL EMPLOYMENT RULES

A. PROBATIONARY PERIOD FOR ADMINISTRATORS

1. All administrators are hired on a 90-calendar-day probationary status. This time is for the employee and the supervisor, director, or vice president to determine whether this is the right position for the new employee. It gives the employee time to adjust to new responsibilities and it gives the employee's manager time to assess work and job performance. Be sure to discuss any questions, or problems, with the employee's supervisor. If the performance or attendance does not meet standards during the new-hire probationary period, the new employee is subject to termination without notice.
2. At the end of the probation period, the employee's performance will be evaluated, and a written report will be generated recommending one of three options: (1) successful completion of probation and conversion to regular status; (2) extension of the probationary period, not to exceed another 90 days; or, (3) release from the College employment. Recommendations are made from the supervisor to the department head, with recommendations for other than conversion to regular status to be discussed with the Director of Human Resources before being implemented. This determination will be indicated on the form entitled, "Performance Evaluation—Probationary." All written reports regarding an employee's probationary status must be filed with the Human Resources Office.
3. The probationary period normally is served only once for each continuous period of employment; however, the probationary period will be extended or will start over under the following conditions:
 - a. If an employee is promoted or transferred to another position during the probationary period, a new probationary period is begun effective with the date of the promotion/transfer.
 - b. If a temporary position becomes permanent (regular), the regular position must be advertised. If the incumbent in the temporary position is the successful applicant, a probationary period is begun with the effective date of the regular appointment.
 - c. If a medical leave of absence is approved during the probationary period, upon return to work, the probationary period will be extended by the length of the leave of absence.
 - d. If a non-exempt employee is promoted into an exempt position, thereby becoming an administrative/professional employee, such person must serve a ninety (90) day probationary period in the exempt position, even though one may have been served previously.

4. Employees serving a probationary period are considered to be employed on a trial basis and have no right of appeal in the event of termination.
5. Probationary employees will receive fringe benefits as outlined in their respective collective bargaining agreement.

B. PERFORMANCE STANDARDS AND EVALUATION

1. Expectations:

The College expects the quality of a staff member's performance to at least meet all performance standards as defined in the evaluation form. Additionally, staff members are expected to display behaviors consistent with the College and departmental procedures. Key ingredients to successful performance include systematic and definitive orientation to job responsibilities and departmental procedures, appropriate on-the-job training, ongoing communication of performance expectations and standards, periodic performance and career development feedback, and corrective, progressive approaches to work performance and behavior problems.

To assist the employee in meeting the College's high standards, the employee should seek regular advice, counsel, and feedback on his/her performance. This feedback can come from a number of sources, but most frequently is provided by the employee's supervisor. The Employee's supervisor can provide both positive and corrective feedback to help the employee achieve excellence in their job and meet the professional goals the employee and the College have set. Most departments provide periodic opportunities (at least annually) for the employee and the employee's supervisor to sit down and discuss the employee's overall performance. These discussions provide an excellent opportunity for the employee to confirm how the employee is doing and to set new goals and objectives for the future.

2. Purpose of Performance Evaluation:

The purpose of a performance appraisal is to provide feedback to the employee and to aid in his/her development as a College employee. It is the desire of the College to enhance motivation and communication through an annual performance review. Job objectives serve as the foundation of performance evaluation, and the performance evaluation focuses on how well and in what manner each objective was achieved during the previous year. Take advantage of this two-way discussion with the employee's supervisor to establish a mutual understanding of goals and priorities related to the employee's job objectives.

3. Time and Form of Evaluation:

a. *Probationary Period Review*

The performance of all regular and temporary full-time staff members in this category shall be reviewed and rated by their supervisors prior to the completion of ninety (90) days of service. Approximately thirty (30) days before the probationary review is due, the Human Resources Office will forward forms to the departments indicating the name and the date each employee is to be rated.

b. *Non-Probationary Review*

Performance reviews are conducted and completed annually, by May 31, for all non-faculty staff members. During the months of April and May, a performance evaluation will be conducted by the supervisor with each staff member. After completing the form, the supervisor will submit the rating to his/her supervisor for review. After the evaluation is reviewed, the supervisor will discuss the evaluation with the employee and indicate areas of strengths and/or weaknesses. The supervisor should suggest means of improvement and clarify any questions the employee may have concerning assignments, methods, or performance in general. A standard evaluation form will be completed. The employee is entitled to a personal interview with the evaluating manager and a copy of the employee's performance evaluation form. These forms become part of the employee's confidential files at the Human Resources Office. The employee also is entitled to submit to their personnel file a rebuttal of any points regarding their performance evaluation

The employee's signature on the form indicates that the rating has been discussed with the employee, but does not indicate concurrence with the rating. Two additional copies of each employee's performance evaluation form should be made. Distribution should be as follows:

- i. the original should be returned to the Human Resources Office;
- ii. one copy should be retained by the supervisor; and
- iii. one copy should be provided to the employee.

c. *Instructions and Questions.*

Instructions for completion of the performance evaluation form are provided on the form. Questions concerning the execution of this form should be addressed to the Human Resources Office. The recommended procedures for completion of a performance evaluation are set forth below.

d. *Recommended Procedures for Completing a Performance Evaluation.*

The following procedures should be utilized in evaluating employees to the extent such procedures are reasonably feasible.

- i. **Review Job Description.** Begin the process with the current job description for the employee being evaluated. Draft answers to evaluation form questions and rate the employee performance based upon the expectations and guidelines stated within the job description. If the job description is outdated, it should be modified for the next segment of employment. A copy of the modified job description is sent to the Human Resources Office with the completed evaluation.
- ii. **Gather Information.** Collect information that has been gathered throughout the evaluation period from co-workers, other supervisors, and other interactions with the employee.

- iii. Request Self-evaluations. Give a blank evaluation form to the employee and ask the employee to complete a self-evaluation. Schedule a private time to meet and discuss the employee's draft evaluation and the employee's self-evaluation.
 - iv. Complete Final Evaluation. Complete the final evaluation form using input from the employee, the supervisor and other appropriate sources.
 - v. Use Narrative to Justify Ratings. Provide comments and specific examples to justify each rating. Many supervisors find that keeping a desk file on each employee for the evaluation period helps them focus their ratings, comments, and examples. In the event such a file is maintained, it is considered part of the employment record and the employee is entitled to review such record upon request.
 - vi. Ensure Proper Category. If a rating category does not apply to the employee, check N/A and provide a brief explanation before proceeding to the next category.
 - vii. Provide Fair Ratings. Ratings often vary from category to category. This is normal and reflects the employee's strengths and weaknesses. Decide how the employee's performance ranks overall and check the appropriate block under Supervisor's Overall Ratings. Provide an overall rating based upon total performance.
 - viii. Discuss Evaluation with Employees. Schedule and conduct a private review with the employee to discuss the evaluation. The three primary goals of the evaluation discussion are as follows:
 - a) Determine what is expected of the employee (goals, standards and objectives).
 - b) Ascertain the supervisor's evaluations and employee's input.
 - c) Develop corrective activities as necessary for the future.
4. Evaluation Signature and Distribution. The employee signs and dates the form and adds any comments desired. If comments exceed the space provided, the employee should sign or initial the extra page(s). The supervisor completes the evaluation by signing the form. The evaluation is then forwarded for third level review and signature. The original is sent with an updated job description, if necessary, to The Human Resources Office. Copies of the evaluation should be kept by the employee and the supervisor.

C. PROMOTION AND TRANSFER

To recruit and retain staff of the highest quality, the College provides equal opportunities for the recruitment, professional growth, and advancement of all employees. The College encourages staff members to develop their careers within the College. Staff members who meet the required

qualifications for an open position may apply for a transfer from one position to another whenever such a transfer will enhance the individual growth and satisfaction of staff members, use more fully their training and skills, and/or reduce turnover and conserve valuable skills. A transfer is movement within the College from one position to another; a transfer may also involve moving from one department to another. Transfers may involve an individual moving to a position of a lower pay grade (demotion), equal pay grade (lateral move), or higher pay grade (promotion). Either the College with the approval of the Human Resources Office or the individual may initiate a transfer.

D. EMPLOYMENT OF FAMILY MEMBERS

The College seeks to foster an environment in which people are treated with respect and trust. Employment of family members may be problematic because such situations can create a conflict of interest, an appearance of favoritism, and an increased potential for a hostile work environment. Because of these concerns, the College is sensitive to circumstances in which relatives of employees might be hired, transferred, or promoted to positions in which one relative might have influence over a relative's employment, performance review, salary administration, promotion, or other employment-related decisions. Employees should neither initiate nor participate in an institutional decision involving a direct benefit to a family member

If a familial relationship develops between previously unrelated employees during the course of employment, the College will consult with the individuals involved to resolve the situation. In all cases, the needs of the College determine the resolution, provided that all decisions shall be made without regard to any protected class or characteristic. The responsible supervisor should take measures in consultation with the appropriate dean/vice president and the Director of Human Resources.

If an approved employment relationship exists in which individuals work together in the same department, evaluation and recommendations concerning performance and/or salary will be accomplished at the next higher level of supervision. The College requires full disclosure of any relationship as defined below to the Human Resources Office at the time of employment or at any time that it occurs in the course of employment.

Relationships covered by this section include spouse, parents, grandparents, brothers, sisters, children, grandchildren, aunts, uncles, nephews, nieces, step-children, step-parents and relatives of the above by marriage (in-laws). This section is intended to be consistent with Alpena Community College Board of Trustee policy 6015.

E. CONSENSUAL RELATIONSHIPS

In their relationships, members of the ACC community are expected to be aware of their professional responsibilities and avoid apparent or actual conflict of interest, favoritism, or bias. The relationships may constitute sexual harassment when one of the individuals is in a position to evaluate or otherwise influence the education, employment, housing, or participation in a College activity of the other. The subtle yet powerful element of coercion that may exist in such relationships is a legitimate concern of the College. Such relationships give rise to a conflict of

interest and are potentially exploitative. Moreover, such relationships may affect the environment for other students, administrators, faculty or staff members, or the manner in which they are treated.

An administrator, faculty or staff member should not make sexual advances, requests for sexual favors or other communications of a sexual nature to a person if he/she exercises direct influence over a person's activities within the College. If a sexual relationship develops, the administrator, faculty or staff member must take steps to eliminate any current or potential conflict of interest, and distance himself or herself from decisions involving the other person. Failure to eliminate a conflict shall constitute misconduct.

Further, administrators, faculty, and staff should be aware that any romantic involvement with students or subordinates may require formal action against them if a complaint is filed. Because of the asymmetrical nature of such relationships, an administrator, faculty or staff member's assertion that a relationship was consensual in defense of a complaint of sexual harassment is subject to doubt and will be thoroughly investigated.

F. CONFLICTS OF INTEREST

1. Conflict of Interest Principles:

The College does not wish to infringe on the personal lives or affairs of its employees and respects the right of its employees to manage their personal affairs and other outside activities. However, employees assume certain obligations when they accept employment with the College. The basic underlying principle in conflict of interests is that employees must avoid any activity, investment, or interest, including outside or secondary employment, that might adversely impact their job performance, interfere with their business judgment, or have the potential or appearance of compromising the employee's objectivity in meeting College duties or responsibilities, including research activities.

2. Disclosure and Review Procedures:

This procedure recognizes the desirability of flexibility and the difficulty of anticipating all situations that may arise. Therefore, it is left to the discretion of supervisors to interpret and implement this procedure and to evaluate the activity in the context of the functional unit in question.

The supervisor has the initial responsibility to decide questions of conflict of interest or commitment, according to the guidelines of this procedure. Prior to a possible conflict of interest activity an informal discussion between the individual and the supervisor is strongly encouraged to promote mutual understanding and to prevent avoidable conflicts from developing.

Primary review and monitoring of activities related to conflict of interest and commitment will remain a function of the supervisor/department head, with final approval residing with the appropriate College vice president.

G. OUTSIDE EMPLOYMENT

Outside employment is when an employee of the College holds a position with another employer or operates another business or enterprise. Such secondary employment may have an adverse impact on the employee's job performance and ability to provide quality service on behalf of the College to its customers. Outside employment should be discussed with the supervisor to insure problems do not arise in the future.

Full-time employees are expected to devote their workday efforts to the job for which they were hired. Thus, some restrictions have been placed on outside employment and the pay received for that work. Outside employment is permitted if the following conditions are met:

1. The employment does not interfere with the performance of the employee's College job.
2. The work does not constitute a conflict of interest (see policy on Conflicts of Interest)
3. The work is completed off the premises of the College.
4. The work is completed during non-College work time.
5. The work does not involve the use of materials, supplies, or equipment belonging to the College.

H. PERSONNEL RECORDS

The College maintains records related to the employment history of all faculty and staff members. The College, recognizing its responsibility to protect employees from unnecessary invasion of privacy, controls access to these employee records. Offices and individuals who have access to information about employees are expected to preserve the confidentiality of this information. The Human Resources Office maintains individual personnel files for all faculty and staff. These files contain official records of each individual's employment and salary history, career progression, performance evaluations, disciplinary actions (if applicable), and termination of employment.

Access to personal employee information is restricted to those with a legitimate need for such information in the performance of their job, including current and prospective supervisors. Any person seeking to review information in an employee personnel file shall make a written request to the Human Resources Office.

The employee may examine his/her personnel records by submitting a written request to the Human Resources Office. A convenient time is then scheduled so that a staff member may be present to insure security of documentation, answer questions or respond to concerns. If the employee believes the records are not accurate, the employee may place a statement of reasonable length in their file describing the facts as the employee sees them.

Files may not be removed from the Human Resources Office nor may any materials be added to or removed from the official file by anyone other than a Human Resources Office staff member.

While files may not be removed from the Human Resources Office, an employee may request a copy of all or any portion of his/her personnel file. The College may charge a fee for the copying cost.

Unless specifically excepted, employee records may not be disclosed to third parties without the express written permission of the employee. Following are the exceptions:

1. The College may, at its discretion, disclose directory information (name, employment dates, title, department).
2. The College may accede to a lawful subpoena, warrant, court order, or government requirement. Employees shall be notified of all such disclosures.
3. Properly authorized College officials may have access to specific employee records in the course of their duties and shall protect the confidentiality of these records.
4. In emergencies, the President, Vice-President or the Director of Human Resources may authorize disclosure of pertinent information, in order to protect the health, safety, or property of any person or to protect the legal interest of the College

I. SOCIAL SECURITY NUMBER POLICY

Pursuant to Michigan's Social Security Number Privacy Act, [MCL 445.81–445.87](#) (the Act), Alpena Community College will take measures reasonably necessary to ensure the confidentiality of its employees' Social Security numbers and those collected in the ordinary course of the College's business. Neither the College nor any of its employees will unlawfully disclose the Social Security numbers obtained during the ordinary course of business. The College may provide Social Security numbers to entities requiring the number, such as state and federal governmental agencies, health insurance providers, retirement programs, or other such entities provided for under the Act. The College may also release a Social Security number as allowed by law or when permission is granted by the individual. The College will limit the access to information or documents containing Social Security numbers to only those employees of the College whose job description requires the use of the Social Security numbers. In addition, the College will strictly limit the display of Social Security numbers on computer monitors or printed documents, unless required by law or business necessity.

The College will not use Social Security numbers, more than four consecutive numbers from a Social Security number, or a derivation of them as personal identifiers, permit numbers, license numbers, or primary account numbers or for similar uses unless required by law. All such uses must cease no later than January 1, 2006, unless authorized or required by state or federal law or court order or pursuant to legal discovery. If the College has been using a Social Security number, or four or more sequential numbers from a Social Security number, continuously and in the ordinary course of business as an identifier before March 1, 2005, the College may continue to do so. If the College interrupts the continuous use of such a number as an identifier, the College must then fully conform with the provisions of the Act.

The College will treat Social Security numbers as data elements only in the College's databases and not as a key to a database. The College may use a Social Security number to verify the identity of an individual or perform a similar administrative duty related to employment; detect or prevent identity theft; investigate a claim, credit, criminal, or driving history; enforce legal rights or obligations; or administer insurance or benefits programs. Electronic transmission of Social Security numbers will be done only through a secure connection, encrypted mechanisms, or password-protected authentication device.

Documents and forms used to collect Social Security numbers will indicate whether the request is voluntary or mandatory. The College will not deny an individual access or benefits if he/she refuses to provide a Social Security number when voluntarily asked to do so.

The College will retain an employee's Social Security number for the duration of the employee's employment and for two years following the employee's termination or for a period required by law. The College will physically destroy documents that contain Social Security numbers, but need to be discarded, by shredding or another secure fashion. Social Security numbers stored in a computer database will be completely removed and deleted from all programs pursuant to techniques and standards commonly used for such purposes.

Any employee of the College who knowingly violates the provisions of the Act will be subject to discipline.

All provisions of this policy are subject to the language of the Act as effective March 1, 2005, as amended, and comply with the Federal Privacy Act of 1974.

Chapter III

CODES OF CONDUCT

A. PROFESSIONAL EXPECTATIONS

All College employees are expected to treat supervisors, fellow employees, students, and the public in a professional manner--that is, with respect, integrity, courtesy, and a cooperative attitude. More specifically, as an employee and representative of the College, the employee must:

1. Truthfully respond to all job-related inquiries;
2. Follow the directions of the employee's supervisor and the College administration;
3. Personal neatness and appropriate attire is left largely to the discretion and mature judgment of the employee. Supervisors and department heads may establish minimum requirements for attire appropriate to tasks and working conditions since an employee's appearance reflects upon the image of the College; and
4. Report regularly to work at the employee's scheduled starting time and complete the scheduled workday.

Employee conduct has a direct bearing on the general public opinion of the College; therefore, it is imperative that employees respect the rights of others and conduct themselves in a professional and businesslike manner.

B. USE OF PROPERTY

An employee, who handles the College property, includes but not limited to automobiles, computers, and other technical equipment, is responsible for the care and security of such property while it is under the employee's control. Unauthorized use or removal of the College property is grounds for discipline, up to and including dismissal. College property issued to an employee must be returned to the College by the last day of employment. An employee who discovers that any property of the College is lost, missing, damaged or fails to operate properly shall make a report to his or her supervisor.

C. ATTENDANCE AND PUNCTUALITY

1. Request for Time Off: All requests for pre-planned absences (paid or unpaid) must be submitted by the employee to the employee's immediate supervisor for approval as far in advance as possible, but no later than one day prior to the requested absence. The standard Request for Time Off should be used. Once approved, it is the employee's responsibility to provide a copy of the approved form to the Human Resources Department.

2. Emergency, Illness and Unplanned Absence: An employee who is unable to report to work due to emergency, illness or other unplanned event, shall notify the Human Resources Office and the employee's immediate supervisor of the inability to report to work at least 30 minutes prior to the scheduled reporting time. (If requested by the employee, the Human Resources Office will relay the notice to the employee's immediate supervisor) If the nature and timing of the emergency do not permit prior notice, the employee shall contact the Human Resources Department as soon as reasonably possible. Employer shall not be required to pay an employee for time the employee was absent from work if the employee failed to give required notice as provided above.
3. Abandonment: Absence without notice for three (3) consecutive days is considered job abandonment and grounds for immediate termination.
4. Punctuality: It is the responsibility of the employee to be at work on time. Emergencies are understandable, but frequent absences, tardiness, and failure to give proper notice of absences impair the value of services and may result in disciplinary action, leading to eventual release from College employment.

D. SMOKING

Smoking and other tobacco use is prohibited in all College facilities and on all College property, including College vehicles.

E. CONFIDENTIAL MATERIAL

All full-time and part-time employees of the College are covered by these rules. The Director of Human Resources administers the procedures with respect to the records of all employees. It is each employee's responsibility to become familiar with the provisions included in this section.

The following rules govern the disclosure of confidential information held in any manner by employees of the College. The purpose of these rules is to protect and safeguard individual and College information used throughout the College.

1. For purposes of these rules, "confidential information" includes, but is not limited to:
 - a. Student educational information and discipline records;
 - b. Non-public personal information, concerning employees and students including, but not limited to, College identification numbers, information system user IDs and passwords, Social Security numbers, internal communications, banking or financial information, medical and health information, disability status or special needs, insurance information, and personal benefits information;
 - c. College-related information which has not been publicly published or released with College authorization, including but not limited to budget, financial, negotiation, bidding, and other information;

- d. College research data, information, and findings that are protected by law, contract, or policy;
- e. Information described as confidential under any other College policy, rule, or directive, and
- f. Other information and records which the employee is directed under proper authority to not disclose.

Confidential information does not include information publicly disclosed by the College or which is required to be disclosed pursuant to law or contract.

2. All College employees must hold any confidential information in trust and confidence, and not use or disclose it or any embodiment thereof, directly or indirectly, except as may be necessary in the performance of duties for the College, or as otherwise required by law or contract.
3. College employees may not remove confidential information from a College department/office, or duplicate confidential information, unless authorized by the College to do so. Upon termination of any assignment or as directed by a supervisor, employees shall return all such materials and copies thereof to their proper location in the department/office.
4. All requests by external entities or persons for the disclosure of confidential College information should be promptly directed to the College's Freedom of Information Act Officer, unless the employee has received previous College authority to respond to such a request.
5. The policy does not prevent or prohibit the internal use of confidential information for the legitimate academic, administrative, and operational purposes and needs of the College as authorized by the College. This policy does not prevent or prohibit employees from good faith disclosures of a violation(s) of law, contract, or policy, either within the College or to the appropriate external body or authority, and such disclosure will not result in adverse employment action against the disclosing employee.
6. **Student Records**
With the exception of directory information, including curriculum, college, year, county, state or country codes, all student records are considered to be confidential and are open only to College personnel who need the information in order to carry out their official responsibilities. The following policies govern access to student records:
 - a. Each type of student record is the responsibility of a designated College official, and only that person or the vice president, dean or director to whom that person reports has authority to release the records.
 - b. The responsible official may release records to College personnel who have a legitimate need for the information. A list of those persons who normally have access to each type of student record is available in the registrar's office.

- c. All student records are reviewed periodically. Information concerning the frequency of review and expurgation of specific records is available in the Registrar's office.
- d. With certain exceptions, students may review records that pertain directly to them upon request and may obtain a copy of the record at cost. The major exceptions to student review are medical and counseling records. These may be released, however, to other medical or psychological professionals at the written request of the student.
- e. A student may waive the right to review a specific record by submitting in writing a statement to this effect to the official responsible for that record.
- f. College personnel who have access to student records in the course of carrying out their College responsibilities shall not be permitted to release the record to persons outside the College, unless authorized in writing by the student or as required by a court order. Only the official responsible for the records has the authority to release them.
- g. The official responsible for custody of a student record will maintain a file of instances in which the record is released, including the person or agency to whom it was released and the purpose of the release. This information will be available to the student on request.

College employees who violate this policy will be subject to legal action, including but not limited to disciplinary action up to and including termination of their employment or contractual relationship.

F. DRUG-FREE WORKPLACE

The College prohibits the unlawful use, possession, dispensation, distribution, or manufacture of controlled substances. All employees must abide by this policy. The term "controlled substance" refers to all illegal drugs and to legal drugs requiring a physician's order but used without one. It does not prohibit taking prescription medication under the direction of a physician.

G. ALCOHOL

The College prohibits the sale, service or consumption of alcohol on the College property, unless prior approval has been obtained in accordance with the policy of the Board of Trustee (Policy 3010) for a College-sanctioned event.

H. EMPLOYEE ASSISTANCE

Employees who voluntarily wish to seek referrals for counseling or treatment of substance abuse problems should seek assistance through the College's Employee Assistance Program (EAP) or Human Resources Office. Such referrals are confidential, and employees are encouraged to seek assistance if they believe they have a problem. Requests for unpaid leaves of absence of up to one

month will be considered by the Human Resources Office for employees seeking residential treatment for substance abuse problems.

I. REPORTING VIOLATIONS OF DRUG AND ALCOHOL POLICY

Any supervisor who suspects a violation of the policies on drugs or alcohol should immediately consult with the Human Resources Office. In consultation with the Human Resources Office, appropriate action will be taken, which may include referring the employee to the College's EAP for counseling or other external counseling services and the imposition of discipline up to and including termination, depending upon all of the circumstances. In cases where dispensation, distribution, or manufacture is suspected, the safety and security department should be contacted immediately regarding the need for a formal investigation.

The sanctions for the unlawful possession, use, or distribution of illicit drugs and alcohol are outlined in the volumes of state and federal law that are on file in the personnel office. As required by the federal government, the College will take one of the following actions within 30 days of receiving notice that an employee has been convicted under any criminal drug statute for a workplace violation:

1. Appropriate personnel action up to and including termination, or
2. Require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program. In addition, any employee is required, as a condition of employment, to abide by this policy and inform the College within five days if convicted of drug violations in the workplace. Such convictions must be reported to any appropriate federal contractor or grantor within 10 days. This policy is instituted to comply with the Drug Free Schools and Communities Act of 1989 and the Drug-Free Workplace Act of 1988.

J. WORKPLACE THREATS, VIOLENCE AND WEAPONS

The College is committed to the safety and security of all persons. To foster a safe workplace and reduce the risk of violence, all employees should review and understand all provisions of the College's policy.

1. Threats and Violence
The College will not tolerate any threats or acts of violence committed by or against employees or on College property. Violations of these rules will lead to disciplinary action up to and including termination.
2. Weapons
The carrying or possession on College property of weapons, firearms, or explosives is expressly prohibited by Board of Trustees Policy 2013 unless necessary for instruction or the performance of authorized activities.
3. Dealing with confrontation
Employees who confront or encounter an armed or dangerous person should not attempt to challenge or disarm the individual. Employees should remain calm, make eye contact and talk

to the individual. If a supervisor can be safely notified of the need for assistance without endangering the safety of the employee or others, such notice should be given. Otherwise, cooperate and follow the instructions given.

4. Reporting

College employees are responsible to notify the Director of Facilities Management or the Director of Human Resources of any threats they have witnessed or received, or any behavior they have witnessed which they regard as threatening or violent, whenever the threat or behavior is job-related, occurs on College property, or is connected to their College employment. All reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed on a need-to-know basis. Employees who have obtained temporary restraining orders or personal protection orders, which include any College property, shall provide a copy of the order to the Director of Facilities Management and the Director of Human Resources.

5. Enforcement and Discipline

A person making threats, exhibiting threatening conduct or committing any acts of aggression or violence on College property shall be removed as quickly as safety permits and shall remain off College property pending investigation. Any employee determined to have committed such acts shall be subject to disciplinary action up to and including termination, in addition to criminal prosecution. Non-employees engaged in violent acts on College property will be reported to proper authorities and subject to criminal prosecution.

K. Employee Safety

Work-related employee injuries may mean a financial loss to the employee and/or the employer. Using common sense and observing College safety rules will help avoid costly injuries. If the employee has a safety hazard in their work area, advise the employee's supervisor.

If the employee has a job-related or on-duty accident or injury, the employee should follow these procedures:

1. Immediately report the injury or accident to their supervisor. The employee's supervisor will complete an Claim/Incident Report form
2. As instructed by the employee's supervisor, immediately report for medical evaluation and completion of medical forms which should be returned to the employee's supervisor. The forms will let the employee's supervisor know if and when the employee is able to return to work and will outline any physical limitations imposed because of the injury.

Work-related diseases should also be reported to the employee's supervisor.

L. Worker's Compensation

The Workers Disability Compensation Act is a state law providing for medical payment and income when injuries and accidents, including disease, arise out of, and in the course of employment. An

employee who is injured on duty must report it promptly to his/her supervisor, following the procedures above (See “Should an injury occur”) Any delay in reporting a job-related accident, injury, or disease may make it difficult to validate the claim at a later date. Workers’ Compensation is administered by the Human Resources Office. Injured employees should contact the Director of Human Resources to obtain further information.

M. Parking

Parking permits are issued to staff members on a permanent basis and need only be updated if a change in vehicle or license plate occurs. Staff permits are hanging tags which are placed on the rearview mirror post, facing the front window.

Vehicle Registration forms are available in BTC 101 between 8:00 a.m. and 4:00 p.m.

Violations: A \$10 fine will be assessed for parking in an unauthorized area, parking in an undesignated area, reckless driving or exceeding the College speed limit of 15 mph. A \$25 fine will be assessed for unauthorized vehicles parking in a handicapped parking area.

N. Acceptable Use Rules and Regulations as Condition for Privilege of Using Information Technology Resources

The use of Information Technology (IT) resources is a privilege, not a right. The College places responsibilities on users as a condition of their utilizing such resources. In general, acceptable use means using the IT resources of the College in a responsible, ethical, and legal manner and respecting the rights of other users, the integrity of the digital and physical equipment and systems and all pertinent license and contractual agreements. Acceptable use includes, but is not limited to the following:

1. Federal, State, and Local Laws

Users of the IT resources must abide by all federal, state, and local laws. This includes adherence to any and all licenses and contracts entered into by the College and observation of applicable copyright law.

2. Rules and Regulations Promulgated by MIS Department

- a. All software loaded on College computers must be approved by the appropriate College administrators and all licenses must be on file in the Management Information Systems Department (MIS) office unless otherwise expressly authorized by MIS.
- b. Users shall abide by all reasonable rules and regulations modified by MIS from time to time as necessary and proper for the efficient administration and use of IT resources. Such rules and regulations shall be published on the ACC website and shall be accessible to all users.

3. Merit Acceptable Use Policy
Users shall abide by the *Acceptable Use Policy of Merit Network, Inc.*, referred to as the *Merit Acceptable Use Policy* which can be found at http://www.merit.edu/policies/acceptable_use.php which is incorporated by reference in its entirety in the *ACC Acceptable Use Rules and Regulations*.
4. Alpena Community College Policies
Use of the IT resources is subject to compliance with other ACC policies, and such resources shall not be used in a manner which violates other ACC policies; including but not limited to employment policies, sexual harassment policy, and student conduct policies. In addition, these rules and regulations are subject to the College's Americans with Disabilities Act Compliance Policy.
5. Prohibition of Commercial or Unauthorized Use
All information and resources covered by these rules and regulations are intended for use by students, faculty, staff and other authorized users in furtherance of College purposes. Any commercial use of those resources, in any form, for a purpose unrelated to College purposes is expressly forbidden. Users are expressly forbidden from using College IT resources for commercial advertisements and solicitations.
6. Prohibited Conduct and Examples of Unacceptable Use
The following conduct and use is unacceptable and prohibited. This is not intended to be an exhaustive or all-inclusive list but is rather intended to provide guidance and examples of unacceptable use.

It is a violation of the *Acceptable Use Rules and Regulations* to:

- a. Share user passwords with other individuals.
- b. Access, without authority or permission, the passwords, accounts and electronic files of others.
- c. Construct and send electronic communications that appear to be from someone other than the actual user, except as part of a class curriculum.
- d. Use, send or display electronic communication in a manner which is defamatory or which constitutes harassment or threatens or intimidates another. This may include material that is obscene or sexually explicit. Electronic communication with other users or outside parties that is repeated and unwanted may constitute harassment. A user who receives unwanted e-mail or other forms of communication should notify the sender that the communication is unwanted.
- e. Violate copyright and software license agreements.
- f. Install any program on ACC computers without approval of administration or the MIS Department.
- g. Knowingly or carelessly running or installing on any computer system or network, or giving to another user a program intended to damage or place excessive load on a computer system or network. This includes programs known as computer viruses or worms.
- h. Use the College's trademarks, logos, insignia, or other copyrights without prior approval of appropriate College staff.

- i. Use IT resources for plagiarism or other academic and scientific misconduct.
- j. Use IT resources to commit an illegal act, crime or fraud.
- k. Violate IT resource security systems.
- l. Destroy or damage equipment, software, or other systems owned by the College or other individuals or deliberately attempting to degrade such systems.
- m. Use IT resources to engage in inappropriate mass mailings, including but not limited to, spamming.
- n. Perform any act that interferes with the normal operation of the IT resources.
- o. Use the IT resources for any other purpose that is illegal, unethical, dishonest, causes damage to the College, or is likely to subject the College to liability.

7. Violation of the Acceptable Use Rules and Regulations

Violation of the *ACC Acceptable Use Rules and Regulations* may result in the restriction and possible loss of network privileges and also in disciplinary action in accordance with these rules and regulations and other relevant College policies and procedures. Violations which constitute a violation of the law may also result in civil or criminal action

Suspected violations of the *ACC Acceptable Use Rules and Regulations* should be reported in writing to one of the Co-Directors of the Management and Information Systems (MIS) of the College within a reasonable time period following the alleged violation. The MIS Co-Directors have authority to investigate allegations of violations and determine whether a violation of the *ACC Acceptable Use Rules and Regulations* has occurred. In the event the MIS Co-Directors determine that a violation has occurred, they may impose sanctions including restriction or suspension of the user's privileges to use IT resources.

A reasonable attempt should be made to impose non-punitive sanctions, except where serious violations warrant a more serious penalty. In carrying out such authority, the MIS Co-Directors shall act in accordance with the following procedures, but also reserve the right to act as necessary and appropriate to avoid situations where injury to others, property damage to others, or a violation of the law is deemed likely to occur.

Sanctions which may be imposed for violation of the *Acceptable Use Rules and Regulations* will be commensurate with the severity and/or frequency of the offense and may include, but are not necessarily limited to, the following:

- a. Warning: alerting a user to the violation, transmitted electronically or in writing to the user, with the understanding that any additional violation will result in a greater penalty.
- b. Restriction, Suspension or Termination of IT resource privileges: limitation or removal of IT resource privileges, either temporarily for a definite period or termination for an indefinite period of time. Limitation or loss of privileges may occur after the user has been provided notice and warning, or immediately in the case of an emergency.
- c. Restitution for damages: requiring reimbursement for the costs of repair or replacement of computer-related material, equipment, hardware, software, data and/or

facilities. In addition, such reimbursement shall include, but not necessarily be limited to, the cost of additional time spent by College employees due to the violation.

- d. Reporting and Referral for further disciplinary or legal action: Whenever sanctions, other than a verbal warning, are imposed for violation of the ACC Acceptable Use Rules and Regulations, the matter shall be reported by the MIS Co-directors to a Vice-President or President of the College who shall determine whether any further disciplinary action is appropriate and, if so, shall proceed in accordance with applicable College policies and procedures.

The above sanctions are in addition to any legal sanctions that may be imposed for violation of federal, state or local law, which may subject the violator to civil suit or criminal prosecution.

Due Process will be afforded to any user who is subject to a sanction, other than a verbal warning, under these rules and regulations. The specific process afforded in each instance shall be commensurate with the seriousness of the sanction imposed and shall take into account other relevant factors including the status of the individual affected by the sanction (e.g., faculty member, student, employee, volunteer or other user), the applicable disciplinary code, rules, contracts and agreements to which the user is subject (e.g., personnel policies, student conduct policy, employment contracts, collective bargaining agreements), and the risk of injury or damage to persons or property caused by the alleged violation. At a minimum, any individual whose privileges are restricted, suspended or terminated shall be given written notice of the alleged violation, an opportunity to respond to the alleged violation and an opportunity to appeal an adverse decision. Termination or suspension of privileges shall be effected only *after* the appropriate due process has been afforded, except in those situations where immediate suspension of privileges is necessary to protect others from injury or damage.

8. No Expectation of Privacy

Users should be aware that there exists no expectation of privacy in their electronic communication. ACC may be required under public records law, subpoena, investigation or other law to release information transmitted using IT resources. While the College does not generally monitor or limit content of information transmitted through the use of its IT resources, the College reserves the right to review any material stored on College equipment or technology and may edit or remove any material that is determined to be a violation of the *ACC Acceptable Use Rules and Regulations*. However the College has *no duty* to review, monitor, edit, and remove this material. The use of the College's IT resources constitutes a waiver of the user's privacy as to his/her use of the resources.

9. Disclaimer of Liability

The College does not warrant that the functions of this system will meet any specific requirements that the user may have, or that the service will be error free or uninterrupted. Nor shall the College be liable for any indirect, incidental, or consequential damages (including, but not limited to, lost data, information, or profits) sustained or incurred in connection with the use, operation, or inability to use the system.

While the College reserves the right to monitor and remove any content that is in violation of the *ACC Acceptable Use Rules and Regulations*, the College is not a publisher of material placed on the network by users and has no duty to monitor the content of this material. Users who violate the *ACC Acceptable Use Rules and Regulations*, other College policies, the *Merit Acceptable Use Policy*, federal, state, and local laws, including (but not limited to) copyright or license infringement and slanderous conduct shall be personally liable for their actions.

Chapter IV

MISCONDUCT AND DISCIPLINE

A. GENERAL POLICY

The College maintains the right to ensure the reasonable conduct and efficient performance of its employees. Rules of conduct are intended to promote the orderly and efficient operation of the College, as well as to protect the rights of all employees. Therefore, violations shall be regarded as cause for disciplinary action.

It is difficult to specify the exact disciplinary action which will be implemented in any particular situation, since the employee's background, the particular circumstances and the judgment of the supervisor as to the proper discipline must be considered in each case; however, part of the intent of this policy is to identify the type of offenses for which disciplinary actions should be taken and the type of disciplinary action that will be appropriate. This list is not all-inclusive but is intended to provide examples and guidance.

Employees who are found to be deficient in carrying out the responsibilities of their position will be given an opportunity to improve, whenever possible. Counseling and or a verbal warning may be used in lieu of disciplinary action if the deficiency is a first occurrence and is considered minor, in the judgment of the supervisor.

Disciplinary actions should be used as constructive means of improving employees' performance, whenever possible. They should be taken only to the degree of severity necessary to obtain the desired improvement and should not be taken without having all pertinent factual information of the incident or condition.

Supervisors initiating disciplinary action beyond a verbal warning should consult with the Human Resources Office for staff assistance and policy guidance.

When counseling and/or oral warnings have either been unsuccessful or deemed inappropriate, consideration of formal disciplinary action may be necessary. The nature or severity of the offense will determine the extent of discipline to be taken. The types of discipline are listed in Section B below.

B. DISCIPLINARY ACTION

Section 1 - Progressive Discipline:

For the following types of conduct, an employee shall be subject to disciplinary action up to and including discharge. Disciplinary action for the same or different offenses in this section shall generally progress in the following manner:

1. Verbal Warning: Verbal statement to an employee that he/she has violated a rule, regulation, or reasonable expectation and such violation may not continue. Verbal warnings may be given by supervisors to employees to correct minor deficiencies or offenses. Verbal warnings are not required prior to issuance of a written reprimand.
2. Written Reprimand: Formal notification in writing to an employee that he/she has violated a rule, regulation, or reasonable expectation.
3. Suspension: Release from duty, with or without pay, for a specified period of time. Suspensions may vary in length, according to the severity of the offense or deficiency.
4. Discharge: The employer/employee relationship is severed. Such action shall only be taken in coordination with the Director of Human Resources.

For all types of discipline, except a verbal warning, the following provisions apply:

The employee shall be provided with written notice of (a) the specific charge and date(s) of the offense and (b) the right of appeal through the grievance policy for non-probationary employees. A copy of the above notice shall be provided to the Human Resources Office and maintained in the employee's personnel file.

The type of conduct for which progressive discipline is appropriate includes the following:

- Unexcused absenteeism.
- Tardiness.
- Violation of sick leave policy.
- Inattentiveness to work, including careless or poor work, or sleeping at work.
- Continuing poor performance.
- Failure to report time off from work or quitting work before proper time.
- Leaving assigned work area without permission.
- Violation of safety rule or policy.

Section 2 - Conduct for Which Progressive Discipline May Not Be Appropriate:

For the following types of conduct, an employee shall be subject to discipline, up to and including discharge. Such disciplinary conduct may or may not follow a pattern of progressive discipline, depending on the circumstances.

- Insubordination or refusal to comply with employer's instructions, unless such instructions are injurious to the employee's health or safety or are illegal.
- Immoral or indecent conduct.
- Conviction of a felony.

- Violation of a local, state or federal law which is connected to the performance of the employee's job or impairs the ability or credibility of the employee to perform the employee's job.
- Intentional falsification of personnel records, payroll reports or other College records.
- Theft, intentional destruction of College, employee or student property.
- Reporting for work in an unsafe condition, including but not limited to, being under the influence of alcoholic beverages or drugs. An employee who so reports shall be sent home pending investigation.
- Deliberate or grossly negligent conduct endangering the safety of self or others, including the provocation or instigation of violence.
- Abusive or threatening treatment of another employee, student or member of the public.
- Job abandonment as defined in Chapter 3 C of these rules and regulations.

C. RIGHT OF APPEAL

Employees, except probationary and temporary employees, who are formally disciplined (receive a written warning, suspension or termination) must be informed of the specific cause for the action taken and advised of their right of appeal under the grievance policy. (See Chapter VIII) Employees serving in a probationary period, as well as temporary employees, have no right of appeal in the event of termination.

Chapter V

LEAVES OF ABSENCE

A. PERSONAL LEAVE OF ABSENCE WITHOUT PAY

A personal leave of absence, which may be granted by the College at its sole discretion, is a formally authorized period away from the job and generally will be for the purposes of study, travel, or otherwise engaging in professional growth or development. To be eligible for a personal leave of absence, the employee must have completed at least one year of continuous employment (no unpaid leave of absences) prior to the beginning of the leave. A department supervisor, with the approval of the Human Resources Office and the Vice President for Administration and Finance, may grant a personal leave of absence without salary to any employee for a period of up to six months. An additional three months leave may be granted if circumstances warrant.

Employees wishing to take a personal leave of absence should inform the College's Human Resources Office in writing as far in advance as possible, normally at least 20 working days prior to the start of the requested leave. The request must state the reason for the leave and the expected duration. Workload, the employee's past performance, attendance record, length of service, reason for leave, and recommendation of the employee's supervisor will be taken into account when the College considers whether to approve the employee's request for a leave of absence. The employee will be notified in writing if the leave has been granted. An employee will be required to use accrued vacation leave, personal leave and compensatory time during the leave. The College will continue to carry the employee in its medical insurance plan only if the employee pays the full monthly premiums. The employee may continue to participate in the vision and dental programs while making monthly premium payments. No contribution to the pension plan will be made by the College on the employee's behalf, as this program is a function of salary earned. Disability insurance coverage will only be continued by the College during the employee's leave if the employee pays the full premium. No vacation or sick leave benefits are accrued during the employee's leave. Continuity of service is maintained; however, leave time is not added to length of service.

B. JURY DUTY

The College recognizes the employee's civic responsibility, when subpoenaed, to serve on a jury or to testify as a witness in a case related to their employment at the College. In such instances, the College ensures that the employee will be compensated while the employee is away from work. Prospective jurors or witnesses should furnish to the Human Resource Office a statement from the court that indicates the day(s) of service. The employee should also provide the Human Resources Office with a time record from the court and a completed *Court Required Service or Jury Duty Certification* form.

The employee will receive their regular College paycheck while on approved jury or witness duty. All checks received from the court for jury or witness service should be endorsed to the College and turned in to the Human Resources Office. If mileage and/or meals are included, the employee needs to contact the Human Resources Office on how to handle the payment. If the employee is paid for jury duty on a scheduled time off, the employee is not required to refund that money to the College.

If the employee is called as a juror or witness, the employee should discuss working arrangements with the employee's supervisor immediately. In some cases, it may be possible to reschedule jury service if it creates a severe operating burden on the department. For assistance, supervisors should contact the Human Resources Office.

If the employee's jury obligation is less than four hours in a day, the employee should report for the rest of their shift.

C. BEREAVEMENT LEAVE

Employees absent from duty because of the death of a member of the immediate family (as defined in the employee's contract) or a relative with whom they may at that time be living, may draw regular wages not to exceed four (4) days for each funeral and are independent of sick leave and are not cumulative.

The employee may draw an additional day if required to travel beyond a radius of five hundred (500) miles to attend the funeral. The employee shall notify the immediate supervisor before being absent from work.

D. MILITARY LEAVE

1. Reservist/National Guard Paid Leave

Upon prior written request, a full-time employee who is a member of the National Guard or organized Reserves of a United States Military Service and who is ordered to active duty for an annual training, or is ordered to emergency duty as a result of civil disorder or other emergency, shall be granted a leave of absence for the duration of the training or emergency duty. The Employer shall pay an amount equal to the difference between the employee's regular salary, as computed on a daily basis, and the reservist's daily base stipend pay, if that stipend is less than the employee's daily rate. The College shall be obligated only to pay the above difference for a maximum period of 15 work days in any one calendar year.

2. Unpaid Leave for Armed Service Members

- a. An unpaid leave of absence is available to regular employees for service in the United States Armed Services, whether the performance of duty is voluntary or involuntary. The employee must give the College advance notice of his/her military duty.
- b. The employee may continue the College's group medical, vision and dental coverage for the employee and his/her family. For the first 31 days, the employee's coverage continues under the same terms as when the employee was employed. After that the

employee can continue coverage for up to two years by paying 102% of the full premium cost.

- c. The employee has a right to return to work at the end of his/her military service, with the seniority benefits the employee would have had if continuously employed, as long as the employee meets the requirements of this section. The employee has the right to return to his/her previous position unless the circumstances have changed so as to make it impossible or unreasonable to do so, in which event, the employee will be offered such employment as may be available and for which the employee is capable of doing at the current rate of pay for such work, provided that the employee meets the requirements set forth below:
 - i. The employee's total non-exempted military service does not exceed 5 years.
 - ii. The employee does not receive a disqualifying discharge from the military.
 - iii. The employee timely applies for and returns to work after completing his/her military service:
 - If the employee's military service was under 31 days, the employee must report to work on the first regularly scheduled work period on the first full calendar day after completing the service, plus a period allowing safe return home, plus 8 hours
 - If the employee's service was between 31 and 180 days, the employee must return to work within 14 days after completing his/her service.
 - If the employee's service exceeded 180 days, the employee must return to work within 90 days after completing his/her service.
 - These deadlines may be extended up to 2 years if the employee requires hospitalization or convalescence for a service-connected injury or illness.
 - iv. The employee must provide, upon request, documents establishing his/her right to re-employment.
- d. The provisions of this paragraph shall be subject to all applicable Federal laws, now in force, or as amended relating to the rights of returning veterans. Such Federal laws or regulations shall be applied if inconsistent in any manner with the provisions of this paragraph.

E. FAMILY AND MEDICAL LEAVE ACT (FMLA)

The College is concerned for the welfare of all employees and their dependents and acknowledges that College employees may, upon occasion, need to request leaves of absence arising from serious health conditions and temporary medical disabilities, including maternity or pregnancy-related illnesses. The College will approve requests for such leave, which includes paid, unpaid, or a combination of both, made by any "eligible" employee. Eligible employees are those who have worked for the College for at least one year and for at least 1250 hours over the previous 12 months.

The following is an overview of the rights and responsibilities of both the College and employees eligible for leave under the terms of The Family and Medical Leave Act of 1993. For specific details of the types of paid and unpaid leaves of absence, College policies regarding service or eligibility requirements, or definition of terms, please contact the Human Resources Office.

1. Reasons for Taking Leave:

An employee may use unpaid leave for up to twelve work weeks in an FMLA benefit year for the following events:

- Birth of the employee's child, and to care for the employee's newborn child (The 12 weeks of FMLA eligibility must be completed within one year of the birth.).
- Placement of a child with the employee for adoption or foster care, and to care for the employee's newly adopted child or a child newly placed in the foster care of the employee (The 12 weeks of FMLA eligibility must be completed within one year of the date of placement.).
- The child must be under the age of 18, or 18 years of age or older and incapable of self-care due to a physical or mental disability.
- To care for the employee's family member with a serious health condition (as defined below).
- The employee's serious health condition (as defined below).
- To address a qualifying exigency that exists because the employee's spouse, child or parent is on active duty or has been notified of an impending call or order to active duty status in the armed forces in support of a contingency operation. (Applies to members of the Reserves, National Guard, and retired members of the Regular Armed Forces or Reserves. Does not apply to a member of the Regular Armed Forces.)

An employee can be absent from work for up to 26 weeks in an FMLA benefit year for the following event:

- To care for a covered service member with a serious injury or illness incurred on active duty who is a spouse, parent, child or next of kin of the employee.

2. Definitions:

- a. The term "family member" means the employee's current spouse, child, or parent.
- b. The term "child" means biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is (a) under 18 years of age; or (b) 18 years of age or older and incapable of self-care because of a mental or physical disability. (Including biological child, adopted child and child under legal guardianship)

- c. The term “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility, or continuing treatment by a health care provider that includes one or more of the following:
- a period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or related period of incapacity relating to the same condition;
 - any period of incapacity due to pregnancy or for prenatal care;
 - any period of incapacity or treatment due to a chronic serious health condition;
 - a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective; or
 - any period of absence due to multiple treatments (including any period of recovery from the treatments) for restorative surgery after an accident or other injury, or a condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment.

3. Advance Notice and Medical Certification:

The employee may be required to provide advance notice and medical certification. Taking of leave may be denied if requirements are not met.

The employee ordinarily must provide 30 days advance notice when leave is “foreseeable.”

When an employee’s absence is to care for a family member with a serious health condition or for the employee’s own serious health condition, medical documentation may not be requested more often than every 30 days unless:

- The employee requests an extension of the absence;
- Circumstances described by the previous medical documentation have significantly changed; or
- New information casts doubt on the validity of the employee’s medical documentation.

The ability to request updated medical information every 30 days is restricted when the medical documentation indicates that the minimum duration of the condition will exceed 30 days. Under this circumstance, medical documentation may not be requested until the minimum duration expires. However, medical documentation may be requested every six months if the minimum duration of the condition exceeds six months.

4. Calculating the FMLA Period
The College has adopted a rolling 12-month method of calculating an employee's FMLA leave entitlement. Under this method, an employee's entitlement to FMLA leave is based on how much FMLA leave the employee has taken in the preceding 12 months, measured backwards from the date the leave is to commence.

5. Utilizing Paid Leave for Unpaid Leave:
The College requires that paid leave provided under the Employer's policies be utilized for unpaid FMLA leave, while at the same time counting against an employee's FMLA leave, as permitted by law. Employees will be required to use available per contract accrued sick leave, vacation, and/or personal leave during their approved FMLA leave. The remainder of the leave will be unpaid.

6. Job Benefits and Protection:
For the duration of the FMLA leave, the employer must maintain the employee's health coverage under any group health plan.

Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

7. Unlawful Acts by Employers:
The FMLA makes it unlawful for any employer to:
 - a. Interfere with, restrain, or deny the exercise of any right provided under the FMLA;
 - b. Discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

8. Enforcement:
The U.S. Department of Labor is authorized to investigate and resolve complaints of violations. An eligible employee also may bring a civil action against an employer for violations. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

9. Posting Notice of Employee Rights and Responsibilities
As required by FMLA section 109 (29 U.S.C. § 2619), ACC has posted the text of Publication 1420, "EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT" on its website at www.alpenacc.edu.

F. RETURNING FROM LEAVE

It is the responsibility of an employee on a leave of absence to communicate with the Human Resources Office to arrange for the employee's anticipated date of returning to work. For leaves of absence of 60 days or more, the employee shall contact the Human Resources Office at least 2 weeks prior to the anticipated return date to confirm the scheduled return date and to provide any required medical verification of the employee's ability to return to work. In the event the returning employee requires an accommodation in order to return to work, the request for accommodation shall be made prior to the expiration of the leave period. The failure of an employee to communicate with the Human Resources Office regarding return to work at the conclusion of the leave period is a violation of this policy which is subject to discipline. An employee who does not return to work following the leave period (or obtain approval for any extension of leave or additional leave that may be available and applicable) is subject to discipline up to and including termination of employment.

Chapter VI

SEPARATION

A. TERMINATION

Termination of employment may occur for a variety of reasons. Voluntary termination occurs when employees leave the College of their free choice. Involuntary termination occurs when the College initiates the separation. Termination may be disciplinary or non-disciplinary. The provisions of this chapter provide information regarding the employee's rights and responsibilities related to termination of employment. Please consult the Human Resources Office for more specific information regarding his/her situation, including questions regarding the rights to continue enrollment in group health insurance under provisions of the federal Consolidated Omnibus Reconciliation Act (COBRA).

B. RESIGNATION

If the employee finds it necessary to resign from his/her position at the College, the employee should give the supervisor or department head as much advance notice as possible, and, except under extenuating circumstances, no less than two weeks written notice. The employee's supervisor or department head will help the employee complete the necessary forms and the other steps in the termination process. If the employee terminates his/her employment with the College voluntarily and with proper notice, the employee may be considered for reemployment at a later date, either in the same department or in another area of the College.

Resignation generally is not a good way to resolve problems related to the employee's working conditions or other sources of job dissatisfaction. If the employee is experiencing work-related problems and is unable to resolve them through discussions with his/her supervisor or department head, the Director of Human Resources or the union's grievance officer may be able to help the employee and the department head arrive at a satisfactory resolution.

C. RETIREMENT

Employees may enroll in the optional retirement plan or may be eligible for the Michigan Public Schools Retirement System. Information regarding retirement plans may be obtained through the Human Resources Office. Employees desiring to retire should notify the Human Resources Office as soon as possible when a determination to retire has been made, but not less than Ninety (90) days prior to retirement. This will ensure proper notifications are made and allow sufficient time to adequately fill the vacating position. It is the responsibility of the employee to notify the state retirement system. Please visit MPERS website at www.michigan.gov/ORSschools for more information. Six (6) months prior to the employee's retirement the employee needs to contact ORS to request a retirement application packet. 1-800-381-5111.

D. EXIT PROCEDURES

Employees who leave either voluntarily or involuntarily are required to participate in an exit interview. The Human Resources Office will attempt to arrange a meeting with departing employees before they leave the College, usually during the last two weeks of employment. This meeting will include a discussion of the reasons for leaving, a review of fringe benefits, a return of equipment, keys, ID cards, or College documents, settle all financial obligations to the College, as well as an attempt to answer any personal questions the departing employees may have.

Chapter VII

DISPUTE RESOLUTION AND GRIEVANCE PROCEDURES

A. DISCRIMINATION AND SEXUAL HARASSMENT COMPLAINTS

The Title IX and Civil Rights Coordinator and the Director of Human Resources administer policies regarding prohibited discrimination and sexual harassment. All complaints regarding these issues are to be directed to the Director of Human Resources for investigation and appropriate action within a reasonable time in accordance with the provisions set forth in Chapter I, Section D.

B. INFORMAL GRIEVANCE PROCEDURE

The employee should make every attempt to resolve problems encountered at work informally, through discussion with the other persons involved, and in a spirit of goodwill and cooperation. If potential problems are addressed early, they are less likely to escalate into grievances. The employee's supervisor or department head may be able to help the employee resolve complaints and other problems informally and with as little disruption and distress as possible. These discussions should occur within five (5) working days of the incident.

C. FORMAL GRIEVANCE PROCEDURE

The College recognizes that in any work situation some disagreements will occur and has established a grievance procedure to assist with resolution. General employment practice, policy, and procedure grievances should be directed to and are administered by the Human Resources Office, in accordance with the provisions set forth below:

1. Bargaining unit employees should follow the grievance procedures provided in their bargaining unit agreement.
2. Non-bargaining unit employees: The following grievance procedure is available to all non-bargaining unit employees, other than probationary or temporary employees. Emphasis is placed on settling grievances at the lowest administrative level possible.
 - a. A complaint should occur before the formal grievance is filed. A complaint is any oral, unwritten accusation, allegation, or charge regarding the employee's employment conditions. It should be a timely expression of a problem. Complaints must be expressed and discussed with the employee's immediate supervisor before any grievance is filed. If the complaint cannot be resolved at that level, a grievance may be filed.

b. A grievance is defined as a formal written allegation by an employee that there has been a violation, misinterpretation, misapplication, discriminatory application, or unreasonable application of an official College policy, procedure, rule, or regulation regarding the employee's employment conditions.

i. Step One — Departmental Level.

A formal grievance must be filed with the Human Resources Office and signed by the employee. The grievance must:

- Be timely.
- State all the facts in the case.
- State when the incident(s) being grieved occurred.
- Specify the policy, procedure, rule, or regulation involved.

Time limit: The completed formal grievance must be filed with Human Resources Office no later than fourteen (14) calendar days after the event(s) being grieved occurred and no later than five (5) work days after the last informal discussion of the Complaint with the employee's Supervisor or Department Head. Time limits may be extended by the Human Resources Office upon written request.

Representation: Once a formal grievance has been filed, the employee, if he/she wishes, may have another employee present as a representative at any meeting where the grievance is discussed with the grievant, provided notice is given to the management representative at least twenty-four (24) hours before the meeting. If the employee wishes to have a representative who is not a College employee, he/she must notify Human Resources Office in writing at the time the grievance or appeal is filed. The College may choose to have representation at any grievance meeting in addition to the representatives designated in this Grievance Procedure, and shall advise the grievant in advance of any grievance meeting if additional College representatives will be in attendance.

Response: After receiving the Grievance, the Human Resources Office will forward the grievance to the Step One - Departmental Representative, who will be the department head or other person designated by the appropriate vice president to respond to the grievance. The Step One - Departmental Representative must provide a written answer within five (5) calendar days after receiving the formal grievance.

ii. Step Two — Appeal to Vice President.

If the grievance is not resolved at Step One, the employee may appeal to the appropriate Vice President within five (5) calendar days after receiving the written answer. The employee must file the appeal with the Human Resources Office. The Human Resources Office will, in turn, notify the Step One - Departmental Representative and the vice president of the employee's appeal. The vice president or his/her designee will then arrange a meeting with the

grievant, his/her representative (if requested), a mid-level management representative, and any other individuals who may help resolve the grievance. This meeting must be held within fourteen (14) calendar days after the administrator hearing the appeal receives the appeal from the Human Resources Office. Within ten (10) working calendar days after this meeting, the administrator hearing the appeal will communicate an answer in writing to the involved parties.

iii. Step Three — Appeal to the President.

If the grievance has not been resolved at Step Two, it may be appealed to the College President. The Human Resources Office must receive the appeal within seven (7) calendar days after the grievant receives the written Step Two answer. The President, at his/her discretion, will handle the grievance personally or will designate a representative to conduct a hearing or investigation of the grievance, report findings, and recommend a decision. The President will make the final grievance decision and communicate it to the appropriate parties. (If the President of the College is the source of the grievance, then the Chair of the Board of Trustees shall be notified and such chair, or his/her designee, shall conduct the review of the grievance in lieu of the President.)

iv. Withdrawal of Grievance.

A grievance is considered withdrawn if the grievant fails to meet the prescribed timelines without College approval. If the College fails to meet a timeline, the grievant may proceed to the next step in the grievance procedure.

D. EMPLOYEE RIGHTS AND RESPONSIBILITIES

If a College employee engaged in the grievance procedure requires time away from the department for counseling or discussion of the grievance with College official(s) or the Director of Human Resources, the employee will be required to provide adequate advance notice to the supervisor. Such notice ensures that the employee's absence will not unduly interfere with departmental operations. An employee may be given a reasonable amount of College time to present the grievance to management. In scheduling the time, place, and duration of any grievance meeting, both the employee and the administration will give due consideration to the duties each has in the essential operations of the department. No employee shall lose their rights because of the administration's imposed limitations in scheduling meetings. A College employee engaged in the grievance procedure and still on the job will be expected to maintain acceptable performance levels in the discharge of the employee's duties and departmental responsibilities. Employees who utilize the grievance procedure are assured freedom from reprisal as a result of the airing of their grievance. Any employee who fails to follow the grievance procedure as outlined in the College personnel policies shall lose any right to pursue the grievance, and the grievance will be subject to dismissal.