



**Baker  
College**

# Employee Handbook

**Revised October 2019**

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**SECTION I**  
**INTRODUCTION**

## **WELCOME**

Welcome to Baker College. We have built our College to be a leader in its field through teamwork, cooperation, and service. Your commitment to these ideals is absolutely necessary for us to continue our mutual success. This handbook outlines some of the policies and procedures applicable to employees of Baker College Professional Services, Inc. (a Michigan nonprofit corporation), Baker College (a Michigan nonprofit corporation) and any other subsidiary of Baker College (collectively referred to as “Baker College” or “the College”). We have enacted this handbook to help clarify expectations and allow our employees to ask the right questions and make the right decisions. Remember, it is a resource: it does not address every possible situation and does not contain all College policies or include all details regarding any policy

If an employee works in a state other than Michigan, he or she will be provided with supplemental information concerning additional rights that may be afforded under that state’s laws at the time of hire or when applicable policies and laws change. Furthermore, Baker College reserves the right to modify, alter, amend, change, or terminate any policy, procedure and/or benefit contained or referred to in this handbook at any time upon reasonable notice. Violations of any policy in the Employee Handbook may result in disciplinary action up to and including discharge.

Employment at Baker College is “At Will” and may be terminated at any time, with or without cause or notice. This at-will employment relationship may only be modified if in a writing entitled “Employment Agreement” and signed by the System President and Vice President of Human Resources.

## **BAKER COLLEGE MISSION AND PURPOSES**

The mission of the Baker College System is to provide quality higher education and training, which enable graduates to be successful throughout challenging and rewarding careers.

To this end, the following purposes have been established:

- Prepare students for competency in business, computers, education, engineering/technology, health, and human services in today's global economy.
- Provide general education that expands the students' horizons, develops strong communication skills, and encourages critical thinking.
- Provide students with practical experience and training in a chosen field of study.
- Encourage social and classroom-related activities which promote both personal and professional growth.
- Enhance students' success through continuous assessment and improvement of teaching, learning, and institutional effectiveness.
- Assist graduates throughout their careers in securing employment and improving career opportunities.
- Encourage graduates to continue their education and to lead effectively through service in a world without boundaries.
- Offer graduate programs which provide students with advance study, research, scholarly activity, and the opportunities for professional development.

# Guiding Principles



**Quality Academic Programs:** Baker College offers quality academic programs focused on student outcomes and driven by expert faculty utilizing holistic program assessment, research-based pedagogy, and multiple delivery modalities, which lead to employment and career advancements for graduates.

**Disciplined Fiscal Management:** Baker College upholds a strong emphasis on prudent and ethical fiscal stewardship ensuring institutional sustainability through commitment to sound business practices as a private, not-for-profit postsecondary institution.

**Adapt and Change:** Baker College adapts to environmental conditions by implementing deliberate strategic initiatives aimed at mitigating these forces.

**Continuous Improvement:** Baker College engages in ongoing efforts to improve all aspects of the Institution including programs, practices, processes, student outcomes, and services.

**Accessible:** Baker College commits to providing accessible higher education. The College admits individuals who demonstrate initiative and have the academic ability necessary to be successful within higher education.

**Service Excellence:** Baker College supports a student-centric service model providing student services that are prompt, practical, and reliable in an inviting and professional environment.

**Strong Image: BakerProud<sup>®</sup>** Baker College aspires to gain wide recognition for the strength and quality of its graduates, curriculum, faculty, staff and facilities.

**Accountable for Mission, Values, and Public Trust:** Baker College accepts full accountability for its mission and takes responsibility for the trust and faith placed in the institution by its internal and external stakeholders.

**High Work Ethic:** Baker College employs individuals who demonstrate professionalism, commitment, dedication, integrity, and high standards of personal accountability.

**Team Oriented:** Baker College recognizes employees are its most valuable resource and fosters a spirit of open communication and teamwork that embraces mutual respect, integrity, trust, and professionalism.

**Community-Based:** Baker College commits to being an exceptional corporate citizen by supporting the communities surrounding each campus and building lasting relationships in all of its service areas.



## **BAKER COLLEGE CODE OF ETHICS**

Institutions of higher education are entrusted by society with great resources and commensurately great responsibilities for creation, dissemination, and preservation of knowledge. Baker College faculty, staff, and governing boards play a key role in assuring that high standards of ethical practice attend to the custody and use of these resources. The faculty, staff, and governing boards' personal and professional conduct reflects their institution, the collective profession, and the higher education enterprise at large.

To guide faculty, staff, and governing boards in setting and practicing high standards of ethical conduct, the College has implemented the following Code of Ethics, which is based upon those recommended by the National Association of College and University Business Officers. The College embraces the values expressed in this Code and advocates their observance by all faculty, staff, and governing boards.

The faculty, staff, and governing boards' conduct should be characterized by integrity and dignity, and they should expect and encourage such conduct by others. We expect all our employees to treat each other, and our customers, with dignity and respect. That means we do not use words that could be construed as harassing, degrading, or offensive. If you have any questions about what is appropriate and what is not, please consult with an Human Resources (HR) representative.

The faculty, staff, and governing boards adhere to and advocate personal values that meet the following:

- accord respect to self and others;
- preserve honesty in actions and utterances;
- give fair and just treatment to all;
- accept intellectual and moral responsibility;
- aspire to achieve quality; and
- engender forthright expression of one's own views and tolerance for the views of others.

The faculty, staff, and governing boards act with competence and strive to advance competence, both in themselves and in others.

The faculty, staff, and governing boards understand and support their institution's objectives and policies, are capable of interpreting them within and beyond the institution, and contribute constructively to their ongoing evaluation and reformation.

The faculty, staff, and governing boards communicate to institutional colleagues the content of this Code of Ethics and strive to ensure the standards of professional conduct contained therein are met.

In discharging their duties in accordance with this Code of Ethics, the faculty, staff, and governing boards should enjoy the following rights:

- the right to work in a professional and supportive environment;
- the right to have a clear, written statement of the conditions of employment, procedures for professional review, and a job description outlining duties and responsibilities; and
- within the scope of their authority and policy, the right to exercise judgment and perform duties without disruption or harassment; and freedom of conscience and the right to refuse to engage in actions that violate the ethical principles contained in this Code or provisions of law.

## The History of Baker College

*Committed to higher education for over 100 years!*

The beginning of Baker College can be traced back to the turn of the 20<sup>th</sup> century, when Woodbridge Ferris—who later became Governor of Michigan and then a U.S. Senator—founded Muskegon College. Just two decades later, Eldon E. Baker—an educator who built a highly successful business college in Winfield, Kansas—moved to Flint and founded Baker Business University. In 1965, these two institutions came together, and throughout the years, the schools continued to thrive and expand. Today, we are known as Baker College, the largest not-for-profit, independent college in Michigan. We have over 23,000 students in more than 100 programs, taught at nine on-ground campuses, multiple extensions campuses, and online.

### **Historical Highlights:**

**1888:** Inspired by a "boom" in lumbering and Great Lakes shipping, entrepreneur Woodbridge Ferris founded Muskegon College.

**1911:** In a similar venture, motivated by the growth of the great automotive factories in Flint, Eldon E. Baker founded Baker Business University.

**1965:** Representing a group of Muskegon businessmen, Robert Jewell purchased Flint's Baker Business University and merged both schools under a single management group.

**1969:** Muskegon College became a non-profit corporation.

**1974:** The two Colleges received authorization to grant the Associate of Business degree. Baker Business University became Baker Junior College.

**1977:** Baker Junior College became a non-profit corporation.

**1981:** The Colleges were approved to grant the Associate of Applied Science degree.

**1983:** The Owosso extension of Baker Junior College was established on the property of the former John Wesley College.

**1985:** Upon receiving regional accreditation from the North Central Association of Colleges and Schools, the three campuses merged to form the Baker College System. Muskegon College began offering extension classes in Cadillac.

**1986:** The Baker College System was authorized to grant the Bachelor of Business Administration degree. Baker Junior College became Baker College of Flint.

**1988:** Following an \$11 million construction and renovation project at the former Mandeville School property, Baker College of Flint was moved to its current site.

**1990:** Baker College acquired locations in Pontiac, Mount Clemens, and Port Huron, forming Baker College of Eastern Michigan. Muskegon College changed its name to Baker College of Muskegon.

**1991:** The Cadillac extension of Baker College of Muskegon opened a new 40 acre campus site.

**1992:** The Pontiac campus relocated and became Baker College of Auburn Hills.

**1994:** The Center for Graduate Studies opened in Flint, launching the system's first graduate degree program. Jackson Business Institute was acquired to create Baker College of Jackson.

**1995:** Baker College of Flint added its Cass City extension.

**1996:** Baker College began offering online classes to students throughout the world.

**1997:** Baker College of Muskegon moved to a new 40-acre site. Baker College of Flint opened its West Branch extension.

**2000:** Baker College of Mount Clemens became Baker College of Clinton Township and began offering an Associate of Nursing degree.

**2001:** Record enrollment resulted in more than 21,000 students across the system. Baker College Online enrollment exceeded 4,000 students, establishing it as a leader in distance education. The Center for Graduate Studies was granted full accreditation from the International Assembly for Collegiate Business Education.

**2002:** Baker College gained preliminary approval to offer the Elementary and Secondary Teacher Preparation programs. The Nursing Program was expanded to the Flint and Owosso campuses. Baker College enrolled over 25,000 students, making it the largest private College in Michigan.

**2003:** Baker College of Allen Park became the newest addition to the Baker College System.

**2005:** Baker College of Jackson added the Coldwater extension. Baker College reached record enrollment of nearly 34,000.

**2006:** Baker College was accepted by the Higher Learning Commission as a participant in the highly innovative AQIP accreditation process.

**2007:** The Baker College Center for Graduate Studies received approval from the Higher Learning Commission to offer the Doctor of Business Administration (DBA) degree, becoming the fourth graduate program at Baker College. Baker College of Owosso opened the state-of-the-art Auto/Diesel Institute of Michigan (ADI).

**2008:** Baker College of Muskegon broke ground on the 40,000 square foot, state-of-the-art, Culinary Institute of Michigan (CIM). System enrollment grew to over 38,000 students. Baker College of Flint students dethroned Texas A and M to win first place in the National Cyber Defense competition. Baker College of Flint opened the Center for Transportation Technologies in a former auto dealership.

**2009:** Fall enrollment surpassed 43,000 students. Baker College of Flint successfully defended its Cyber Defense National Championship.

**2010:** Baker College of Cadillac opened a Center for Transportation Technology in Lake City.

**2011:** The Baker College Center for Graduate Studies awarded the first Doctor of Business Administration degree at its June ceremony.

**2012:** Baker College was granted accreditation by the Commission on Collegiate Nursing Education to grant a baccalaureate degree in Nursing. Ground was broken for the construction of a Culinary Institute of Michigan along the St. Clair River in Port Huron.

**2013:** The Baker College Center for Graduate Studies received permission from the Higher Learning Commission to grant a Master's degree in Educational Effectiveness.

**2014:** Baker College of Cadillac opened a residence hall in downtown Cadillac. Baker College submitted its second AQIP portfolio to the Higher Learning Commission.

**2015:** The Baker College Teacher Preparation Program was awarded accreditation by the Council for the Accreditation of Educator Preparation (CAEP). The Higher Learning Commission granted accreditation to Baker College to offer a Master's degree in Nursing. The Council for Standards in Human Service Education (CSHSE) accredited the Human Services associate and bachelor degrees at Baker College. Baker College of Port Huron opened a residence hall for culinary students.

## **ATTACHMENTS**

Each “ATTACHMENT” referenced in this handbook is available on the Baker College website and can be found at [www.baker.edu](http://www.baker.edu). From the homepage, log in to My Baker. Once logged in, please click on Department Resources, followed by Human Resources Department page. From the Human Resources homepage click the gray Employee Handbook tab on the left side of the screen. The most current version of the handbook and attachments are available to print or view.

Or, visit the following link after you first log-in with your credentials:

[https://my.baker.edu/ICS/My\\_Services/Department\\_Resources/Human\\_Resources\\_Department/Employee\\_Handbook.jnz](https://my.baker.edu/ICS/My_Services/Department_Resources/Human_Resources_Department/Employee_Handbook.jnz)

If you have any questions, contact Human Resources.

## **SECTION II**

# **BEGINNING YOUR EMPLOYMENT AND EMPLOYMENT COMPLIANCE**

**A. GOVERNING AUTHORITY**

The personnel policies and practices set forth in this document provide a written description of the personnel policies and practices approved and adopted by the Board of Regents. The Board of Regents delegates administration of these policies to the President or his designee.

**B. BACKGROUND CHECKS**

All employees will have a criminal background check completed after a conditional offer of employment is extended. Information gained through the background check may negate the offer of employment.

**C. MINIMUM DEGREE REQUIREMENTS**

Degree requirements for employment vary by department. When positions are posted, the minimum educational requirements for that position will be detailed.

**D. TRAINING AND ORIENTATION PERIOD**

The first six (6) months of employment is considered a training and orientation period.

**E. EQUAL EMPLOYMENT OPPORTUNITY STATEMENT**

It is the policy of Baker College not to discriminate on the basis of race, color, religion, sex (including pregnancy and conditions related to pregnancy), national origin, citizenship, age, disability, weight, height, genetic information, veteran status, marital status, sexual orientation, gender identity or transgender status, misdemeanor arrest record (not resulting in conviction), or any other status protected by law in any employment decision or in providing and administering educational programs, services, or activities. Inquiries regarding this policy can be directed to Dana Vice President for Human Resources, 1050 West Bristol Road, Flint, MI 48507, (989) 729-3955, email at [dana.clark@baker.edu](mailto:dana.clark@baker.edu)

**F. REHABILITATION ACT OF 1973 AND THE AMERICANS WITH DISABILITIES ACT OF 1990 (ADA) AND ITS AMENDMENTS**

Baker College complies with the spirit and requirements of Section 504 of the Rehabilitation Act of 1973 as amended, and the Americans with Disabilities Act of 1990 (ADA), as amended by the Americans with Disabilities Act Amendments Act of 2008 (ADAAA), as they apply to persons with disabilities who are otherwise qualified in the following ways: all new facilities are barrier free; programs, classes, and activities in existing facilities are made accessible to persons with disabilities; reasonable and appropriate adjustments and accommodations are made to ensure full educational opportunity for students and employees with disabilities; and auxiliary aids and services, when necessary, are provided in a timely manner to afford an individual with a disability an equal opportunity to effectively participate

in, and enjoy the benefits of, a service, program, course, employment, or activity conducted by the College.

Under Michigan law only, a disabled employee who feels accommodation is needed to perform a job must notify the Vice President of Human Resources, in writing, of the need for accommodation within 182 days after the date the employee knew, or reasonably should have known, that an accommodation was needed. Federal law also provides that any employee needing an accommodation for a disability should request it of their employer.

Upon receipt of an accommodation request, the Vice President of Human Resources may need to request additional information but will then meet with you to discuss your limitations resulting from the disability and the potential accommodation that the College might make to help overcome those limitations. We believe in an interactive process and support the policy behind these laws.

A postsecondary student with a disability who is in need of auxiliary aids is obligated to provide notice of the nature of the disabling condition to the College's Academic Counseling/Advising Office and to assist the College in identifying appropriate and effective auxiliary aids. The student must identify the need and give adequate notice of the need. In response to a request for auxiliary aids, the College will require from the student, supporting diagnostic test results and professional prescriptions for auxiliary aids.

## **G. DIVERSITY POLICY**

We encourage and welcome diversity, recognizing it as a key competitive advantage. By creating a supportive environment that allows everyone to perform to his or her potential, we achieve success, and that success reflects the quality of our employees.

The value of different backgrounds and perspectives should not be overlooked. Having a diverse workforce assists us in looking at all situations from a variety of angles and coming up with innovative ideas and solutions. Embracing and understanding what each employee's background and perspective is can allow us to progress more quickly than our competitors.

Some types of diversity are as follows:

- Life Experiences
- Work Experiences
- Perspectives
- Cultures
- Sexual Orientation
- Ethnicity
- Gender
- Gender Identity
- Age

Respecting each individual and recognizing the value he or she brings to our diverse team is essential.

## **H. GENDER-SPECIFIC FACILITIES**

With respect to access to gender-specific facilities on campus such as restrooms or locker rooms, Baker College allows transgender students/faculty to access such facilities consistent with their gender identity. If applicable, Baker College also provides some individual-user options to all students/faculty who voluntarily seek additional privacy.

## **I. DISCRIMINATION, HARASSMENT AND BULLYING**

### **Discrimination and Harassment**

Federal and state civil rights laws, local ordinances and/or the policies of Baker College prohibit discrimination and harassment against individual employees or groups of employees on the basis of age, color, disability, national origin, race, religion, sex (including pregnancy and conditions related to pregnancy), weight, height, sexual orientation, gender identity or transgender status, genetic information, misdemeanor arrest record (not resulting in a conviction), and marital or veteran status. This prohibition applies to all terms and conditions of employment including but not limited to hiring practices, working environment, job status, compensation, employee benefits, promotional opportunities and termination.

Federal and state civil rights laws, local ordinances and/or the policies of Baker College also prohibit verbal or physical conduct or communication of a racial or sexual nature or harassment based on any protected status which relates to one's employment, interferes with work performance, or creates an intimidating, hostile or offensive working environment, and prohibits unwelcome sexual advances or requests for sexual favors.

The purpose of this policy is to assure that no employee is discriminated against or harassed in the workplace and that no employee will believe that his or her employment depends on, or is affected in any way by his/her submission to, or rejection of, such improper conduct or communication, including where any of the following occurs:

- Submission to such conduct or communication is made a term or condition, either explicitly or implicitly, to obtain employment.
- Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual's employment.

- Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment or creating an intimidating, hostile or offensive employment environment.

Baker College also prohibits romantic relationships between supervisors and their subordinates, between an employee and a student, and prohibits any such conduct between peers if it is unwelcome. Should such a relationship develop, Baker College may transfer, reassign or discharge one or both of the individuals involved.

Baker College supports the civil rights laws. It is Baker College's policy to prohibit discrimination or harassment of an employee by another employee or by a non-employee based upon any protected status.

***VIOLATIONS OF THIS POLICY WILL NOT BE TOLERATED  
AND SHALL RESULT IN DISCIPLINE UP TO AND INCLUDING  
DISCHARGE.***

One who commits discrimination or harassment may attempt to be discrete and it may therefore be difficult for Baker College to discover and correct these violations on its own. Therefore, any employee who feels he/she has been the subject of discrimination or harassment is **required** to inform the Campus President or Vice President of Human Resources within 7 days of the incident. The report may **not** be made to a person who is the subject of the concern. If an employee becomes aware that a student may have been the subject of sexual harassment, he/she should direct the student make a report of the alleged conduct immediately to the Vice President/Director of Student Affairs at the campus.

Untimely complaints will be investigated to the extent it is still possible. An employee's failure to report suggests that the employee is not offended by or welcomes the conduct or comments, or is otherwise disinterested in having any concerns investigated and/or addressed. Baker College can only act when it receives a complaint or knows of policy violations and can only protect an employee from further harassment if it becomes aware of the employee's concerns.

All complaints will be treated seriously and investigated. Further, anyone in a management or supervisory position who becomes aware of any potential harassment or discrimination, ***even if told in confidence***, is required to notify the Vice President of Human Resources immediately.

Baker College may require a written statement and, if required, the employee must provide such a statement. Also, employees are required to cooperate in any such investigation. Complaints will be kept confidential to the extent possible during, and after, the investigation.

Baker College not only prohibits harassment but also strictly prohibits any retaliation against an employee who, in good faith, has registered a complaint under this policy or participated in the investigation. Employees are required to

report any inappropriate or retaliatory conduct within 3 days to one of these individuals who is not the subject of their concern: Campus President or Vice President of Human Resources. Untimely complaints of retaliation will be investigated to the extent still practicable. An employee's failure to report suggests that the employee is disinterested in having any concerns investigated and/or addressed. Baker College can only act when it receives a complaint or knows of policy violations and can only protect an employee from retaliation by the alleged harasser (or another person) if it becomes aware of the retaliation.

Any employee of Baker College, who, after investigation, has been determined to have engaged in harassment, or retaliated against an employee for utilizing the complaint procedure in this policy or participating in an investigation will be subject to appropriate discipline up to and including immediate termination.

Violations of this policy are considered serious and, because Baker College has a higher standard of professionalism required of its employees than required by state or federal law, an employee may be disciplined for violating this policy even though the employee has not violated state or federal civil rights laws. Also, all complaints must be brought in good faith. An employee who knowingly makes a false complaint shall be subject to disciplinary action.

### **Bullying**

Baker College strives to provide a safe environment for its employees and students. This policy is intended to protect employees (and students) from bullying and/or aggressive behavior. Bullying is defined as repeated, intentional abusive conduct that causes physical or emotional harm to the target and often involves an imbalance of power between the bully and the victim. It may involve a gesture or a written, verbal, social, graphic, or physical act.

Baker College prohibits any form of bullying or harassment. This prohibition includes written, physical, verbal and psychological abuse, including hazing, gestures, comments, threats, or other actions which cause, or threaten to cause bodily harm, reasonable fear for personal safety or personal degradation. Bullying is not the same as teasing, but repeated, harmful teasing is a form of bullying. Constant undue criticism, work sabotage, and glaring are all potential examples of bullying tactics.

Bullying fosters a climate of fear and disrespect that can seriously impair the physical and psychological health of its victims. Bullying or harassment creates conditions that undermine the ability of individuals to achieve their full potential.

The following are examples of bullying or harassment:

Verbal bullying: Repeated comments made to, or about, a person by one or more people. These comments can include name-calling, intimidation, and humiliation tactics. Verbal bullying often

happens when an imbalance of power exists between the bully and the bullied person, but sometimes the goal is to create this imbalance. When bullying creates a hostile environment and is based on a protected category, it could rise to the level of unlawful harassment.

- Physical bullying:** Repeated physically aggressive actions toward a recipient. Some forms of physical bullying constitute assault, battery, or false imprisonment. Even if no one complains, bullying may be occurring.
- Social bullying:** Harming a person socially, often resulting in social isolation of the victim. Examples of social bullying include spreading rumors, staring and laughing, or shunning.
- Cyberbullying:** Using digital means such as the Internet, social media, cell phones, or other electronic devices to bully someone.
- Other:** Bringing, or threatening to bring, baseless legal actions against someone to control or punish him or her.

Employees who believe they have been the subject of bullying shall report it to the Campus President, VP/Director of Academic Affairs, or Vice President of Human Resources within seven days of the incident. Employees should direct students, who they believe may have been the subject of bullying, to the Vice President/Director of Student Affairs at their campus.

An investigation of all complaints will be undertaken immediately. The investigation and its results will remain confidential, to the extent possible.

Any employee found by the College to have bullied or harassed another employee/student may be subject to appropriate disciplinary action up to and including termination.

Retaliating against an employee (or student) for complaining about bullying, harassment, or participating in an investigation is prohibited.

The College recognizes that the issue of whether bullying or harassment has occurred requires a factual determination based on all the evidence received. The College also recognizes that false accusations of bullying or harassment can have serious effects on someone who is innocent. We trust that all employees will continue to act in a responsible and professional manner to establish a pleasant working/educational environment free of discrimination. Nothing in the bullying policy is intended to interfere with employees' rights to engage in concerted activity under labor laws.

## J. **SEXUAL MISCONDUCT POLICY STATEMENT**

Baker College does not discriminate on the basis of sex. Sexual harassment and sexual violence are considered to be types of sex discrimination. Other acts can also be forms of sex-based discrimination, and are also prohibited whether sexually based or not. These other acts include dating violence, domestic violence, and stalking. Baker College issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address the reporting, investigation, and adjudication of sexual assault, domestic violence, dating violence, and stalking. This policy applies whether those acts occur on or off campus and when it is reported to a Campus Security Authority. In this context, Baker College prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the College community.

### **Important Definitions**

**Awareness Programs:** Programs designed to increase awareness of the issues regarding sexual assault, domestic violence, dating violence and stalking.

**Bystander Intervention:** A philosophy and strategy for prevention of various types of violence, including bullying, sexual harassment, sexual assault, and intimate partner violence.

**Consent** is defined by Merriam Webster as: 1. To give assent or approval, agree. 2. To be in concord in opinion or sentiment.

In Michigan, consent as it relates to sexual assaults is evaluated on several factors. Victims cannot give consent if: Victim is under 16; victim incapacity (victim is mentally incapable— a mental disease or defect makes the victim incapable of understanding the nature of his/her conduct); mentally incapacitated—(victim is temporarily incapable of appraising or controlling his/her conduct due to the influence of a narcotic, anesthetic or other substance administered without consent or due to any other act committed upon the victim without consent); and/or physically helpless (victim is unconscious, asleep, or for any other reason physically unable to communicate unwillingness to act); or assailant uses force or coercion.

Consent is when someone agrees, gives permission, or says "yes" to sexual activity with other persons. Consent is always freely given and all people in a sexual situation must feel that they are able to say "yes" or "no" or stop the sexual activity at any point. Consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. Consent may be initially given but withdrawn at any time.

The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

At the heart of consent is the idea that every person has the right to not be acted upon in a sexual manner by someone else unless they have given that person clear permission. It is the responsibility of the person initiating the sexual activity to get this permission.

**Dating Violence:** Means violence committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship will be determined based on the reporting party's statement with a consideration of the following factors: (i) The length of the relationship, (ii) The type of relationship, (iii) The frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

- Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating Violence does not include acts covered under the definition of domestic violence.

In Michigan, Dating Violence is violence when a person is in a dating relationship with someone. Dating relationship means frequent, intimate associations primarily characterized by the expectation of affectional involvement. Dating relationship does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.

**Domestic Violence:** Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by any person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

In Michigan, Domestic Violence means the occurrence of any of the following acts by a person that is not an act of self-defense: Causing or attempting to cause physical or mental harm to a family or household member, placing a family or household member in fear of physical or mental harm, causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress, or engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested. Family or household member includes any of the following: spouse or former spouse, an individual with whom the person resides or has resided, an individual with whom the person has

or has had a dating relationship, an individual with whom the person is or has engaged in a sexual relationship, an individual to whom the person is related or was formerly related by marriage, an individual with whom the person has a child in common.

**Fondling:** The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Ongoing Prevention and Awareness Campaigns:** Informational campaigns that are sustained over time focusing on increasing awareness or understanding of topics relevant to sexual assault, domestic violence, dating violence, and stalking prevention.

**Primary Prevention Programs:** Programs, initiatives and strategies intended to stop domestic violence, dating violence, sexual assault, or stalking before it occurs by preventing initial perpetration or victimization through the promotion of positive and healthy behaviors and beliefs.

**Proceeding:** Is defined as all activities related to a non-criminal resolution of an institutional disciplinary complaint including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

**Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

**Result:** Is defined as any initial, interim and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding Section 444 of the General Education Provisions Act (20 USC 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions.

**Risk Reduction:** Strategies that seek to mitigate risk factors that may increase the likelihood of perpetration, victimization, or bystander inaction.

**Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR

Program, a sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.”

In Michigan, Criminal Sexual Assaults are defined as: sexual penetration or sexual contact with a person without their consent, or with someone who is incapable of giving consent.

**Stalking:** Means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress.

For the purposes of this definition:

- *Course of conduct* means two or more acts including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
- *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
- *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

In Michigan, Stalking means a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

**Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

### **Education and Prevention Programs**

The College engages in comprehensive educational programming to prevent domestic violence, dating violence, sexual assault and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

The College has developed an annual primary prevention educational campaign. This material is delivered to new students and new employees through a mandatory online training program. Training records are kept at Baker College System Headquarters.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and faculty that:

- Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- Defines what behavior constitutes domestic violence, dating violence, sexual assault, and stalking in the State of Michigan;
- Defines what behavior and actions constitute consent to sexual activity in the State of Michigan;
- Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander;
- Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks; and
- Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

Baker College also offers awareness and prevention programs at each campus location.

### **Procedures for Reporting a Complaint**

The College has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, this includes informing individuals about their right to file criminal charges as well as the availability of medical, counseling, and support services. It is the complainant's choice to call, or not call, local law enforcement in regards to their complaint. Campus Safety will assist in calling local law enforcement if requested. If law enforcement is requested, the department may take information over the phone, may respond to your location, or require you to make the report at the police station. Law enforcement may gather information, collect evidence, obtain written statements, prepare a report and submit to local prosecutor. Additional remedies may be implemented to prevent contact between a complainant and respondent, such as housing, academic, transportation, and working accommodations, if reasonably available. To file a complaint, students should contact Campus Safety, the campus Title IX Coordinator, and/or Vice President of Human Resources.

<b>Campus</b>	<b>Campus Safety Department</b>	<b>Title IX Coordinator</b>
Allen Park	313-425-3725	313-425-3721
Auburn Hills	248-276-8682	248-276-8224
Cadillac	231-876-3124	231-876-3100
Clinton Twp	586-790-9409	586-790-9697
Flint	810-766-4223	810-766-4100
Jackson	517-841-4532	517-841-4526
Muskegon	231-777-5300	231-777-5232
Online/Center for Graduate Studies	810-766-4223	810-766-4021
Owosso	989-729-3499	989-729-3370
CIM Port Huron	810-357-0874	810-985-7000

Employees should contact the Vice President of Human Resources, Dr. Dana Clark, **989-729-3955**, [dana.clark@baker.edu](mailto:dana.clark@baker.edu).

The College will provide resources to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking. The College will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for victims, both within the institution and in the community. These resources are available in the Resources section of the ASR as well as the Baker College Notice of Rights.

The College will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges to sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigations, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, they nevertheless should consider speaking with Campus Safety or other law enforcement to preserve evidence in the event that the victim changes their mind at a later date.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the College, below are the procedures that the College will follow as well as a statement of the standard of evidence that will be used during any judicial hearing on campus arising from such a report.

**Sexual Assault:** Campus Safety/Title IX Coordinator and/or Vice President of Human Resources will investigate with the preponderance of the evidence standard (more likely than not). Campus Safety/Title IX Coordinator and/or Vice President of Human Resources will assess short and long term safety needs and/or interim accommodations. Campus Safety will assist with contacting local police if requested. Campus Safety will provide referrals for mental health providers, assist with Personal Protection Orders, and provide copy of Baker College Notice of Complainant's Rights. Title IX Coordinator will inform complainant and offender of the outcome simultaneously. Campus Safety/Title IX Coordinator and/or Vice President of Human Resources will enforce anti-retaliation policy.

**Stalking:** Campus Safety will investigate with the preponderance of the evidence standard (more likely than not). Title IX Coordinator and/or Vice President of Human Resources is to be involved if it falls under the sexual misconduct policy with a preponderance of the evidence standard. Campus Safety will assess short and long term safety needs, assist with contacting local police, assist with Personal Protection Orders, and provide information on how to preserve evidence.

**Dating Violence:** Campus Safety will investigate with the preponderance of the evidence standard (more likely than not). Title IX Coordinator is to be involved if it falls under the sexual misconduct policy with a preponderance of the evidence standard. Campus Safety will assess short and long term safety needs, assist with contacting local police, assist with Personal Protection Orders, and provide information on how to preserve evidence.

**Domestic Violence:** Campus Safety will investigate with the preponderance of the evidence standard (more likely than not). Title IX Coordinator is to be involved if it falls under the sexual misconduct policy with a preponderance of the evidence standard. Campus Safety will assess short and long term safety needs, assist with contacting local police, assist with Personal Protection Orders, and provide information on how to preserve evidence.

When a student or employee reports to the institution that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee with a written explanation of the student or employee's rights and options.

### **Evidence Preservation**

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible. Local emergency rooms may provide physical evidence recovery and access to Forensic Nurse practitioners and Sexual Assault Nurse Practitioners. In Michigan, evidence may be collected even if you chose not to make a report to law enforcement. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen where they were assaulted if the offense occurred within the past 120

hours so that evidence necessary to prove criminal activity may be preserved. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Those reporting sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to College hearing boards, investigators or police. This evidence may also be helpful in obtaining a protection order.

Although the College strongly encourages all members of its community to report violations of this policy to law enforcement, it is the complainant's choice whether or not to make such a report and they have the right to decline involvement with the police. The Campus Safety Department will assist any victim with notifying local police if they so desire. Complainants may also contact local police departments directly by calling 911.

### **Assistance for Victims: Rights & Options**

Regardless of whether a person elects to pursue a criminal complaint, the College will assist complainants of sexual assault, domestic violence, dating violence and stalking. The College will provide each victim with a written explanation of their rights. In Michigan, a victim of domestic violence, dating violence, sexual assault or stalking has the following rights:

### **Crime Victims' Rights Act, MCL 780.751 - 780.834:**

This statute establishes certain protections and rights that allow victims of crimes committed in the state to be active participants in the criminal justice process. It requires that child abuse and sexual assault cases be given priority and brought to trial as quickly as possible. Among the act's many provisions are the victim's right to make an impact statement at sentencing and to participate in parole board proceedings. The law defines a victim as someone who suffers direct or threatened physical, financial, or emotional harm as the result of a crime. Crimes covered by the act include felony violations and serious misdemeanors committed by both adult and juvenile offenders.

### **Crime Victims' Rights Constitutional Amendment (Michigan Constitution, Article I Section 24):**

Many of the protections and rights guaranteed by the Crime Victims' Rights Act became part of the Michigan Constitution when voters passed a constitutional amendment in 1988. These protections include the right to restitution, notification of court proceedings, fair treatment, and protection from the accused.

### **Compensation for Injured Crime Victims MCL 18.354:**

Certain personal injury crime victims may receive financial compensation for

particular losses resulting from the crime. A victim of domestic assault may be eligible for assistance under this statute. Personal injury crimes include those in which the victim suffers actual bodily harm, including pregnancy resulting from a crime such as rape.

### **Personal Protection Order Compliance**

Baker College complies with Michigan law in recognizing Personal Protection Orders. Any person who obtains a Personal Protection Order from Michigan or any reciprocal state should provide a copy to Campus Safety and the Office of the Title IX Coordinator. A complainant may then meet with Campus Safety to develop a safety action plan, which is to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom location or other academic arrangements. Personal Protection Orders may be sought through the local circuit court.

To the extent of the complainant's cooperation and consent, College offices including Academics and Campus Safety will work cooperatively to ensure that their health, physical safety, work and academic status are protected, pending the outcome of a formal College investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic, living, transportation, or working situations in addition to counseling, health services, and assistance in notifying local law enforcement. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating / adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20).) Further, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The College does not publish the name of crime victims or house identifiable information regarding them in the Daily Crime Log or online. Victims may request that directory information on file be removed from public sources by request.

**Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault, Stalking** Baker College provides written notification through its ASR to students and employees of available local and national resources. Listed below are National Resources:

Department of Education, Office of Civil Rights  
<http://www2.ed.gov/about/offices/list/ocr/index>

Department of Justice <http://www.justice.gov/ovw/sexual-assault>

National Sexual Assault Helpline 800-656-4673 (HOPE)

Rape, Abuse and Incest National Network <https://rainn.org/>

Not Alone <https://notalone.gov/>

The listing of an agency in this Directory does not constitute an endorsement by the Baker College System.

### **Adjudication of Violations**

Whether or not criminal charges are filed, the College or a person may file a complaint under the sexual harassment policy alleging that a student or employee violated the College policy on sexual harassment. Reports of all domestic violence, dating violence, sexual assault, and stalking made to Campus Safety will automatically be referred to the Title IX Coordinator and/or the Vice President of Human Resources, when appropriate, for investigation regardless if the complainant chooses to pursue criminal charges.

The College's disciplinary process is consistent with the institution's policy and is transparent to the complainant and respondent. The College disciplinary process will include a prompt, fair, and impartial investigation and resolution process from the initial investigation to the final result.

Investigators and hearing board members are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking and taught how to conduct an investigation and hearing process that protects the safety, and the rights of both the complainant and respondent. Delivery of training will be on-line and/or in-person. The following steps describe the sole adjudication process for all sexual misconduct violations:

- The complainant and respondent each have the opportunity to be heard before a properly trained investigator/Title IX Coordinator and Vice President of Human Resources, when appropriate.
- The complainant and respondent each have the opportunity to be advised by a personal advisor of their choice, at their expense, at any stage of the process and to be accompanied by that advisor at any meeting. An advisor may only consult and advise his or her advisee, but not speak for the advisee at any meeting.
- The institution will not limit the choice of advisor or presence for either the complainant or respondent in any meeting or institutional disciplinary proceeding; however, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
- A student or employee conduct decision is based on the preponderance of the evidence standard, i.e. "more likely than not to have occurred" standard. In other words, the conduct process asks: "is it more likely than

not that the accused student or employee violated the college's student code of conduct?"

- The complainant and respondent will be notified simultaneously in writing of the result of any disciplinary proceeding, as well as any changes to those results or disciplinary actions prior to the time that such results become final. The amount of time needed to ensure that "a fair, impartial investigation is completed in a timely manner designed to provide all parties with resolution" will vary depending on the individual case.
- The complainant and respondent will have timely notice for meetings at which the complainant and respondent, or both, may be present.
- The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused.
- The Title IX Coordinator's decision cannot be appealed. Any discipline for subsequent violations of any behavior contract resulting from the original Title IX offense cannot be appealed.

### **Adjudication Process – Hostile Employment Environment**

A person alleging sexual assault, domestic violence, dating violence or stalking may also utilize the complaint and investigatory procedures set forth in the College's policy against sexual harassment in order to remedy any hostile environment. All conduct proceedings against students, however, will be resolved through the College's policies.

When a complainant does not consent to the disclosure of their name or other identifiable information to the alleged perpetrator, the College's ability to investigate and respond to the complaint may be limited.

### **How to be an Active Bystander**

Bystanders play a critical role in the prevention of sexual and relationship violence. They are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it. Baker College wants to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, or if it is not safe for you to intervene, dial **9-1-1**.

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Confront people who seclude, hit on, attempt to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with being stalked.

Refer people to on or off campus resources listed in this document for support in health, counseling, or legal assistance.

### **Risk Reduction**

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org)):

- **Be aware** of your surroundings. Don't be focused on or distracted by your cellphone. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- **Try to avoid isolated areas.** It is more difficult to get help if no one is around.
- **Walk with purpose.** Even if you don't know where you are going, act like you do.
- **Trust your instincts.** If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
- **Make sure your cell phone is with you** and charged and that you have cab money.
- **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
- **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
- **When you go to a social gathering, go with a group of friends.** Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- **Don't accept drinks from people you don't know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- **Watch out for your friends, and vice versa.** If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- **If you suspect you or a friend has been drugged, contact law enforcement immediately** (local authorities can be reached by

calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

- **If you need to get out of an uncomfortable or scary situation** here are some things that you can try:
  - **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

### **Confidentiality**

The College will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking to the fullest extent of the law. The Campus Safety Director, the Title IX Coordinator and/or Vice President of Human Resources will disclose only information that is necessary to provide interim accommodations or protective measures in a timely manner. The information will only be disclosed to those involved in implementing the interim accommodations or protective measures. This decision will be made by evaluating all of the facts and circumstances of the particular incident.

### **Standard of Proof**

In all cases, investigations that result in a finding of "more likely than not" (preponderance of the evidence standard) that a violation of the policy occurred will lead to the initiation of disciplinary procedures against the accused individual. College sanctions for any Sexual Misconduct Policy violation may include verbal warning, written warning, behavior contract, change in student housing, dismissal from student housing, changes to academic schedule, transportation changes/restrictions, changes in work assignment/location, suspension

termination of employment, or expulsion, may be imposed upon those determined to have violated this policy. For students, sexual assaults, domestic violence, dating violence and stalking are violations of the Student Code of Conduct. Employees who violate this policy will be subject to discipline, up to and including termination of employment. Sexual assault, domestic violence, dating violence and stalking are criminal acts which may also subject the perpetrator to criminal and civil penalties under federal, state and local laws.

### **Interim Accommodations**

The Campus Safety Director, the Title IX Coordinator and/or Vice President of Human Resources are obligated to comply with a student's reasonable request for a living and/or academic situation change following an alleged sex offense and will determine if interim accommodations should be implemented. This decision will be made by evaluating all of the facts and circumstances of the particular incident. Steps to implement the interim accommodations and/or protective measures will be taken as soon as possible. Examples of interim protective measures include, but are not limited to: an order of no contact, adjustment of course schedules, a leave of absence, escorts, special parking arrangements, changing classroom location, other academic arrangements, assisting with personal protection orders, modifying the work environment, modifying on-campus housing assignment, and assisting in obtaining outside resources, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator and/or Vice President of Human Resource's directives and or protective measures will constitute related violations that may lead to additional disciplinary actions. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by Baker College.

Baker College will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student or employee who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim.

## **K. TITLE IX – JEANNE CLERY ACT – VAWA**

### **Title IX**

Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination based on sex in education programs and activities in federally funded schools at all levels. If any part of a school district or college receives any Federal funds for any purpose, all of the operations of the district or college are covered by Title IX.

Title IX protects students, employees, applicants for admission and employment, and other persons from all forms of sex discrimination, including discrimination based on gender identity or failure to conform to stereotypical notions of

masculinity or femininity. All students (as well as other persons) at recipient institutions are protected by Title IX—regardless of their sex, sexual orientation, gender identity, part- or full-time status, disability, race, or national origin—in all aspects of a recipient’s educational programs and activities.

As part of their obligations under Title IX, all recipients of Federal financial assistance must designate at least one employee to coordinate their efforts to comply with and carry out their responsibilities under Title IX. The contact for Baker College employees is Dana Clark, Vice President for Human Resources, 1050 West Bristol Road, Flint, MI 48507, (989) 729-3955, email [dana.clark@baker.edu](mailto:dana.clark@baker.edu).

### **Jeanne Clery Act**

Baker College supports and complies with all of the policies and regulations mandated in the 1990, Crime Awareness and Campus Security Act. In 1998, this Act was renamed as the “Jeanne Clery Act” and it requires higher education institutions to give timely warnings of crimes that present a threat to the safety of students or employees, and to make public their campus security policies. It also requires that crime data is collected, reported, and disseminated to the campus community and is also submitted to the Education Department. For a complete copy of the Baker College policies complying with Clery and VAWA, visit the following link: <https://www.baker.edu/student-services/campus-safety/#annual-security-report>. The policy statement, definition, education and prevention, and reporting procedures are all outlined in the Annual Security Report (ASR) for each campus.

### **VAWA (Violence Against Women Act)**

The College has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of medical, counseling, and support services, and additional remedies to prevent contact between a complainant (also known as victim) and an accused party, such as housing, academic, transportation, and working accommodations, if reasonably available. To file a complaint, students should be directed to contact the Vice President/Director of Student Affairs at their campus, and employees should contact the System Vice President of Human Resources at (989) 729-3955.

### **Responsible Employee**

For compliance, all Baker College employees, with the exception of mental health counselors, are considered to be Responsible Employees. This also includes those individuals already designated as Campus Security Authorities.

The role of a responsible employee is to report allegations of sexual discrimination/harassment/violence to the Title IX Coordinator and/or Vice President of Human Resources to maximize the institution’s ability to investigate and potentially address and eliminate sexual discrimination/harassment/violence. The responsible employee should NOT

attempt to determine if the discrimination/harassment/violence actually did occur, or if a hostile environment is being created.

The information that must be reported includes all the relevant information that the individual has shared and that may be useful in the investigation. This includes names of the alleged perpetrator, the student/employee who experienced the alleged discrimination/harassment/violence, any other student/employee involved, and the date, time, and location of the alleged incident. Responsible employees must inform the student/employee that they are not confidential resources before a student/employee reveals something that he/she may want to keep confidential.

It is considered official notice to the institution if a responsible employee “knew, or in the exercise of reasonable care should have known” about the harassment. This includes incidents that are reported directly, are witnessed, or are reported by a third party (parent, other student), posted on fliers around campus, published in a local newspaper, etc. – all of these should be reported to the Title IX Coordinator and/or Vice President of Human Resources.

#### **L. WHISTLEBLOWER POLICY**

A whistleblower as defined by this policy is an employee of Baker College who reports an activity that he/she considers to be illegal or dishonest to one or more of the parties specified in this policy. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate Baker College officials are charged with these responsibilities.

Some examples of illegal or dishonest activities are violations of federal, state or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting.

If an employee has knowledge or a concern of illegal or dishonest fraudulent activity, the employee is to immediately contact the Campus President or Vice President of Human Resources.

The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

Whistleblower protections are provided in two important areas — confidentiality and against retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense.

Baker College will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action

such as termination, compensation decreases, or poor work assignments and threat of physical harm. Any whistleblower who believes he/she is being retaliated against must contact the Campus President or Vice President of Human Resources immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged, investigated and determined to be true.

**M. GENETIC INFORMATION – DISCRIMINATION**

The College shall not discriminate in any term or condition of employment or make any employment decisions based on genetic information of the employee or his/her family members and it shall not acquire any such information except as permitted under the Genetic Information Nondiscrimination Act of 2008.

In general, exceptions may include information obtained inadvertently or in connection with wellness programs, where information is necessary to comply with the certification provisions of the Family and Medical Leave Act, where commercially and publicly available information is purchased, where genetic monitoring is conducted of the effects of toxic substances in the workplace in compliance with OSHA regulations, and for law enforcement purposes.

The College shall treat genetic information as confidential medical records and comply with confidentiality requirements of the Americans with Disabilities Act and the Health Insurance Portability and Accountability Act of 1996, and any disclosure shall be in compliance with applicable state and federal laws.

The Genetic Information Nondiscrimination Act does not prohibit “the use, acquisition, or disclosure of medical information that is not genetic information about a manifested disease, disorder, or pathological condition of an employee or family member, including a manifested disease, disorder, or pathological condition that has or may have a genetic basis.” Genetic information generally means information derived from genetic testing which analyzes human DNA, RNA, chromosomes, proteins, or metabolites and that detects genotypes, mutations or chromosomal changes and the manifestation of a disease or disorder in family members of an individual.

**N. TYPES OF EMPLOYEES**

1. Full-Time - Employees who are regularly scheduled to work forty (40) hours per week. Full time employees are entitled to the full complement of staff benefits.
2. Part-time – Employees who are regularly scheduled to work under 30 hours per week. Part-time employees are only eligible for certain employee benefits.
3. Temporary staff – Employees who are hired for a short period of time to fill

in for an employee on leave or to provide additional support to a department during peak periods. Temporary staff are generally not eligible for any benefits.

4. Non-exempt - Employees who are paid on an hourly basis. All non-exempt employees must complete a weekly timesheet. All hours actually worked in excess of 40 hours per workweek will be paid at time and one-half the employee's regular rate of pay. *All overtime must be approved in advance by the supervisor. Employees who work unauthorized overtime or perform "off the clock" work will be subject to discipline, up to and including termination.*
5. Exempt – Employees who are exempt from overtime rules and are generally paid on a salary basis.

## O. VACANCIES

Baker College is committed to hiring a talented and diverse workforce through recruitment practices that are fair and consistent and that comply with all applicable laws and regulations. Conducting competitive recruitment for staff positions is the normal and expected method for identifying and hiring staff personnel at the college. The recruitment efforts will also support the commitment of the college to retain our highest performing employees through employee promotions and appointments.

The following is a general outline of the main features of our recruitment, waiver of recruitment, promotion and appointment practices.

1. **Recruitment.** Recruitment efforts shall be designed to attract applicants who are diverse and possess the strongest qualifications required for successful performance of the duties and responsibilities of the new or vacant position. All open positions shall be posted for a minimum of one week unless otherwise approved through the promotion or appointment process.

### **Eligibility for Internal Posted Positions:**

- i. Be actively employed, and on the payroll (positions that are excluded include work study)
  - ii. Generally in current position at least six months
  - iii. Generally not currently on focused review/documentated discussion or have been on focused review/documentated discussion within the past year
2. **Promotion.** Promoting from within the organization provides opportunities for growth and development of current employees and supports increased employee engagement. An internal promotion is the process of an internal employee moving from one level of their current

position to another level within the same job family based on performance and furthering their skill set, experience, education or other certifications.

**Eligibility for Promotion:**

- i. Be actively employed, and on the payroll (positions that are generally excluded include, but are not limited to, interim appointments, and probationary employees);
  - ii. Generally, in current position at least six months
  - iii. Generally not currently on focused review/documentated discussion or have been on focused review/documentated discussion within the past year
3. **Appointment.** There are key leadership positions in our organization that are eligible to be filled through the appointment process. Senior leaders in our organization are a valuable asset through their institutional knowledge, commitment to service, involvement in strategic initiatives and contribution to the success of our organization. The retention of these individuals is instrumental in sustainability and consistency in carrying out the strategic plan for the institution. There are no stipulations for selecting a specified number of candidates for review under this process.

**Determination for an Internal Appointment**

When a new or vacant senior leadership position becomes available, the CEO will consider whether it is appropriate to consider current senior leadership members rather than seeking candidates through posting the position internally or externally.

**Senior leadership positions eligible for appointments include but are not limited to the following:**

- i. System President/CEO
  - ii. CIO, COO, CHRO, CFO
  - iii. Provost
  - iv. System Vice President positions for HR, Finance, Financial Aid and Enrollment Management
  - v. Campus leadership position
4. **Waiver of Recruitment.** For all other positions, if a hiring manager decides to consider current eligible employees without posting internally, Human Resources must be consulted and provided reasons for the hiring supervisor's waiver of recruitment request instead of posting. Under special circumstances the Vice President of Human Resources and/or the Director of Talent Management may grant exceptions to the recruitment policy by authorizing a waiver of recruitment unusual or exigent circumstances. Waivers of recruitment procedures are an exception and should only be proposed in limited circumstances.

**Justifiable Circumstances include but are not limited to:**

- i. The position requires unique skills, knowledge, and abilities and the probability of a competitive recruitment yielding a qualified candidate is low;
- ii. Past recruitment difficulties for the same position have been documented;
- iii. There are special appointment conditions, e.g., an organizational entity or program is moving to the location, along with specific current employees;
- iv. A contract employee was hired for the same position through an open recruitment;
- v. A career employee meeting the minimum qualifications for the position, and who has met or exceeded performance expectations, is scheduled for layoff.

**Eligibility.** Employees must meet all of the following criteria to be considered for waiver of recruitment:

- i. Be actively employed, and on the payroll (positions that are generally excluded include, but are not limited to, interim appointments, 30-day emergency appointments, and probationary employees);
- ii. Generally, not currently on focused review/documentated discussion or have been on focused review/documentated discussion within the past year.
- iii. Meet the minimum qualifications for the position; and,
- iv. Generally, be employed in current position for at least one year.

The College will fill vacancies in three ways at the discretion of management: promotions/transfers, internal job postings, and external job searches. All postings must be approved by the Campus President.

1. **Promotions/Transfers.** The College may elect to promote or transfer an employee to a vacancy without posting the position.

Promotion is defined as a change of position that results in a higher level of responsibilities. A transfer is defined as a change of position from one campus to another or one department to another with the same level of responsibilities. Staff who are promoted or transferred will be evaluated after six (6) months in the new position.

2. **Internal Job Postings.** All Baker College employees will have an equal opportunity to apply for posted positions. All positions have certain educational and/or experience requirements. These requirements will not be waived for internal candidates.

Generally, full-time employees must have six (6) months of service in their current position before they are eligible to apply for another Baker College position. Similarly, part-time faculty members generally must have taught within the last two semesters to be eligible to apply for internal postings. College work-study employees are not eligible to apply through the internal job posting system. An employee on a focused evaluation and/or disciplinary action is not eligible to apply for another Baker College position, unless waived in advance by the Vice President of Human Resources.

Qualified internal candidates must apply by the posting deadline. Once a Baker College employee applies for a job posting, it is the responsibility of the hiring supervisor to notify the Baker College employee's current supervisor, president and the Vice President of Human Resources that the employee has applied for a new position. This should be done prior to interviewing the candidate. Hiring supervisors will be allowed access to past evaluations and attendance records for an employee applying for another Baker College position.

All internal postings are distributed through the System Human Resource Department.

3. **External Job Searches.** Baker College may search outside the College System to fill vacancies at the sole discretion of management.

**P. EMPLOYEE RECORDS**

Baker College maintains a Personnel File for each employee. The Personnel File may include such information as the employee's job application, resume, training records, performance reviews, salary increases, disciplinary actions, and other records upon which employment decisions are based.

In addition, it is important to Baker College to maintain accurate, current records of the following information:

- Employee's correct name, address and social security number
- Phone number where employee (and his/her emergency contact) can be reached in case of emergency
- Employee's job title and wages
- Actual time worked each week and an explanation for any deviation from the normal work week
- I-9 information
- Tax information
- Employee insurance records
- Pay records

An employee may examine his/her Personnel File or obtain a copy, generally not more than twice a year, upon written request to the Vice President of Human Resources. Human Resources will respond to an employee's request within a reasonable amount of time and arrange a mutually convenient date and time for the review. The personnel file must be reviewed in the presence of Human Resources and it cannot be removed.

After the file has been reviewed (or if the employee works for Baker College outside of Michigan), the employee may request a copy, which will be provided at a reasonable fee for duplicating. Also, the employee may request to have inaccurate information corrected or removed from his/her file. If Baker College denies the employee's request, he or she may submit a written statement (not to exceed five pages) explaining their position. The explanation will be maintained in the Personnel File as long as the disputed document remains.

Medical records, transcripts, I-9 forms, and certain other information are kept separate from Personnel Files and access to them may be further restricted.

It is the responsibility of each employee to promptly notify Baker College within seven days of any changes in personal data such as mailing addresses, telephone numbers, identity of dependents, marital status, emergency contacts, educational accomplishments, etc. Failure to notify insurance carriers of changes in status could lead to delays in coverage, or, in extreme cases, the denial of benefits.

#### **Q. SOCIAL SECURITY NUMBERS**

Baker College will maintain strict compliance with the Michigan Social Security Privacy Act and will ensure to the extent possible the confidentiality of social security numbers. Baker College will also monitor vendors and service providers to insure that they also comply with the requirements of the Act.

Access to information containing social security numbers will be limited to business purposes only and, as such, will be shared only as required and with those who have a need to have access to such information. All hard copy records containing social security numbers will be maintained in locked, secured areas with access limited to those who have a need for such access.

Documents containing social security numbers will be destroyed by shredding or some other means unless needed for business and/or employment purposes. Also, Baker College will not send documents containing more than four sequential digits of any employee's social security number through the mail except as permitted or required by law (i.e., W-2s). Violations of this policy shall not be tolerated. Any employee violating this policy shall be subject to disciplinary action, up to and including discharge. In addition, under Michigan law, violations may result in misdemeanor charges punishable by not more than 93 days imprisonment, up to a \$1,000.00 fine, or both.

**R. EMPLOYMENT VERIFICATIONS**

Baker College uses The Work Number for all employment verifications. Please contact The Work Number as directed below:

[www.theworknumber.com](http://www.theworknumber.com)

Select "I'm a verifier"

Employer code: 109834

Fill in employee information

Any other employment verification questions can be directed to [hr@baker.edu](mailto:hr@baker.edu).

**S. CRIMINAL RECORDS AND DRIVING OFFENSES**

Baker College's goal is to provide a safe secure workplace for its employees and visitors. To further this goal, all employees are required to immediately report (to the Vice President of Human Resources, within 24 hours, any arrest for a felony, and all convictions including for a felony, misdemeanor or driving while intoxicated.

Further, anyone who drives on behalf of Baker College (either in their vehicle or a College owned vehicle), must report all citations for driving offenses the next business day to the Vice President of Human Resources or Campus President. And, if the driver's license of any such person becomes restricted, suspended or revoked, he or she must *immediately* stop driving on behalf of Baker College and report their driving license status to Vice President of Human Resources or Campus President.

**T. TERMINATION OF SERVICE, RESIGNATION, DISCHARGE, AND LAYOFF/REDUCTION**

Although, the College does not like to lose the services of an employee, there are reasons why employment may terminate:

1. **Voluntary Resignation**--If you find it necessary to resign, employees are expected to give a minimum of two (2) weeks' advance written notice and to work the entire notice period.
2. **Discharge**--Employment may be terminated "at-will" unless the at-will employment relationship is modified in a writing entitled "Employment Agreement" and signed by the System President and Vice President of Human Resources.
3. **Layoff/Reduction**--If a layoff becomes necessary, management reserves the right to decide which employees will remain working regardless of length of service. Layoffs may be a reduction in work hours or a complete layoff.

**Final Pay**--Employees who leave the College, via resignation, retirement, layoff/reduction, death, or discharge are paid for days worked until termination. Unused Paid Time Off (PTO) hours will also be paid when employment terminates. Final payout is in accordance with the state law in which the employee resides.

**U. REFERENCES**

Baker College does not authorize any present or past employee to issue employment references on behalf of Baker College. Any and all requests for employment references must be directed to Human Resources at [hr@baker.edu](mailto:hr@baker.edu) . Anyone providing an unauthorized reference may be subject to disciplinary action, including discharge. This is a serious matter to Baker College.

**V. REHIRE POLICY**

Former employees of the College may be considered eligible to apply for external openings at the College if, upon their previous employment departure from the College, they met the following:

1. Voluntarily resigned and gave adequate notice (not less than two weeks) and worked the entire notice period; or
2. Laid off due to staff reduction.

Employees terminated by the College or employees who resigned in lieu of termination will not be eligible to be rehired by any of the Baker College campuses.

**W. PRIOR SERVICE CREDIT**

Individuals who are re-employed by the College may receive prior service credit. The College will treat each case individually. The Campus President has the authority to restore up to 100% of an individual's length of service.

**SECTION III**

**YOUR WORK AND  
OUR EXPECTATIONS**

**A. FLEXIBLE WORKPLACE**

**Overview:**

Flexibility in the workplace allows employers and employees to make arrangements about their work environment. Flexible workplace is not an entitlement, it is not a companywide benefit, and in no way changes the terms and conditions of employment with Baker College. This arrangement is intended to benefit the employee without putting undue burden or added expense on the College, department, or team.

The workweek for Baker College is Monday 12:00 a.m. through Sunday at 11:59 p.m. Each department determines the work hours necessary to operate effectively and efficiently in order to render the best possible service to the students and the community. Supervisors have the right to alter the work schedule to meet the needs of the department. The supervisor must approve any changes to an employee's scheduled work hours. The following are the flexible workplace types available with Baker College. The types available are based on the needs of the job, work group, organization, approval process and may be determined by the employee's past and present levels of performance. For workplace policies and eligibility click on the following link:

[https://my.baker.edu/ICS/My\\_Services/Department\\_Resources/Human Resources\\_Department/Payroll/Workload and Pay Policies/](https://my.baker.edu/ICS/My_Services/Department_Resources/Human_Resources_Department/Payroll/Workload_and_Pay_Policies/)

<b>Flexible Workplace</b>	
<b>Type</b>	<b>Definition</b>
<b>Traditional</b>	Monday through Friday 8-5
<b>Alternative Work Schedule</b>	Ex: 4-10s or 4-9s and 1-4 hr day
<b>Flexible Job</b>	On campus as scheduled (meeting, classes, etc.)
<b>Teleworker</b>	Campus based with scheduled day(s) at an alternate workspace
<b>Remote Worker</b>	100% off-site workspace

**B. LUNCH BREAK**

Each full-time employee is required to take a one-hour unpaid lunch break per 8 hour work day. Part-time employees will need to discuss lunch breaks with their supervisor. Lunch is to be scheduled with the approval of the employee's supervisor and may be modified by the supervisor to fit workflow needs. Minors (employees who are under 18 years of age) are to receive a 30 minute unpaid lunch if working more than 5 hours. There are no other authorized breaks, other than the required lunch break, in the workday.

**C. WORKHOURS**

1. Standard Workweek:

The *typical* standard workweek is from Monday 12:00 am through Sunday at 11:59 pm. The traditional schedule is Monday through Friday from 8:00 a.m. to 5:00 p.m. with one hour for an unpaid meal period. There are alternate schedules for those departments or campuses that work on Saturday.

2. Core Work Hours:

Core work hours are the hours when all employees must be at the worksite. Core hours vary depending upon the requirements of the position and operational needs of the department.

3. Overtime Pay:

All overtime must be authorized in advance for non-exempt (hourly) employees by their supervisor. Hourly employees will be paid at time and a half their regular rate of pay for all time *actually worked* in excess of forty (40) hours in a work week. PTO hours or paid holidays do not count towards the overtime calculation because those hours are not “actually worked” by the employee. *Employees who work unauthorized overtime or perform “off the clock” work will be subject to discipline, up to and including termination.*

**D. PAY PERIODS**

Pay periods begin at 12:01 a.m. Monday. Pay dates occur semimonthly on the 15<sup>th</sup> and the last day of the month. If either of these days falls on a holiday or a weekend, the pay day is the business day prior. For a listing of the pay dates each month refer to the Human Resources website. Any questions regarding pay should be directed to the Payroll Department at payroll@baker.edu or (810) 766-2000.

**E. DIRECT DEPOSIT**

All employees are encouraged to use direct deposit. Deposits are usually made by 5 p.m. of the payroll day. New direct deposits will take two pay periods to go into effect; a paper check is issued while the bank is authorizing the new information.

**F. INVOLUNTARY DEDUCTION POLICY**

Baker College must comply with ordered involuntary deductions received (i.e., levies, garnishments, child support orders, etc.). The employee will be notified of receipt of the order and required information for response. Information about the order will be held in confidence. Baker College will not base any employment decisions on received orders.

**G. OVERTIME AND PREMIUM PAY FOR HOLIDAYS**

All overtime must be authorized in advance for non-exempt (hourly) employees by their supervisor. Hourly employees will be paid at time and a half their regular rate of pay for all time **actually worked** in excess of forty (40) hours in a work week. PTO hours or paid holidays do not count towards the overtime calculation because those hours are not “actually worked” by the employee. Employees who work unauthorized overtime or perform “off the clock” work will be subject to discipline, up to and including termination.

**Holiday pay:** Full Time non-exempt employees who work on a paid holiday listed below will be paid at double time their hourly rate of pay:

<b>New Year’s Day</b>	<b>Labor Day</b>
<b>Easter Sunday</b>	<b>Thanksgiving Day</b>
<b>Memorial Day</b>	<b>Christmas Eve</b>
<b>Independence Day</b>	<b>Christmas Day</b>
<b>New Year’s Eve</b>	

**H. SALARY BASIS POLICY**

The Fair Labor Standards Act (FLSA) provides an exemption from overtime pay for employees who are bona fide executive, administrative, professional, outside sales and certain computer employees. To qualify for exemption, employees generally must meet certain criteria and be compensated on a salary basis.

Being paid on a “salary basis” means an employee regularly receives a predetermined amount of compensation each pay period on a weekly basis. The predetermined amount cannot be reduced because of variations in the quality or quantity of the employee’s work. Subject to certain exceptions (such as deductions for full days after the employee exhausts their paid time off), an exempt employee generally should receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for any work week in which they perform no work.

It is our policy to comply with the salary basis requirements of the FLSA. Therefore, Baker College prohibits any improper deductions from the salaries of exempt employees (or other employees). Any employee who believes that an improper deduction has been made to their salary should immediately report this information to Human Resources.

Reports of improper deductions will be promptly investigated and, if it is determined that an improper deduction has occurred, the employee will be promptly reimbursed.

## I. **NON-EXEMPT EMPLOYEE TRAVEL**

Some non-exempt (hourly) positions require travel as part of their regular duties.

Federal regulations govern whether time spent on travel is working time and therefore must be compensated. Generally, whether an employee receives compensation will depend upon the kind of travel and whether the travel time takes place during normal work hours.

“Normal work hours,” for the purposes of this policy, are defined as between the hours of 8:30am to 5:30pm. This definition applies to normal workdays (Monday through Friday) and to weekends (Saturday and Sunday).

**Home to Work in the Ordinary Situation:** The general rule is that an employee who travels from home before his/her regular workday and returns home at the end of the workday is engaged in an activity that’s a normal incident of employment. The commute doesn’t count as hours worked because the time isn’t spent for the employer’s benefit. This is true whether the employee works at a fixed location or different locations on a daily or occasional basis.

**Travel that is a Normal Day’s Work:** Travel by an employee which is part of his or her principal activity (such as local travel from the office to a meeting) is counted as hours worked. However, if the employee travels directly to the meeting at the start of the day (without first going to the office) or drives directly home after the meeting, such time is not counted as hours worked. This rule applies even if the travel occurs before or after normal work hours.

**Home to Work in an Emergency Situation:** When an employee has returned home after completing the day’s work and is called out to travel a substantial distance to perform an emergency job for the company or a customer, the time spent on travel is working time. Because this is an unusual occurrence, each situation will be addressed individually.

**Home to Work on a Special One-day Assignment in Another City:** When an employee who normally works at a fixed location in one city is given a special one-day assignment in another city, the travel time is not regarded as ordinary home-to-work travel that’s occasioned by the fact of employment. The travel in this instance is performed for the employer’s benefit and at the employer’s special request. Therefore, it’s considered hours worked regardless of whether it’s done during or outside of normal work hours. Without the special assignment, however, the employee would have had to report to his/her regular work site and return home again. Therefore, the employee’s normal commute time between home and work will be deducted.

**Overnight Travel Away from the Home Community:** Under the regulations, travel that keeps an employee away from home overnight is considered work time when it cuts across normal work hours. The rationale is that

the employee is substituting travel for other duties that he/she would be performing. The time is deemed to be hours worked not only for hours that would normally be worked on a regular working day, but also during the corresponding hours on nonworking days, such as weekends or holidays.

By contrast, travel time for an overnight trip made during nonworking hours is not compensable hours worked where the employee is a passenger on an airplane, train, boat, bus, or automobile.

**Travel Time as the Driver/Passenger of an Automobile:** All authorized travel time spent driving an automobile (as the driver, not as a passenger) is treated as “work hours,” regardless of whether the travel takes place within normal work. However, if an employee drives a car as a matter of personal preference when an authorized form of public transportation is available, and the travel time by car would exceed that of the authorized mode; only the estimated travel time associated with the authorized mode will be eligible for compensation.

Travel as a *passenger* in an automobile is treated the same as all other forms of travel, and compensation depends upon whether the travel time takes place during normal work hours, unless the passenger was required to travel in the vehicle as a “helper.”

**Meals, Sleeping Time and Other Non-work Activities:** An employee will not be paid for breakfast or evening meals (unless the meal is attended by a client of the company and is a business meeting), sleeping/resting time or time spent in non-work related activities, as he or she would have had those needs anyway.

**Calculating and Reporting Travel Time:** Employees are responsible for accurately tracking, calculating, and reporting “work time” during travel (as explained above) on their weekly time sheets. If an employee requests a specific travel itinerary or mode that is different than the one authorized, only the estimated travel time associated with the schedule, route, and mode of transportation authorized should be reported on the time sheet.

Travel time should be calculated by rounding up to the nearest quarter hour.

Note: This policy addresses compensable work hours during travel only. All time actually worked (including work time during travel) beyond 40-hours in a work week is paid at a rate of one and a half times the regular rate of pay.

## **J. EMPLOYEE SELF SERVICE**

Employees can view personal HR/Payroll information online in the Employer Self Service site, including a summary of benefits, dependents, pay vouchers, and W-2 forms. In addition, employees can change their direct deposit or payroll tax information. The ADP Employee Self Service Site can be accessed through Baker College Single Sign on or directly through the ADP portal (SEE ATTACHMENT).

**K. GIFTS AND GRATUITIES**

The acceptance of gifts, gratuities, payments, or other favors from students, vendors, suppliers, or other persons doing business with Baker College, by employees and/or their family members, may give the appearance of influence regarding business decisions, transactions, or services.

Exercise caution when accepting business meals and entertainment. For most positions, these activities should be infrequent, consistent with accepted business practices and for the express purpose of furthering a business relationship. If your position requires this on a regular, frequent basis, ensure your supervisor and you are in agreement on what is acceptable.

Be sure you do not accept payment of travel expenses by a customer or supplier unless you have prior supervisor approval.

**L. SMOKING POLICY**

Employees are prohibited from smoking on the campuses of Baker College, as well as in any College motor vehicle. However, should the College determine that it will allow smoking on campus; it will designate an area or areas. In that case, smoking will be permitted only in the designated area or areas of that campus, but, will not be allowed in any College motor vehicle.

Please see the campus section of the handbook for any designated smoking areas that may exist on a campus.

**M. CONTROLLED SUBSTANCE AND DRUG TESTING**

Baker College strives to maintain a safe, drug-free work environment conducive to safe and quality work. To meet these objectives, Baker College has adopted the following substance abuse policy for all employees.

An employee's unlawful use, possession, purchase, distribution, dispensation, manufacturing, or being under the influence of any illegal drug or any scheduled narcotic without medical authorization while on Baker College's premises or during any workday, is strictly prohibited.

For purposes of this policy, the term "drug" includes all controlled substances, including inhalants, the use of which is unlawful under state or federal law or for which a prescription is required. This includes marijuana, even if the employee has a medical marijuana card allowing for its use and despite the recreational use of marijuana being made lawful under state law. Over-the-counter medication taken as medically indicated and prescription medication, taken as medically directed by the intended person, are excluded from the prohibition; however, any employee who uses prescription drugs and/or over-the-counter medication is required to

inform his supervisor if the use may impair the employee's ability to perform any assigned essential functions of the job safely and efficiently.

Compliance by all employees with the terms of this policy is a condition of employment with Baker College. Any violation of this policy is inconsistent with Baker College's interests, and any employee who violates this policy will be subject to immediate disciplinary action, up to and including termination of employment. Further, evidence of use, sale, purchase or possession of illegal drugs (including marijuana) may be reported to the appropriate law enforcement agencies.

Baker College requires every employee to comply with this policy for their own health and safety, for the safety of others, and the good of the College and its students. If an employee has a substance abuse problem they should address it before they are asked to submit to testing (seek assistance from a medical professional, request a leave of absence for treatment, etc.). Once the employee is told to submit to testing, this policy and the potential for disciplinary action shall apply.

Due to the importance of this policy, Baker College will take steps to ensure that the policy is followed. These steps will include, but are not limited to, the following:

Baker College may require pre-employment, post-offer drug testing. This test may include blood, urine, hair or other specimen testing. If testing is required, the applicant will receive a drug test consent form that explains the terms of the testing, which they will be required to sign.

Baker College retains the right to test employees randomly and/or for cause, including after any accident. This testing must be approved by the Campus President or the Vice President of Human Resources.

An individual's refusal to submit to a test or a positive test result will preclude employment with Baker College or result in termination of employment.

Baker College retains the right to conduct searches of its property (facilities, desks, offices, etc.) and employee personal belongings (vehicles, briefcases, purses, etc.) located on Baker College's property for drugs or other contraband. Such search or testing may be done randomly for any reason or for no reason, with or without notice and at the sole discretion of Baker College. Thus, employees should have no expectation of privacy in this regard and should not bring prohibited items onto Baker College's property. Failure to submit to a search will also result in termination.

## **N. DRUG AWARENESS**

1. Use of alcohol/drugs presents numerous health, behavioral, and social problems. These include acute health problems related to intoxication or overdoses; physical and psychological dependence; long-term health

problems; pregnancy problems; contracting of diseases; psychological problems; diminished behavior; risk taking; violent behavior; accidents; negative effects on academic or work performance; and conduct problems.

2. Resources for employees with drug or alcohol-related problems are available through the Academic Resource Center. Referrals and will be kept confidential. Alcohol substance abuse counseling agencies are listed in the directory section of the Campus Safety Manual.
3. Use of alcohol or drugs, including marijuana (even if the user possess a medical marijuana card and despite the fact that its recreational use is legal under state law), on any Baker College owned or leased property prior to attending, during, or after a College-sponsored activity is strictly prohibited.
4. The possession, distribution, carrying, use, or being under the influence of drugs, including marijuana (even with a medical marijuana card and despite the fact that its recreational use is legal under state law), or alcohol while at work shall result in disciplinary action up to and including termination. If an employee is suspected of being under the influence of prescription or illegal drugs, including marijuana, or alcohol, he/she will be asked to submit to a drug/alcohol test. Refusal to submit to such a test shall result in discharge.
5. All Baker College employees are required to notify the System Human Resource Department of the College of any felony arrest or conviction (felony or misdemeanor) of a drug statute violation no later than five (5) days after such arrest or conviction.

Failure to timely notify the System Human Resource Department shall result in disciplinary action up to and including termination. For further information, please see Controlled Substance and Drug Testing policy above.

#### **O. STUDENT HANDBOOK**

The Student Handbook provides information applicable to students enrolled at Baker College including detailed information concerning their rights and the College's obligations to them. For example, the Student Handbook advises students that Title IX prohibits discrimination, that the Jeanne Clery Act requires Colleges to notify students of crimes that pose a threat to students, and that the Violence Against Women Act provides rights to women who are victims of violence or report violence, etc.

***All employees are required to review the Student Handbook and comply with all of its provisions. It is important for all employees to familiarize themselves with the Student Handbook so that they will***

***not violate any student's rights and they can direct students to the proper authorities when questions arise.***

***Any violation of a student's rights or violation of the terms of the Student Handbook shall result in disciplinary action up to and including termination of employment.***

**P. SAFETY POLICY**

Baker College strives to provide a safe, comfortable, and orderly campus environment. As such, the College has established a policy to assure the health and safety of its students, faculty, staff, visitors, and the public through the prevention of accidents and mitigation of circumstances, which may cause property damage, personal injury, or loss of life. The College recognizes the necessity for, and expects commitment by, every member of its staff and management to the accomplishment of these goals.

The College recognizes the uniqueness of its facilities and missions. However, it seeks to prevent accidents and unsafe conditions in work, teaching, and other activities that the College supervises, is responsible for, or sponsors. Each person, despite official or unofficial status, who assumes or is assigned responsibility for the activity of others, is administratively responsible for his or her safety during such times. Similarly, each person whether employee, student, visitor, or guest, engaged in activities within the College mission, retains his or her basic responsibility for personal safety within the various College sites and facilities.

The College, through the Department of Campus Safety and other qualified College resources, will provide information regarding safety and health standards. Dependent upon the nature and circumstances of the incident, the Department of Campus Safety, assisted by other appropriate agencies, will conduct the investigation.

The College encourages and enforces adherence to all College policies and rules of conduct, and local, state, and federal laws. This includes the prohibition of drugs, alcohol, and other controlled substances; firearms and other weapons (regardless of a permit to carry); personal displays of violence; threatening behavior; vandalism; or being under the influence of drugs or alcohol. Please refer also to separate policies concerning drugs/alcohol and weapons/violence.

On-campus emergencies or criminal activity must be reported to the nearest College office. It is possible for an incident to occur in the campus vicinity, which may be considered threatening to the general safety of the campus community. Should this happen, information about the incident will be disseminated to the campus. Employees can sign up for the Baker Alert for their campus through their email account.

**Q. WEAPONS / NON-VIOLENCE POLICY**

Employees are prohibited from carrying or possessing any firearm (regardless of any permit to carry), explosive, chemical weapon, or other weapon at any time while on property owned, leased, or otherwise controlled by the College or elsewhere in the course of their employment with the College. This prohibition includes carrying a weapon that is not concealed despite the fact that in Michigan it is lawful to openly carry a weapon. Campus Safety employees are exempt from this restriction. Violation of this policy shall result in disciplinary action, up to and including discharge.

Baker College is committed to providing a safe, healthy and secure work environment and expects its employees to maintain a high level of productivity and efficiency while they are working. The presence of weapons or the occurrence of, or threat of, violence in the workplace is inconsistent with those objectives. Baker College requires its employees to report to work without possessing weapons and requires them to perform their duties without violence or making a threat of violence towards another. All employees shall work in a safe and productive manner and weapons are prohibited at all times on Baker College property or while on Baker College time regardless of whether the employee has a permit to carry such weapon.

Baker College has the right to search any area or article on its property for weapons including, but not limited to, lockers, furniture, containers, drawers, equipment, briefcases, purses, cabinets, offices, personal bags, parking lots, and Baker College or employee vehicles parked on its premises.

An employee's consent to submit to searches under this policy is required as a condition of employment and any employee who refuses to consent will be subject to discharge at Baker College's sole discretion.

If an employee is injured while participating in a fight or after instigating a fight, Baker College may seek to have worker's compensation benefits denied where permitted by law.

**Definitions:**

1. Act of Violence: Includes the act of, or any attempt to commit, murder, voluntary manslaughter, rape, mayhem, aggravated robbery, burglary, battery and assault.
2. Threat of Violence: Includes any statement or act that indicates that an act of violence by the speaker is imminent, expresses an intent to injure another person, or any statement or act that is made for the purpose of creating fear in another.
3. Weapon: Includes any explosive devices principally designed, made or adapted for delivering or shooting an explosive, rifle, shotgun, handgun, or other firearm, firearm silencer, chemical weapons device, switchblade knife or any other

type of knife, knuckles, Taser, or other implement for inflicting bodily injury which has no common lawful purpose.

4. Possession: Includes, but is not limited to, the presence of a weapon on the employee, or in his/her motor vehicle (on Baker College property or while on Baker College time), briefcase, lunch box, locker, tool kit, bag, purse, cabinet, furniture, office, etc.

**Prohibitions:**

The following activity is prohibited:

1. Use, possession, carrying, purchase or sale of any weapon on Baker College property or on Baker College time, regardless of any permit to carry such weapon and regardless of whether the weapon is in plain sight or concealed (including in personal vehicles on Baker College property or while on Baker College time) and regardless of any permit to carry.
2. Storing or concealing any weapon in a locker, desk, vehicle, bag, purse, cabinet, briefcase, vehicle or other repository on Baker College property.
3. Illegal possession, use, purchase or sale of a weapon off Baker College property or off Baker College time that adversely affects the employee's own safety or the safety of another, or indicates a propensity for same.
4. Refusing to submit to an inspection for the presence of a weapon.
5. Conviction of any crime or a felony arrest under any state or federal law for the illegal possession, sale, purchase or use of a weapon.
6. Conviction of any crime or a felony arrest under any state or federal law for committing a violent act against another person.
7. Refusing to participate or cooperate in an investigation pertaining to allegations or suspicions that violence has or is likely to occur.
8. Refusing to participate or cooperate in an investigation of allegations or suspicions concerning the carrying of a weapon by the employee or another.
9. Participating in any act of violence or threat of violence against an employee, child or their family member, volunteer or anyone else associated with Baker College, or any such act while on Baker College property or on Baker College time.
10. Failing to report any act of violence or threat of violence as prohibited above.
11. Failing to report a weapon on Baker College property or the possession, sale, purchase or use of a weapon by another employee (or student or visitor) on

Baker College property or on Baker College time (regardless of whether the employee has a permit to carry or purchase such weapon).

12. Any similar act to any of the above.

The rules above are intended to create a safe workplace. Often, after an act of violence, some employees will admit that they saw signs that the employee who became violent had been behaving abnormally, displaying anger, making threats, etc., but that they did not report it to management, thinking it would pass. It is everyone's responsibility to immediately report to the Campus President, VP/Director of Academic Affairs, or the Vice President of Human Resources any reasonable suspicion of potential violence or any threat that is made. Violations of this policy (including a failure to report) are deemed serious and shall result in disciplinary action, up to and including discharge.

The College shall, as its overall policy, adhere to the laws of the State of Michigan (or other applicable state law), federal laws and other codes, ordinances, and regulations as may be applicable. It is the intention of the College that there be compliance with safe practice standards, which are a matter of professional knowledge and recognition of the rules and guidelines set forth by various accrediting academic and scientific agencies. Each department is responsible for compliance with, and for the establishment and preservation of, safe conditions and safe practices within the area of jurisdiction.

**For the safety of the individual employee and co-workers, all employees are required to cooperate in any investigation of safety-related issues.** *Additional Campus Safety Information can be found at [www.baker.edu/safety](http://www.baker.edu/safety).*

## **R. CONTEMPORARY PROFESSIONAL DRESS CODE**

### **Philosophy:**

Baker College believes that employees who are motivated, professional and engaged will more readily accept challenges faced in daily work activities. Baker College is well known for exemplary customer service and a professional work atmosphere. Baker College also believes that a "dress appropriate" or "dress for your day" dress code will allow employees the flexibility to determine their appropriate attire for each day based on their planned work activities.

### **Contemporary Professional Dress/Dress for your Day Statement:**

Employees should wear clothing that would be appropriate to meet customers, clients or colleagues, and suitable for approved business meetings. We encourage employees to dress with BakerProud in mind and trust that each employee will use their best judgment when determining their attire for the day. In all things, employees should know that they represent Baker College and must always present themselves in a way that ensures they:

Be brave. Be courageous. Be proud. Make your family proud. Make the world proud!

<b>Appropriate</b>	<b>Unacceptable</b>
Dresses	Sweatshirts/Sweatpants
Suits	Denim
Blazers	Athletic Apparel
Shirts with collars	Leggings/Yoga Pants
Golf, Polo, 1/4 zip pullover shirts	Shorts
Sweaters	Mini-Skirts
Blouses	Tank-tops/Strapless-top
Skirts	Revealing/See-through garments
Dress shoes	Sneakers
Dress Slacks	Flip-flops
Cropped Pants/Capris	Non-Baker Logo shirts/t-shirts
Professional Sandals/open-toe shoes	Ripped/torn garment

This policy trusts and expects that employees will use good judgment when choosing their attire for their workday. Employees must communicate with their manager regarding the appropriateness of professional denim.

Employees are expected to dress more formally in work situations where it is customary and appropriate, including, but not limited to, meetings with the public, agents and vendors where business professional dress is expected. Managers should foster a professional work environment at all times. Managers are expected to embrace this policy and to encourage employees to participate actively in this Contemporary Professional Dress Code Policy. Managers should counsel employees who do not abide by this policy and contact Human Resources for assistance with policy violation. Repeated violations of this policy may result in disciplinary action.

Employees must also wear their Baker College ID visibly to allow for appropriate identification by visitors and students on campus.

**Uniform Specific Events:**

Uniform events include but are not limited to new student orientations,

graduation, high school presentations, organized community work, etc.

Employees participating in uniform specific events will be required to wear matching shirts/uniforms to ensure a consistent public face of the College at events. These shirts will be provided by the College. Pictures of all participating employees should be taken and provided for social media usage.

College Administration reserves the right to require employees to wear matching outfits for any event they deem appropriate.

**Logo Usage:**

The College has defined and provided acceptable use guidelines for the Baker logo. Employees may use the logo within these guidelines for any clothing they wish to wear while representing Baker. Baker College Logo wear is the only clothing that may be worn containing slogans or words.

**S. WORK RULES**

All places of employment must have rules to assure that operations are efficient, employees are shown respect, laws are followed and students receive the quality products and services they deserve. The following list of activities is intended to be illustrative of the kinds of actions that are prohibited. Since it is impossible to anticipate every situation that may occur, the list is not exhaustive.

1. Consuming, possessing, selling, reporting to work under the influence of, or working under the influence of controlled substances, alcoholic beverages or other narcotics. This includes prescribed medications if the medication impairs an employee's ability to perform their duties safely or effectively. Having a medical marijuana card does not exempt an employee from this rule or the fact that recreational use of marijuana is now legal under state law.
2. Failing a drug or alcohol test, or refusing to submit to one. Having a medical marijuana card does not exempt an employee from this rule or the fact that recreational use of marijuana is now legal under state law.
3. Theft, deliberate or careless damage, or deliberate destruction of any property of Baker College or the property of any employee, student or visitor.
4. Unauthorized use of the property, equipment or facilities of Baker College. Unauthorized use of telephones, mail system, or other Baker College owned equipment or possession of another employee's personal equipment/property without the employee's consent. Removal of any property or records from the premises of Baker College without advance written permission from the Campus President or Vice President of Human Resources, unless the property/records must be used off college property to

perform the employee's job duties.

5. Insubordination or refusal to obey or failure to carry out a lawful verbal or written instruction of supervisory personnel.
6. Provoking a fight or fighting, either verbal or physical, or making threats of violence or harm at any time on the property of Baker College.
7. Participating in horseplay or practical jokes during working hours on Baker College's premises.
8. Carrying or possessing firearms or any other weapon at any time on Baker College's premises or while on college time. This includes weapons in a personal vehicle parked on Baker College property. Having a weapon's permit does not exempt an employee from this rule and openly carrying a firearm is prohibited although legal in Michigan.
9. Engaging in criminal conduct whether or not related to job performance.
10. Falsifying records, including time records, or misusing or revealing confidential information (including medical information or trade secrets) to unauthorized persons.
11. Dress or appearance inappropriate to the business of Baker College.
12. Unlawful harassment or bullying of another employee, or profane language in the workplace.
13. Failure to observe working schedule, including lunch period.
14. Excessive or patterned absenteeism or tardiness, or failing to provide proper notice of absence/tardiness.
15. Failure to provide a physician's documentation when requested or required to do so.
16. Unauthorized absence from workstation during the workday, or leaving Baker College's premises without punching out or first obtaining permission (unless position requires the employee to work at a student's facility).
17. Violation of any personnel policy in this manual.
18. Unsatisfactory performance or conduct.
19. Refusal to participate and cooperate in any investigation by Baker College, including providing a written statement if asked by management.

20. Failure to return Baker College's property upon demand.
21. Breach of trust that Baker College places in its employees, including unethical or unprofessional conduct or lack of candor in communications.
22. Providing employment references without express authority.
23. Engaging in a work stoppage or slow-down.

Baker College reserves the right to determine the appropriate response to any policy or work rule violation. Responses may include a counseling (documented), written warning, suspension (or loss of paid time off in lieu of suspension), performance improvement plan, last chance agreement or discharge. All employment at Baker College is "at will" meaning the employment relationship may be terminated for any reason or no reason and Baker College is not required to impose lesser forms of discipline before discharging an employee unless restricted by a collective bargaining agreement.

#### **T. CONFIDENTIALITY OF INFORMATION**

The Family Educational Rights and Privacy Act (FERPA) affords eligible students certain rights with respect to their education records. (An "eligible student" under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution.). These rights include:

1. The right to inspect and review the student's education records within 45 days after the day the College receives a request for access.

A student should submit to the Registrar or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The College official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the College official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed

2. The right to request the amendment of the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

A student who wishes to ask the College to amend a record should write the Registrar or other appropriate official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed.

If the College decides not to amend the record as requested, the College will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

3. The right to provide written consent before the College discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

The College discloses education records without a student's prior written consent under the FERPA exception for disclosure to College officials with legitimate educational interests. A College official is a person employed by Baker College in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the board of trustees; or a student serving on an official committee, such as a disciplinary or grievance committee. A College official also may include a volunteer or contractor outside of Baker College who performs an institutional service or function for which the College would otherwise use its own employees and who is under the direct control of the College with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another College official in performing his or her tasks. A College official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the College.

Upon request, the College also discloses education records without consent to officials of another College in which a student seeks or intends to enroll.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the [College] to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202.

### **Definitions:**

A "student" is any person who attends or has attended Baker College.

An "educational record" is any record in handwriting, print, tape, microfilm, or other medium maintained by Baker College which directly relates to a student. The

following exceptions are not part of the educational record and are not subject to this Act:

1. A personal record kept by an instructor or staff member if it is kept in the sole possession of that person and is not accessible or revealed to any other person (e.g., a teacher's grade book).
2. The employment record of an individual whose employment is not contingent on being a student (e.g., the employment records maintained by the Human Resources Office).
3. The records of the Baker College Campus Safety which are maintained separately solely for law enforcement.
4. Alumni records which contain information about a student after the student is no longer in attendance at the College.

**Disclosure of Educational Records:**

FERPA permits the disclosure of PII from students' education records, without consent of the student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to College officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, §99.32 of FERPA regulations requires the institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures. A postsecondary institution may disclose PII from the education records without obtaining prior written consent of the student-

- To other College officials, including teachers, within Baker College whom the College has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the College has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(2) are met. (§99.31(a)(1))
- To officials of another College where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31(a)(2))
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the university's State-supported education programs. Disclosures under this provision may be made,

subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31(a)(3) and 99.35)

- In connection with financial aid for which the student has applied or which the student has received if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(a)(4))
- To organizations conducting studies for, or on behalf of, the College, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10))
- When the information is designated by the College as “directory information” under §99.37. (§99.31(a)(11))
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of §99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding. (§99.31(a)(13))
- To the general public, the final results of a disciplinary proceeding, subject to the requirements of §99.39, if the College determines the student is an alleged perpetrator of a crime of violence or non-

forcible sex offense and the student has committed a violation of the College's rules or policies with respect to the allegation made against him or her. (§99.31(a)(14))

- To parents of a student regarding the student's violation of any federal, state, or local law, or of any rule or policy of the College, governing the use or possession of alcohol or a controlled substance if the College determines the student committed a disciplinary violation and the student is under the age of 21. (§99.31(a)(15))

**Directory Information:**

Baker College designates the following items as directory information:

Student name  
User ID  
Address, phone number, email address  
Date of birth  
Major field of study  
Dates of attendance  
Degrees and date received  
Candidacy for Degree and /or Teacher Certification  
Academic honors

While the College does not publish a directory, the College may disclose directory information without prior written consent, unless otherwise notified by the student in writing to the contrary.

**To avoid FERPA violations:**

- Do not post grades publicly
- Do not circulate class lists
- Do not leave exams/papers in stacks for students to find their own
- Do not assist anyone (other than a Baker College employee) with locating a student
- Do not discuss the progress of a student with anyone other than the student

The Baker College policy concerning the privacy rights of students and the practices which will maintain the confidentiality and integrity of student education records must be followed.

In addition to a student's right of privacy of their educational record, the student also has the right to inspect and review their educational record and request that amendments be made to ensure that their records are accurate. Students also have

the right to control the release of their educational records (generally with a written authorization by the student) and to file a complaint with the U.S. Department of Education concerning a violation of these rights.

Within the Baker College community, only those members who are acting in the educational interest of the student are allowed access to a student's educational record. These College members include faculty, administration, clerical and professional employees, campus security, and other persons who manage student records.

For further information, please review and comply with the rights as outlined in the Student Handbook. Employees who violate the confidentiality of these records will be disciplined up to and including termination of employment.

#### **U. COMMUNITY RELATIONS**

Community involvement by employees of the institution is mutually beneficial to both the individual and the institution.

Employees of the College are not permitted to appear on any program, release information, or make comments on behalf of the institution without the approval of the Campus President. This is not meant to imply that employees should avoid opportunities for appearing before community groups in the interest of the institution. Such activities are encouraged upon proper approval.

#### **V. SOCIAL MEDIA POLICY**

Baker College recognizes that many employees use electronic social media such as Facebook, MySpace, Twitter, Snapchat, etc. Postings made by employees are generally permanent and may have legal consequences. In accordance with Michigan's Internet Privacy Protection Act, Baker College will not (1) request access to pages of an employee's private internet account that are not visible to the public, (2) request passwords to enable it to access private pages (including sending a friend request), or (3) discipline any employee who refuses/fails to provide such access or passwords.

While Baker College does not want to intrude unnecessarily into employees' personal lives, given the potential ramifications to Baker College and its business, it is establishing guidelines for employee use of social media. Employees are required to abide by these guidelines, even outside of work, as a condition of employment.

- Employees are prohibited from posting, or discussing, any proprietary or confidential information concerning Baker College or its students. Examples include, but are not limited to, Baker College's financial information, information concerning its operations, services, personal information concerning employees, or any other confidential or proprietary information of Baker College or

concerning its students. It also prohibits the use of its logo or other branding information.

- Employees are prohibited from making untruthful, defamatory comments about current and former students, employees, or competitors or untruthful, derogatory comments about Baker College's operations or services.
- Employees are required to be honest in their postings and to not post obscenities or make personal attacks that are untruthful and defamatory to the reputation of another.
- Social media sites are not the preferred proper forum for venting complaints about Baker College in order to accomplish positive change. All employees having complaints or suggestions related to their employment, or the terms and conditions of employment, are encouraged to communicate directly with their supervisor or, if appropriate, the Vice President of Human Resources or Campus President.
- While such settings are not foolproof, employees should use privacy settings when appropriate to prevent personal information from becoming public. Also, be aware that anonymous postings do not necessarily remain anonymous.
- Employees discovering defamatory *untruthful* information posted about Baker College or its operations or services are required to report the posting to the Vice President of Human Resources or the Campus President and are prohibited from posting a response to the comments.
- Employees are required to avoid copyright and trademark infringements. Never use any images, branding materials or trademarks without permission of the owner.
- Employees posting commentary that may be viewed as an official statement by Baker College must include the following disclaimer: "The views and opinions expressed are my own and do not necessarily reflect the views of Baker College."

Employees will be held personally accountable for their postings. This policy shall be construed in a manner consistent with labor laws so as to not violate employees' rights to engage in concerted activity.

#### **W. COMPUTER / INTERNET / EMAIL USAGE**

All of Baker College's Electronic Information Systems (EIS) are the property of Baker College. Baker College's EIS include, but are not limited to, computer hardware, software, databases, computer files, printers, copy machines, communications equipment (including cell phones, smart phones, office phones, and fax machines), e-mail system, voice mail and Internet access. Baker College restricts the use of the EIS to job-related or otherwise approved business purposes.

### **Business Related Use:**

Baker College provides appropriate access to the Internet, e-mail, phone, voice mail and fax services to employees so that they can conduct Baker College's business. While some limited personal use, which does not affect or interfere with the employee's performance of his or her job, or confidentiality of Baker College business information may be acceptable, Baker College may restrict use of any component of the EIS for misuse. Generally, personal use is only allowable if approved by the employee's supervisor and the Campus President.

### **Prohibited Uses:**

Employees may not use any component of the EIS in a manner that interferes with their job performance, or the ability of other employees to conduct normal business. Employees shall not use the system:

- in a manner that is illegal or violates the security, privacy, confidentiality, or policies and procedures of Baker College;
- to access, display, or distribute indecent or obscene material, child pornography, or materials that can be classified as sexual harassment;
- for activities unrelated to the business of Baker College; or
- for private or personal business transactions, or for partisan or non-partisan political activities.

Under no circumstances should any employee below the level of Vice President do any of the following without advance written permission of the Campus President or Vice President of Human Resources:

- copy and remove from the premises any Baker College records, communications (including emails) or documents; or
- transmit any business records or communications (including emails that were received or prepared on Baker College's EIS) to home emails or fax machines (or to a third party not associated with Baker College or its services).

The purpose of this rule is to ensure the confidentiality and safekeeping of Baker College records and communications.

### **Protection against Viruses:**

Employees are prohibited from installing any software program that does not have a valid license on College computers. In addition, a software program or file, which has not been screened for viruses by the College's Information Systems Department, must not be installed or downloaded onto Baker College's computers.

### **Privacy:**

***Employees should not have any expectation of privacy*** in connection with access and use of the EIS. All internet and e-mail use is tracked by Baker College. This information could be disclosed to a court in connection with a lawsuit. Baker College reserves the right to access, review, copy, or delete information on its EIS for any purpose, or disclose information on its EIS to any

party (inside or outside Baker College) as it deems appropriate, including to law enforcement. Therefore, all usage of any EIS, and any message and information created, sent, reviewed or stored in the system are and remain the property of Baker College.

**Other Prohibited Uses:**

Employees may not use Baker College’s EIS to install, copy, and/or transmit any documents, software, or other information that is protected by copyright laws.

**Email:**

To ensure consistency, as well as for documentation purposes, Baker College faculty and staff are required to use their baker.edu email address when communicating with students and staff.

To ensure compliance with the policy, employees may only provide their baker.edu email address to students. Course syllabi and blackboard messages may only contain the faculty member’s baker.edu email address. Employees are not permitted to set their baker.edu address to automatically forward emails to another email address.

**X. ACCEPTABLE USE POLICY FOR BAKER COLLEGE INFORMATION TECHNOLOGY RESOURCES**

**Introduction:**

This policy defines the accountability of all “Users” as well as the boundaries of acceptable use of Baker College computing and communication resources. “User” is defined as any authorized individual, including, faculty, staff, students or courtesy affiliate. Baker College provides robust resources to support the information technology (IT) environment, including computers, data storage, mobile devices, electronic data, networks, software, email services, electronic information sources, voicemail, telephone services and other products and services.

Baker College’s computing and communication resources are the property of Baker College and are used to support the institution’s Guiding Principles, including the advancement of education, services, community and administrative business support services.

IT resources are provided for the use of faculty, staff, students and courtesy affiliates. This policy is intended to help protect Baker College and its constituents as it relates to privacy, confidentiality as well as the overall integrity of Baker College’s IT resources. Having a sound and effective information technology environment is essential to the mission and Guiding Principles of Baker College.

When utilizing Baker College resources you agree to the Acceptable Use Policy for Baker College Information Technology Resources language.

### **Applicability:**

- This Policy applies to all individuals using Baker College resources, regardless of affiliation (faculty, staff, students and courtesy affiliates) or where the resources are accessed or used, i.e. Baker College campus or remote locations.
- For usage within the Baker College campus IT environment, additional rules may apply to specific resources, including classrooms, business systems, networks, software, social media, databases and other services and support. Rules will be consistent with this policy and could potentially enact additional requirements and/or responsibilities on the Users.
- Access to Baker College resources may be wholly or partially restricted without prior notice and without consent of the User.
- Access to this Policy will be granted to Users through the website, handbook and / or catalog.

### **General Authorized Usage Overview:**

- Baker College resources are provided for College-specific objectives, including supporting the College's mission, teaching, administrative, student and student-life activities, including social media usage.
- Users are granted access to Baker College IT resources and are responsible for all activity performed with their User ID. Users should take appropriate precautions to ensure the security of their passwords and to prevent others from obtaining access to their computer resources.
- Inappropriate or supplementary use that inaccurately or inappropriately illustrates support or affiliation of products, services or organizations, without written approval, is prohibited.
- Usage of Baker College resources for supplementary personal use is done so at their own risk. The College cannot and will not guarantee the continued operation, support or security of IT resources, and monitors use, so there should be no expectations of privacy.
- Users are responsible for informing themselves of any Baker College policies or regulations that control the use of College resources prior to resource usage.
- Users are expected to respect the privacy of other Users, including usage, content or identities.
- Users are required to comply with state, federal and local laws and College

policies. Additionally, it's required that Users adhere to the rules and regulations dictated by third parties.

- Users are expected to engage in safe and responsible security and computing practices in order to maintain the integrity of Baker College resources.

**Inappropriate Usage:**

- The use of Baker College resources for private business, commercial activities, fund-raising or advertising for non-College purposes is prohibited unless approved in advance in writing by the Campus President.
- Users must adhere to copyright, trade secret, patent or other intellectual property or similar laws or regulations.
- Using College resources for unlawful communications, including threats of violence, obscenity, child pornography and unlawful harassing communication is prohibited and will immediately be reported to the local police department and/or campus safety.
- Unauthorized access, modification, copies or deletion of User accounts or resources, including files, is not allowed.
- Users cannot use IT resources in a manner that impacts usage or activities of the resources by other Users, including but not limited to the introduction of malicious software or malware.
- Connecting unauthorized modems, routers, wireless access points or other devices to Baker College resources is prohibited.
- Interfering with the networking, including but not limited to scanning, monitoring, intercepting and altering network packets is expressly prohibited.
- Baker College resources cannot be used to engage in partisan politics or to promote or oppose ballot measures, unless that use is approved in advance in writing by the President / CEO.
- Users cannot access Baker College resources without the proper authority, which includes attempting to evade or circumvent User authentication and/or misrepresenting your identity or affiliation.

**Email and Electronic Communications:**

- Access to Baker College email is a privilege that may be wholly or partially restricted without prior notice and without consent of the User.

- Activities that may strain the email or network facilities are a violation of this policy. These activities include, but are not limited to: sending chain letter and widespread dissemination of unsolicited email.
- Modification or forging of email information, including the header is prohibited.
- Confidentiality of email or other electronic communication cannot be assured, therefore, Users should be aware of the risks when sending confidential, personal, financial or sensitive information. Moreover, the College reserves the right to review and monitor all emails, so Users should not have any expectation of privacy.

**Social Media:**

For specific policies, procedures and code of conduct, please reference the following documents: Social Media Policy in Employee Handbook, *Baker College Student Social Media Code of Conduct* and *Baker College Faculty and Staff Social Media Policies and Procedures*.

**Privacy:**

- Privacy is important to Baker College, however, Users should be aware that the data created or stored on Baker College resources remains the property of the College, and it reserves the right to monitor and review all information in its electronic systems.
- Users are expected to respect the privacy of other Users and not divulge personal data concerning faculty, staff or student.
- Authorized individuals of the Baker College IT environment will perform management tasks in a manner that fosters User trust.
- The College reserves the right to monitor individual usage, and normal operations require the backup of data, logging of activities, monitoring general usage, logging files and other similar activities. Baker College may access various resources in order to perform necessary maintenance, including security events. Users should not have any expectations of privacy.

**Operational Security:**

- The College may, without advanced notices to Users, take any action to protect the interest of Baker College to ensure that the IT resources are stable and secure. Appropriate action may include monitoring and scanning College resources.
- Third-party intrusions, viruses and physical access can compromise computing and communication security. Baker College takes reasonable

precautions to minimize risks. Users must notify and report incidents to [abuse@baker.edu](mailto:abuse@baker.edu).

- Known or suspected violations of the *Acceptable Use Policy* or *Social Media Policies* must be reported immediately to [abuse@baker.edu](mailto:abuse@baker.edu).

**Enforcement:**

- Use of Baker College resources is a privilege and not a right. A User's access Baker College IT resources may be limited, suspended or terminated if that User violates the Policy. The CIO or the Director of Security will address alleged violations of this Policy.
- In addition to review of alleged violation of this Policy, the College may report incidents to law enforcement.
- Users who violate this Policy, other College policies, or external laws will be subject to disciplinary action and/or penalties.
- If the CIO determines that a User has violated this Policy and determines that access should be limited or suspended, the User may appeal that decision to the System Executive Committee.

**Y. HEALTH AND SAFETY**

Responsibility for the security of the institution's supplies, equipment, buildings, and grounds lies with the entire staff. All employees are required to exercise due caution to protect the facility and its contents from theft and acts of vandalism.

Employees should not take any action which will needlessly jeopardize their safety or the safety of others.

It is important that employees comply with all safety rules. If an employee receives a work-related injury, the immediate supervisor and/or medical personnel should be contacted immediately. All work-related injuries must be reported to the Campus Safety Department, which will then complete an incident report. Medical bills incurred from work-related injuries should be covered by the College's worker's disability compensation carrier, not the employee's medical insurance.

**Z. PERSONAL RELATIONSHIPS AT WORK**

Romantic relationships between supervising, managing, or executive employees and their subordinates are strictly prohibited. If a relationship does develop between a supervising employee and his or her subordinate, the Campus President and the Vice President of Human Resources must be notified immediately so that a department transfer or other employment action may be taken. To avoid the appearance of favoritism, an employee will not be allowed to directly supervise a family member or someone with whom he or she has a personal relationship.

**AA. OPEN DOOR COMMUNICATION POLICY**

Baker College believes that communication is essential to healthy employee relations. An employee may have a question about the interpretation or application of a policy, how he/she is being treated by administration or peers, or an idea that could improve our campus, or further our mission and education goals.

Employees should always feel free to have an open dialog with their supervisor or, if they feel that would be inappropriate or unproductive, with higher management including the Campus President or the Vice President of Human Resources. Our doors are always open and we encourage the free exchange of ideas and the raising of concerns. Through timely communication, most matters can be satisfactorily resolved.

**BB. OWNERSHIP OF WORK PRODUCTS**

The College may require an employee to sign an agreement that grants all rights and ownership of inventions and/or work product to the College.

**CC. COPYRIGHT COMPLIANCE**

For all copyrighted works, when the intended use will exceed fair use, employees have several options including seeking permission from the copyright holder directly or contacting the library to see if the work is included in the library collection.

The Library can help determine whether a work is covered by Fair Use, or the TEACH Act and how to handle any special copyright issues.

**DD. CHILD ABUSE AWARENESS, PREVENTION AND REPORTING**

**Purpose:**

Baker College is committed to providing a positive experience and ensuring the safety and well-being of minors participating in programs and activities on Baker College premises. Accordingly, faculty, staff, students, student employees, graduate associates, and volunteers are expected to hold themselves to the highest standards of conduct when interacting with minors. This policy is intended to promote the safety and welfare of minors who participate in activities and programs with minors, whom are entrusted to Baker College's care.

**Child Abuse and Neglect:**

Michigan law deems both child abuse and neglect a crime. We are responsible and are required to report suspected cases of child abuse and/or molestation to the Child Protective Services and Family Independence Agency.

- A child is described as a person who is less than 18 years of age and is not emancipated by operation of law.
- An adult is defined as any individual at least 18 years of age.

- Child abuse is when a person knowingly or intentionally causes or threatens serious physical or serious mental harm to a child's health or welfare
  - Physical harm means any physical injury to a child that seriously impairs the child's health or physical well-being.
  - Mental harm means an injury to a child's mental condition or welfare that is not necessarily permanent but results in visibly demonstrable manifestations of a substantial disorder of thought or mood which significantly impairs judgment or behavior.

### **Reporting:**

Any faculty, staff, student, student employee, graduate associate, or volunteer who in the course of their duties witnesses child abuse or neglect or has information that would lead a reasonable person to believe the minor faces a substantial threat of such abuse or neglect must immediately make **two** calls and within one business day submit **one** report:

- Call: 911 (child in imminent danger) or Child Protective Services (CPS) at (855-444-3911)
- Call Campus Security at (list various numbers of the campuses)

After the initial verbal report is made via one of the methods above, a Child Abuse, Sexual Abuse or Neglect Incident Report [ATTACHMENT] must be completed and submitted to the Vice President of Human Resources within one business day.

### **Background Checks:**

Background checks must be conducted on all faculty, staff, students, student employees, graduate associates, and volunteers working in activities and programs with minors. The extent of the background check will be dependent upon the individual's interaction and/or authority over the minor.

### **Standards of Behavior:**

All faculty, staff, students, student employees, graduate associates, and volunteers who participate in a program or activity involving a minor are required to function within these standards and affirm as follows:

I will:

- Accept the responsibility to professionally represent the activity/program and Baker College.
- Conduct myself in a courteous and respectful manner and be a positive role model for minors.
- Respect, adhere to and enforce the rules, policies, and guidelines established by the activity or program and Baker College.

- Refrain from engaging in any criminal conduct.
- Comply with all applicable civil rights laws and policies, including but not limited to Baker College's equal opportunity and nondiscrimination policies.
- Report any child abuse or neglect in accordance with Baker College policy.
- Not intentionally or purposefully place myself in a situation where I am alone with a minor unless authorized by the President of the particular Baker College campus. [Approved one-on-one interactions may only take place in open, well-illuminated spaces or rooms observable by other adults from the activity or program. If the particular campus President determines that meeting in this manner is not practicable and approves other arrangements, an exemption request form must be submitted following the exemption process outlined in the policy.]
- Not, under any circumstances, physically, sexually, verbally, or emotionally abuse or fail to provide the basic necessities of care applicable to the activity/program to participants.
- Endeavor to provide a safe and healthy experience for all participants.

**Consequences of Violation(s):**

Baker College will hold individuals who violate this policy accountable for their actions, which may include but is not limited to: volunteers being reprimanded or losing volunteer status, students being disciplined in accordance with the Student Code of Conduct, and staff and student employees being subject to corrective action up to and including termination.

**EE. CODE OF CONDUCT, ETHICAL CONSIDERATIONS & CONFLICTS OF INTEREST**

Baker College requires accuracy, honesty and integrity of all employees at all times. Failure to comply with applicable legal standards or the Code of Ethics may result in termination, the suspension or revocation of a professional license, and/or criminal prosecution.

Before making any business decision, consider the following to assure the resulting decision is an ethical one:

- Will the decision violate federal or state law, rule or regulation?
- Will the decision violate Baker College's policy?
- Could this decision expose Baker College to financial risk?
- Could this decision expose the College to adverse publicity?
- Would I be violating the Code of Ethics by making this decision?

- Am I acting in a discriminatory manner by making this decision?
- Am I motivated by self-interest or the College's best interests?
- Can I defend this decision if challenged?

If you are unsure whether your actions would be proper, seek advice from your supervisor, the Campus President or Human Resources before you act. Violations or suspected violations of ethical rules must be reported *immediately*. Investigations shall be conducted promptly and conclusions and remedial actions shall be achieved as soon as practical under the circumstances. Baker College prohibits retaliation against any employee who reports ethical violations.

**Outside Activities, Employment, and Directorships:**

All employees share a responsibility for good public relations, especially at the community level. Their readiness to help with charitable, educational, and civic activities brings credit to Baker College and is encouraged. However, employees must avoid acquiring any business interest or participating in any outside activity that would, or would appear to:

- Create an excessive demand upon their time and attention, thus depriving the College of their best efforts on the job.
- Create a conflict of interest—an obligation, interest, or distraction that may interfere with their independent exercise of judgment in the College's best interest.

**Kickbacks and Secret Commissions:**

With regard to Baker College's business activities, employees are not permitted to receive benefits, payments or compensation of any kind other than the wages and benefits received directly from Baker College for their services rendered to the College. In particular, the College strictly prohibits the acceptance of kickbacks and secret commissions from suppliers, students or others. Any breach of this rule will result in immediate termination and potential criminal prosecution where appropriate.

**Conflicts of Interests:**

1. **Purpose.**

The purpose of the conflicts of interest policy is to protect the College's interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an employee of the College. This policy is intended to supplement but not replace state laws governing conflicts of interest applicable to nonprofit and charitable corporations. Annually, employees are required to acknowledge the Conflicts of Interest policy.

2. **Definitions.**

a. Interested Person:

Any employee of the College who has a direct or indirect financial interest, as defined below, is an interested person. If

a person is an interested person with respect to any entity in the Baker College System of which the College is a part, he or she is an interested person with respect to all entities in the system.

b. Financial Interest:

A person has a financial interest if the person has, directly or indirectly, through business, investment or family--

- i. an ownership or investment interest in any entity with which the College has a transaction or arrangement,
- ii. a compensation arrangement with the College or with any entity or individual with which the College has a transaction or arrangement, or
- iii. a potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the College is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are substantial in nature.

3. **Procedures.**

a. Duty to Disclose:

In connection with any actual or possible conflicts of interest, an employee of the College must disclose the existence and nature of his or her financial interest to the System and Campus Business Office.

b. Determining Whether a Conflict of Interest Exists:

After disclosure of the financial interest, the System Business Office shall determine whether a financial interest exists.

c. Procedures for Addressing the Conflict of Interest:

- i. After exercising due diligence, the System Business Office shall determine whether the College can obtain a more advantageous transaction or arrangement with reasonable efforts from a person or entity that would not give rise to a conflict of interest.
- ii. If a more advantageous transaction or arrangement is not reasonably attainable under circumstances that would not give rise to a conflict of interest, the System Business Office shall determine whether the transaction or arrangement is in the College's best interest and for its own benefit and whether the transaction is fair and reasonable to the College and shall make its decision as to whether to enter into the transaction or arrangement in conformity with such determination.

- d. Violations of the Conflicts of Interest Policy:
  - i. If the System Business Office has reasonable cause to believe that an employee has failed to disclose actual or possible conflicts of interest, it shall inform the employee of the basis for such belief and afford the employee an opportunity to explain the alleged failure to disclose.
  - ii. If, after hearing the response of the employee and making such further investigation as may be warranted in the circumstances, the System Business Office determines that the employee has in fact failed to disclose an actual or possible conflict of interest, it shall inform the Office of Human Resources which will take appropriate disciplinary and corrective action.

4. **Records of proceedings.**

The System Controller's Office shall record:

- a. the names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and its decision as to whether a conflict of interest in fact existed; and
- b. the names of the persons who were present for discussions, the content of the discussion, including any alternatives to the proposed transaction or arrangement.

5. **Annual statements.**

Each employee of the College or its subsidiaries shall annually sign a statement which affirms that such employee:

- a. has received a copy of the conflicts of interest policy,
- b. has read and understands the policy,
- c. has agreed to comply with the policy, and
- d. understands that the College is a charitable organization and that in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.

**Baker College's Funds and Assets:**

Employees who have access to Baker College funds in any form (including cash) or amount must follow the prescribed procedures for recording, handling, and protecting the money. Baker College imposes strict standards to prevent fraud, theft, or dishonesty. If an individual becomes aware of any evidence of fraud or theft, it must be promptly reported to the Vice President of Human Resources and the Campus President so that Baker College can promptly investigate the matter. When an employee requires expending College funds or incurring reimbursable

personal expenses, that individual must use good judgment on the College's behalf to ensure that good value is received for the expenditure. Using Baker College's resources for lavish entertainment or luxurious meals or lodging is strictly prohibited. Baker College requires employees to safeguard funds and assets from waste.

Baker College's funds and assets are for College purposes only and should not be used to personally benefit any employee.

**Records and Communications:**

Accurate and reliable records of many kinds are necessary to meet Baker College's legal and financial obligations and to manage the affairs of the College. The College's books and records must reflect all business transactions in an accurate and timely manner. Employees responsible for accounting and record keeping must fully disclose and record all assets and liabilities, and must exercise diligence in enforcing these requirements.

Employees must not make any false record or communication of any kind, whether internal or external, including but not limited to:

- False expense, attendance, production, financial, or similar reports and statements;
- False advertising, deceptive marketing practices, or other misleading representations; and
- Inaccurate records pertaining to students of the College or pertaining to the educational services rendered to them.

Both state and federal laws regulate much of the recordkeeping of Baker College. Employees who enter information into records must ensure the accuracy of the information reported. The misreporting of information may violate law and result in termination of employment, suspension or revocation of a professional licenses, and/or criminal charges against the individual. Similarly, altering records "after the fact" may be viewed as fraud or a violation of applicable laws. It is each individual's responsibility to ensure the timeliness and accuracy of information entered into Baker College's records.

**Compliance with Applicable Laws:**

All employees are required at all times to observe and comply with all laws, rules and regulations of the federal, state and local governments affecting Baker College and to avoid any activity which could involve Baker College in any unlawful practice. Baker College has achieved, and seeks to maintain, for itself and its employees, the highest possible standard in business and personal ethics, in order to enjoy the highest respect and esteem of government authorities, the public, the business and academic communities, suppliers, students and all others with whom we deal.

Each employee shall, in the performance of their assigned duties, observe the

highest standards of business and personal ethics. This involves the practice of honesty, integrity and sincerity in dealings with government officials, the public, fellow employees, students and others with and for whom Baker College transacts business and provides services. The Code of Conduct is general in nature and cannot specifically address all relevant laws, regulations and rules that must be observed. However, employees are held responsible for exercising the highest ethical standards in every situation.

No employee shall, in discharging their responsibilities and duties, engage in any activity which might involve them or the College in a violation of any federal, state or local law, rule or regulation. It is each individual's responsibility to become acquainted with any legal standards and restrictions applicable to their assigned duties and to act accordingly. Each employee must familiarize themselves with the Student Handbook to ensure the rights of students are protected. Baker College is represented by outside legal counsel and the services of our counsel are available, through normal management channels, for advice and consultation.

When dealing with anyone outside the College, including public officials, employees must take care not to compromise the integrity, or damage the reputation, of the College.

**Prompt and Appropriate Communications:**

In all matters relevant to clients, suppliers, government officials, students, the public and others within the College, employees must make every effort to achieve complete, accurate and timely communications—responding promptly and courteously to all proper requests for information and to all complaints.

However, it is the responsibility of the Campus President to handle all public comments and communications. Employees must not presume to speak for Baker College unless specifically authorized to do so in advance and in writing, and should refer all communication and publicity matters to the Campus President.

To this end, employees must take care to separate their personal roles from their positions with Baker College when communicating on matters not involving College business. Employees must not use Baker College's identification, stationary, supplies, or equipment for personal or political matters since this may suggest an official communication by, or position of, the College.

Similarly, Baker College, or one of its employees, may be served with a subpoena, search warrant, notice of investigation by a governmental agency, or summons/complaint. Any legal document served on Baker College or one of its employees (in their capacity as a Baker College employee) must be forwarded **immediately** to the Campus President and the Vice President of Human Resources must be notified. These individuals may involve legal counsel to assure compliance with legal requirements and to protect the rights of Baker College and its employees. Employees are required to cooperate in all investigations and legal proceedings and to assist Baker College's attorneys.

**FF. ONGOING REQUIRED COMPLIANCE TRAINING**

All employees are required to complete the following online trainings:

- FERPA
- Bullying Prevention for Higher Education
- Preventing Discrimination and Sexual Violence: Title IX, VAWA and Clery Act
- Unlawful Harassment Prevention for Higher Education
- Drug and Alcohol Awareness

As future trainings are required, the training links will be sent out by System Human Resources and should be completed within the specified period, annually or otherwise stated.

**GG. SURVEYS - EDUCATIONAL/OTHER**

Any employee wishing to distribute a survey must first obtain permission. If the information is to be distributed on a specific campus, the Campus President must approve the distribution. If the survey is to be distributed throughout the Baker College System, the System Executive Committee must approve the distribution. The survey and an explanation of the purpose of the survey need to be submitted to the appropriate party for advance written approval.

**HH. SOLICITATIONS**

With the exception of students, non-employees may not solicit employees or distribute literature of any kind on Baker College's premises at any time. Students must obtain permission from the Academic office on their campus. Employees may admit non-employees to work areas only with management approval or as part of a College-sponsored program. These visits must not disrupt workflow. The Baker College employee must accompany the non-employee at all times.

Employees may not solicit other employees during work times, except in connection with a College-approved or College-sponsored event.

Employees may not distribute literature of any kind to other employees during work times.

**II. TELEPHONES**

Telephones are available in the offices for business or emergency calls only. Unauthorized calls will result in appropriate disciplinary action. It is the employee's responsibility to keep his or her voice mail current.

**JJ. PERSONAL PACKAGE DELIVERIES**

The mail delivery systems (U.S. Mail, UPS, Fed Ex, etc.) that deliver packages to the Baker College campuses are for the College's use only. Employees are

prohibited from having personal, non-work related packages delivered to the College campuses.

**KK. NURSING MOTHERS' ROOM**

As required, Baker College provides break time and break places for nursing mothers to express milk. Breaks will be provided as frequently as reasonably needed by the nursing mother.

Baker College will provide a place that is functional as a space for expressing milk (other than a bathroom). While Baker College will not create a dedicated space for nursing mothers to use, a space will be available when needed which is shielded from view, and free from any intrusion from co-workers and the public. Generally such break periods will not be paid, unless the employee expresses milk during an already provided paid lunch period.

If, following delivery, an employee has the need for breaks/space for expressing milk, contact Human Resources.

**LL. JENZABAR ACCESS**

Baker College employees with access to the Jenzabar system are not permitted to enter or change information regarding family members or themselves. This policy includes, but is not limited, to the following: class registration, class changes, withdrawals/drops, accounts receivable balances, financial aid records, bookstore purchases, etc.

**MM. PERFORMANCE ASSESSMENTS**

Performance is assessed based on a forward looking coaching and feedback model. Supervisors and employees set goals together and supervisors meet with employees over the year to provide coaching and feedback on their responsibilities; review goals and objectives; and discuss their performance and success and/or room for improvement. Performance assessments are designed to provide clear expectations, open communication, and development for the employee.

**NN. OUTSIDE WORK/CONSULTING**

The College recognizes that the expertise, which makes employees outside work/consultation services so valuable, is often the work for which they are employed at Baker College. To perform such work for another educational institution may compromise the goals and purposes of Baker College. There must, therefore, be a safeguard to ensure that outside work/consultation activities by full time employees do not interfere with the best interests of Baker College. Employees wishing to engage in outside work/consulting must receive approval from their campus Executive/Operations Committee. This form must be resubmitted annually. (SEE ATTACHMENTS). Part time employees must also

disclose other employment to prevent conflicts of interest, but generally outside employment is approved for part time employees.

Employees must never work on material from other approved outside work/consulting/employment during their regular work hours at the College.

There are two basic issues in all proposed staff consultation/other employment activities: potential conflicts of interest and interference with normal Baker College activities.

The following procedures apply:

1. The term outside work/consultation is defined broadly to include all activity in which a skill or expertise of an employee is made available to another organization or group in return for some consideration.
2. All full-time employees must identify all outside work/consultation activities. Such a disclosure shall identify the nature of the outside work/consultation services, the name of the entity for which the services are being provided, an estimate of the total amount of time required, the hours during which it will be performed, and any other information deemed necessary. The form must be completed and signed by a supervisor annually. (SEE ATTACHMENTS). Part time employees must also make a disclosure, but only of the identity of the other employer unless additional information is requested by the College.
3. The Executive/Operations Committee will review all proposed outside work/consultation activities by employees.
4. Employees' availability during "prime time" hours contributes maximum gain to Baker College. When a full time employee is requesting consideration for outside work or consultation activities, such activities should be structured outside of their normal work schedule at the College.
5. Any employee found to be conducting unapproved outside work/consulting activities shall be subject to appropriate discipline, including dismissal.

## **OO. TEACHING LOAD POLICY**

Full-time administrators and staff may teach three credit hours on ground, or six credit hours online, as an overload each semester (not to exceed three credit hours at any one time during fall and spring semesters. Summer semester may include an overlap of Online Session 1 and Session 2). Teaching is allowed as long as doing so does not impact one's full-time job performance and it is not scheduled during regular full-time hours.

**SECTION IV**  
**LEAVES OF ABSENCES**  
**AND TIME OFF**

**A. PTO, CATASTROPHIC (CAT), and PMLA POLICY**

**Paid Time Off (PTO):** This is a benefit for full time employees to use for personal (including funeral, illness, leave, etc.) vacation time, and/or the uses as provided for within Michigan’s Paid Michigan Leave Act (PMLA) act:

- The eligible employee’s mental or physical illness, injury, or health condition; medical diagnosis, care, or treatment of the eligible employee’s mental or physical illness, injury, or health condition; or preventative medical care for the eligible employee.
- The eligible employee’s family member’s mental or physical illness, injury, or health condition; medical diagnosis, care, or treatment of the eligible employee’s family member’s mental or physical illness, injury, or health condition; or preventative medical care for the eligible employee’s family member.
- If the eligible employee or the eligible employee’s family member is a victim of domestic violence or sexual assault, the medical care or psychological or other counseling for physical or psychological injury or disability; to obtain services from a victim services organization; to relocate due to domestic violence or sexual assault; to obtain legal services; or to participate in any civil or criminal proceedings related to or resulting from the domestic violence or sexual assault.
- For closure of the eligible employee’s primary workplace by order of a public official due to a public health emergency; for an eligible employee’s need to care for a child whose school or place of care has been closed in certain circumstances; or in certain circumstances if the eligible employee or a family member has been exposed to a communicable disease.
- 

**PTO eligibility for full-time employees through their first 12 months:**

<b>Remaining Months in Year</b>	<b>STAFF PTO Hours</b>	<b>ACADEMIC PTO Hours</b>		<b>Remaining Months in Year</b>	<b>STAFF PTO Hours</b>	<b>ACADEMIC PTO Hours</b>
1 month	18	28		7 months	78	148
2 months	28	48		8 months	88	168
3 months	38	68		9 months	98	188
4 months	48	88		10 months	108	208
5 months	58	108		11 months	118	228
6 months	68	128		12 months	128	248
<ul style="list-style-type: none"> <li>• 9 month Faculty receive 48 PTO hours- No Proration</li> </ul>						

**PTO eligibility for full-time employees with one (1) or more Years of Service:**

<b>Years of Service</b>	<b>Eligible PTO Hours</b>
1 - 5 years	128
6 - 10 years	168
11 - 20 years	208
21+ years	248
52 week Academics	248
9 month Academics	48

- Year of Service = Employee hired between January 1 and June 30 is equal to a service year for that calendar year, plus one for each year following the hire date.
- Must have advanced approval by supervisor.
- If unplanned PTO, the employee must contact supervisor prior to the start of the scheduled workday.
- Three (3) consecutive days away for illness requires notification to HR by the employee and supervisor.
- PTO can be used in 1 hour increments; anything less submitted will be charged full hour.
- If employee scheduled PTO and the campus is closed (i.e. weather, power outage), the requested PTO still applies.
- Unexcused, patterned, or excessive absences may result in disciplinary action, up to and including termination. For further information, please see the Attendance Policy.
- A maximum of 24 hours of PTO can be carried over to the next calendar year; anything not carried over will be forfeited.
- Any carryover hours from previous year will automatically be added to the prorated total.
- An employee that resigns, or is terminated, will be paid for a prorated share of the total eligible PTO based on the resignation/termination date, PTO used up to point of last day worked, provided the employee gives two weeks' advanced notice of resignation, works throughout resignation period, and leaves on good terms.
- Employees cannot use PTO to extend their last day of employment; employee must physically work last day.

Upon resignation or termination, the employee will be paid a pro-rata share of the total PTO hours based on the resignation/termination date, provided the employee met the above requirements. If the employee rolled over any PTO hours from the previous fiscal year, they will be added to this total. Any PTO hours used prior to the resignation/termination date will be subtracted from that pro-rata amount along with any rollover hours.

For example: An employee is entitled to 168 PTO hours for the current fiscal year. The employee resigns, or is terminated, effective June 30, which is 1/2 of the PTO year. The employee is then entitled to 50% of their total PTO hours, which is 84 PTO hours. The employee has used 40 PTO hours prior to the resignation/termination date. The employee will be paid for 44 PTO hours with the last pay.

**Catastrophic Fund (CAT):** This is a benefit for full-time employees to use for their own illness or disability.

**CAT eligibility for full-time employees through their first 12 months:**

<b>*Years of Service</b>	<b>Eligible CAT Hours</b>
0 months of service as of January 1	0
1 month – 11 months of service as of January 1	34
1 year of service as of January 1	68
2 years of service as of January 1	136

\*CAT funding is based on the full-time years of service that the employee is employed with the College.

*EXAMPLE:* If the employee was hired by the College between January 1<sup>st</sup> and June 30<sup>th</sup>, he/she would earned a year of service for that partial year, plus one year for each additional year following the hire date.

- Only used after forty (40) consecutive hours of being off due to illness or disability (FMLA conditions).
- Used for an employees’ illness only; not available to use for a family member’s illness.
- CAT can be used in 1 hour increments; anything less submitted will be charged full hour.
- If scheduled CAT time and the campus is closed (i.e. weather, power outage), the requested CAT still applies.
- The maximum hours of CAT disability is 136 hours, or 17 days.
- After maximum hours of CAT are used, the short term disability carrier may begin to provide benefits.
- All available PTO time must be exhausted prior to taking any unpaid time off, including for FMLA reasons.
- Employees will not receive payment for unused CAT upon resignation or termination.
- A maximum of 24 hours PTO time can be carried over to the next fiscal year. Any unused time over the 24 hours maximum that cannot be carried over to PTO can go into the CAT fund, if it is not yet fully funded with 136 hours.

The PTO and CAT will be fully funded, based on eligibility, on January 1<sup>st</sup>; additional time is not accrued during the year.

CAT Eligibility for your spouse/significant other's delivery or adoption of your child.

- Employees are allowed to use 40 hours of CAT time, in addition to PTO time, for the birth or adoption of their child.

**Paid Michigan Leave Act (PMLA):** This is a benefit for eligible nonexempt employees.

### Introduction

Michigan's Paid Medical Leave Act ("PMLA") went into effect on March 29, 2019. As a general matter, the PMLA requires covered employers to provide a maximum of 40 hours of leave to eligible, nonexempt employees. The PMLA has 12 specific employee exemptions, most notably employees who worked less than 25 hours per week on an average in the preceding calendar year and, also overtime exempt employees.

### Impact on Eligible Full-Time Employees

Effective March 29, 2019, Baker College's PTO Policy (applicable to full-time employees only) has been updated such that allowable reasons for PTO usage specifically includes the following, as provided for within Michigan's PMLA:

- The eligible employee's mental or physical illness, injury, or health condition; medical diagnosis, care, or treatment of the eligible employee's mental or physical illness, injury, or health condition; or preventative medical care for the eligible employee.
- The eligible employee's family member's mental or physical illness, injury, or health condition; medical diagnosis, care, or treatment of the eligible employee's family member's mental or physical illness, injury, or health condition; or preventative medical care for the eligible employee's family member.
- If the eligible employee or the eligible employee's family member is a victim of domestic violence or sexual assault, the medical care or psychological or other counseling for physical or psychological injury or disability; to obtain services from a victim services organization; to relocate due to domestic violence or sexual assault; to obtain legal services; or to participate in any civil or criminal proceedings related to or resulting from the domestic violence or sexual assault.
- For closure of the eligible employee's primary workplace by order of a public official due to a public health emergency; for an eligible employee's need to care for a child whose school or place of care has been closed in certain circumstances; or in certain circumstances if the eligible employee or a family member has been exposed to a communicable disease.

Baker College requires that an eligible full-time employee who needs to use PTO for a reason under Michigan's PMLA provide as much advance notice as possible of the need for leave and contact his or supervisor prior to the start of his or her scheduled shift. In certain circumstances, Baker College may request documentation verifying the need for a PMLA-related absence. When requested, employees shall be provided at least three (3) days to return the applicable documentation. If the requested documentation is not returned, the absence may be considered unexcused and disciplinary action may result.

#### Impact on Eligible Part-Time Employees

In addition, effective March 29, 2019, newly hired nonexempt part-time employees and non-exempt part-time employees who worked at least 25 hours, on average, per week during the 2018 calendar year will be eligible for paid leave for the above-referenced reasons outlined in Michigan's PMLA. All eligible current nonexempt part-time employees will begin to accrue paid leave starting on March 29, 2019. Newly-hired nonexempt part-time employees will begin to accrue paid leave on the date of their hire, but will not be entitled to use accrued leave until after completion of 90 days of employment with Baker College.

Eligible nonexempt part-time employees shall accrue paid leave at the rate of one (1) hour for every 35 hours worked. Paid leave may be taken in a minimum of one (1) hour increments. No more than 40 hours of paid leave may be taken in a calendar year. Up to 40 hours of accrued and unused paid leave will roll over to the next calendar year, however, that will not impact the maximum (40 hours) amount of paid leave an eligible employee may take throughout that calendar year.

Accrued and unused paid leave will not be paid out to eligible nonexempt part-time employees at the time of separation (regardless of the reason) of employment or during the term of employment.

#### Prohibition Against Retaliation

Baker College strictly prohibits retaliation against any employee who exercises his or her rights under this Policy, the PTO Policy, or applicable law.

### **B. ATTENDANCE**

Baker College recognizes that circumstances beyond an employee's control may cause absence from, or lateness reporting to, work. However, regularity of attendance and punctuality is essential to the orderly performance of our work. As an employee, you are required to be punctual and regular in your attendance, and to be prepared to start work at your regularly scheduled starting time. You are also expected to remain at work through the end of your scheduled day except for authorized leaves or with advance written permission from your supervisor. This policy applies to all employees (exempt and non-exempt) but it does not apply to approved absences under Baker College's leave policies (such as Family and Medical Leave Act, or for 40 hours annually for Paid Medical Leave Act Absences, etc.).

Excessive or patterned absences, tardiness, and/or incidents of leaving early whether excused or not, may result in a loss of wages and could also result in disciplinary action, including termination of employment. Each situation of excessive or patterned absenteeism or tardiness will be evaluated on a case-by-case basis.

As soon as an employee has knowledge of a pending absence or tardiness, it is the obligation of the employee to “call in” and personally inform his or her supervisor of the anticipated absence or tardiness before the start of the workday, but in no case later than an hour before the starting time. Paid Medical Leave Act Absences must also be reported as soon as possible, and preferably before the start of the employee’s shift. If his or her supervisor is unavailable, the employee must contact their supervisor (or if not available, campus Human Resources). Notifying fellow employees or “texting” is not considered valid notice. Absent extenuating circumstances, you must call in on any day you are scheduled to report to work and unable to report as required. Any no call/no show will result in a voluntary resignation (job abandonment), absent unusual circumstances.

Absences beyond three consecutive days, whether paid or unpaid, will require medical documentation and Baker College may require documentation for shorter absences at its sole discretion.

Anytime an employee is absent from work, paid time off must be used. An employee is not permitted to take time off on an unpaid basis in order to “save” paid time off for later use. Any employee who has exhausted paid time off and continues to miss work shall be subject to disciplinary action for excessive absenteeism. [Note: time off under Family and Medical Leave Act, Americans with Disabilities Act, 40 hours annually of Paid Medical Leave Act Absences, or Uniformed Services Employment and Re-employment Rights Act will not count towards disciplinary action.]

**C. HOLIDAY PAY**

The paid holidays are determined each year and are listed on the Holiday Calendar:

Full Time employees = 8 hours pay  
All active Part Time Staff = 4 hours pay

Go to MyBaker and sign on using your credentials  
    Go to Department Resources  
        Go to Human Resources  
            Click on the Holiday Calendar for desired year  
            [Holiday Calendar also found as ATTACHMENT}

**D. JURY DUTY LEAVE**

Leave of absence for jury duty will be granted to employees in accordance with state laws. Employees who receive notice of jury duty must notify their supervisors as soon as possible so that arrangements may be made to cover their positions.

Full-time employees will be paid for the number of hours in their regularly scheduled work day for up to three weeks. Jury duty shall not be paid for time spent during an employee's regularly scheduled flex day, since the employee is not scheduled to work that day. Stipends from the court, exclusive of mileage, must be turned in to the campus Financial Services Department by full time employees in order to receive paid jury duty. Part-time employees will not be paid for hours missed while on jury duty but retain the stipend received from the court.

If dismissed from jury duty early, the employee must return to work, if time allows. An employee on jury duty will be expected to work as much of the regularly scheduled shift as the jury duty schedule permits, to the extent that combined time on jury duty and at work does not exceed eight (8) hours on a given day.

Full-time Faculty members must secure a substitute for missed class sessions. The College will pay for a substitute, if appropriate.

**E. UNPLANNED CAMPUS CLOSURES**

If there is an unplanned campus closure (e.g., snow day, power outage, etc.), employees are expected to report unless the announced closing states "staff need not report".

Full-time non-exempt employees shall be paid for the number of hours in their regularly scheduled work day. If required to report to work, they will be additionally compensated for the hours worked at the regular rate of pay.

Part-time non-exempt employees are not compensated for scheduled hours unless they are required to report to work. If required to report to work, they will be compensated for hours worked at the regular rate of pay.

If there is an unplanned closure, and the employee already had a scheduled PTO or CAT day, the employee will still be charged the PTO or CAT day.

**F. LEAVE UNDER THE FAMILY AND MEDICAL LEAVE ACT ("FMLA")**

In accordance with the FMLA, an employee who has been employed by Baker College for at least 12 months and who has worked at least 1,250 hours during the previous 12-month period (unless absent due to military service as permitted by the Uniformed Services Employment and Re-employment Rights Act), will be eligible for FMLA leave. The 12 months of employment need not be consecutive months; however, employment prior to a break in service of more than 7 years generally is not counted. The FMLA only provides rights to employees who have 50 or more employees within 75 miles of their worksite. While Baker College also

may provide the benefits under this policy to employees who do not have 50 or more employees within 75 miles of their worksite, it is doing so as a purely discretionary act and the employee shall not have any enforceable rights either under this policy or under the federal statute. Baker College is not making any enforceable promise to provide leave except as required by law.

This policy is being provided to inform eligible employees (as explained above) of rights under federal law. Should the need for FMLA leave arise, contact Human Resources regarding your eligibility for leave. Also, employees are required to advise their supervisor if they are taking paid time off for any FMLA qualifying reason. An employee cannot “opt out” of having time off designated as FMLA if the reason for the time off qualifies under federal law.

The 12-month period in which the 12 weeks of FMLA leave may be taken is the “rolling” 12-month period that precedes the date of your leave (i.e., “rolling backward”). An eligible employee is entitled to a total of 12 work weeks of unpaid leave during the above rolling 12-month period for one or more of the following reasons:

- Because of a birth of a child of the employee and to care for that newborn child;
- Due to the placement of a child with the employee for adoption or foster care and to care for that child;
- In order to care for the employee’s spouse, child, or parent, if the spouse, child or parent has a serious health condition;<sup>1</sup>
- Due to a serious health condition that makes the employee unable to work or perform anyone of the essential functions of his/her job; and/or
- Due to any “qualifying exigency” arising out of the fact that the employee’s spouse, son, daughter or parent is on active military duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

While there are specific requirements under FMLA, in general, a “serious health condition” means an illness, injury or impairment that requires in-patient care at a medical facility or a period of “incapacity” of more than 3 consecutive, full

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<sup>1</sup> “Spouse” includes any individuals in a lawful marriage, including common law marriages, if lawfully recognized by the state where the employee works. “Parent” means a biological, adoptive, step or foster parent or any individual who stood “in *loco parentis*” to the employee. “Son,” “daughter” or “child” for purposes of caring for that individual when they have a serious health condition means a biological, adopted, or foster child, stepchild, legal ward or a child to whom the employee is standing in *loco parentis*, who is either under age 18 or is incapable of self-care because of a physical or mental disability at the time leave commences. “In-laws” are excluded from these definitions.

calendar days (which may include days off) and continuing treatment by a healthcare provider. “Incapacity,” in turn, means an inability to work, attend school or perform other regular daily activities because of a serious health condition or its treatment or recovery. While “treatment” includes examinations and testing to determine if a serious health condition exists, it does not include routine examinations or physicals. Also, absences caused by the common cold, flu, routine dental problems and the like, generally will not qualify for FMLA leave unless there are complications.

An employee’s right to leave for the birth of a child or for the placement of a child with the employee for adoption or foster care expires at the end of the 12-month period beginning on the date of the birth or placement.

In the unlikely event that both the husband and wife are employed by Baker College, the aggregate number of work weeks of leave to which both are entitled may be limited to 12 weeks during the 12-month period, if the leave is for one of the reasons above (other than the employee’s own serious health condition) or a combined total of 26 weeks if Military Caregiver Leave (as described below) is taken. Specific rules apply depending on the reason giving rise to the need for FMLA leave. Also, an eligible part-time employee (less than 40 hours/week for purposes of this policy) is entitled to FMLA leave on a *pro-rata* basis only.

**Qualifying Exigencies:**

In general, leave may be taken because of a “Qualifying Exigency” where the employee’s spouse, son, daughter or parent is on active duty or is called to active duty for any of the following reasons:

- To address issues that arise from an impending call or order to active duty 7 or less calendar days before deployment during that 7-day notice period.
- To attend an official ceremony, program or event sponsored by the military that is related to the call to active duty or active duty of the military member.
- To attend certain family support or assistance programs and informational briefings related to the call to active duty or active duty of the military member.
- To arrange for alternative child care when the call to duty or active duty necessitates a change in existing arrangements.
- To provide child care on an urgent, immediate basis (but not on a routine, regular or everyday basis), when the need arises because of the call to active duty or active duty.

- To enroll in or transfer a child to a new school or day care facility when necessitated by the call to active duty or active duty.
- To attend meetings with staff at a school or day care facility when attendance is necessary due to circumstances arising from the call to active duty or active duty.
- To make or update financial or legal arrangements to address the covered military member's absence caused by the call to active duty or active duty.
- To act as the military member's representative before a government agency concerning military service benefits while he/she is called to active duty and for 90 days following termination of active duty.
- To attend counseling for the covered military member or his/her child or certain other dependents.
- To spend up to 5 days with the military member when he/she is granted short-term leave during the period of deployment.
- To attend ceremonies and reintegration briefings and events sponsored by the military during the 90 day period following termination of active service.
- To attend to issues surrounding the death of the military member.
- To address miscellaneous matters which arise out of the call to active duty or active duty provided the employee and Baker College agree that such leave is a "qualifying exigency" and further agree as to the timing, frequency and duration of the leave.

Generally, FMLA for Qualifying Exigencies (as identified above) are permitted only where the military member is a military retiree, reservist or member of the National Guard and called by the federal government to active duty to support a contingency operation. Thus, such leave is not available when the family member is a member of the Regular Armed Forces.

**Military Caregiver Leave:**

An eligible employee who is the spouse, child, parent, or the next of kin of a "covered service member" with a serious injury or illness incurred in the line of duty shall be entitled to a total of 26 workweeks of leave during a single 12 month

period to care for the service member (“Military Caregiver Leave”).<sup>2</sup> Such leave may not be taken to care for former members of the Armed Forces, Reserves or National Guard, or members on the permanent disability retired list.

“Care” includes both physical and psychological support. A “covered service member” means a member of the Armed Forces (including the National Guard or Reserves), who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status (i.e., assigned to a military medical treatment facility as an outpatient or a unit established for providing medical care to members of the Armed Forces on an outpatient basis), or is on the temporary disability retired list, for a serious injury or illness.

Military Caregiver Leave shall only be available on a per injury basis during a single 12-month period measured forward from the day the leave begins. Additional leave may be granted during a subsequent 12-month period for a different injury to the same covered service member or for an injury to a different covered service member.

**Notice of Need for FMLA Leave:**

An employee must provide Baker College with at least a 30-day advance notice of the need to take a FMLA leave where the need is foreseeable. If the employee fails to give 30 days’ notice, Baker College may deny the employee FMLA leave until at least 30 days after the employee made the leave request. Where the need for a leave is not foreseeable, the employee must provide notice as soon as practical, which will mean generally at least a verbal notification within two business days of when the need for leave becomes known to the employee. Generally, employees are required to provide initial notice of the need for leave in the customary manner as required by Baker College’s procedures for requesting a leave of absence through the System Human Resource Department. When leave is taken because of an active duty qualifying exigency, the employee shall provide as much notice as is reasonable and practical. For any leave of absence, notice of the need for leave, reasons, and anticipated duration may be given by telephone, fax or other electronic means, and may be given by the employee or an adult family member.

**Leave Request:**

When any time-off is requested, Baker College may inquire about the circumstances for the purpose of determining whether the requested time-off appears to qualify as FMLA leave. Baker College may provide a job description for the healthcare provider to review during the certification process. Any request determined by Baker College to qualify as FMLA leave will be credited against the employee’s FMLA leave for the 12-month rolling period. The employee will be told whether the time-off qualifies as FMLA leave before the start of the leave, or as

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<sup>2</sup> Unless the service member has designated in writing another individual, “next of kin” means the nearest relative other than the service member’s spouse, parent or child in the following order: blood relatives having legal custody by court decree or statute, siblings, grandparents, aunts/uncles, and first cousins. Where there are multiple individuals in such relationship to the service member, each is considered the next of kin and all are eligible to take military caregiver leave consecutively or simultaneously.

soon thereafter as is practical but, normally, within 5 business days of receiving the medical certification from the employee.

**Standard Call In Procedures:**

Up until the point in time an employee receives an approval for leave under FMLA (or any other leave of absence), and after the approved leave has expired (even if the employee is seeking an extension, but the extension has not yet been approved), ***the employee must follow the standard call in procedure each day.*** Only during a block of already approved leave time is the employee excused from following the standard call in procedure. Also, any employee who is approved for intermittent or reduced leave under this or any other leave of absence policy must ***follow the standard call in procedure each day*** he or she is absent and indicate that the absence is for FMLA so that Baker College will know the employee will be absent or late for work and the reason for the failure to report as scheduled.

Failure to follow the standard call in procedure in the manner described above may result in the absence being viewed as no call/no show or another violation of the call-in or attendance/tardiness rules subjecting the employee to disciplinary action under the attendance/work rules up to an including termination of employment.

**Use of Paid Leave Time:**

When time-off work qualifies as FMLA leave, the employee is required to use their accrued paid time off (PTO/CAT) during the elimination period before receiving STD benefits or worker's disability benefits or, if not eligible for such disability payments, throughout their FMLA leave until accrued paid time off is exhausted.

PTO will be used first. For example, if an employee has one week of PTO available, two weeks of CAT time available, and requests eight weeks of FMLA, the first week of FMLA will be paid under PTO, the second and third weeks of FMLA will be paid under CAT, the final five weeks will be counted solely as unpaid FMLA leave, or subject to paid short term disability benefits or worker's disability compensation benefits. Also, an employee may supplement their disability benefits with PTO in order to receive their full pay. Once paid time off is exhausted, any remaining FMLA leave will then be taken on an unpaid basis, unless the employee receives short term disability benefits or worker's disability compensation benefits.

An employee will only continue to accrue new paid time off while on FMLA leave during the period they are utilizing their paid time off.

**Medical Certification:**

An employee who requests leave to care for the employee's seriously ill spouse, child or parent, or due to the employee's own serious health condition that makes the employee unable to work or perform any of the essential functions of his or her position, must furnish Baker College with an appropriate medical certificate completed by the employee and the health care provider. Forms may be obtained

from Human Resources. Under most circumstances, the certificate must be provided to Baker College no later than the 15<sup>th</sup> calendar day from the date that Baker College requests medical certification. Where an emergency or unusual condition exists, the certificate must be provided within a reasonable time. Failure to timely provide a completed certification will result in the delay of processing the FMLA leave request until the certification is submitted. Baker College will advise the employee of his/her eligibility normally within 5 business days of receipt of the certification.

If Baker College has reason to doubt the validity of the medical certificate provided by the employee, it may request a second opinion at its own expense. If the opinion of the employee's and Baker College's designated health care providers differ, Baker College, at its expense, may require the employee to obtain certification from a third health care provider who is approved by both it and the employee. The opinion of the third health care provider will be final and binding. If the employee or family member fails to act in good faith in approving the third health care provider or refuses to release medical records, or be examined or to cooperate in the examination, the employee will be bound by the second certification.

After the serious health condition of the employee (or his/her family member) has resulted in FMLA leave for 30 or more consecutive days, a recertification must be supplied to Baker College and at the end of each 30 day period thereafter, or after the period of incapacity as specified on the certification furnished by the health care provider, whichever is longer. Also, where the employee's condition has been certified as requiring intermittent or reduced leave in excess of 6 months, Baker College will require recertification after 6 months. Similarly, where the employee or family member has a serious health condition lasting beyond a single leave year (such as when a chronic health condition exists), Baker College requires a new medical certification for each subsequent leave year in order to grant further FMLA leave based on that condition. Under certain circumstances, Baker College may require recertification more often than stated above.

Baker College has the right to seek additional information concerning any certification for clarification or authentication purposes.

**Certification Related to Active Duty Qualifying Exigency or Military Caregiver Leave:**

An employee who takes Military Caregiver Leave, or who has an active duty qualifying exigency, shall be required to provide, in a timely manner, appropriate certification and supporting documentation, such as active duty orders or other documentation.

Where a qualifying exigency exists, the employee will be required to provide a signed certification setting forth sufficient facts regarding the qualifying exigency giving rise to the need for leave, an estimate of the duration of the leave, the frequency of the qualifying exigency, and other information as permitted by FMLA (and attaching supporting documents).

Employees taking Military Caregiver Leave under FMLA are also required to complete certification forms. These forms can be obtained from Human Resources.

**Medical Certification Abroad:**

Medical certification(s) may be provided by a health care provider in another country when the Employee is traveling or a family member resides in another country when the serious health condition develops. If the certification provided by a foreign healthcare provider is not in English, the Employee is required to provide Baker College with a written English translation at his/her expense.

**Intermittent/Reduced Leave Schedule:**

If an employee requests intermittent leave, or leave on a reduced leave schedule, the employee must advise Baker College (1) why the intermittent/reduced leave schedule is medically necessary, and (2) of the schedule for treatment. Intermittent leave may be taken in increments of one hour or more. The employee is required to meet with the General Manager and Human Resources to work out a treatment schedule that meets the employee's needs without unduly disrupting Baker College's operations. If the meeting takes place after treatment has been scheduled, Baker College may, in certain instances, require the employee to attempt to reschedule treatment.

Baker College may assign the employee requesting intermittent or a reduced leave schedule to an alternate position with equivalent pay and benefits, but not necessarily equivalent job duties, which will better accommodate the employee's intermittent or reduced leave schedule. While Baker College may also transfer the employee to a part-time job with the same hourly rate of pay and benefits, the employee will not be required to take more leave than is medically necessary. When a transfer to a part-time position has been made to accommodate an intermittent or reduced leave schedule, Baker College will continue group health benefits on the same basis as provided for a full-time employee for the 12 weeks of FMLA leave. However, other benefits which are based on the number of hours worked (such as paid time off) will be proportionately reduced. Similarly, the salary of exempt employees may be reduced for hours taken as intermittent or reduced FMLA leave.

While intermittent and reduced leave schedules are available to an employee for prenatal care, they are not available for bonding after the birth of a healthy child or placement of a healthy child for adoption or foster care. Intermittent and reduced leave schedules are available to an employee for an active duty qualifying exigency or a Military Caregiver Leave.

**Group Health and Other Benefits:**

In general, an employee on FMLA-qualified leave will be entitled to continue to receive group health benefits under the same terms and conditions as he or she received those benefits prior to taking the leave. An employee may elect, however, not to continue group health benefits for the time that he or she is on unpaid FMLA

leave. An employee who wishes to continue group health benefits while on unpaid FMLA leave must make payment arrangements with Human Resources.

Baker College will not continue coverage for benefits other than those through group health plans (which may include medical, dental, vision, etc.) to an employee on FMLA leave. However, once the employee returns to work following FMLA leave, he or she will be restored to all benefit coverage received prior to the FMLA leave without any additional waiting period or other limitation.

**Return to Work:**

Upon conclusion of FMLA leave, an employee will be returned to the same position the employee held when the leave commenced or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee who takes FMLA leave due to the employee's own serious health condition must provide, prior to resuming work, a certification from the employee's health care provider indicating that, with regard to the serious health condition necessitating the leave, the employee is medically able to resume work. Baker College may also require certification that the employee is able to perform the essential functions of his/her job; provided Baker College provides the employee with a list of the essential functions along with its initial designation of FMLA leave notice. Where an employee has requested intermittent or reduced FMLA leave, and sufficient safety concerns exist, Baker College may advise the employee in advance of taking leave that it will require a certification of fitness every 30 days. The employee will not be allowed to return to work until certification is provided.

**Key Employees:**

A "key" employee is an eligible salaried employee who is among the highest paid 10% of all employees with 75 miles of his or her work site. While Baker College will not deny FMLA leave to an eligible key employee, Baker College may deny job restoration where the restoration will cause it substantial and grievous economic injury or substantial long-term economic injury. An employee who is designated as a key employee generally will be notified of that fact when he or she requests FMLA leave, or at the commencement of such leave, whichever occurs first. If, however, notice cannot be given at that time because of the need to determine whether the employee is a key employee, the employee will be notified as soon as practical.

Where Baker College determines that it will deny restoration of employment to a key employee, it will issue a hand-delivered or certified letter to the employee explaining the basis of its finding that the requisite injury to Baker College exists. Where practical, Baker College will communicate this determination prior to the commencement of the FMLA leave. If the FMLA leave has already commenced, the key employee will be provided a reasonable amount of time to return to work after being notified of the decision to deny reinstatement. If a key employee does not return to work in response to Baker College's notification of its decision to deny restoration of employment, Baker College will continue to provide health benefits

(where applicable) during the leave and it will not seek to recover its cost of premiums from the employee. A key employee's FMLA rights will continue until the employee gives notice that he or she no longer wishes to return to work or until Baker College denies reinstatement at the end of the leave period.

At the end of the FMLA leave period, the key employee has the right to request reinstatement and have Baker College reevaluate the extent of its injury due to the requested reinstatement based on the facts at that time. If Baker College again determines that the reinstatement will cause the requisite injury, the key employee will be notified in writing by a hand delivered or certified letter of the denial of his or her request for reinstatement to employment. If Baker College finds that reinstatement will not result in the requisite injury, the key employee will be granted reinstatement.

**Notice Regarding Not Returning to Work or Change In Return to Work Date:**

Any employee (including a key employee) who is on FMLA leave and decides that he or she will not return to work upon conclusion of the FMLA leave must notify Baker College of his/her decision. For FMLA leave which extends for 30 or more continuous days, Baker College may require at reasonable intervals a report by the employee of his/her intent to return to work. Also, if an employee's expected date of return to work changes, the employee is required to notify Baker College of that fact within 2 days.

**Repayment of Group Health Benefits:**

If, after taking FMLA leave, an employee fails to return to work for a reason other than the employee's serious health condition or that of the employee's child, spouse or parent, or because of a condition specified in the certification provided in support of a Military Caregiver Leave, or a reason that is beyond the employee's control as determined by Baker College in accordance with the FMLA, the employee must reimburse Baker College for all group health benefit premiums paid by Baker College during the employee's unpaid FMLA leave. An employee will be considered as having returned to work only after he or she has returned to work for at least 30 calendar days.

Where an employee fails to return to work due to one of the reasons above, Baker College requires the employee to provide medical certification of that health condition within 30 days from the date of its request. If a completed certification is not timely provided, the employee must reimburse Baker College for all group health benefit premiums paid by it during the employee's unpaid FMLA leave.

Prior to commencing FMLA leave, the employee is required to sign specific form(s) stating that, if the employee fails to return to work following the leave for reasons other than a serious health condition or for a reason beyond the employee's control as provided by the FMLA, he or she consents to have, as permitted by law, the amount deducted from sick/paid time off pay, severance payments or other amounts, if any, which Baker College owes to the departing employee in the final

paycheck and to repay any amounts that exceed any permissible deductions under the law.

**Other Information:**

While on a FMLA leave of absence, as with other leaves of absences, the employee is prohibited from performing any work for another employer (or another entity or person as an independent contractor or self-employed worker). Doing so is a dischargeable offense.

Baker College provides FMLA leave benefits under its policy *only* to the extent required by federal law (or state law, where applicable). However, it may, as indicated above, provide a discretionary leave of absence as explained in this manual to an employee who does not have 50 or more employees within 75 miles of their worksite. Please also note that while the employee is on a leave of absence under this policy, he/she may be taking time off as a Paid Medical Leave Act Absence (up to 40 hours annually). In other words, the time off may be protected and granted under both policies at the same time since the reasons for the time off may overlap both policies.

**G. MEDICAL LEAVES OF ABSENCES (Non-FMLA)**

Some employees may not qualify for a leave of absence under the Family and Medical Leave Act (“FMLA”) because the employee is part-time and is regularly scheduled to work fewer than 1250 hours a year, or because the employee has not worked for Baker College for a full year. This policy is intended to apply in those circumstances. It may also be applied to employees who do not have 50 or more employees within 75 miles of their worksite, provided the College does not exercise its discretion to grant the employee 12 weeks of leave as indicated in the FMLA policy, above. However, this policy does not apply to employees who have exhausted their leave under the FMLA policy.

Any medical leave must be applied for through the System Human Resources Department. In the case of foreseeable leaves, such as leaves for planned medical treatment, or for the birth of your child, you must request the leave at least thirty (30) days in advance of the leave. Generally, leaves of absences under this policy are limited to 45 days (unless additional leave is granted as an accommodation under the Americans with Disabilities Act).

During leaves of absences, employees are required to use available paid time off until exhausted as permitted by law. After all paid time has been used (PTO first, then CAT), the remainder of the leave is unpaid unless the employee receives worker’s disability compensation benefits or short term disability benefits.

For unforeseeable events, such as accidental injury causing a serious health condition, premature birth, or a sudden change in the employee's health, you are expected to notify Baker College of the need for leave as soon as it is possible to do

so. Notice of the need for a leave of absence is generally expected within one or two business days of finding out the need for the leave. You must verbally notify Human Resources of your need for leave as soon as possible and then submit a written request along with the appropriate medical certification. If you fail to comply with these notice requirements, your leave may be delayed or denied.

To extend a leave of absence, it is important that your written request for an extension be received three days prior to the expiration of the original leave.

Until a leave of absence has been approved in writing (or once it has expired and while waiting for approval of any requested extension), regular attendance/tardiness rules will generally apply (absent unusual circumstances) and, therefore, ***an employee is required to follow all call-in procedures each day.*** Failure to do so shall generally result in disciplinary action which includes discharge for any no call/no show.

Once an employee has exhausted their paid time off (PTO/CAT) and the employee's hours are reduced as a result of the leave of absence or no longer qualifies for health insurance under the terms of our healthcare plan, Baker College will issue the employee a notice of right to continuation health insurance under COBRA (if health insurance is provided to the employee by Baker College). Thereafter, the employee is responsible for all medical insurance premiums for themselves and their dependents (plus a 2% administrative expense).

Baker College will require a fitness for duty certification from the treating physician before an employee returns to work. Also, any employee granted a leave of absence is not permitted to perform ***any*** work for another employer (or as self-employed person or contractual services) while on leave and doing so is a terminable offense.

All time covered by an authorized leave of absence will be considered as continuous employment for the purpose of seniority and benefits; however, an employee will not continue to receive additional paid time off while on unpaid leave (or while receiving short term disability payments or worker's disability compensation benefits) and their available time will be reduced for the following year based on the amount of leave taken.

Finally, except where an accommodation is being provided under the Americans with Disabilities Act, leaves of absence under this policy are not granted on an intermittent or reduced leave basis. Please see the Americans with Disabilities Act policy for further information. Please also note that while the employee is on a leave of absence under this policy, he/she may be taking time off as a Paid Medical Leave Act Absence (up to 40 hours annually). In other words, the time off may be protected and granted under both policies at the same time since the reasons for the time off may overlap both policies.

## **H. UNPAID LEAVE POLICY (80 HOURS)**

Where possible, Baker College supports employees in their pursuit of work/life balance, provided there is no negative impact on the operation of the business. Employees who have exhausted all paid time off (PTO) may request time off without pay when an employee needs time off for a reason that does not fall under any other Baker leave policy, including but not limited to, Family and Medical Leave, Paid Time Off (PTO) which includes time off for Paid Medical Leave Act Absences, and Extended Leaves of Absence. The approval of the request shall be within the sole discretion of the supervisor.

While unpaid leave requests are discouraged, at the discretion of the supervisor, they may be approved up to a maximum of 80 hours in any fiscal year. If a request is granted, any unpaid leave that exceeds the maximum is subject to disciplinary action up to and including termination.

Supervisors are responsible for adherence to this policy. Failure to do so may result in disciplinary action up to and including termination.

## **I. EXTENDED LEAVES OF ABSENCE FOR UP TO SIX MONTHS**

### **Employee illness/disability/pregnancy:**

Leaves of absence, with or without pay, may be granted at the discretion of the Campus President for illness or disability when PTO (including Paid Medical Leave Act Absences)/CAT time and Family and Medical Leave Act time has been exhausted. An employee will be required to provide documentation to substantiate his/her need for continued leave.

1. An employee does not earn PTO/CAT time during the period of extended leave or receive remuneration for holidays. Upon return, the employee's PTO will be adjusted to the number of months actually worked in the fiscal year (but not less than 40 hours during the benefit year if the employee worked, on average, 25 hours or more during the prior calendar year).
2. If a leave of absence is approved under this Section, the employee's position will be protected for an additional six months following the exhaustion of FMLA leave. Upon return from an extended leave, the employee will be returned to his or her prior position (or a reasonably equivalent position to the extent permitted by law).
3. After an employee has returned from his or her leave of absence under this Section, he or she must become eligible to request any further leaves of absence for job protection. In order for his or her position to be protected during a subsequent leave of absence, he/she must have worked 1,250 hours in the previous twelve months prior to the requested subsequent leave of absence under this Section.
4. Full-time employees on leave due to their own illness or disability will

maintain their healthcare coverage in accordance with the plan documents. Health coverage may continue beyond the maximum period where the employee continues on a medical leave approved by the Employer.

**Training, Education or Other Reasons:**

Leaves of absence, without pay, may be granted at the discretion of the Campus President for training, education, and other leave situations.

1. An employee does not earn PTO/CAT time during the period of extended leave or receive remuneration for holidays. Upon return, the employee's PTO will be adjusted to the number of months worked in the fiscal year.
2. Employer insurance coverage will cease for employees on leave without pay due to training opportunities, education, or other leave in accordance with the plan documents.

Employees on unpaid leave due to training opportunities, education, or other leave have the option of continuing their own medical, vision, and dental coverage in accordance with plan documents or under COBRA. Please consult the plan documents or with Human Resources for more details.

**J. UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT POLICY**

**Overview:**

The Uniformed Services Employment and Reemployment Rights Act ("USERRA") grants certain rights and protections in employment to individuals involved in the uniformed services and prohibits discrimination in hiring, promotion, reemployment, termination and benefits because of past or present membership in, application to, or obligation to perform, such military service.

"Uniformed Services" includes any active or reserve unit of the Army, Navy, Marine Corp, Air Force and Coast Guard, the Army and Air National Guards, the Commissioned Corps of the Public Health Service, and any other category of persons designated by the President in time of war or emergency. USERRA doesn't, however, cover state military call ups of the National Guard members for disaster relief, riots, etc.

"Service" in the uniformed services means the performance of duty on a voluntary or involuntary basis including active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, absence from work for an examination to determine a person's fitness for any of the above and the performance of funeral honors duty.

Generally, cumulative leave periods for up to five years of service are protected under USERRA. However, under some circumstances, protected service is exempt from the five year limitation. Also, while leave is generally unpaid (unless

prohibited by law), upon request, employees may use vacation time or other paid leave that was available to them prior to the commencement of a period of service. However, employees will not be required to use such paid time for military service.

The following explains in summary fashion some of the additional rights provided by USERRA.

**Benefits During Leave and Upon Reinstatement:**

While on leave, an employee may elect continued health insurance coverage for themselves and their dependents. For leave periods of up to 30 days, employees shall be required to pay only their normal share, if any, of the cost of coverage. For longer periods of leave, employees who elect coverage shall pay 102% of the entire premium. Coverage ends on the day after the deadline for seeking reemployment or 18 months after the leave of absence began, whichever comes first.

To the extent an employee would be eligible to receive other non-seniority benefits while on other types of furloughs or leaves of absence (e.g. holiday pay or life insurance), Baker College shall provide those same benefits (under the same terms applicable to other types of leave) during periods of service in the uniformed services.

Employees who are reinstated by Baker College following their leave shall receive their accrued seniority as if continuously employed. This applies to other rights and benefits that are determined by seniority such as status, rate of pay, pension vesting and credits for the period of pension benefit computations. Reinstated employees may also receive training (or retraining) and other accommodations in the event of a long period of absence.

With respect to pension benefit plans, employees reemployed under USERRA will be treated as not having incurred a break in service. Periods of military service will be deemed as service with Baker College for the purpose of determining the non-forfeitability of the accrued benefits and the accrual of benefits under the plan. For any retirement plan that is contingent upon employee contributions or elective deferrals, such as 401(k) plans, employees reemployed after military service will be permitted to contribute to the plan an amount not to exceed the amount that would have been required or permitted had the employee remained continuously employed. Such payments to the plan may be made upon reemployment and for a period of up to 3 times the length of military service, not to exceed 5 years.

**Reemployment Rights:**

Employees returning from military service may be re-employed under the following circumstances:

- the employee provided proper advanced notice of the military service obligation;
- the cumulative length of time that the employee was absent as a result of such service was not more than five years;

- the employee was not released from the service under conditions that were dishonorable, “other than honorable,” or which involved a court martial, an absence in excess of three months without authority, or an imprisonment by a civilian court; and
- the employee provided timely notice to Baker College of intent to return to work.

Generally, an employee returning from military service will be reemployed to the position that the employee would have held if there had been no interruption in employment. Baker College will make a reasonable effort to assist employees in qualifying for such position (including training that does not cause undue hardship) but, where such efforts fail, the employee may be placed in the last position he or she held or in another position of like seniority, status, and pay, the duties of which the employee is qualified to perform. Employees still unable to qualify for any position above may be offered another position of lesser status and pay which he or she is qualified to perform, with full seniority.

Baker College may choose to not reemploy any employee who was hired on a temporary basis or any regular employee if Baker College’s circumstances have changed so much as to make reemployment impossible or unreasonable, where it causes Baker College undue hardship, or as otherwise permitted by law.

**Employee Obligations:**

Employees who will be performing military service must give advanced written or verbal notice to Human Resources as soon as possible. Notice is not required if precluded by military necessity or if the giving of such notice is otherwise impossible or unreasonable.

Similarly, employees desiring reinstatement generally must return to work promptly or provide notice of their intent to return to work as follows:

- Where service was less than 31 days, the employee must report to work at the beginning of the first full regularly scheduled work day after expiration of an 8 hour period following completion of military service.
- Where service was 31 to 180 days, the employee must submit an application for reemployment within 14 days after completion of military service.
- An employee who served for more than 180 days must apply for reemployment not later than 90 days after completion of service.

The deadlines above may be extended where Baker College’s offices are closed on the last day, where timely application is impossible or unreasonable through no fault of the employee and, generally, for up to two years if an employee is hospitalized or convalescing from an injury or illness that was incurred or aggravated during military service.

Following periods of military service in excess of 30 days, employees shall provide Baker College with proper documentation establishing the following: (1) that the length of time the employee served has not exceeded the service limitations under USERRA, (2) that their application for reemployment was timely, and (3) the conditions under which the discharge from military service was obtained.

Upon reemployment, employees may enjoy certain other protections and rights in their employment under USERRA including ‘just cause’ employment for a limited period based on the length of leave. Baker College strongly supports its employees who provide service to their country and will comply with all of the requirements of USERRA and other such laws. If you have any questions about USERRA, please contact Human Resources.

**K. SABBATICAL LEAVE**

Full-time staff members and full-time faculty who have completed four (4) or more consecutive years of full-time employment with the College may be granted a sabbatical leave of absence, subject to approval of the Campus President, for the purpose of travel or study in pursuit of wider knowledge and greater skills in their positions. (SEE ATTACHMENT for the request form)

An employee with four or more consecutive years of full-time service for the College may be eligible for sabbatical leave according to the table below:

<u>Years of Service</u>	<u>Length of Leave</u>
4 years	1/3 year
6 years	2/3 year
8 years	1 year

An employee on leave must agree to return to the College at the expiration of the leave, in order to receive the following:

1. One-half of his or her base salary or the difference between his or her base salary and any compensation received during the period on leave, whichever is less.
2. Full fringe benefits as currently being provided.

An employee who does not return after the expiration of the leave or returns and then fails to remain for one full year after returning must refund the salary received while on leave. PTO or CAT time is not earned while on sabbatical leave.

Staff members who take a sabbatical leave of one year shall not be eligible for another sabbatical leave until they have completed four additional years of service in accordance with the above table above. No more than two staff members per campus may be granted such leave in any one school semester.

Staff members desiring a full year's sabbatical leave must make application at least three months prior to the close of the preceding academic year. Requests for less than a full year must be submitted at least three months prior to the beginning of

the leave requested. Special consideration may be given for unusual circumstances that prevent application before deadline date.

If more staff members apply for a sabbatical leave than there are leaves available, the leave will generally be awarded to the staff members with the longest period of continuous service to the College without a sabbatical leave.

**L. OTHER EMPLOYMENT WHILE ON A LEAVE OF ABSENCE**

No employee shall engage in any other employment (internal or external / self-employed, contractor, or as an employee) while on a leave of absence from Baker (except military service, under USERRA).

**SECTION V**  
**BENEFITS**

**THE COLLEGE RESERVES THE RIGHT TO CHANGE, AMEND, OR ELIMINATE ANY BENEFIT AT ITS SOLE DISCRETION UPON NOTICE AND RESERVES THE RIGHT TO SELECT THE CARRIER AND ADMINISTRATOR FOR EACH BENEFIT.**

Complete details on all benefits can be found on the Baker College Website or contact the System Human Resources Department. Official plan documents control. Coverage terminates at the end of the month in which employment ends (or the employee becomes ineligible based on the number of work hours) unless otherwise specified in the plan or below. Individual conversion plans or continuation coverage under COBRA may be available after coverage ends.

**A. HEALTH INSURANCE**

The College provides health insurance for full-time employees (30 or more hours per week for purposes of this insurance coverage) and their dependents. Coverage is effective thirty (30) days after the employee's first day of full-time employment.

It is the responsibility of the employee to inform Human Resources within thirty (30) days of any significant life event. Significant life events include the following: marriage, divorce, birth or death of a dependent, when a dependent no longer meets eligibility requirements, or any change to a spouse's employment or health insurance. Failure to do so may result in a delay of benefits until our annual open enrollment period and/or being charged the spousal surcharge.

Complete details of the health insurance coverage will be explained at new employee orientation, which a full-time employee is required to attend within the first thirty (30) days of full-time employment, or at the start of employment for eligible part time employees. A full explanation of the plan (including any shared cost of coverage) is online on the Baker College website under Human Resources.

Full-time employees not electing healthcare coverage, and who are covered through another health plan, may elect a payment in lieu of coverage. If a non-full-time employee transfers to a full-time position, the employee will be eligible to participate in full-time benefits after a waiting period.

**B. DENTAL INSURANCE**

The College pays the cost of dental insurance coverage for full-time employees (40 hours a week for purposes of this coverage) and their dependents. Coverage is effective thirty (30) days after the employee's first day of employment.

**C. VISION INSURANCE**

The College pays the cost of vision insurance coverage for full-time employees (40 hours a week for purposes of this coverage) and their dependents. Coverage is effective thirty (30) days after the employee's first day of employment.

**D. LIFE INSURANCE**

The College pays the cost of life insurance for full-time employees (40 hours a week for this insurance). Coverage is effective on the employee's first day of employment and ends on the last day of full-time employment.

**E. DISABILITY INSURANCE**

The College provides short and long term disability insurance for full-time employees (40 or more hours a week for this coverage).

**Short Term Disability:**

Coverage under the policy is effective on the employee's first day of employment, but benefits are not paid until after thirty calendar days of disability. The payment is for 66.67% of the employee's wages up to \$3000/week.

**Long Term Disability:**

If eligible, long-term disability payments begin after the employee's short-term disability benefit ends.

If the employee believes he or she may qualify for LTC benefits, it is the employee's responsibility to contact the insurance carrier for this benefit.

**F. WORKER'S DISABILITY COMPENSATION INSURANCE**

Worker's disability compensation insurance protects employees against loss of salary and covers medical expenses in the event of an injury or illness arising out of, and in the course of, employment.

No matter how minor the job-related injury/illness may seem, it must ALWAYS be reported immediately to the employee's supervisor and Campus Safety. Prompt reporting will accelerate the processing of the claim and will avoid unnecessary delays or possible denial of benefits. Campus Safety will file an incident report and notify the System Human Resource Department. Injuries causing loss of work must be reported in detail. Medical treatment is provided for injuries incurred by employees in the course of fulfilling their duties.

***The College's worker's disability compensation carrier, not the employee's medical insurance plan, covers medical bills incurred from work-related injuries and illnesses.***

[NOTE: While employees are receiving disability benefits from the insurance carriers, PTO/CAT time will not continue to accrue and pension benefits will not be paid by the College. However, while on a leave of absence, the employee is still responsible for any elected contributions/premiums for such benefits as Flexible Spending Account (FSA) or Long Term Care additional premium. Arrangements can be made to prepay the funds due, or these funds must be paid while on leave. A form with details about these options will be sent to an employee going on a leave of absence.]

**G. FLEXIBLE SPENDING ACCOUNT**

A flexible spending account program allows the employee to voluntarily set aside pre-tax dollars for the reimbursement of IRS-approved medical, dental, vision, and dependent-care expenses that would otherwise have to be paid with after-tax dollars.

Election information regarding this program is disbursed in October by the System Human Resource Department.

The FSA account is “frozen” on the last day of full-time employment. Only claims incurred prior to that date may be submitted for reimbursement. Claims must be submitted within ninety (90) days of the last day of full-time employment.

**H. COBRA (RIGHT TO CONTINUATION OF MEDICAL COVERAGE)**

Federal legislation known as the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended (COBRA) provides that an employee and/or dependent may elect to pay for continued coverage at group rates in certain instances for a specified length of time when coverage under a medical plan would otherwise end. Further, employers are required to notify employees and dependents of the right to continue group health plan coverage when the coverage would otherwise end because of specific events and when he/she is first covered under a group health plan. Therefore, this notice is intended to inform you of your rights and obligations under the continuation provisions of the law. Both you and your spouse, if you are married, should take the time to read this notice carefully. This policy only applies if the College is providing an employee with group health insurance.

**Qualified Beneficiaries:**

The term Qualified Beneficiary refers to individuals who are covered under the College’s group health plan the day before a COBRA Qualifying Event takes place. According to the COBRA statute, a Qualified Beneficiary is the covered employee, covered spouse of the employee, covered dependent child of the employee or any child born to, or placed for adoption with, the covered employee during the period of continuation coverage, if the covered employee elects COBRA and if the child is enrolled in the plan (together “covered dependents”).

Coverage That May be Continued: COBRA continuation coverage(s) applies to Medical/Prescription, Dental and Vision.

**COBRA Continuation Coverage:**

Under certain circumstances, you and/or your covered dependents have the right to continue participation in the Plan, beyond the time coverage would normally end (“Continuation Coverage”). The following (including the “Special Rules for COBRA

Continuation Coverage”) is a complete description of the circumstances that give rise to Continuation Coverage.

Continuation Coverage is available if you are enrolled in the Plan and you or your covered dependent’s enrollment would end because:

1. You voluntarily end your employment with the College;
2. Your employment is voluntarily terminated by the College for a reason other than your gross misconduct;
3. Your hours of work are reduced so that you are no longer eligible for group health plan coverage (including, for example, an unpaid leave of absence not under FMLA);
4. You become divorced or legally separated;
5. You die;
6. Your child is no longer eligible to be a dependent;
7. You become entitled to Medicare; or
8. The bankruptcy of the College.

The above reasons are referred to as “Qualifying Events”.

**Notification Responsibilities:**

If coverage will end because of divorce or legal separation, or because a child is no longer eligible to be a dependent, you or your covered dependent must notify the Human Resources Department immediately. If the Plan Sponsor (the College) is not notified within sixty (60) days after coverage would otherwise end, coverage cannot be continued.

When the College receives your notice (or when your employment ends, your hours of work are reduced so you are no longer a full-time employee, or you die), you and your covered dependents will be notified by the College within 14 days about the right to continue coverage. If you or a covered dependent(s) want to continue group health plan coverage, the election of coverage must be made within sixty (60) days of the date the COBRA notice was sent to you.

**Individuals Covered:**

You and each of your covered dependents can individually decide whether or not to continue coverage, but the election of coverage by you or your spouse will be considered an election of coverage by all covered individuals unless the election specifically names the individuals to be covered or one or more covered individuals reject group health plan coverage.

**Costs and Payments:**

Continuation Coverage is at your expense and will include a permissible administrative fee. The monthly cost of this continued coverage is the cost to the College plus a 2 percent administrative fee. If you or the covered dependent is disabled and continuing his/her coverage under COBRA for 29 months, the employer is allowed to charge the disabled individual and the non-disabled family

members up to 150 percent of the applicable premium from the 19<sup>th</sup> to the 29<sup>th</sup> month.

The monthly cost will be included in the notice sent to you. For coverage to continue, the first premium must be received by the date stated in the notice sent to you. Normally, this date will be forty-five (45) days after Continuation Coverage is elected. Premiums for every following month of Continuation Coverage must be paid monthly on or before the premium due date stated in the notice sent to you (this date will be no greater than 30 days). The first day for which timely payment is not made will result in termination of COBRA Continuation Coverage.

**Newborns and Adopted Children:**

If you or your spouse elects Continuation Coverage, any child born to or adopted by you and your spouse during the period of Continuation Coverage will also be entitled to Continuation Coverage for the remaining period of your entitlement. Such newborns or adopted children must be properly enrolled within thirty (30) days of birth or adoption, and the child's period for COBRA Continuation Coverage will end at the same time as would the maximum period of coverage for other family members.

**Spouse and Dependents of Medicare-Eligible Employees:**

If Continuation Coverage was elected by the spouse or dependent child of a covered employee who became entitled to Medicare prior to a loss of coverage under the plan, the maximum period of Continuation Coverage for the spouse or child is the longer of:

1. thirty-six (36) months from the date the covered employee became entitled to Medicare, or
2. eighteen (18) months from the date of the qualifying termination of employment.

Coverage will still end for any of the other reasons listed above, such as failure to pay premiums when due, etc.

**Disabled Individuals:**

If a covered individual is disabled at the time he or she first becomes eligible for COBRA Continuation Coverage or is disabled within the first sixty (60) days of the Continuation Coverage period, the maximum period of Continuation Coverage is extended to twenty-nine (29) months. In addition, all covered individuals who became qualified beneficiaries on account of the same qualifying event as did the disabled covered individual are also eligible for the additional eleven (11) months of COBRA Continuation Coverage. (Coverage will still end for any of the other reasons listed above, such as failure to pay premiums within the 30-day grace period.)

The covered individual must notify the College within sixty (60) days of the date he or she is determined to be disabled under the Social Security Act and prior to

the end of the initial eighteen (18) months of coverage. In addition, the covered individual must also provide notice within thirty (30) days of the date he or she is finally determined not to be disabled. (Coverage will end on the first day of the month beginning after (30) days after the covered individual is determined not to be disabled.) The cost of Continuation Coverage will increase after the 18<sup>th</sup> month of Continuation Coverage (to 150 percent) for all qualified beneficiaries who remain covered unless the disabled individual does not elect to continue the group health plan coverage.

**Secondary Events:**

The term COBRA Standard Secondary Events simply means one Qualifying Event stacking on top of another. It allows a Qualified Beneficiary who is already on COBRA to extend COBRA coverage, under certain circumstances, from 18 months to 36 months of coverage. In Standard Secondary Events, the 36 months of coverage extends from the date of the original Qualifying Event.

A Standard Secondary Event is a termination or reduction of hours, followed by:

- Death of the Employee
- Medicare Entitlement
- Divorce or Legal Separation
- Dependent Child Ceasing to be a Dependent

Also, as stated above, COBRA coverage may be extended from 18 months to 29 months in cases of Qualified Beneficiaries who are deemed by the Social Security Administration to have been disabled before the end of the first 60 days of COBRA continuation coverage. If one member of the family qualifies for the 29 months, the entire family is qualified for the 29 months. Further, each family member retains qualified status during the extension period. If a second Qualifying Event occurs during this period, Qualified Beneficiaries retain the right to an extension of the maximum coverage period to 36 months, just as they would if the second event had occurred during the 18-month period.

**Right to Convert:**

When COBRA coverage is coming to an end you and/or your covered dependents will be notified of the right to elect an individual conversion policy.

**Evidence of Insurability:**

Evidence of insurability does not affect continuation coverage under COBRA.

If you change marital status or change your (and/or your spouse's) address, you must notify the College. To comply with the provisions of the law, all COBRA notices will be sent to the "last known address".

If you have questions about the law, contact the System Human Resources Department.

**I. PENSION AND RETIREMENT PLANS**

The College provides a defined contribution retirement plan for full-time employees and part-time employees who meet the requirement of working 1000 hours or more in the eligibility computation period. There are vesting and other requirements in the plan documents.

**J. TAX-SHELTERED ANNUITY 403(b)**

A tax-sheltered annuity is a tax-sheltered retirement savings plan that reduces the employee's taxable gross wages. Employees determine the amount they would like to have contributed from their wages and designate the investment choice(s) it will be directed toward.

For more information and the proper forms, contact the System Human Resource Department.

**K. RETIREE HEALTH REIMBURSEMENT ACCOUNT (HRA)**

Although, the College does not provide medical insurance for retirees, Baker College has established a Retiree Health Reimbursement Account. This plan allows eligible retirees to be reimbursed each calendar year for any qualified medical expenses incurred during that calendar year. The amount of the reimbursement is determined each year by the Board of Trustees and at its discretion.

**L. BAKER COLLEGE EMPLOYEE AND FAMILY SCHOLARSHIP PROGRAMS – UNDERGRADUATE**

**Full-time Employees:**

Full-time employees are eligible to receive the base tuition rate discount of \$405 for all credit hours for 2019/2020. Employees will be responsible for any premium tuition charges as well as any fees. The employees become eligible for this scholarship on the first day of full time employment. To apply for this scholarship, visit the Benefits tab within the Human Resources Department page of the Baker College website. In addition, the employee/student will also need to complete a Free Application for Federal Student Aid (FAFSA), which is available at [www.fafsa.gov](http://www.fafsa.gov).

For the employee to initiate the use of this scholarship, he or she must be actively working. If the employee separates from the College during the academic year, he or she will be allowed to keep the scholarship for the remainder of the academic year but will not be eligible for the scholarship in subsequent years. This scholarship cannot be used in conjunction with the Baker College Family Scholarship. The employee must maintain Satisfactory Academic Progress to continue to qualify for Baker College Undergraduate Scholarship funds.

**Part-time Employees:**

Part-time employees, after six months of consecutive employment, are eligible to

receive the base tuition rate discount of \$405 for all credit hours for 2019/2020. Employees will be responsible for any premium tuition charges as well as any fees. The Vice President /Director of Academic Affairs, or the President of the campus, may approve an exception to the consecutive requirement for this scholarship if a faculty member has worked a minimum of six months (not consecutively) and is required to take classes for Baker College accreditation purposes. To apply for this scholarship, visit the Benefits tab within the Human Resources Department page of the Baker College website. In addition, the employee/student will also need to complete a Free Application for Federal Student Aid (FAFSA), which is available at [www.fafsa.gov](http://www.fafsa.gov).

For the employee to initiate the use of this scholarship, he or she must be actively working. If the employee separates from the College during the academic year, he or she will be allowed to keep the scholarship for the remainder of the academic year but will not be eligible for the scholarship in subsequent years. The Vice President/Director of Academic Affairs, or the President of the campus, may approve an exception for employees who are not currently teaching due to the campus' class schedule as long as the faculty member is scheduled to teach again during a future semester. The employee must maintain Satisfactory Academic Progress to continue to qualify for Baker College Undergraduate Scholarship funds.

**Family Members of Full-time Employees:**

Eligible family members of full-time employees are eligible to receive half-off base tuition rate or a discount of \$203 for all credit hours for 2019/2020. The student will be responsible for any premium tuition charges as well as any fees. To apply for this scholarship, visit the Benefits tab within the Human Resources Department page of the Baker College website. In addition, the student will also need to complete a Free Application for Federal Student Aid (FAFSA), which is available at [www.fafsa.gov](http://www.fafsa.gov).

Eligible Family Members include the following:

- Spouse
- Son/Daughter, Step-Son/Step-Daughter

Proof of relationship may be required. This scholarship cannot be used in conjunction with the Baker College Employee Scholarship (i.e., if the family member is also a College employee). Students must maintain Satisfactory Academic Progress to continue to qualify for Baker College Undergraduate Scholarship funds.

For the student to initiate the use of the family scholarship, his or her spouse or parent must be actively working for the College. If the employee separates from the College during the academic year, the student will be allowed to keep the scholarship for the remainder of the academic year but will not be eligible for the scholarship in subsequent years.

**Additional Conditions:**

- Dual-enrolled high school students are not eligible for the employee or family scholarships.
- Seasonal employees (and their family members) are not eligible for any scholarships.
- All books and fees are the responsibility of the student/employee.
- The Employee/Family Scholarships do not cover the cost of experiential credit or audited classes.
- For both employees and family members, all financial aid, exclusive of student loans, is applied to the cost of tuition and books prior to the Baker College Employee/Family Scholarship being applied. In no case, will the Baker College Employee/Family Scholarship plus financial aid exceed the total cost of tuition and books. If no financial aid is awarded, the full amount of the scholarship will be applied.
- Employees electing to take classes during the normal workday must have prior permission from their supervisors to alter their work hours. It is within the supervisor's right to deny such request if it interferes with the daily operations of the department. Employees may not work on class assignments during their work hours.

**M. BAKER COLLEGE EMPLOYEE AND FAMILY SCHOLARSHIP PROGRAMS - CENTER FOR GRADUATE STUDIES**

**Master's Program:**

Full-time employees, their spouses, and children are eligible for a fifty percent (50%) reduction in the base tuition costs for Baker College Center for Graduate Studies graduate courses or a discount of \$348 for all credit hours.

To apply for this scholarship, visit the Benefits tab within the Human Resources Department page of the Baker College. If the student is eligible for financial aid, all financial aid is applied to tuition and books prior to the tuition reduction being applied. In no case will the tuition waiver plus financial aid exceed the total cost of tuition and books. Employees may not complete coursework during their work hours.

For the employee or family member to initiate the use of the Employee Scholarship, the employee must be actively working. If the employee separates from the College during the academic year, he or she will be allowed to keep the scholarship for the remainder of the academic year but will not be eligible for the scholarship in subsequent years. Students must maintain Satisfactory Academic Progress to qualify for Baker College Center for Graduate Studies Scholarship funds.

**DBA Program:**

Full-time employees, their spouses, and children are eligible to a fifty percent (50%) reduction in the base tuition costs of doctoral degree classes offered at Baker College Center for Graduate Studies graduate courses or a discount of \$458 for all

credit hours. To **apply for this scholarship, visit the Benefits tab within the Human Resources Department page of the Baker College website.**

For the employee to initiate the use of the Employee Scholarship, he or she must be actively working. If the employee separates from the College during the academic year, he or she will be allowed to keep the scholarship for the remainder of the academic year but will not be eligible for the scholarship in subsequent years. This scholarship cannot be used in conjunction with the Baker College Family Scholarship. Students must maintain Satisfactory Academic Progress to qualify for Baker College Center for Graduate Studies Scholarship funds.

**N. TUITION REIMBURSEMENT--OUTSIDE EDUCATION – ADVANCED DEGREE (FULL TIME)**

The purpose of paying for education for our full-time employees is to benefit the College and its students as well as the employee. It is not intended to be a fringe benefit for the employee.

**Approval Procedure:**

Full-time (non-seasonal) employees planning to apply for reimbursement must submit an Application for Approval of Graduate Program Form (SEE ATTACHMENT) and a written plan containing the following information to their immediate supervisor three (3) months prior to the start of their program:

- How the program of study will benefit the College
- How the program of study will benefit the students
- How the program of study will benefit the employee
- When and where the program is offered
- How the program of study will affect the employee's current job status (i.e., effect on current work schedule, job duties, etc.)

The supervisor will submit the Application for Approval of Graduate Program Form along with a recommendation to the Campus President. The Campus President will review the proposed plan as well as the supervisor's recommendation. The Campus President will submit the application to the System President for review by the System Executive Committee. The System Executive Committee will determine whether to approve or not approve the request. If the degree is approved for reimbursement, the System President will indicate on the Application for Approval of Graduate Program Form how the degree will be reimbursed and return it to the System Vice President of Human Resources. The employee will be sent an approval letter from the System Human Resource Department. If the request is denied, the application is sent back to the Campus President.

The College offers two types of reimbursement for job-related advanced degrees. The first type of reimbursement is made as courses are completed. The second type of reimbursement is made a year after completion of the program. The type

of reimbursement approved will be indicated on the original application for approval. The employee will be eligible for only one type of reimbursement.

Following are the guidelines for the amount of these reimbursements and how payment should be requested.

1. Direct reimbursement (upon completion of course) – The College will reimburse up to \$5,000 for a traditional master's degree and up to \$12,000 for a traditional doctorate degree. Because non-traditional degrees are often more costly than a traditional degree, the College will reimburse up to \$7,500 for a non-traditional master's degree and \$18,000 for a non-traditional doctorate degree. Classification as a traditional or non-traditional degree rests solely with the System Executive Committee. The College will pay a fraction of the cost of tuition for each course, based on the ratio of the College's allowance to the total estimated cost of the degree. Reimbursement will be made for tuition and fees upon presentation of evidence of successful completion and proof of payment.

To request payment, the employee must submit a completed Request for Advanced Degree Tuition Reimbursement Form (SEE ATTACHMENT) to his/her supervisor.

If the employee terminates his/her full-time employment with the College, he/she will be required to reimburse the College for any courses completed and reimbursed to him/her during the previous twenty-four (24) months for a master's degree and during the previous thirty-six (36) months for a doctorate.

If the employee withdraws from the program and remains at the College, he/she will be required to repay to the College 50% of any tuition reimbursement paid to the employee.

Employees will be required to sign documents to enable the College to collect payments as indicated above.

2. Reimbursement upon completion of degree – The College will pay a set amount of \$2,500 for a master's degree and \$5,000 for a doctorate degree one year after completion of the degree. The employee must still be employed by the College at time of payment. An official transcript verifying the degree must be on file in the System Human Resource Department before the request will be processed. The reimbursement request is made on the Baker College Reimbursement Form (SEE ATTACHMENT) and submitted to the System Human Resource Department. Employees may not work on coursework during their work hours.

**O. GRADUATE COURSE TUITION REIMBURSEMENT POLICY (PART TIME FACULTY)**

Each Baker College campus will annually allocate funds to be used toward tuition reimbursement for part-time (non-seasonal) faculty members. Part-time faculty members who have taught for the College for at least six semesters will be eligible for this reimbursement.

1. Tuition costs will be reimbursed at a maximum of \$160 per graduate credit hour for up to twelve semester hours per year.
2. If the aggregate amount to be reimbursed on the campus exceeds the allotted fund in any one year, the amount per credit hour shall be prorated according to the total number of hours eligible for reimbursement.
3. To be eligible for reimbursement, hours must be for graduate credit in courses/programs which are relevant to teaching assignments at Baker College. The graduate program must be approved by the Vice President/Director of Academic Affairs or the program designee to be eligible for tuition reimbursement. Course(s) started prior to receiving official program approval are not eligible for tuition reimbursement.
4. If the faculty member teaches at more than one campus, he/she may only receive reimbursement from one campus in the Baker College System.
5. The faculty member must agree to be available to teach at the College for one year following the reimbursement. The reimbursement amount for the year must be repaid if the faculty member refuses class assignments offered to him/her by the College prior to fulfilling this commitment. Reimbursement payments will be made annually by July 1 and will recognize only courses completed within the immediate prior twelve months. To obtain payment, the faculty member will be required to sign an authorization to withhold the amount of reimbursement or contract to repay should the individual fail to meet the one year teaching commitment.
6. Procedure for Graduate Program Approval:
  - a) Faculty members should complete the Baker College Part-time Faculty Request for Graduate Program Approval form (SEE ATTACHMENT) and submit it to the Vice President/Director of Academic Affairs or the program designee for approval.
  - b) Vice President/Director of Academic Affairs or designee: When request is approved or denied, the Vice President/Director of Academic Affairs or the program designee returns the Form with signature to the faculty member.
  - c) The faculty member should meet with the Vice President/Director of Academic Affairs or the program designee to become familiar with Baker College Part-time Faculty Request for Reimbursement for Graduate Course process and form (SEE ATTACHMENT).
7. Procedure for Reimbursement for Graduate Courses:
  - a) Faculty members should complete the Baker College Part-time Faculty Request for Reimbursement for Graduate Course form (SEE ATTACHMENT).

- b) Faculty members will submit the reimbursement form with a copy of grade report and copy of bill or receipt for course to Vice President/Director of Academic Affairs or the program designee. This form must be submitted by June 15. Reimbursements will be made in July.

**P. PROFESSIONAL MEETINGS, CONFERENCES, AND DUES**

The College is interested in the personal and professional development of its employees. To encourage this, the College will pay for travel, registration, room, and meals for full-time employees who attend approved workshops, conferences, and conventions. Approval must be secured in advance from an appropriate supervisor. (SEE ATTACHMENT) The employee is expected to attend the entire conference unless otherwise excused in advance by the Vice President/Director of Academic Affairs at time of approval. Materials and publications received during a conference are considered the property of Baker College.

Part-time faculty members are eligible only if the following criteria are met:

1. One professional membership is available to any part-time faculty member who has taught a minimum of eight (8) courses per year for a minimum of two (2) years.
2. The membership must be in the instructor's area of expertise.
3. Fees covered: the membership and journal associated with the group.

Note: Monthly dinner meetings are normally the responsibility of the individual but could be reimbursed at the discretion of the Vice President/Director of Academic Affairs or the program designee. Conference attendance and fees will be reviewed as separate items, and reimbursement will be at the discretion of the Vice President/Director of Academic Affairs or the program designee based on each situation.

Faculty members who are applying for organizational membership must complete a Request for Membership form and submit it to the Vice President/Director of Academic Affairs or the program designee. (SEE ATTACHMENT for the Request for Membership form.)

**Q. UNEMPLOYMENT**

Employees of the College are protected by unemployment insurance, which may provide financial assistance while a person is unemployed. Further information may be obtained from the State Unemployment Agency which is responsible for determining eligibility.

**SECTION VI**  
**YOUR CAMPUS**

## **A. YOUR CAMPUS INFORMATION**

To review specific information concerning your campus, follow the below navigational link:

[www.baker.edu](http://www.baker.edu)

Login to My Baker

Department Resources

Human Resources

Employee Handbook Tab