



**Baker
College**

Employee Handbook

Revised August 2021

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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. Also, with the exception of the statement on the Acknowledgement and Agreement page of the Handbook, nothing in this Handbook should be considered contract, either express or implied.

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 with advance 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 Chief Human Resources Officer.

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[®] 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 a 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 beginnings of Baker College trace back to the turn of the 20th century, with the founding of Muskegon College by Woodbridge Ferris—who later became Governor of Michigan and then a U.S. Senator. 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, which stood at the corner of Court Street and South Saginaw. In 1965, these two institutions came together under a single academic group headed by Robert Jewell of Muskegon. Throughout the years, the schools continued to thrive and the group began to expand its outreach through the acquisition of other schools and locations. Today, Baker College serves thousands of students across the state of Michigan, as well as across the US through our global campus. Baker College offers diverse academic depth and breadth in undergraduate and graduate programs across 8 academic colleges, ranging from health sciences and engineering to business and technology. Baker College strives to cultivate and encourage positive action, critical thought, and the knowledge students need to improve their lives, careers, and the world around them.

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& 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.

2016: The Online Learning Consortium, the leading professional organization devoted to advancing the quality of digital learning worldwide, announced Baker College has earned the OLC Quality Scorecard Exemplary Endorsement, recognizing the outstanding quality of their online learning programs.

2017: Our Engineering program was ABET accredited.

ATTACHMENTS

Each "SEE ATTACHMENT" referenced in this handbook is available on the Baker College website and can be found on my.baker.edu under the Employee Handbook section of the Human Resources Department page.

If you have any questions, contact Human Resources at hr@baker.edu.

SECTION II

BEGINNING YOUR EMPLOYMENT AND EMPLOYMENT COMPLIANCE

A. 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.

B. MINIMUM DEGREE REQUIREMENTS

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

C. 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 Clark, Chief Human Resources Officer, 1020 S. Washington St, Owosso, MI 48867, (989) 729-3955, email at dana.clark@baker.edu

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

Baker supports the employment of qualified individuals with disabilities, and prohibits unlawful discrimination based on disability. Baker College therefore complies with 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). Consistent with those laws, Baker provides qualified individuals with disabilities with:

- barrier free new facilities;
- an accessible employment environment, programs, classes, and activities;
- reasonable and appropriate accommodations

Under Michigan law only, a disabled employee who feels accommodation is needed to perform a job must notify the Chief Human Resources Officer, 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 Chief Human Resources Officer may need to request additional information but will then meet with you to discuss your limitations resulting from the disability and the potential accommodation(s) that the College might make to help overcome those limitations. We believe in an interactive process and support the policy behind these laws.

E. 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.

F. 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. To the extent available, Baker College also provides individual-user options to all students/faculty who voluntarily seek additional privacy.

G. DISCRIMINATION AND HARASSMENT

Baker College is committed to providing a work environment that is free from all forms of discrimination and harassment. In addition to prohibiting unlawful harassment, Baker College also prohibits other unprofessional or discourteous actions. All employees are expected to conduct themselves with civility and respect

for all other employees and for students, vendors, and others. Any violation of this policy is subject to discipline, up to and including termination of employment.

Sexual Harassment

One form of unlawful harassment is sexual harassment. It is Baker College's policy to prohibit harassment of any employee by any other employee, faculty member, student, visitor or other member of the College Community on the basis of sex or gender. Sexual harassment can include many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. While it is not easy to define sexual harassment precisely, examples of prohibited behavior include, but are not limited to:

- Unwelcome sexual advances
- Requests for sexual favors
- Sexual bantering, jokes, and teasing
- Sexual, suggestive, or biased jokes
- Verbal conduct, such as derogatory comments, epithets, slurs, graphic commentaries about an individual's body, sexually degrading words used to describe an individual, and suggestive or obscene letters, notes, or invitations
- Visual conduct such as derogatory posters, cartoons, drawings, or gestures
- Unwelcome physical conduct of a sexual nature such as touching, rubbing, blocking movements, and otherwise physically interfering with the work of another
- Use of electronic systems, including computers, the Internet, or electronic mail (email) to transmit, communicate or receive sexually suggestive, pornographic, or sexually explicit pictures, messages, or material
- Threatening or insinuating, expressly or implicitly, that an employee is required to submit to sexual advances or to provide sexual favors as a condition of employment, continued employment, or any term, condition, or benefit of employment, or that an employee's refusal to submit to sexual advances or to provide sexual favors will adversely affect the employee's evaluation, employment, continued employment, or any term, condition, or benefit of employment
- Making any employment decisions or taking any employment action based on a person's submission to or refusal to submit to sexual advances
- Any other inappropriate behavior of the kind or similar to that referred to elsewhere in this policy

Other Forms of Harassment

Baker College also expressly prohibits any form of unlawful harassment of any employee by any other employee, faculty member, student, visitor or other member of the College Community, including, but not limited to, actions, words, jokes, or comments based on an individual's race, color, sex, sexual orientation, ancestry, creed, religion, gender, gender identity orientation, age, national origin, citizenship, veteran status, disability, military status, genetic information or any other characteristic protected by applicable local, state, or federal law. While it is not easy to define precisely what harassment is, it certainly includes slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, and other similar verbal or physical conduct.

The prohibitions on inappropriate behavior set forth above apply not only to the workplace itself, but also to all other work-related settings, such as business trips and business-related social functions. It may also apply to conduct that occurs outside of work, if sufficient to create an unlawful hostile work environment.

Procedure for Harassment Complaints

Complaints of sexual harassment with an education program or activity may be covered by the College's Title IX Non-Discrimination Policy, which can be found here: [Title IX Nondiscrimination Policy Link](#) As explained in that Policy, Title IX complaints should be directed to the Title IX Coordinator/Deputy Coordinator.

If you feel you have experienced or witnessed harassment, discrimination, or retaliation in violation of this policy, you should also report it immediately to one of the following with whom you are comfortable:

- Your supervisor
- Human Resources
- Online through MyBaker: [Concerns & Complaints](#).

All reported incidents will be promptly and thoroughly investigated under the following guidelines:

- Upon receipt of any harassment, discrimination, or retaliation complaints, management will conduct a prompt and thorough investigation of the allegations.
- All complaints of harassment, discrimination, or retaliation will be handled in a discrete fashion, except for disclosure on a need-to-know basis reasonably required by the investigation.

Baker College strongly encourages any employee who observes unprofessional conduct that may not be unlawful, but appears to be creating an uncomfortable environment for a co-worker (or patient or other visitor), to intervene, either immediately or in a private follow up communication, to stop the unprofessional conduct from happening again. It is also the responsibility of any Baker College employee who becomes aware of possible unlawful sexual or other forms of harassment, discrimination, or retaliation to immediately advise any of the individuals noted above, so that the matter can be promptly and thoroughly investigated and resolved in a timely manner.

Baker College expressly prohibits any form of retaliatory action against any team member for availing themselves of the benefits of this complaint procedure. Baker College will not allow any form of retaliation against individuals who report unwelcome conduct in good faith or who cooperate in the investigation of such reports in accordance with this policy.

Baker College takes workplace harassment, discrimination, and retaliation issues very seriously. Violations of this policy will result in corrective action, up to and including termination.

H. SEXUAL MISCONDUCT POLICY STATEMENT

All employees are required to review the Sexual Misconduct Policy in 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 policy if 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.

I. TITLE IX, CLERY ACT and VAWA

Title IX NON-DISCRIMINATION POLICY

POLICY STATEMENT

Baker College is committed to maintaining an education and work environment that is free from sexual harassment, sex discrimination, and retaliation. The College will also not discriminate against any employee or applicant for employment, student or applicant for admission on the basis of race, color, religion, national or ethnic origin, physical or mental disability, age, height, weight, marital status, arrest record, genetic information, or any other protected category under applicable local, state or federal laws, including protections for those opposing discrimination or participating in any grievance process on campus or within the Equal Employment Opportunity Commission or other human rights agencies; however, concerns about these forms of discrimination will be addressed outside this policy.

Pursuant to the College's obligations under Title IX of the Education Amendments Act of 1972, and its implementing regulations, the College is committed to stopping sexual harassment and will take appropriate action when an individual is determined responsible for violating Title IX. Conduct that does not violate Title IX but would violate another College policy will be addressed under the applicable policy.

This Policy applies to student and employee complaints alleging sexual harassment, sex discrimination and/or retaliation that may violate Title IX and its implementing regulations. All administrators, faculty, staff and other College employees share responsibility for avoiding, discouraging, and reporting acts of sexual harassment as a matter of their employment. All members of the College are further expected to avoid, discourage, and report violations of this policy of which they may become aware.

All inquiries about the application of Title IX at Baker College should be referred to the College Title IX Coordinator/Deputy Title IX Coordinator, or the Assistant Secretary for the U.S. Department of Education's Office for Civil Rights, or both.

Baker College has adopted grievance procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by Title IX and/or its implementing regulations. The grievance procedures are included in the College Title IX Policy. The grievance procedures and grievance process specifically address how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the College will respond.

Baker College will prominently display the Title IX Coordinator contact information, the Deputy Title IX Coordinators contact information, and the College Title IX Policy on the College's website and student and faculty handbooks and/or catalog that the College makes available to applicants for employment and admission.

TITLE IX COORDINATORS

Title IX Coordinator

Dr. Dana Clark
Chief Human Resources Officer/Title IX Coordinator
1020 S. Washington St.
Owosso, MI 48867
(989)729-3955
dana.clark@baker.edu

Title IX Deputy Coordinators

Dr. Aaron Maike

President - Muskegon Campus
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Kraig Brueck

Campus Safety Director
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Cadillac Campus

Kristin Hathaway
Director of Student Affairs
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Jackson Campus

Bradley Romans
Campus Director
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Metro Campus (Auburn Hills, CIM-Port Huron, DHY-Clinton Township)

Dr. Iris Lane
Director of Student Affairs
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Muskegon Campus (CIM-Muskegon)

Dr. Eric Surge
Director of Student Affairs
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eric.surge@baker.edu

Online/Center for Graduate Studies Campus

Amie Losee
Director of Student Affairs
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amie.losee@baker.edu

Owosso Campus (ADI)

Michael Konopacke
Director of Student Affairs
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mike.konopacake@baker.edu

DEFINITIONS

TERM	DEFINITION
Actual Knowledge	Notice of Sexual Harassment or allegations of Sexual Harassment to a Baker College Title IX Coordinator or any official of the College who has authority to institute corrective measures on behalf of the College. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute Actual Knowledge. This standard is not met when the only official of the College with Actual Knowledge is the Respondent. The mere ability or obligation to report Sexual Harassment or to inform a Student about how to report Sexual Harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the College. "Notice" includes, but is not limited to, a report of Sexual Harassment to the Title IX Coordinator. Persons with authority to institute corrective measures on behalf of the College include the Title IX Coordinator, Deputy Title IX Coordinator(s), the Directors of Student Affairs, Directors of Academic Affairs, Assistant Directors of Campus Safety, Campus Presidents, Campus Directors, the Director of Campus Safety, and the Baker College President.
Advisor	Each party is allowed to have an advisor of their choice present with them for all meetings and proceedings, from intake through to final determination. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them. The parties may choose advisors from inside or outside the campus community. If a party does not have an advisor present at a live hearing, the Title IX Coordinator will assign a trained staff member to work as an advisor/advocate.

Appointee	An individual deemed to have an affiliation with the university in a non-compensatory capacity as designated in the applicable Human Resources Information System.
Complainant	Any person who is reported to have experienced conduct prohibited by this policy, regardless of whether that individual files and signs a formal complaint or participates in the grievance process of the College.
Consent	<p>Consent is knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct.</p> <p>A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy.</p> <p>It is not an excuse that the individual responding party of sexual misconduct was intoxicated and, therefore, did not realize the incapacity of the other. Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint and/or from the taking of incapacitating drugs. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced. Silence or the absence of resistance alone is not consent. A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue; and, if that happens, the other person must stop immediately.</p> <p>In the State of Michigan, a minor (meaning a person under the age of 16 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 16 years old is a sexual</p>

	assault, as well as a violation of this policy, even if the minor wanted to engage in the act.
College Community	Faculty, staff, Students, student employees, graduate associates, Appointees, volunteers, suppliers/contractors, and visitors.
Decision Maker (hearing and appeal)	A person who determines whether sex discrimination or retaliation prohibited by Title IX occurred or who oversees any hearing or appeal which takes place as part of the formal resolution process for complaints involving sexual harassment. At the College’s discretion this position may be held by a person outside of the College Community.
Deputy Title IX Coordinator	The Title IX Coordinator is supported by campus administrators who serve as Deputy Coordinators. Each Deputy Coordinator is knowledgeable and trained in state and federal laws that apply to matters of sexual misconduct, as well as this Policy and the complaint resolution procedures. The Deputy Coordinators assist the Title IX Coordinator with carrying out the responsibilities described in this Policy.
Formal Complaint	A sexual harassment complaint filed and signed by the Complainant or the Title IX Coordinator that triggers the College’s full investigation and hearing process under Title IX.
Investigator	A properly trained individual assigned by the Title IX Coordinator to investigate the alleged Sexual Harassment.
Respondent	Any member of the Baker College Community who is reported to have engaged in conduct prohibited by this policy.
Retaliation	Any intimidation, threat, coercion or discrimination against a person for the purpose of interfering with that person’s Title IX rights or privileges or because that person made a report or complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy.
Sex Discrimination	Unequal treatment based on sex with respect to an individual’s access to or participation in the College’s education programs or activities, as prohibited by Title IX.

<p>Sexual Harassment</p>	<p>The following constitute acts of Sexual Harassment under this policy:</p> <ol style="list-style-type: none"> 1. A Baker College employee conditioning the provision of an aid, benefit, or service of the College on an individual’s participation in unwelcome sexual conduct (often called “quid pro quo” harassment); 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient’s education program or activity; or 3. “Sexual assault” as defined in 20 U.S.C.1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).
<p>Student</p>	<p>An individual to whom an offer of admission has been extended, paid an acceptance fee, registered for classes, or otherwise entered into another agreement with the College to take instruction. Student status lasts until an individual graduates, is permanently dismissed, or is not in attendance for two complete, consecutive semesters, and includes those with a continuing educational relationship with the College; “Student” also includes registered Student organizations. A Student organization remains a “Student” for purposes of this policy for one calendar year following the expiration of the organization’s most recent registration.</p> <p>The College reserves the right to administer this policy and proceed with any process provided by this policy even if the Student withdraws from the College, is no longer enrolled in classes, or subsequently fails to meet the definition of a Student while a disciplinary matter is pending.</p>
<p>Title IX Coordinator</p>	<p>The designated Baker College official with primary responsibility for coordinating the College’s compliance with Title IX. This individual provides leadership for Title IX activities; offers consultation, education, and training; and helps to ensure that the College responds appropriately, effectively, and equitably to all Title IX issues.</p>

POLICY DETAILS

A. Scope

- 1) Medium
 - a) This policy applies to alleged Sex Discrimination, Sexual Harassment and Retaliation in any medium. Sexual Harassment may manifest in many different forms including, but not limited to: physical, verbal and visual, whether in person or online in any format.
- 2) Jurisdiction
 - a) The College has a compelling obligation to address allegations of sex discrimination, sexual harassment and retaliation that occurs within any of the College's education programs or activities. The College will inform the Respondent of the allegations and take any further action it deems appropriate, including pursuing an investigation even in cases when the Complainant is reluctant to proceed. The Complainant will be notified in advance when such action is necessary.
 - b) The College's disciplinary response may be limited if the Respondent is a visitor or other third-party or is not subject to the College's jurisdiction.
- 3) Location
 - a) This policy applies to alleged Sex Discrimination, Sexual Harassment or Retaliation that takes place in a College educational program or activity, against a person in the United States. This includes locations, events, or circumstances over which the College exercised significant control over both the Respondent and the context in which the Sexual Harassment occurred.
 - b) This policy also applies to alleged Sexual Harassment that occurs off-campus, including virtual spaces, in any building owned or controlled by a Student organization that is officially recognized by the College.
 - c) In situations not covered above (e.g. occurring outside of the College's educational program or activity), but where the sexual harassment undermines the security of the College Community or the integrity of the educational process or poses a serious threat to anyone within the College Community, other applicable College procedures may be applied, including the Equal Educational Opportunity Policy and Code of Conduct.
- 4) This policy is not intended, and will not be used, to infringe on academic freedom or to censor or punish members of the College Community who exercise their legitimate First Amendment rights.

5) Policy Maintenance

- a) This policy is managed by the Title IX Committee and the Title IX Coordinator
- b) This policy and the associated procedures will be revised by the Title IX Committee and the Title IX Coordinator. Any such revisions will be effective immediately, in a prospective manner.

B. Receiving Supportive Measures

- 1) Members of the College Community impacted by Sexual Harassment are encouraged to use counseling and support services.
- 2) Supportive measures may include, but are not limited to:
 - a) Mutual no-contact directives
 - b) Referral to campus and community resources for victim advocacy, counseling, health services, legal assistance, immigration assistance, disability services;
 - c) Academic support including extensions of time and other course-related adjustments;
 - d) Modification of work or class schedules;
 - e) Change in work or housing locations;
 - f) Change in reporting relationship;
 - g) Consideration of leave requests; and
 - h) Assistance with academic petitions.

C. Employees with Authority To Institute Corrective Measures

- 1) Baker College designates certain employees who have the authority to institute corrective measures on its behalf. Under this policy, their knowledge of Sexual Harassment conveys Actual Knowledge to the College.
- 2) The following employees have been designated by the College as having the authority to initiate corrective measure on its behalf:
 - a) The Title IX Coordinator and Deputy Title IX Coordinators
 - b) Campus Presidents or Campus Directors
 - c) Directors of Academic Affairs
 - d) Directors of Student Affairs
 - e) Director and Assistant Directors of Campus Safety
 - f) The Baker College President
 - g) Provost
 - h) Chief Operating Officer
- 3) When one of the above employees learns of alleged sexual harassment, that employee should contact the Title IX Coordinator as soon as possible.

- 4) Employees may have additional reporting obligations provided by law and/or other College policies.
- 5) Corrective action may be taken against any individual who has a duty to report and who fails to respond in a manner consistent with the provisions of applicable laws, regulations, policies, and procedures.

D. Employee Duty to Report

- 1) All College employees, except those exempted by legal privilege of confidentiality or expressly identified as a confidential reporter, have an obligation to report incidents of Sexual Assault. Any employee who receives a disclosure of Sexual Assault or becomes aware of information that would lead a reasonable person to believe that a Sexual Assault may have occurred involving anyone covered under this policy, must report all known information immediately.
- 2) In addition to the requirement of reporting incidents of Sexual Assault, the following members of the College Community have an additional obligation to report all other incidents of Sexual Harassment, Sex Discrimination or Retaliation when they become aware of information that would lead a reasonable person to believe that Sexual Harassment, Sex Discrimination or Retaliation may have occurred involving anyone covered under this policy. These individuals must report the incident within 2 business days of becoming aware of such information:
 - a) Executive officers;
 - b) Deans, directors, department heads/chairs (including those serving in assistant or associate roles);
 - c) Graduate and undergraduate chairs;
 - d) Supervisors who have hiring or firing power over at least three employees who are not Student employees;
 - e) Faculty and staff who serve as advisors to College-recognized Student groups;
 - f) Any individual, whether an employee or not, who serves as a coach of a club sports team;
 - g) All individuals, including Student-employees (such as Resident Advisors) working in Student Life, Campus Safety, except those who serve in non-supervisory positions in dining services, clerical, or custodial/maintenance capacities;
 - h) Campus safety Authorities designated by the College under the Clery Act not otherwise specified in this provision; and
 - i) Individuals serving in any of the positions described above on an acting or interim basis.

- 3) Employees are not required to report disclosures of information regarding Sexual Harassment pursuant to this policy in the following circumstances, unless an individual covered under this policy is implicated or the individual is explicitly seeking assistance from the College:
 - a) At public survivor support events including, but not limited to: “Take Back the Night,” candlelight vigils, protests, and survivor speak-outs;
 - b) To Student-employees when they are operating outside of their official work capacity; or
 - c) During an individuals’ participation as a subject in an Institutional Review Board (IRB)-approved human subjects research protocol.
- 4) Employees with a duty to report should report allegations to a staff member with authority to institute corrective measures as found in Section III, part B. Employees with a duty to report must share all known information to satisfy the employee duty to report.
- 5) Employees may have additional reporting obligations provided by law and/or other College policies.
- 6) The following categories of employees are exempt from the duty to report Sexual Assault and other Sexual Harassment, due to their legal or professional privilege of confidentiality or their designation by the College as a confidential reporter:
 - a) None
- 7) Corrective action may be taken against any individual who has a duty to report and who fails to respond in a manner consistent with the provisions of applicable laws, regulations, policies, and procedures.

E. Reporting Allegations of Sexual Harassment, Sex Discrimination or Retaliation

- 1) Any person may report sexual harassment. By way of example, this includes:
 - a) Students
 - b) Employees
 - c) Parents
 - d) Any College Community member or other individual who is directly involved in, observes, or reasonably believes that Sexual Harassment may have occurred.
- 2) Reports can be made to the Title IX Coordinator or any employee with authority to institute corrective measures (see section III, paragraph B) in the following ways:
 - a) In-person
 - b) Mail

- c) Phone
- d) Email

3) Making a report to the College and to law enforcement are mutually exclusive events. Making a report to the College does not preclude the individual from filing a report of a crime with law enforcement nor does it extend time limits that may apply in criminal processes. Filing a report with law enforcement is not a prerequisite of making a report with the College. However, individuals may request assistance from the Title IX Coordinator, Deputy Title IX Coordinator or Assistant Campus Safety Director to notify law enforcement. A Title IX Coordinator shall consult with the Director or Assistant Director of Campus Safety to assess any Clery implications for the College.

Campus	Local Police	Phone Number	Address	Web Page
Auburn Hills	Auburn Hills Police	248-370-9460	1899 N. Squirrel Road Auburn Hills, MI 48326	http://www.auburnhills.org/departments/emergency_services_department/police_division/index.php
Cadillac	Wexford County Sheriff's Dept.	231-775-9211	1015 Lincoln Street Cadillac, MI 49601	www.wexfordsheriff.com
Clinton Township	Clinton Township Police	586-493-7800	37985 S. Groesbeck Hwy Clinton Township, MI 48036	http://clintontownship.com/police.html
Jackson	Blackman Public Safety Dept.	517-788-4223	19906 W. Parnall Road Jackson, MI 49201	http://www.blackmantwp.com/publicsafety.html
Jackson	Jackson County Sheriff's Dept.	517-768-7900	212 W Wesley Street Jackson, MI 49201	https://www.co.jackson.mi.us/167/Sheriff
Jackson	Michigan State Police	517-780-4580	3401 Cooper St Jackson MI 49201	https://www.michigan.gov/msp/0,4643,7-123-1878_63868_63877-294172--,00.html
Muskegon	Muskegon Police	231-724-6750	980 Jefferson Street Muskegon, MI 49440	http://www.muskegon-mi.gov/public-safety/muskegon-police/
Muskegon	Muskegon County Sheriff's Dept.	231-724-6275	25 W. Walton Muskegon, MI 49440	https://www.co.muskegon.mi.us/173/Sheriff
Muskegon CIM	Muskegon Police	231-724-6750	980 Jefferson Street Muskegon, MI 49440	http://www.muskegon-mi.gov/public-safety/muskegon-police/
Muskegon CIM	Muskegon County Sheriff's Dept.	231-724-6275	25 W. Walton Muskegon, MI 49440	https://www.co.muskegon.mi.us/173/Sheriff
Owosso	Owosso Police	989-725-0580	202 S. Water Street Owosso, MI 48867	www.ci.owosso.mi.us

Owosso	Shiawassee County Sheriff Dept.	989-743-2297	201 E. McArthur Street Corunna, MI 48817	http://www.shiawassee.net/Sheriff/
Owosso	Michigan State Police	810 732-1111	4481 Corunna Road Flint, MI 48532	https://www.michigan.gov/msp
Port Huron CIM	St. Clair County Sheriff's Dept.	810-987-1700	1170 Michigan Port Huron Twp., MI 48060	www.stclaircounty.org/offices/sheriff/
Port Huron CIM	Port Huron Police	810-984-8415	100 McMorran Port Huron, MI 48060	www.porthuron.org

F. Confidentiality and Privacy

- 1) Baker College recognizes the importance of confidentiality and privacy. See the [Resources section](#) for a list of confidential support, non-confidential support, and medical resources. Information received in connection with the reporting, investigation, and resolution of allegations will be treated as private and will only involve individuals whom the College determines are necessary to conduct an appropriate investigation, to provide assistance and resources to parties, to perform other appropriate College functions, or when the College is required to provide information under the law.
- 2) If an incident is disclosed or reported to the College and the individual requests that no investigation be conducted or disciplinary action be taken, the Title IX Coordinator or Deputy Title IX Coordinator will explain that the College prohibits Retaliation and explain the steps the College will take to prevent and respond to Retaliation if the individual participates in a resolution process. The Title IX Coordinator or Deputy Title IX Coordinator will evaluate the request to determine whether the College can honor the request while still providing a safe and nondiscriminatory environment.
- 3) A decision to proceed despite an individual's request will be made on a case-by-case basis after an individualized review, and the Complainant will be notified if such a decision is made. If the College proceeds with an investigation, the Complainant is under no obligation to proceed as a part of the investigation and no retaliation will result from the Complainant's decision not to participate.
- 4) All individuals involved in the process should observe the same standard of discretion and respect for everyone involved in the process.

G. Sex Discrimination and Retaliation

- 1) In addition to Sexual Harassment, Sex Discrimination and Retaliation are prohibited by law, this Policy and other College Policies.
- 2) Sex Discrimination and Retaliation are serious violations that can subject the offender(s) to discipline, up to and including termination of employment

and/or suspension or dismissal of a Student, independent of the merits of the underlying allegation.

- 3) Allegations of Sex Discrimination and Retaliation should be reported to the Title IX Coordinator. Any investigation of Sexual Discrimination and Retaliation will be investigated and resolved outside of the Title IX grievance process for Sexual Harassment complaints.
 - a) Allegations of sex discrimination and retaliation involving a student will be addressed under the Equal Educational Opportunity Policy or;
 - b) Allegations of sex discrimination or retaliation involving an employee will be addressed under the Employee Handbook or BCEA Agreement

H. Investigation and Resolution Options for Sexual Harassment Complaints

- 1) Initial Assessment
 - a) Upon receipt of a report under this Policy, the Title IX Coordinator will conduct an initial assessment of the reported information to determine whether it qualifies as a report of Sexual Harassment. If the report relates to Sex Discrimination, Retaliation or another code of conduct violation, it will be investigated and resolved through the Equal Educational Opportunity Policy, Code of Conduct or other applicable policy. If the report is of Sexual Harassment and a formal complaint has not been filed, the Title IX Coordinator will promptly contact Complainant to provide information about filing a formal complaint. The Title IX Coordinator will also discuss the availability of supportive measures, with or without filing a formal complaint, and the Complainant's wishes regarding possible supportive measures.
 - b) Upon completion of an initial assessment, if the Complainant declines to file a formal complaint, the Title IX Coordinator will provide supportive measures to the Complainant as necessary and appropriate. The Title IX Coordinator also reserves the right to make a formal complaint.
 - c) If a formal complaint is made, the complaint may be resolved through informal resolution or the formal grievance process.
 - (a) Informal Resolution: As described in more detail below, informal resolution is a process (like mediation) that may be used to resolve a formal complaint of sexual harassment against a non-employee, if the College deems it appropriate and both parties voluntarily agree to it.
 - (b) Formal Grievance Process: As described in more detail below, in all cases where a formal complaint of sexual harassment has been filed

and informal resolution does not occur, Baker College will resolve the complaint through its formal grievance process.

I. Remedies

- 1) When the College makes a finding of a policy violation, it will take steps, whether individual or systemic, to stop the alleged Sexual Harassment, prevent its recurrence, and remedy the discriminatory effects on the Complainant and others, as appropriate.
- 2) Corrective Actions/Sanctions
 - a) When the Respondent is a Student, potential sanctions may include, but are not limited to, formal reprimand, disciplinary probation, suspension, dismissal from housing, expulsion or any sanctions authorized under the student code of conduct.
 - b) When the Respondent is an employee, corrective actions may be taken. Actions may include coaching, development plans, reduction in supervisory duties and leadership responsibilities, changes in salary, termination, and other appropriate corrective actions as noted in the Employee Handbook or the BCEA Agreement.
 - c) Student employees may be subject to corrective action and sanctions under Student and/or employee policies depending on the nature of the case. For instance, a Student employee who is dismissed from the College may also be subject to termination or other corrective actions as found in the Student Employment Policy.
- 3) Any corrective actions or sanctions will not take effect until any appeals have been completed.
- 4) Supportive Measures
 - a) Supportive measures will be made available to both the Complainant and Respondent whether or not a Formal Complaint is filed to ensure equal access to the College's education and employment programs and activities. The Title IX Coordinator or Deputy Title IX Coordinator will conduct an individualized assessment and will review requests from Complainant and Respondent to determine supportive measures that are appropriate and reasonably available at no cost to the Complainant or Respondent and that are not punitive in nature. Supportive measures may include, but are not limited to:
 - (1) Mutual no-contact directives
 - (2) Referral to campus and community resources for victim advocacy, counseling, health services, legal assistance, immigration assistance, disability services;

- (3) Academic support including extensions of time and other course-related adjustments;
 - (4) Modification of work or class schedules;
 - (5) Change in work or housing locations;
 - (6) Change in reporting relationship;
 - (7) Consideration of leave requests; and
 - (8) Assistance with academic petitions.
- b) During the period of any Sexual Harassment investigation, a Respondent can be put on administrative leave if they are an employee of the College. If the Respondent is a Student of the College, they may be removed from educational activities following an individualized safety and risk analysis that determines that if the Respondent poses an imminent threat to the physical health or safety of anyone due to the allegations made. If a Student is removed from educational activities in this way, they have the right to challenge the determination of the safety and risk analysis.
 - c) The Title IX Coordinator or Deputy Title IX Coordinator will coordinate the provision of supportive measures. Parties will not be required to arrange such measures by themselves but may need to participate in communication with supervisors, faculty, and other College employees with a need to know.
 - d) The College will maintain as confidential any supportive measures provided to the Complainant or Respondent to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures and is permitted by law.
- 5) Other Remedial Measures
- a) When the College is unable to proceed with investigative resolution, such as lack of information in the report or request by the Complainant that an investigation not move forward, the College may take other remedial measures as appropriate to remedy the effects of the alleged Sexual Harassment and/or prevent its recurrence. Remedial measures may also be implemented when it is determined that inappropriate behavior occurred, but that the behavior did not rise to the level of a Title IX violation.
 - b) Remedial measures may include and are not limited to:
 - (1) Providing training on Sexual Harassment;
 - (2) Increasing security in a designated space;
 - (3) Changing policy or procedure; and
 - (4) Conducting climate checks.

J. False Allegations

- 1) It is a violation of this policy for anyone to make a false allegation of Sexual Harassment in bad faith. Corrective actions or sanctions may be imposed on individuals who in bad faith make false allegations of Sexual Harassment.
- 2) The absence of a finding of a policy violation is not equivalent to finding that the Complainant acted in bad faith.

K. Process Abuse

- 1) No member of the College Community may:
 - a) Obstruct, prohibit, exert improper influence over, or interfere with any individual making a report, participating in a process, or carrying out a responsibility covered by this policy;
 - b) Make, in bad faith, materially false statements in or related to a process covered by this policy;
 - c) Disrupt or interfere with the orderly conduct of any proceeding conducted under this policy; or
 - d) Fail to comply with any directive, sanction, or corrective action issued pursuant to this policy.

L. Training

- 1) All faculty, staff, student employees, and students are required to take annual Sexual Harassment training as directed by the College.

GRIEVANCE PROCEDURE FOR SEXUAL HARASSMENT COMPLAINTS

A. Initial Assessment

- 1) Upon receiving a report, the Title IX Coordinator will review if any immediate steps need to be taken for the safety of any student or other individual arising from the report of sexual harassment. If emergency removal is necessary due to an immediate threat to physical health or safety, the Title IX Coordinator will provide respondent(s) with notice of the decision to remove respondent(s) from campus and the opportunity to challenge the decision immediately following the removal. The Title IX Coordinator will also provide information to the Complainant on the right to file a Formal Complaint and how to file a Formal Complaint.
- 2) The Title IX Coordinator reviews all reports of Sexual Harassment under this policy for an initial assessment of the reported information. The Title IX Coordinator will consider whether supportive measures may be needed by both the Complainant and Respondent, and to the extent needed, those supportive measures will be offered. The Title IX Coordinator will also consider available resolution options, which will be guided by the availability of information and

evidence suggesting that a policy violation may have occurred; the College's obligation to investigate and provide appropriate remedies to eliminate, prevent, and address the effects of the prohibited conduct; and the availability or desire of the Complainant to participate in an investigation or other resolution.

- 3) Upon completion of an initial assessment, the Title IX Coordinator or a Deputy Title IX Coordinator will determine the available options for resolution and will communicate these options to the parties.
- 4) If the Complainant or the College elects to file a Formal Complaint, the Title IX Coordinator will provide written notice to the Respondent and Complainant within ten calendar days including:
 - a) The actual allegations of facts that constitute Sexual Harassment and any evidence that supports this;
 - b) That there is a presumption of innocence in their favor;
 - c) That all parties are entitled to an advisor of their choice;
 - d) That all parties can inspect and review evidence; and,
 - e) Information regarding any code of conduct provisions that prohibit false statements made in bad faith.

B. Dismissal of a Complaint

- 1) In the event that prior to, or in the course of, an investigation, the College determines that the allegations fail to meet the definition of Sexual Harassment or did not occur while in the United States and under the College's educational program or activity, the investigation and Formal Complaint will be dismissed. The allegations may still be resolved through an informal resolution process as outlined above or according to procedures set forth in the Equal Educational Opportunity Policy, Code of Conduct or other applicable policy.
- 2) The College reserves the right to dismiss the Formal Complaint and stop the investigation if:
 - a) The Complainant notifies the Title IX Coordinator in writing that they wish to withdraw their Formal Complaint;
 - b) The Respondent is no longer enrolled in or employed by the College; or
 - c) Specific circumstances prevent the school from gathering sufficient evidence to reach a determination about allegations (e.g. lack of participation in the investigative process by parties or witnesses).
- 3) If the College dismisses the Formal Complaint for any reason, either party may appeal the decision as outlined in this policy's appeals process.

C. Informal Resolution

1) Under no circumstances shall a complainant be required as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, to waive his/her/their right to an investigation and adjudication of a formal complaint of sexual harassment. Similarly, no party shall be required to participate in an informal resolution process. However, if a Formal Complaint is filed alleging activity that falls under this policy, the Title IX Coordinator/Deputy Title IX Coordinator may offer to the parties an informal resolution process. If the parties mutually agree to participate in the informal resolution process, the Title IX Coordinator/Deputy Title IX Coordinator shall designate a trained individual to facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. The informal resolution process may be used at any time prior to the decision-maker(s) reaching a determination regarding responsibility. If the Title IX Coordinator/Deputy Title IX Coordinator proposes an informal resolution process, the Title IX Coordinator/Deputy Title IX Coordinator shall provide to the parties a written notice disclosing:

1. the allegations;
2. the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; and
3. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

(a) Any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. Before commencing the informal resolution process, the Title IX Coordinator/Deputy Title IX Coordinator shall obtain from the parties their voluntary, written consent to the informal resolution process. The informal resolution process is not available to resolve allegations that an employee sexually harassed a student.

D. Formal Resolution and Hearings

1) Baker College may resolve a report of Sexual Harassment through this formal grievance resolution process when the alleged Sexual Harassment, if true, would be prohibited under this Policy. In instances when informal resolution is inappropriate, when any party requests, or when the College requires formal investigation, the College will consider the concerns and rights of all parties and provide a prompt, fair, impartial, and equitable process.

2) Investigation

- a) Following the filing of a Formal Complaint, an Investigator will be assigned to the case by the Title IX Coordinator. During the investigation, the Investigator will seek to meet separately with the Complainant, Respondent, and any relevant witnesses who may have information relevant to the incident. The Investigator may also gather or request other relevant information or evidence when available and appropriate. Both the Complainant and Respondent will be asked to identify witnesses and provide other relevant information in a timely manner to facilitate prompt resolution of the case. All investigations will be conducted by a properly trained Investigator and may be outsourced at the College's discretion.
- b) Although both the Complainant and Respondent are advised to participate in the investigation process to enable a fair and equitable resolution to any case, neither the Complainant nor the Respondent are required to participate in the investigation process.
- c) Formal Complaints of sexual harassment may be consolidated where the allegations arise out of the same facts or circumstances.
- d) During the investigation process, parties have an equitable right to:
 1. Receive notice from the Title IX Coordinator of the allegations before participating in an interview with sufficient time to prepare for meaningful participation;
 2. A process with reasonably prompt timeframes, with extensions for good cause, as described in the Procedure section below;
 3. Present relevant information to the Investigator, including evidence and witnesses;
 4. Receive timely and equal access to any relevant information, documentation, and evidence gathered during the investigation;
 5. Have an advisor of their choosing, or through appointment by the College, including an attorney, advocate, or other support person who provides support throughout the formal resolution process, including being present for any meetings or hearings; however, advisors may not participate in the interview process itself by speaking, objecting, interfering with or asking questions during the interview itself.
 6. Investigators who are adequately trained to resolve cases of alleged Sexual Harassment, are familiar with applicable policies and procedures, and who do not have a conflict of interest or bias for or against either party.
- e) The College must provide a written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other

meetings to all parties whose participation is invited or expected with sufficient time for the party to prepare to participate.

- f) The College will not restrict the ability of a Complainant or Respondent to discuss the allegations under investigation or to gather and present relevant evidence.
- g) Credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness.
- h) Following the completion of the investigation, the Investigator will complete a preliminary investigative report on the allegations contained in the Formal Complaint. Before the report is finalized, the Investigator will send to the Title IX Coordinator, who will then send to each party and their advisors, an electronic or hard copy of all evidence that is directly related to the allegations. The College must include all evidence directly related to the allegations, even if the investigator does not intend to rely on that evidence in making a determination of responsibility. When the evidence includes nudity or other similarly sensitive material, the Title IX Coordinator will offer to provide the evidence in redacted form and may take other measures to prevent redistribution of the evidence. The parties then have ten days to provide a written response, which the Investigator will consider before finalizing the investigative report. The finalized report is then circulated to the parties for no less than ten days before a hearing is held.

3) Hearings

- a) All hearings are overseen by a Decision Maker(s). All Decision Maker(s) have received special training on how to be impartial and make decisions on relevance. They are also assigned to cases by the Title IX Coordinator to avoid any bias and present an objective analysis of the evidence. In no case is the Investigator for a given case also the Decision Maker(s).
- b) The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the investigation hearings.
- c) The Decision Maker(s) will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived it.
- d) Credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness.
- e) Hearings are not legal proceedings and do not follow courtroom procedure or the formal rules of evidence. During any hearings, each party must have an advisor present to ask questions to the other party. This advisor does not

need to be licensed to practice law and may be a person of the party's choice or, if they do not have an advisor, the College will provide an advisor for them.

f) Questioning & Cross-Examinations

1. The Decision Maker(s) may question individual parties and witnesses.
 2. Parties will have the opportunity to cross-examine the party or witness. Parties may never ask questions directly, and questions must be asked to the other party through the use of a party's advisor. All questions asked must be relevant. Any questions determined not to be relevant by the Decision Maker(s) are not required to be answered.
 3. If a party or witness is absent from the live hearing or refuses to answer cross-examination or other questions, the Decision Maker(s) may not rely on any statement of that person in reaching a determination of responsibility. The Decision Maker(s) may not draw an inference about the determination regarding responsibility based solely on a party's or witness' absence from the live hearing or refusal to answer cross-examination or other questions.
- g) If, at any point during the hearing, the Decision Maker(s) determines that unresolved issues exist that could be clarified through additional investigation time, the Decision Maker(s) may suspend the hearing and reconvene it in a timely manner that accommodates further investigation.
- h) Hearings may be conducted virtually through the use of technology at the College's discretion. However, if either the Complainant or Respondent asks to be in separate rooms, the College must grant this request and provide appropriate technology to allow for simultaneous participation.
- i) All hearings will be memorialized through an audio or audiovisual record or transcript of the live hearing. The recording or transcript will be made available for parties to inspect and review following their completion.

4) Resolution

- a) The Decision Maker(s) will communicate his or her decision to both parties, concurrently. The Decision Maker(s) will communicate the decision in writing and orally as soon as possible after the hearing. The Decision Maker(s) will strive to send the parties a final outcome letter within fifteen business days of the conclusion of the hearing.
- b) The Decision Maker(s) bases all conclusions by examining all evidence from the investigation and the hearing. Their conclusion is based on the "Preponderance of the Evidence" standard: If the evidence indicates that it

is more likely than not, then the Respondent will be found responsible for violating this policy.

- c) The Decision Maker(s)'s written decision must include the following information:
1. Identification of the allegations potentially constituting Sexual Harassment;
 2. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
 3. Findings of fact supporting the determination;
 4. Conclusions regarding the application of the College's code of conduct to the fact;
 5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanction imposed upon the Respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided; and
 6. The procedures and permissible bases for either party to appeal.
- d) If the Respondent is found responsible for violating this policy, the Decision Maker will consult with at least one of the following administrators in order to determine the corrective actions and/or sanctions to resolve the case:
1. The Campus Director of Student Affairs and Campus President/Director when the respondent is a student
 2. The Vice President of Human Resources when the respondent is an employee

Any such corrective actions and/or sanctions will be outlined in the Decision Maker(s)'s written decision.

E. Appeals Process

- 1) If either party disagrees with the outcome of the Decision Maker's determination, they may file a written appeal with the Title IX Coordinator within ten business days of receiving the Decision Maker's written decision.
- 2) Appeals may be filed due to:
 - a) A procedural irregularity that affected the outcome.

- b) New evidence being discovered that was not reasonably available at the time of the determination or dismissal.
 - c) A conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter of the Investigator or investigator(s), or decision-maker(s).
- 3) The Appeal Decision Maker will examine all evidence in order to determine if the appeal has merit. The Appeal Decision Maker will make an unbiased objective conclusion as to the appeal’s merit and issue a written decision describing the result of the appeal and the rationale for the result; and will provide the written decision simultaneously to both parties.

F. Recordkeeping

- 1) The College shall maintain all records relating to Formal Complaints of Sexual Harassment, as well as all training materials used under this Policy, for seven years.

G. Training

- 1) The College’s Title IX Coordinator and Deputy Title IX Coordinators, along with any investigator(s), decision maker(s), or person(s) designated to facilitate an informal resolution process, must receive training on the definition of sexual harassment (as that term is used in this policy), the scope of the College’s Title IX Policy, the College’s education program or activity, how to conduct an investigation and grievance process including hearings, appeals and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgement of the facts at issue, conflicts of interest, and bias. The College will make its training materials publicly available on its website.

RESPONSIBILITIES

Position	Responsibilities
Decision Maker	A person who oversees any hearing or appeal which takes place as part of the formal resolution process. At the College’s discretion this position may be held by a person outside of the College Community.
Deputy Title IX Coordinator	A trained campus administrator who assists the Title IX Coordinator with carrying out the responsibilities described in this Policy.
Investigator	A properly trained individual assigned by the Title IX Coordinator to investigate the alleged Sexual Harassment.

Title IX Officer	The designated Baker College official with primary responsibility for coordinating the College's compliance with Title IX. This individual provides leadership for Title IX activities; offers consultation, education, and training; and helps to ensure that the College responds appropriately, effectively, and equitably to all Title IX issues.
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RESOURCES

SUPPORT RESOURCES

Community Served	Scope/Purpose	Office/Agency	Contact Information	Confidentiality
Students	Provides legal services (e.g. civil protection orders, crime victim compensation, and criminal proceedings guidance) to eligible Students	Varies by Campus	Legal Resources By County	Confidential
Employees	Provides life assistance for an array of personal, work-related, and daily living challenges for benefits-eligible employees and family members	Human Resources via The Hartford	Employee Assistance Program	Confidential
All members of the College Community	Coordinates Title IX compliance; leads Title IX activities; provides education and training	Title IX Coordinator	Dr. Dana Clark Chief Human Resources Officer/Title IX Coordinator 1020 S. Washington St. Owosso, MI 48867 (989)729-3955 dana.clark@baker.edu	Non-Confidential
Anyone	Responds to criminal conduct on campus	Campus Safety and/or local law enforcement	See section V., paragraph C	Non-Confidential

MEDICAL RESOURCES

Community Served	Scope/Purpose	Office/Agency	Contact Information	Confidentiality
Students	Outpatient facility; provides a variety of health care services	Varies by Campus	Resource Page	Confidential
Anyone	24/7 medical services	Varies by Campus	Resource Page	Confidential

Jeanne Clery Act

Baker College supports and complies with all of the policies and regulations mandated in the 1990, Crime Awareness and Campus safety 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 safety 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 Chief Human Resources Officer at (989) 729-3955.

J. WHISTLEBLOWER POLICY

Baker College takes its responsibility to comply with its legal obligations very seriously, and expects employees to immediately report to the Campus President or Chief Human Resources Officer if they have any concerns about potentially illegal or fraudulent conduct related to Baker College. Baker will not discharge, threaten or otherwise discriminate against any employee regarding compensation, terms, conditions, locations, or privileges of employment because the employee reported a concern, in good faith, under this Policy.

K. 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 the confidentiality requirements and disclosure standards of the Americans with Disabilities Act and any other applicable state or federal law.

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.

L. 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. Nonexempt - Employees who are not exempt from overtime rules. All nonexempt employees must complete a weekly timecard. 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.

M. 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 Chief Human Resources Officer and/or HR Operations Manager 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/documented discussion or have been on focused review/documented 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 Chief Human Resources Officer.

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 Chief Human Resources Officer 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.

N. 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.

An employee may request a copy, generally not more than twice a year, upon written request to the Chief Human Resources Officer. Human Resources will respond to an employee's request within a reasonable amount of time and arrange a mutually convenient date and time for pickup of the digital copy.

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.

O. 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 ensure 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.

P. EMPLOYMENT VERIFICATIONS

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

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.

Q. 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 Chief Human Resources Officer, 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 Chief Human Resources Officer 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 the Chief Human Resources Officer or Campus President.

R. 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 Chief Human Resources Officer.
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 . 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.
3. Employees discharged for reasons unrelated to their job performance, in Baker's discretion.

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 the Telecommuting Policy and eligibility (SEE ATTACHMENT).

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

B. LUNCH BREAK

Each full-time employee is allowed to take a one-hour unpaid lunch break per 8 hour work day. Lunch breaks are to be scheduled with the employee's supervisor and may be flexible if approved by the supervisor and fits 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. Part-time employees will need to discuss lunch breaks with their supervisor. There are no other authorized breaks, other than the allowed 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 nonexempt (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 15th 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 HR/Payroll at payroll@baker.edu or (989) 729-3951.

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 nonexempt 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 nonexempt employees who work on a paid holiday listed below will be paid at double time their hourly rate of pay:

New Year’s Day	Labor Day
Easter Sunday	Thanksgiving Day
Memorial Day	Christmas Eve
Independence Day	Christmas Day
New Year’s Eve	

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 workweek 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. **NONEXEMPT EMPLOYEE TRAVEL**

Some nonexempt (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.

Unless an employee's department or supervisor has approved alternate 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 hours. 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 Chief Human Resources Officer.
- 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 AND ALCOHOL COUNSELING RESOURCES

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 will be kept confidential. Alcohol substance abuse counseling agencies are listed in the directory section of the Campus Safety Manual.

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 weapon or device; switchblade knife or any other type of knife; knuckles; Taser; or other implement for inflicting bodily injury.
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 Chief Human Resources Officer 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.*

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!

Appropriate	Unacceptable
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 shoes 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 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 Chief Human Resources Officer, 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 dishonesty 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, including but not limited to the right to keep those records confidential.

To avoid FERPA violations and otherwise safeguard student privacy:

- 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

Within the Baker College community, a student's education record may only be accessed by an appropriate College member and for purposes related to the student's education. These College members include faculty, administration, clerical and professional employees, campus safety, and other persons who manage student records.

Baker College's policies concerning student privacy rights, confidentiality practices and the integrity of student education records must be followed. 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, Instagram, 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 Chief Human Resources Officer 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 Chief Human Resources Officer 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.

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 Chief Human Resources Officer:

- 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 and employees should not have any reasonable expectation that such information will remain private.

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 Canvas 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.

Access to Baker College resources will be removed upon termination of employment.

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.
- Access to Baker College resources will be removed upon termination of employment.

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 letters 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.
- Access to Baker College Email will be removed upon termination of employment.

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 students.
- 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.
- Known or suspected violations of the *Acceptable Use Policy* or *Social Media Policies* must be reported immediately to abuse@baker.edu.

Enforcement:

- Use of Baker College resources is a privilege and not a right. A User's access to 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 violations 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 Chief Human Resources Officer 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 Chief Human Resources Officer. 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 created within the scope of the employee's employment 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. Employees who violate copyright obligations may be subject to discipline, up to and including discharge.

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 means harm or threatened harm to a child's health or welfare that occurs through non-accidental physical or mental injury, sexual abuse, sexual exploitation, or maltreatment, by a parent, a legal guardian, or any other person responsible for the child's health or welfare or by a teacher, a teacher's aide, or a member of the clergy.
- Child neglect means harm or threatened harm to a child's health or welfare by a parent, legal guardian, or any other person responsible for the child's health or welfare that occurs through either of the following:
 - Negligent treatment, including the failure to provide adequate food, clothing, shelter, or medical care, though financially able to do so, or by the failure to seek financial or other reasonable means to provide adequate food, clothing, shelter, or medical care.

Placing a child at an unreasonable risk to the child's health or welfare by failure of the parent, legal guardian, or other person responsible for the child's health or welfare to intervene to eliminate that risk when that person is able to do so and has, or should have, knowledge of the risk.

Reporting:

Any College administrator, faculty member, counselor, or social worker who has reasonable cause to suspect 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 Safety at (list various numbers of the campuses)

Campus	Phone Number	Hours of Operation
Auburn Hills	248-276-6650	7am to 10pm
Cadillac	231-876-3124	7am to 2am
Clinton Township Dental Clinic	586-790-9409	8am to 10pm (M-Th) 8am to 5pm (Friday)
Jackson	517-841-4532	7am to 10pm (M-Th) 7am to 5pm (Friday)
Muskegon	231-777-5300	24 hours/7 days a week
Muskegon CIM	231-777-5300	24 hours/7 days a week
Owosso	989-729-3499	24 hours/7 days a week
Port Huron CIM	810-357-0874	24 hours/7 days a week

After the initial verbal report is made via one of the methods above, a Child Abuse, Sexual Abuse or Neglect Incident Report (SEE ATTACHMENT) must be completed and submitted to the Chief Human Resources Officer 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 and to avoid actions which give the appearance of impropriety
- 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 Title IX, equal opportunity and other 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 Chief Human Resources Officer 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 license, 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. Employees should not respond, orally or in writing, unless approved in advance by the Campus President or the Chief Human Resources Officer. 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 Chief Human Resources Officer. 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 online trainings, including but not limited to:

- Title IX: Regulations and Roles Overview
- Clery Act Overview
- FERPA
- Sexual Violence Awareness for Employees (Campus SaVE Act)
- Drug and Alcohol Awareness
- Email & Messaging Safety
- Cybersecurity Overview

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. DEMONSTRATIONS AND PROTEST POLICY

Institutions of higher learning dedicate themselves to a range of goals: the pursuit of truth and knowledge, the refinement and transmission of intellectual skills, the articulation of values, the creation of works of artistic and academic merit, and the critical examination of ideas and concepts.

Baker College is committed to allowing the free exchange of ideas within its academic community. One such form of expression is peaceful demonstration and protest on Baker College campuses. This policy describes the requirements and limitations of peaceful demonstration and protest on campus.

Limitations

Baker College may properly restrict speech that, for example, is defamatory, harassing, invades a protected right to privacy or confidentiality, constitutes incitement to imminent violence, or otherwise violates the law. It may place reasonable limitations on the time, place, and manner of expression, and may restrict speech that directly interferes with core instructional and administrative functions of the college. Baker College reserves the right to ban any and all demonstrations or protests which have the effect of disrupting the orderly operations of the institution. On Baker College campuses, demonstrations or protests which are not organized and substantially attended by Baker College students, faculty, administration or staff are prohibited.

Furthermore, the College promotes and maintains a safe campus environment for all students, employees, and visitors. As stated in the Baker College Student Handbook, illegal activities and weapons are not permitted on Baker College property. Additionally, Baker College is a Weapons Free Campus, unless working in the Baker College Campus Safety Department. Individuals possessing any type of weapon shall be safely approached and asked to immediately leave campus. If the person refuses to immediately do so, local law enforcement shall be contacted for compliance assistance.

Nothing in this policy precludes law enforcement or the college from taking appropriate law-enforcement action, including criminal complaints and/or arrests or civil no-trespassing actions.

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

Baker College provides break times 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.

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. BC uses the StandOut platform to facilitate ongoing check-ins about near term work between team members and their team leaders. Through the check-in process, team leaders and team members set goals together, resolve any barriers to achieving those goals, and assess how their strengths are contributing to their performance outcomes. These discussions can take place in person, virtual and within the StandOut platform. Performance feedback is designed to provide clear expectations, open communication, and ongoing development for the employee. Check-ins are designed to provide employees with an opportunity to reflect on their performance over time, adjust work priorities as needed and provide input into how they are feeling about their work achievements.

NN. OUTSIDE EMPLOYMENT

Baker College recognizes that some employees may need or want to hold additional jobs outside their employment with the company. Employees of Baker College are permitted to engage in outside work or hold other jobs, subject to certain restrictions based on reasonable business concerns.

Baker College applies this policy consistently and without discrimination to all employees, and in compliance with all applicable employment and labor laws and regulations. The following rules for outside employment apply:

- Work-related activities and conduct away from Baker College must not compete with, conflict with or compromise the company's interests or adversely affect job performance and the ability to fulfill all responsibilities

to Baker College. Employees are prohibited from performing any services for customers of Baker College that are normally performed by Baker College. This prohibition also extends to the unauthorized use of any company tools or equipment and the unauthorized use or application of any company confidential information. In addition, employees may not solicit or conduct any outside business during work time for Baker College.

- Baker College employees are encouraged to carefully consider the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside work activity causes or contributes to job-related problems at Baker College, the employee will be asked to discontinue the outside employment, and the employee may be subject to the normal disciplinary procedures for dealing with the resulting job-related problem(s).
- Employees may not use Baker College unpaid time off to perform work for another employer.

If an employee's outside employment presents a conflict of interest with Baker College, as defined in the Conflict of Interest Policy, or if such outside employment has any potential for negative impact on Baker College, the employee will be asked to terminate the outside employment.

OO. TEACHING LOAD POLICY

Full-time administrators and staff (where teaching is not a primary responsibility, i.e. program directors) may teach three credit hours synchronously or six credit hours asynchronously, as an additional job each semester (not to exceed three credit hours at any one time during fall and spring semesters). Teaching is allowed as long as doing so does not impact one's full-time job performance and is not scheduled during regular full-time hours.

Full-time faculty and Program Directors must fulfill their entire annual teaching load before requesting paid overload courses.

- Full-time faculty on a twelve-month schedule are limited to no more than 18 credit hours of overload per year, and full-time faculty on a nine-month schedule are limited to no more than 12 credit hours of overload per year, which must be approved by the Director of Academic Affairs.
- Overload teaching is contingent upon satisfactory teaching performance and performance in primary role.
- Overload teaching is allowed only if it does not impact one's full-time job duties and is not scheduled or completed in a way that disrupts regular/primary work.

SECTION IV
LEAVES OF ABSENCES
AND TIME OFF

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

Paid Time Off (PTO): PTO 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, including:

- 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:

Remaining Months in Year	<u>STAFF</u> PTO Hours	<u>ACADEMIC</u> PTO Hours		Remaining Months in Year	<u>STAFF</u> PTO Hours	<u>ACADEMIC</u> PTO Hours
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"> ● 9 month Faculty receive 48 PTO hours- No Proration 						

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

Years of Service	Eligible PTO Hours
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 calendar year following the hire date.
- Must have advance approval by supervisor when need for PTO is foreseeable.
- 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.
- Employees may be required to provide medical documentation to support PTO taken for their own health condition; the employee will be given at least 3 days to provide that documentation.
- 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 and PTO used up to point of last day worked, provided the employee gives two weeks' advanced notice of resignation, works throughout resignation period, and was not terminated for misconduct (in Baker's discretion).
- 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:

*Years of Service	Eligible CAT Hours
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 1st and June 30th, he/she would earn 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
- 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 1st; 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 nonexempt 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 nonexempt) 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: legally protected time off, such as under the Family and Medical Leave Act, 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 (SEE ATTACHMENT).

Full-time employees = 8 hours pay
All active Part-time Staff = 4 hours pay

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 nonexempt 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 nonexempt 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.

Telecommuters will be expected to continue their normal work schedule if the primary campus is closed due to inclement weather, emergency, etc. If a campus closure occurs on a scheduled on-site day on campus, the employee is not required to report on-site but is expected to work via telecommuting.

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

Baker College will provide eligible employees with unpaid leave for covered family and medical reasons, in compliance with the Family and Medical Leave Act (FMLA).

Eligibility: Employees are eligible for FMLA leave only if they have been employed for at least one year, have worked at least 1,250 hours over the previous 12 months, and work at a covered location. A location is covered if at least 50 employees of the College work within a 75-mile radius. Employees who do not work at a covered location are not covered by FMLA, but may be offered leave similar to those at covered locations, at the discretion of the College.

Basic Leave Entitlement: Eligible employees may take up to a total of 12 workweeks of leave in any 12-month period for the following reasons:

- For the employee's own serious health condition (defined below) that makes him or her unable to perform the essential functions of the employee's job.
- To care for the employee's spouse, child, or parent with a serious health condition.
- For incapacity due to pregnancy, prenatal medical care or child birth.
- To care for the employee's child after birth, placement for adoption, or foster care placement.
- For an employee's "qualifying exigency" resulting from the fact that the employee's spouse, parent, son or daughter (1) is a member of a regular component of the Armed Forces and is deployed (or has been notified of an order of deployment) with the Armed Forces to a foreign country; or (2) is a member of a reserve component of the Armed Forces and is deployed (or has been notified of an order of deployment) with the Armed Forces to a foreign country under a call or order to active duty. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment and reintegration briefings.

The amount of FMLA leave time an employee has available (for the above reasons) on any given date is equal to 12 weeks minus the amount the employee has used in the preceding 12 months.

Servicemember Family Leave: An eligible employee may request up to 26 weeks of FMLA leave in a single FMLA year to care for the employee's spouse, son, daughter, parent, or next of kin who is a covered servicemember. A covered servicemember is either:

- (1) a current member of the Armed Forces who
 - incurred or aggravated a serious illness or injury in line of duty on active duty;
 - may be medically unfit to perform the duties of his office, grade, rank or rating because of the serious illness or injury; and
 - is undergoing medical treatment, recuperation or therapy, or is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness;

OR

- (2) a veteran of the Armed Forces who
- incurred or aggravated a qualifying injury or illness in line of duty on active duty;
 - is undergoing medical treatment, recuperation or therapy for a serious injury or illness; and
 - was a member of the Armed Forces at any time during the 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

In a year in which an employee uses leave to care for a covered servicemember, 26 weeks is the maximum amount of FMLA leave that the employee may use in total for all types of FMLA leave.

Definition of a Serious Health Condition: A “serious health condition” is an illness, injury, impairment, or physical or mental condition that involves either:

(1) an overnight inpatient stay in a medical care facility, or

(2) continuing treatment by a health care provider for a condition that either prevents the employee from performing the essential functions of the employee’s job, or prevents the qualified family member from participating in work, school, or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by:

- A period of incapacity of more than 3 consecutive full calendar days combined with either (a) at least 2 visits to a health care provider within certain time frames, or (b) one visit to a health care provider within a certain time frame and a regimen of continuing treatment;
- Incapacity due to pregnancy or prenatal care;
- Incapacity due to a chronic condition that continues for an extended period and requires at least two visits to a health care provider per year for treatment; or
- Permanent or long-term incapacity, or conditions requiring multiple treatments.

Use of Leave: When medically necessary, leave may be taken on an intermittent basis or by arranging a reduced work schedule. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the College’s operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Employee’s Responsibility to Give Notice of the Need for Leave: Employees must notify their supervisor and the Human Resource Department of any need to take FMLA leave (including any absence, late arrival, or early leaving related to FMLA leave). Employees must give this notice at least 30 days in advance of a foreseeable need for FMLA leave. If it is impossible to give 30 days

advance notice, employees must notify their supervisor and the Human Resources Department as soon as practicable. *Employees must follow all College rules for calling in to report absence, tardiness, or early leaving.*

Whenever requesting FMLA leave, employees must provide sufficient information for the College to determine whether the leave qualifies as FMLA leave and the anticipated timing and duration of the leave. Employees must also inform their supervisor and the Human Resources Department if the requested leave is for a reason for which FMLA leave was previously taken or certified.

Once an employee has requested FMLA leave, the College will inform the employee whether he or she is eligible to take FMLA leave and explain the employee's rights and responsibilities under FMLA. After the employee returns all required forms, the College will inform the employee whether or not the leave will be designated as FMLA leave.

Medical Certification: When the College requests it, an employee must provide complete and sufficient certification from a health care provider verifying the need for leave (at the employee's expense). The College will provide a form for this purpose. The employee must return the completed certification form to the College within 15 days. Failure to do so may result in the delay and/or denial of FMLA leave. The College may require subsequent opinions from a different health care provider (at the College's expense). The College may also require periodic re-certifications of the need for leave.

Communication With the Employee: The College may send notices and forms to the employee via e-mail. Once the College receives notice that the e-mail has been "read," the employee will be considered to have received the information.

Wages and Insurance Benefits During FMLA Leave: Wages are not paid during FMLA leave. The College will maintain the employee's health coverage under any group health plan for covered FMLA leave as long as the employee maintains his or her contributions during the leave.

Using Paid Leave Time During FMLA Leave: 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.

Whether or not paid leave is available, all time off which is covered by FMLA will be charged against the employee's yearly FMLA allowance.

Contact With the College During the Leave: While on FMLA leave, employees are required to report to [identify the job title/department of person(s) responsible for administering FMLA] regarding their status and intention to return to work. Likewise, it may be necessary for the College to contact an employee for those reasons. If the employee cannot be reached at the phone number on file with the College and the leave is in excess of 5 working days, the employee must provide a telephone number and address at which they can be contacted.

Returning to Work: Before returning to work from a leave due to the employee's own serious health condition, the employee must provide medical verification of his or her fitness for duty. The College will provide a list of the essential functions of the employee's job for that purpose. If the employee is taking leave intermittently or on a reduced work schedule, the College may require a certification of fitness to return to duty under certain circumstances.

Upon return from FMLA leave, most employees will be returned to their original position or an equivalent one, with equivalent pay, benefits and other employment terms. Use of FMLA leave will not result in the loss of any benefit that accrued prior to the start of the leave. Employees will not continue to accrue benefits while taking FMLA leave.

Termination of FMLA Leave: An employee's FMLA leave and benefits will cease under the following circumstances:

- The employment relationship would have terminated if the employee had not taken FMLA leave;
- The employee informs the College of his or her intent not to return from leave;
- The employee fails to return a medical certification as required;
- The employee fails to return to work at the end of an approved FMLA leave and is not approved for additional leave;
- The employee continues on unapproved leave after exhausting his or her FMLA leave entitlement;
- The College honestly believes that the employee fraudulently obtains FMLA leave or misuses FMLA leave;
- While on FMLA leave, the employee engages in conduct that is inconsistent with the need for leave; or

- The employee engages in employment with another employer or in self-employment without the College's approval during FMLA leave.

Enforcement: Any employee who believes that his or her rights under the FMLA have been violated is to report this immediately to their supervisor and the Human Resources Department. Any complaint will be investigated thoroughly and promptly. No employee will be retaliated against for making a good faith complaint. The FMLA also states that employees can file a complaint with the U.S. Department of Labor or in an appropriate court.

Additional Time Off After Exhaustion of FMLA Leave: An employee who exhausts his or her FMLA entitlement and cannot return to work due to the employee's own medical condition may request additional non-FMLA, leave. Such a request must be made at least 14 days prior to the start of the non-FMLA leave. Upon receiving such a request, the College will work with the employee to determine whether the employee's request is reasonable. That determination will be made on a case-by-case basis and will involve factors such as the length of the non-FMLA leave, whether there is a clear and fixed date when the employee will be able to return to his or position, and the operational needs of the College.

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. 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. For instance, in order for his or her position to be protected during a subsequent leave of absence for a qualifying reason under FMLA, 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.

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 19th to the 29th 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 18th 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. 403(b) RETIREMENT PLANS

The 403(b) voluntary benefit allows an employee to designate their investment choice and determine the amount he/she would like to contribute from their paychecks. This account is fully funded by employee contributions through payroll deductions without any matching contribution made from Baker College. The 403(b) benefit is voluntary with no waiting period to enroll. All part-time and full-time employees are eligible to participate.

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

K. RETIREE HEALTH REIMBURSEMENT ACCOUNT (HRA)

The College does not provide medical insurance for retirees; however, Baker College has established a Retiree Health Reimbursement Account (HRA). 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 \$425 for all credit hours for 2021/2022. 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.

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 \$425 for all credit hours for 2021/2022. 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.

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 \$213 for all credit hours for 2021/2022. 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.

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. OUTSIDE TUITION ASSISTANCE POLICY (FULL-TIME)

In order to encourage full-time staff and faculty to pursue graduate or terminal degrees relevant to the College's interest, the college offers an outside tuition assistance program. The purpose of the outside tuition assistance is to benefit the College and its students as well as the employee.

Full-time staff or faculty are eligible to apply for outside tuition assistance. The President's Cabinet, Program Director and Dean will determine who will be approved for the program. Qualification will be determined based on how the program will benefit the College, the students, and the employee as well as how the program of study will affect the employee's current job status.

To be eligible for reimbursement, the approved graduate or terminal degree must be offered through an accredited higher education institution. The degree coursework may be completed in a classroom, online, or hybrid format. materials.

Application instructions can be found on the Graduate Tuition Assistance Approval request form (SEE ATTACHMENT).

Reimbursement instructions can be found on the Graduate Tuition Reimbursement Request form (SEE ATTACHMENT).

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. For additional information about eligibility, requirements and limitations, please contact Human Resources and review the applicable

application materials.

Application instructions can be found on the Part-time Faculty Request for Graduate Program Approval (SEE ATTACHMENT).

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. ABSENTEEISM

It shall be the responsibility of the employee to report any anticipated absence using the following guidelines:

- Employees must contact their direct supervisor one hour prior to their scheduled start time to report absenteeism.
- Paid Time Off (PTO) requests should be submitted through eTIME for each absence within 3 days of the absence.

PTO time used for personal and vacation leave must be authorized in advance by your supervisor.

B. RIGHT TO KNOW

You have the right to know about the chemicals and materials found in your work place. The College will identify hazardous chemicals/materials, label containers, secure Material Safety Data Sheets, and train all employees with regard to the safe utilization of all hazardous chemicals/materials in the work place. Material Safety Data Sheets are located in each work area, as required, depending on which chemicals are used in that area.

C. EMERGENCY PREPAREDNESS

When notified of a fire or emergency, all employees and students must evacuate their building to their designated reassembly area, at least 100 feet from the emergency. In the event of a tornado or other similar severe weather notice, employees must report to the pre-determined shelter for their building. Emergency evacuation routes are posted in each classroom and hallway.

Baker College will provide First Aid treatment, depending on circumstances, to students, faculty, and staff of Baker College for any unforeseen emergencies or accidents that may occur on Baker College property. Small First Aid Kits are located in most buildings on the campus for minor needs, as well as in each Campus Safety vehicle. All requests for first aid supplies should be directed to the Campus Safety Officer.

D. PERSONAL PROPERTY AND LOST AND FOUND

Articles found in the facility or on the grounds should be turned into the Campus Safety office. Items are kept there until claimed. Such items will then be returned to the owner upon proper identification. The College cannot assume responsibility for personal property of employees, students, or visitors. Employees, therefore, must exercise good judgment and care in the placement of personal belongings. They should encourage students and visitors to do likewise.

E. BULLETIN BOARDS

Campus bulletin boards are for College use only. Posted information will be for the purpose of informing students and employees about relevant campus and community information. Various departments will be assigned specific bulletin

boards. Any other information that employees wish to post must be approved by the Director of Academic Affairs, Director of Students Affairs, or designee.

F. SMOKING AND FOOD

Baker College is a smoke free/tobacco free campus, this includes electronic cigarettes, vape pens or their equivalent. While on campus, employees are allowed to smoke in their personal vehicles only. Use of any tobacco products, electronic cigarettes, vape pens or their equivalent in College owned vehicles is strictly forbidden.

Food and drink are prohibited in lab spaces and computer labs. Staff is requested to not eat food at their desk space if it is located in an open space area. Additionally, beverages in these open space areas should be in appropriate containers.

G. PARKING

Current policy does not require employees to use parking permits.

H. EXPENSE REPORTS

Expenses will be reimbursed in accordance with the *Travel and Expense Reimbursement Policy*. An expense report must be accompanied by required documentation to verify the charges listed and must be approved by the individual's supervisor. Expense reports should be turned in to the System Finance Office by the last business day of the month following the month the expense was incurred. Mileage rates will be paid at the current IRS level.

I. COLLEGE FUNCTIONS, OTHER WORK RESPONSIBILITIES

Employees are highly encouraged to attend College functions and are required to attend assigned functions.

J. REQUISITIONS

Requisitions for all supplies are made through the assigned person in each department.

K. SUGGESTIONS

We are continually seeking ways to improve our services to students and the community. Employees are strongly encouraged to present improvement ideas to their immediate supervisor.

L. CHILDCARE

Childcare is not available at any Baker College campus. Please contact the Academic Resource Center (ARC) for a current listing of nearby childcare facilities.

M. EMPLOYEE ID/BUSINESS CARDS

Employee picture ID cards must be visibly worn at all times while on campus. ID cards are available in the Campus Safety office.

Business cards can be ordered through the Business Card Request Form on the Marketing/Social Media department page of MyBaker.