

NOTE: To the extent the policies below conflict with policies and procedures in the OCC online policy database (<https://oaklandcc.edu/policies/Default.aspx>), the policies in the database control.

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0.0.3 POLICY-Environmental Protection

A. Preservation of Natural Environment

The Board of Trustees, recognizing the importance of preserving natural environs, shall take into consideration existing Campus Master Plans for environmental protection when studying proposals for the use of any College property. Such proposals would require Board approval before being affected. Further, the College is committed to the preservation of the existing natural environment and its improvement, particularly in the management of trees.

B. Recycling

Oakland Community College is committed to the preservation of a healthy environment for its students, staff and community. The College will, to the best of its ability, responsibly use resources by reducing waste, reusing and recycling. Environmental costs will be considered as factors in making decisions.

Initial Approval: 08-28-86
Reviewed: 12-15-87
Revised: 02-25-88
Revised: 08-27-92

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0.0.3 PROCEDURE- Environmental Protection

A. Preservation of Natural Environment

Each year, the administration will budget funds within the financial means for the College to plant new trees based on priorities established by campus environmental and beautification committees.

No living tree on any campus shall be destroyed or cut down except as part of a planned College construction project. In the event trees are removed because no acceptable alternative can be found, replacement trees equal to the girth of those removed will be planted.

Trees that are diseased, dead or present a safety hazard may be removed, but new trees equal in girth will be planted.

The Board of Trustees must approve, in advance, all tree replacements or new plantings based upon the appropriate administrative recommendation.

The only exception to the above approval requirement will be when an immediate danger to the community, staff or student body exists. A report will be forwarded to the Board of Trustees as soon as possible after the event occurs.

B. Recycling

Setup

Each campus will have recycling dumpster(s) to store the recycling materials.

All campuses will collect recyclable materials in blue bin containers with lids. Each bin will be labeled by a sticker that describes the contents to be placed in the bin and special instructions for preparing the item before being placed in the bin.

All campuses will collect the same recycle material. This includes office paper, tins and metals, plastic, glass, cardboard, newspaper, and Styrofoam.

Each material will be collected in the same locations on campuses. Office paper will be collected at minimum, at each work station or desk, near copy machines and computer lab areas. Tins and metals, plastic, glass, newspaper and Styrofoam will be collected at cafeterias. Newspaper will also be collected at libraries. Cardboard will be collected from any location on the campuses.

The college will purchase and distribute recycle bins and lids, label stickers to place on bins and supportive flyers and advertisement to increase recycling awareness.

The college will provide training to employees to explain the recycling process and to answer questions and solve problems.

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0.0.5 POLICY- Drug and Alcohol Abuse Free College

The unlawful manufacture, distribution, dispensation, possession or use of, or being impaired by, a controlled substance is prohibited while on all College owned, leased, controlled or operated property, or in the course of any College related activity, program or job performance. For the purpose of this policy, a “controlled substance” is as listed in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined in the associated Federal Regulation, 21 CFR 1308.11 – 1308.15.

In addition, the illegal possession, use or sale of alcoholic beverages, or conduct which is otherwise proscribed by state law, as well as being impaired by alcohol while on College owned, leased, controlled or operated property, or in the course of any College related activity, program or job performance, is also prohibited.

The Chancellor is hereby charged with responsibility for promulgating a procedure to implement requirements of the Drug Free Workplace Act, the Drug Free Schools and Communities Act, and the Clery Act, and for otherwise ensuring compliance with this policy.

Initial Approval: 04-27-89

Public Acts: Federal Drug Free Workplace Act of 1988; Federal Drug Free Schools and Communities Act; Federal Clery Act of 1998

Revised: 06-19-12

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0.0.5 PROCEDURE - Drug and Alcohol Abuse Free College

COLLEGE PENALTIES FOR VIOLATION OF BOARD OF TRUSTEES DRUG AND ALCOHOL ABUSE FREE COLLEGE POLICY

Any employee or student found to be in violation of the above prohibitions shall be subject to 1) disciplinary action, up to and including immediate discharge or dismissal; and/or 2) may be required to participate in a substance abuse assistance or rehabilitation program as a condition of continued employment or student status. Immediate discharge shall normally occur for violations involving the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance.

Furthermore, as a condition of continued employment, any employee who is convicted of any state or federal criminal statute, with respect to conduct occurring in the workplace, involving the manufacture, distribution, dispensation, use, or possession of any controlled substance shall provide written notification to the Chief Human Resources Officer of the conviction no later than five (5) days after such conviction. To the extent required by the Drug Free Workplace Act, the College also will notify the applicable federal grant or contract official of convictions so reported. Failure to timely report such conviction shall subject the employee to disciplinary action, up to and including immediate discharge. Any employee who is convicted as described above also may be subject to 1) disciplinary action, up to and including immediate discharge; and/or 2) may be required to participate in a substance abuse assistance or rehabilitation program as a condition of continued employment.

POTENTIAL LEGAL CONSEQUENCES

Violations of laws and ordinances relating to drugs and alcohol also may result in misdemeanor or felony convictions accompanied by the imposition of legal sanctions, which include, but are not limited to, the following:

- Fines as determined under local, state, or federal laws;
- Imprisonment, including up to life imprisonment, for possession or trafficking in drugs such as heroin and cocaine;
- Forfeiture of personal and real property;
- Denial of federal benefits such as grants, contracts and student loans;
- Loss of driving privileges;
- Required attendance at substance abuse education or treatment programs.

Federal Drug Sanctions - A full description of federal sanctions for drug felonies can be found at: <http://www.usdoj.gov/dea/agency/penalties.htm>.

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State Alcohol Sanctions – Under Michigan law, it is illegal for anyone under the age of 21 to purchase, consume or possess, or have any bodily content of alcohol. The following summarizes some of the potential legal consequences for violating state law.

- A first-time conviction may result in a fine, substance abuse education and treatment, community service and court-ordered drug screenings.
- There also is a provision for possible imprisonment or probation for a second or subsequent offense.
- The use of false identification by minors in obtaining alcohol is punishable with a fine, loss of driver's license, probation and community service.
- Individuals can be arrested and/or convicted of operating a vehicle while intoxicated with a blood alcohol concentration (BAC) level at .08 or higher. If a student is under 21, there is a "zero tolerance" law in the state of Michigan, and any blood alcohol level of .01 or higher can lead to a minor in possession (MIP) citation as well as being cited for operating a vehicle while intoxicated, if applicable. This is in addition to suspension of driving privileges in the state of Michigan.

Michigan Law Governing Medical Marijuana – The Michigan Medical Marijuana Act of 2008 (MMMA) permits qualified patients and their primary caregivers to use, possess and grow limited amounts of marijuana for treatment of certain debilitating medical conditions. However, the MMMA conflicts with federal criminal laws governing controlled substances, as well as federal laws requiring institutions receiving federal funds, by grant or contract, to maintain drug-free campuses and workplaces. The College receives federal funding that would be in jeopardy if those federal laws did not take precedence over state law. Thus, the use, possession or cultivation of marijuana in any form and for any purpose constitutes a violation of the Board of Trustees' Drug and Alcohol Abuse Free College Policy.

HEALTH RISKS ASSOCIATED WITH SUBSTANCE ABUSE

Considerable health risks are associated with the abuse of controlled substances. Substance abuse dramatically impairs employee and student performance, contributes to absenteeism, and presents safety risks for not only the abusing employee or student, but also to others within the College community. The following are general descriptions of some of the health risks associated with substance abuse.

ALCOHOL	Loss of concentration and judgment; slowed reflexes; disorientation leading to higher risk of accidents and problem behavior; risk of liver and heart damage, malnutrition, cancer and other illnesses; can be highly addictive to some persons.
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AMPHETAMINES	Can cause rushed, careless behavior and pushing beyond your physical capacity, leading to exhaustion; tolerance increases rapidly; causes physical and psychological dependence; withdrawal can result in depression and suicide; continued high doses can cause heart problems, infections, malnutrition and death.
CANNABIS	Can cause permanent damage to lungs, reproductive organs and brain function; slows reflexes; increases forgetfulness; alters judgment of space and distance.
COCAINE	Cause damage to respiratory and immune systems; induces malnutrition, seizures and loss of brain function. Some forms (such as “crack”) are highly addictive.
HALLUCINOGENS (PCP, LSD, ecstasy)	Cause extreme distortions of what's seen and heard; induces sudden changes in behavior, loss of concentration and memory; increases risk of birth defects in user's children; overdose can cause psychosis, convulsions, coma and death. Frequent use can cause permanent loss of mental function.
INHALANTS (nitrous oxide, amyl nitrite, butyl nitrite, chlorohydrocarbons, hydrocarbons)	Cause nausea, dizziness, fatigue, slurred speech, hallucinations or delusions; may lead to rapid and irregular heart rhythms, heart failure and death; long-term use may result in loss of feeling, hearing and vision; can result in permanent damage to the brain, heart, lungs, liver and kidneys.
NARCOTICS (heroin, morphine, opium, codeine)	Highly addictive; tolerance increases rapidly; cause physical and psychological dependence; overdose can cause coma, convulsions, respiratory arrest and death; leads to malnutrition, infection and hepatitis. Sharing needles is a leading cause of the spread of HIV and hepatitis.
SEDATIVES	Tolerance increases rapidly; produces physical and psychological dependence; cause reduced reaction time and confusion; overdoses can cause coma, respiratory arrest, convulsions and death; withdrawal can be dangerous; in

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combination with other controlled substances can quickly cause coma and death.

AVAILABILITY OF SUBSTANCE ABUSE REHABILITATION AND COUNSELING

The College offers educational and referral services to employees aimed at preventing substance abuse and assisting in rehabilitation, if desired, to local agencies offering such services. Interested employees should contact the Human Resources Specialist (Benefits) at (248) 341-2029 or (248) 341-2030. All inquiries are confidential.

The College also offers educational and referral services to students aimed at preventing substance abuse and assisting in rehabilitation, if desired, to agencies offering such services. Interested students should contact the Counseling Department at any campus. Phone numbers for those departments are available at the College website www.oaklandcc.edu. All inquiries are confidential. Students may also contact the Oakland County Health Department at www.oakgov.com/health.

POLICY DISSEMINATION

The College will provide employees with a copy of the Board of Trustees Drug and Alcohol Abuse Free College Policy and the above provisions of this procedure, and they will also be required to sign acknowledgement forms of these terms at New Employee and New Faculty Orientations. A copy of the Board of Trustees Drug and Alcohol Abuse Free College Policy and the above provisions of these procedures also will be posted on the Public Safety website and the Adjunct Faculty website.

The College will also include the Board of Trustees Drug and Alcohol Abuse Free College Policy and the above provisions of these procedures in the College Catalog, Student Handbook and Employee Handbook.

The College will also annually disseminate an email including the Board of Trustees Drug and Alcohol Abuse Free College Policy and the above provisions of these procedures to all employees and students.

BIENNIAL REVIEW

The College shall conduct a biennial review of this Policy to: 1) determine its effectiveness and implement changes, if needed; and 2) determine the number of drug- and alcohol-related violations and fatalities that (i) occur on campus or during College activities; and (ii) are reported to College officials.

Approved by Chancellor's Council: 05-02-89

Revised Draft 12-08-10 reviewed by Chancellor's Cabinet 01-26-11

Revised: 06-19-12

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0.0.6 POLICY- Safe Work Environment

In accordance with Act 26 of the Public Acts of 1970, Oakland Community College Board of Trustees adopts a policy prohibiting all persons from engaging or participating in unlawful, uncivilized, unsafe, or unacceptable behavior while in buildings or on grounds owned and/or controlled by Oakland Community College.

All persons shall be prohibited from acts endangering students, staff, faculty and the public. These acts include but are not limited to: disruption; physical abuse; theft; unauthorized entry; obscene or disorderly conduct; illegal use and/or possession of alcohol, drugs, or other contraband; failure to comply with College policy or public safety; obstruction of traffic; and possession of a weapon as defined below:

No person, other than law enforcement personnel or a person authorized by the Director of Public Safety or his or her designee, shall possess a weapon on property owned, leased or otherwise in the possession of the College.

As used in this policy, the term "weapon" shall mean: (1) firearms; (2) explosives or explosive devices including, but not limited to, fireworks, firecrackers or firearm ammunition; (3) knife, stabbing instrument, brass knuckles, blackjack, club, or other objects specifically designed or customarily possessed for use as a weapon; or (4) an object or substance, not normally considered a weapon, that is used in a threatening or harmful manner likely to cause bodily injury or death.

The Board of Trustees directs the College administration to formulate appropriate rules and regulations to enact this policy and to ensure Oakland Community College students, staff, faculty and visitors that Oakland Community College places a high value on a safe and healthy environment.

Initial Approval: 07-29-93

Revised: 03-18-14

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0.0.7 POLICY- Workplace Threats and Violence

Oakland Community College places the highest priority on the safety and security of its employees, students and others on College property and our policy is to maintain a work environment free from intimidation, threats, or violent acts. The College therefore takes a zero tolerance position whereby violent acts of any kind including threats and abusive language will not be tolerated. This includes, but is not limited to, threats, threatening or hostile behavior, physical abuse, vandalism, arson, sabotage, use of weapons, carrying weapons onto College property, or any other acts or threats of violence against employees, students, or others, by anyone on College property, which in management's judgment is inappropriate to the workplace or educational environment. In addition, bizarre or offensive comments regarding violent events and/or behavior are not tolerated.

Any individual who makes substantial threats, exhibits threatening behavior, or engages in violent acts on College property shall be removed from the premises as quickly as safety permits and shall remain off College property pending the outcome of an investigation. As part of the investigation process employees or others may be subject to the search of their person, personal effects, or College-provided material pursuant to Public Safety General Order #91-19 (Searching of Offices on Campus).

Any employee, student, or others who feel subjected to any of the behaviors listed above should immediately report the incident to any supervisor, Human Resources representative or Public Safety officer. Employees should directly contact Public Safety if they believe there is an immediate threat to their safety and health or the safety and health of others. Complaints will receive attention and the situation will be investigated. Based upon the results of the investigation, disciplinary action, if appropriate, will be taken against the offender which may include, but is not limited to, student suspension or dismissal, suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, arrest and prosecution.

No existing College policy, practice, or procedure should be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring or a life threatening situation from developing.

All individuals who apply for or obtain a protective or restraining order which lists College locations as being protected areas, must provide to the Human Resources and Public Safety Departments a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order, and a copy of any protective or restraining order which is made permanent. Oakland Community College understands the sensitivity of the information requested and respects the privacy of the reporting employee(s). All information will be kept confidential on a need to know basis.

Initial Approval: 09-16-96

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0.0.7 PROCEDURE-Workplace Threats and Violence

The following procedures have been adopted in order to implement the Board of Trustee's Policy regarding Threats and Violence in the work environment at Oakland Community College.

A. Duty to Notify

1. All Oakland Community College personnel are responsible for notifying their supervisor, Human Resources representative and/or Public Safety of any threats which they have witnessed, received, or has been told that another person has witnessed or received. Even without an actual threat, personnel should also report any behavior they have witnessed which they regard as threatening or violent, when that behavior is job related or might be carried out on a College controlled site, or is connected to College employment, or College services or facilities.
2. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the focus of the threatening behavior.

B. Investigation of Threats and Violent Incidents

1. Any employee, student, or others who feel subjected to any threatening behavior should immediately report the incident to any supervisor, Human Resources representative or Public Safety officer. Employees should directly contact Public Safety if they believe there is an immediate threat to the safety and health of others. Any supervisor to whom any threatening behavior is reported must contact a Human Resources representative and Public Safety immediately.
2. All incidents will be immediately investigated by the Human Resources representative in conjunction with Public Safety and, when appropriate, designated campus representative. The Human Resources representative will evaluate the situation and coordinate the investigation. If warranted, disciplinary action will be taken against the offender.
3. The Human Resources representative will formulate a plan to investigate a complaint based upon the information available and respond accordingly.
4. The Human Resources representative in conjunction with Public Safety will investigate and gather as much information quickly, discretely and as confidentially as possible with an emphasis upon documentation and concentrating on the actual behaviors and feelings of the individuals directly involved, as opposed to any perceived behaviors or feelings.
5. The Human Resources representative will get assistance from the Human Resources Department, the Employee Assistance Program, legal counsel, Public Safety, designated campus representative and outside personnel such as police and fire departments if necessary.

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6. If it appears that there may be a serious concern of danger to the employee, student, or others, the Human Resources representative will establish priorities and assemble a crisis team. The crisis team may include, but is not limited to, representatives from the Human Resources Department, Public Safety Department, appropriate Union group, Employee Assistance Program and legal counsel.
7. If necessary, the Human Resources representative in conjunction with Public Safety will summon outside help and initiate an emergency exit plan.
8. The Human Resources representative and the crisis team, if assembled, will determine what steps need to be taken.
9. The Human Resources representative will arrange a meeting with the employee, student, or others, Public Safety, Union representative and the crisis team, if assembled. If the individual calms down, the Human Resources representative will suggest a plan to avoid future confrontation, such as counseling, transfer, leave of absence, participation in the Employee Assistance Program, etc. The Human Resources representative and Public Safety will establish a plan to stay in touch and monitor behavior improvements or progress of the plan. If the employee fails to participate in the plan, further disciplinary action may be taken.
10. If warranted, the Human Resources representative in conjunction with Public Safety will contact a specialist and have the employee psychologically evaluated before any further steps are taken or any plan decided.
11. If threats are made, either express or implied, during the meeting, or at any other time, by the offender against others not in attendance, those not in attendance who have been threatened and their supervisor will be contacted. The Human Resources representative and Public Safety will meet with them, advise them of the situation, and give them a plan of action.
12. All details of all meetings will be kept confidential on a need to know basis.
13. If warranted, disciplinary action may be taken against the offender. Disciplinary action may include, but is not limited to, student suspension or dismissal, suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, arrest and prosecution. Failure to follow a plan of action will subject the offender to disciplinary action.
14. This procedure does not preclude the Human Resources representative, supervisor, or Public Safety from taking prompt and immediate action to prevent an immediate or severe threat from being carried out, a violent act from occurring or a life threatening situation from developing.
15. Any employee, student, or others who feel he/she may be a threat to others or may need help must contact a Human Resources representative, his/her supervisor, Union representative, Public Safety, or Employee Assistance Program representative immediately.

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16. Any employee, student, or others who applies for or obtains a protective or restraining order which lists College locations as being protected areas, must provide to the Human Resources Department and Public Safety a copy of the petition, declarations used to seek the order, a copy of any temporary protective or restraining order, and a copy of any protective or restraining order which is made permanent. Oakland Community College understand the sensitivity of the information requested and respects the privacy of the reporting employee(s). All information will be kept confidential on a need to know basis.

C. Corrective Action

1. At the meeting (refer to B-9 above) with the employee, student, or others, Human Resources representative, Public Safety, Union representative and crisis team, if assembled, will devise a plan to avoid future confrontations, such as counseling, transfer, leave of absence, enrollment in an employee assisted program, etc.
2. The Human Resources representative in conjunction with Public Safety will set time limits and make appointments to monitor the progress of the employee or student.
3. The Human Resources representative will follow-up periodically to see that the plan is being followed and make sure the situation is under control. The employee is required to contact the Human Resources representative, Supervisor, and/or Public Safety if any new situations develop requiring additional input.
4. If necessary, the Human Resources representative will offer emergency leave, financial assistance, legal and medical referrals, EAP assistance, medical assistance, union intervention, police, courts, child welfare, family, friends, relatives, and any other appropriate intervention.
5. Failure to follow a plan of action will subject the employee, student or others to disciplinary action. Disciplinary action may include but is not limited to, student suspension or dismissal, suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, arrest, and prosecution.

Initial Approval: 09-16-96

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0.0.8 POLICY- Searches

As a part of a criminal investigation process and pursuant to Public Safety General Order #91-19 (Searching of Offices on Campus), Oakland Community College reserves the right to conduct searches and inspections which comport with all constitutional, federal, state and local laws. Such searches may include employees, students, or others, their person, personal effects, or College-provided material. This includes, but is not limited to, lunch pails, boxes, thermoses, purses, lockers, desks, personal computer files, cabinets, file drawers, packages, or vehicles.

Any illegal and/or unauthorized articles discovered may be taken into custody and may be turned over to law enforcement representatives. Any individual who refuses to submit to a search, or who is found in possession of prohibited articles will be subject to disciplinary action, if appropriate, which may include, but is not limited to, student suspension or dismissal, suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, arrest and prosecution.

Subject to the Freedom of Information Act as well as all other federal, state and local laws, information or articles discovered resulting from the search will be kept confidential on a need to know basis.

Initial Approval: 11-18-96

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1.6.9 POLICY- Credit Card Policy

1. An officer or employee shall be designated by the Board who is responsible for credit card issuance, accounting, monitoring and retrieval and generally for overseeing compliance with the credit card policy.
2. A credit card may be used only by the Chancellor or his/her designate for the purchase of goods or services for the official business of the College.
3. The Chancellor or his/her designate using credit cards issued by the College shall submit to the College documentation described in Board policies, including but not limited to receipts, that detail the goods or services purchased, the cost of the goods or services, the date of the purchase, and the official business for which purchased.
4. The Chancellor or his/her designate issued a credit card is responsible for its protection and custody and shall immediately notify the College if the credit card is lost or stolen.
5. The College shall develop a system of internal accounting controls to monitor use of credit cards issued by the College, which controls must be in writing and approved by the Board.
6. The College shall establish written procedures and controls for reviewing and authorizing credit card payments, which procedures and controls must be approved by the Board.
7. The balance, including interest due on an extension of credit under the credit card arrangement shall be paid for within not more than 60 days of the initial statement date.
8. The College shall develop written disciplinary measures consistent with law for the unauthorized use of a credit card by the Chancellor or his/her designate, which measures must be approved by the Board.

Initial Approval: 03-17-08

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1.7.6 POLICY- Board of Trustees Technology Policy

Oakland Community College (OCC) provides its students, employees, Board of Trustees, and the public with access to information resources and technologies. OCC recognizes the free exchange of opinions and ideas is essential to academic freedom, and the advancement of educational, service, operational, and management purposes is furthered by making these resources accessible.

OCC Board Policy 3.8.2. states users of the information technology resources will abide by applicable Federal and State laws and the College's regulations (Technology Appropriate Use Regulations found at www.oaklandcc.edu/TAUR) governing the use of these resources, and will use them in support of activities directly related to duties and assignments. Those mandates apply to all users of OCC technology, including students, employees of every kind, and the Board of Trustees. The aim of that policy is to safeguard the use of resources, including technology resources acquired and maintained with public funds.

Limited incidental personal use of OCC technology resources, including through use of personal email systems, is permitted except as described in TAUR. OCC employees and trustees are responsible for exercising good judgment about personal use in accordance with this regulation, OCC's consistent local guidelines and standards. Personal use refers to activities which only affect the individual and are not related to an employee's or trustee's outside business. OCC employees and trustees are required to conduct themselves in a manner which will not raise concern that they are or might be engaged in acts that violate the public trust.

To assure architecture capable of common support, the College will provide each Trustee, upon their request, with IT equipment determined solely by the standards of the College. The College will also provide IT support for the College-owned equipment, including approved software applications relevant to Board activity. The intended use of such equipment is for College-related business in adherence with Board Policy 3.8.2 and TAUR, and described in the above.

Initial Approval: 04-16-13

NOTE: To the extent the policies below conflict with policies and procedures in the OCC online policy database (<https://oaklandcc.edu/policies/Default.aspx>), the policies in the database control.

1.7.6 PROCEDURE- Board of Trustees Technology Procedure

As Oakland Community College (OCC) provides its students, employees, Board of Trustees, and the public with access to information resources and technologies, the following procedures shall be adhered to:

A. College-Provided Information Technology

Information technology will be provided to the Trustees for the duration of their term of office. At the conclusion of a Trustee's term, the technology will be returned to OCC or may be available for sale to the Trustee according to the schedule below.

If the technology in question is less than or equal to one year from the anniversary of the purchase date, then the device will be returned to OCC for redeployment. If the device is more than four years from the anniversary date, then it will be made available to the user at the warehouse sale price. If the device is more than one year and less than four years old, then the price will be prorated on a straight-line basis until it reaches the warehouse sale price.

When a device comes to the end of its scheduled life it is disposed of following applicable Federal and State laws and guidelines.

B. Handling Software

PCs sold at the warehouse sale are sold with an operating system license. Devices disposed of through this process will be released to the buyer with a valid operating system license. Any other College-licensed software must be removed from the device by an OCC IT staff member or designee prior to handoff to the buyer.

C. Equipment Condition and IT Support

The devices are considered "as is," and the College assumes no liability or responsibility for the condition, operation, or support of the device once it changes ownership.

Initial Approval: 04-16-13

DIVISION II HUMAN RESOURCES

2.1 COLLEGE EMPLOYEES

2.1.1 POLICY- Officers of the College

The Officers of Oakland Community College shall be the Chancellor and those members of the Chancellor's Council who report directly to the Chancellor.

Approved: 11-20-80

2.1.2 POLICY- Regular Employees

A. Administrators

The term "administrators" shall include, in addition to the Officers of the College, all personnel who perform executive duties in the management processes of the College.

B. Faculty

The term "faculty" shall include all full-time members of the faculty as defined in the Faculty Master Agreement between the College and the Oakland Community College Faculty Association.

C. Management Staff

The term "Management staff" shall include all persons who fulfill either confidential and/or supervisory functions or who assist Officers and/or administrators of the College.

D. Operating Engineers

The term "operating engineers" shall include all personnel who are organized under the Operating Engineers Master Agreement and who have the responsibility for supervising maintenance personnel.

E. Maintenance Personnel

The term "maintenance personnel" shall include all personnel who are organized under the Maintenance Master Agreement and who have the responsibility for maintaining physical facilities at all properties owned and/or operated by the College.

F. Public Safety Personnel

The term "public safety personnel" shall include all personnel who are organized under the Public Safety Master Agreement and who have the responsibility for maintaining public safety at all properties owned and/or operated by the College.

G. Classified Personnel

The term "classified personnel" shall include all personnel who are organized under the Classified Master Agreement and who have the responsibility for performing clerical duties assigned to their jobs by the College.

2.1.3 POLICY- Part-Time Personnel

A. Adjunct Faculty

The term "adjunct faculty" shall include all non-full-time faculty members.

B. Part-Time Employees

The term "part-time employees" shall include those personnel, with the exception of adjunct faculty, who are employed by the College to work thirty hours per week or less.

Approved: 02-17-77

2.1.4 POLICY- Temporary Employees

The term "temporary employees" shall include those persons who are not covered by a collective bargaining agreement, and who are employed by the College to work on a full- or part-time basis for periods that normally do not exceed sixty days. Temporary employment may be extended if such action is necessary.

Approved: 11-20-80

2.1.5 POLICY- Student Assistants

The term "student assistants" shall include currently enrolled full- or part-time students who are employed by the College on either a part-time and/or temporary basis.

Approved: 02-17-77

2.1.6 POLICY- Enterprise Employees

The term "enterprise employees" shall include those employees whose employment is full time and is specifically linked to a project or enterprise. This would include, but not be limited to, grant-funded employees; individuals employed on a special basis to provide a specific service; individuals whose positions are funded from other than normal revenue funds; and those individuals whose employment is for a specific duration.

2.2 GENERAL POLICIES

2.2.1 POLICY- Employment Status of Employees

Personnel covered under collective bargaining agreements shall be covered by the terms and conditions specified in their agreements.

Unless otherwise specified by Board policy, Officers are hired by the College under terms and conditions as specified in their individual contracts. A faculty status provision in any individual contract of an Officer is subject to the approval of the Chancellor.

The following categories of employees are employed on at-will basis by the College and such an individual's employment and compensation may be terminated with or without cause, and with or without notice, at any time at the option of the College or of the individual: adjunct faculty, part-time (except those covered by a collective bargaining agreement), student assistants, temporary and enterprise employees. No Officer or employee of the College, has any authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the foregoing.

All other regular full-time employees of the College are employed by the College as long as their services are necessary and/or satisfactory to the College. The College shall determine if the employee's services are necessary and/or satisfactory.

Revised: 06-21-11

Revised: 01-17-17

2.2.2 POLICY- Employment Practices

A. Eligibility for Employment

Eligibility for employment shall be determined on the basis of fulfillment of qualifications for the position as set forth in the Job Description on file in the Personnel Office and/or in accordance with the terms of negotiated collective bargaining agreements in force where applicable.

Approved: 02-17-77

Full time regular and enterprise employees may be employed as adjunct faculty subject to the normal selection process and subject to limitations provided in the Faculty Master Agreement. No other employee shall be employed in more than one category of employment at any one time, nor shall employees be employed in more than one job within a category at the same time. Exceptions to this policy may be authorized by the appropriate Campus President, Executive Director, Vice Chancellor, or Chancellor in consultation with the Human Resources Department. Current employees must comply with this policy no later than 9-1-93.

Approved: 07-29-93

B. Appointments and Recommendations

The Board shall appoint and employ a person who is not a member of the Board as Chancellor.

The Board delegates to the Chancellor, or his/her designee, the authority to hire, appoint, promote, or discharge employees consistent with the current budget unless specifically reserved for the Board in the current collective bargaining agreement.

Salary ranges for full-time employees may be established only when recommended by the Chancellor and approved by the Board of Trustees, except those specifically outlined in collective bargaining agreements.

Any changes in the general language of executive contracts for employees directly reporting to the Chancellor (e.g., not including appointing, hiring, promoting and/or discharging the specific individual) must be approved by the Board.

The Board of Trustees shall be informed of changes in personnel through a monthly monitoring report format approved by the Board.

Approved: 02-17-77

C. Medical Examinations

All potential full-time employees of the College will be required to have a medical examination by a College appointed physician together with all inoculations and tests required by law after an offer has been made but before beginning employment.

The College will pay the cost of the examination. The College may require an examination of any employee by a College-appointed doctor whenever a question of fitness may arise. The results of such examinations shall be recorded on a form furnished by the Human Resources Office and kept in a file separate from other personnel files regarding an employee.

Approved: 11-20-80

D. Employment of Minors

Children under the age of sixteen will not be considered for employment by the College.

Approved: 02-17-77

E. Employment of Relatives (Nepotism)

Oakland Community College will allow employment of spouses or relatives* in the same department or administrative unit provided that neither spouse nor relative directly determines or may effectively recommend the appointment, retention, work assignment, promotion, demotion, compensation, discipline, or working conditions of the person, or immediately supervises the person to whom he/she is related by blood or marriage.*

*The terms spouse, relatives and related by blood or marriage are hereby defined as: Current Spouse, Mother, Father, Son, Daughter, Brother, Sister, Grandparents, Grandchildren, Mother-in-law, Son-in-law, Daughter-in-law, Brother-in-law, Sister-in-law, Stepmother, Stepfather, Stepchild or any other relative living in the immediate household.

*The terms spouse, relatives, and related by blood or marriage are hereby defined as: Current Spouse, Mother, Father, Son, Daughter, Brother, Sister, Grandparents, Grandchildren, Mother-in-law, Father-in-law, Daughter-in-law, Brother-in-law, Stepmother, Stepfather, Stepchild, or any other relative living in the immediate household.

Revised: 06-21-11

2.2.3 POLICY- Obligations of Employees

A. Professional Services

It shall be the duty of all employees of the College to so conduct themselves in the discharge of their duties as to reflect credit upon and to further promote the interests of the College.

B. Representing the College

Any Officer or employee may be appointed in writing as a delegate by the Board of Trustees or the Chancellor to represent the College on appropriate occasions, but no such delegate may commit the College to doctrine, policy or action without first obtaining the approval of the Board of Trustees through the Chancellor.

Approved: 2-17-77

C. Credentials

It is the responsibility of all employees to provide the Human Resources Office with their credentials and other documents in order to insure complete employment records. The Human Resources Office will be the official depository for such files. All employees may review their own personnel files upon request; privileged information such as references and confidential credentials from other institutions and/or employers normally collected prior to employment, shall be specifically exempt from such reviews.

D. Conflicts of Interest

No Officer or employee shall be a party to or have substantial interest, financial or otherwise, whether directly or indirectly, in any contract (excluding their employment agreements) with the College. Nor shall any Officer or employee, directly or indirectly, solicit any contract or services between the College and any party or entity of which they, or members of their immediate families, are owners, partners, members, employees or have any substantial interest, financial or otherwise.

No Officer or employee shall place themselves in positions or situations, or otherwise incur an obligation of any nature, which shall preclude them from performing their duties and responsibilities in the best interests of the College.

It shall be the strict obligation of all Officers and employees of the College to disclose to the Chancellor through their immediate supervisors, and the Chancellor to the Board of Trustees, any personal interests or involvement which may be the subject matter of a potential conflict of interest under the terms of this policy.

No member of the faculty, either part-time or full-time shall, for pay, give private instruction in any course offered by the College without approval of the Chancellor or designee.

Approved: 11-20-80

No employee shall have direct dealing with students in the sale of private tutorial services, books, instruments, lectures, notes or similar materials without written approval from the Chancellor.

Approved: 07-01-77

E. Solicitation or Acceptance of Funds or Gifts

No Officer or employee may accept, directly or indirectly, for him/herself or for any relative or friend any gift or favor, other than one involving no more than an ordinary social amenity, from an organization with which the College does business or that seeks to do business with the College.

Solicitation of funds or gifts for the benefit of the College, or any College group or organization, by Officers or employees shall be made only with the consent of the Chancellor. No Officer or employee may solicit, directly or indirectly, for oneself or for the benefit of any relative or friend any gift or favor from an organization with which the College does business or that seeks to do business with the College.

Solicitation of funds or gifts from College employees, or by College employees for personal gain or for any outside group, shall not be permitted on College owned or operated property.

Solicitation of funds or gifts for the benefit of a group or organization external to the College shall be made only with the consent of the Chancellor.

F. Mandatory Training

All full-time employees of the College will be required to participate in any staff development activity that the Chancellor deems to be in the best interest of the employees and the institution. The Chancellor shall approve appropriate staff development activities. These will include but are not limited to:

Sexual Harassment

Workplace Violence

Customer Services

Orientation for New Employees

Diversity (will be incorporated into ALL areas of training).

Approved: 08-16-99

Revised: 06-21-11

2.2.4 POLICY- Miscellaneous

A. Fringe Benefits for Represented, Part-Time Personnel, Temporary Employees whose employment is anticipated, at time of hire, to be less than twelve consecutive months, and Student Assistants.

1. All regular College employees who are working under a collective bargaining agreement with the College will receive such benefits as are set forth in the master agreement for which said employee is a member of the bargaining unit.
2. Part-time personnel, temporary employees whose employment is anticipated, at time of hire, to be less than twelve consecutive months, and student assistants are covered only by Worker's Compensation, Unemployment Compensation and Social Security as required by law and Michigan School Employees Retirement System as applicable. Adjunct faculty shall receive tuition reimbursement for an equivalent number of hours taught.

Revised: 07-29-93

B. Necessary Equipment

The College will endeavor to make available equipment that is necessary for employees to accomplish whatever responsibilities they are assigned. Employees are discouraged from bringing personal property to satisfy their own personal convenience, and the College assumes no responsibility for such items.

Approved: 11-20-80

C. Smoking on College Property

Effective September 1, 2012, smoking will be prohibited on College-owned or leased properties. This policy applies to all employees, vendors, contractors, students and the public. This prohibition applies specifically to the smoking or other use of tobacco products including, but not limited to, cigarettes, cigars, pipes, chewing tobacco, snuff, and electronic cigarettes. This policy does not apply to electronic devices prescribed by a health care provider (e.g., nicotine inhaler). The legal use of medical marijuana and the illegal use of non-prescription marijuana are addressed separately from this policy and procedure.

Copies of this policy shall be distributed to all employees. In addition, the policy change shall be posted on the College home web page.

All employees share in the responsibility for adhering to and supporting this policy. Any problems should be brought to the attention of the appropriate supervisor and handled through normal administrative procedures. Employees who violate this

policy will be subject to the same disciplinary actions that accompany infractions of other College rules. Students who violate this policy will be subject to discipline per the procedure established for student smoking violations.

Approved: 04-22-93

Revised: 03-20-12

Revised: 12-15-15

2.2.4 PROCEDURE- Miscellaneous

C. Smoking on College Property

STUDENT DISCIPLINE FOR SMOKING POLICY VIOLATIONS

1. Any student observed to be smoking on College property will be a) reminded of the no smoking policy, and b) directed to refrain from smoking on College property.
2. If the student refuses to cooperate, then an academic Dean shall be advised of the situation.
3. If a student is reminded a second time on any College property within an academic year, he/she will be required to meet with the president or his/her designee. Any formal reprimand will be consistent with the Student Conduct section as provided in the Student Handbook.
4. If a student is observed smoking on any College property a third time in an academic year, he/she will be suspended from all classes for the remainder of the semester.
5. A total of four violations on any College property may result in dismissal from the College.

Revised: 03-20-12

2.2.4 POLICY- Miscellaneous

D. Duplicating of Audio and Video Recording

Duplicating audio visual materials and fair use of copyrighted audio visual materials is a significant concern to employees and the College in terms of what constitutes reasonable use and conditions under which irresponsible use expose the user to liability.

The principles of the copyright law are designed to promote the creation, publication, and use of works of the copyright owners; to determine certain uses of their works (in not-for-profit as well as commercial contexts); and, to establish certain exceptions including the doctrine of "fair use." These precepts are in the mutual interest of the employees of the College, the College, author, and publisher communities, and of the public and will be followed without exception by College employees. **Penalties and/or liabilities** which accrue due to failure to follow the precepts as outlined on the procedures attendance to this policy will be **born solely by the violator**.

Approved: 11-11-91

2.2.4 PROCEDURE- Miscellaneous

D. Duplicating of Audio and Video Recording

1. Prohibitions

In compliance with applicable limitations on performance or display of copyrighted audio visual materials as provided by the copyright agreement, faculty and staff are asked to refrain from improper use of rented, leased or purchased audio visual materials.

Unless the owner of the copyright or authorized agent of the copyright owner transfers the rights in a particular film or audio visual work to the College, films and audio visual works rented, leased or purchased for classroom showing may not be:

- a. Transmitted by television or other devices or processes;
- b. Copied, recast, transformed, or adapted, in whole or in part, for any purpose;
- c. Shown to an audience who has paid for admission; or
- d. Permitted to be used by any other institution or individual.

2. Permission Letter

When a proposed use of audio and video materials requires a College employee to request permission, communication of complete and accurate information to the copyright owner will facilitate the request. A stamped self-addressed return envelope should be sent with the letter of request.

Location of the address for the copyright holder can be obtained through various reference sources. Consult a College Librarian or Audio Visual Technician for assistance in selecting the correct resources.

- a. Title, author (editor, performer, composer, or director), edition;
- b. Description of exact section to be used;
- c. Type of reproduction and number of copies to be made;
- d. Use to be made of the material(s), include name of course(s);
- e. Distribution of copies;
- f. Will the material be sold or will there be a charge for viewing;

The request for permission process requires time. Allow yourself sufficient lead time when using this process. Sometimes a fee is assessed for this permission. Be sure to define your scope of permission when making a request. Do not ask for blanket

permission to copy. The letter granting permission must accompany your Request to Duplicate form given to the Audio Visual Department.

3. Classroom Use

Two of the copyright owner's exclusive rights under the copyright law are rights of public performance and public display of the copyright work. The educators' performance rights appear in section 110 of 17 United States Code. That section authorizes almost all types of performances and displays in face-to-face teaching in non-profit education institutions. Faculty may use videotapes in teaching without obtaining permission of the copyright owner if the performance meets all of the following conditions:

- a. The performance takes place in a classroom or similar place devoted to instruction;
- b. The performance is part of a systematic course of instruction, and is not for entertainment, recreation or cultural value;
- c. The performance is not transmitted by broadcast or cable television;
- d. The performance is part of the teaching activity of a non-profit educational institution;
- e. Attendance at the performance is limited to the instructor and members of a particular class;
- f. The videotape is lawfully made.

4. For Home-Use Only

The For Home-use Only label appears on many recorded video programs and raises the question of whether such rented video programs can be used in the classroom. The question raised is whether a classroom is a public performance? This is still a gray area at this time. AIME (Association for Information Media and Equipment) and a review of other literature, at this time, indicate that video programs with this label can be used in a classroom setting if the procedures outlined above in "Classroom Use" are followed. The video program must meet an instructional goal and not be entertainment for students.

5. Off-Air Recording

- a. Off-air recording of any television or radio broadcast (except pay television), by a media service unit of the College is permitted provided that:
 - (1) The recorded program is recorded no more than one time at the request of the same teacher, regardless of the number of times a program is broadcast;
 - (2) The recorded program is used once in the course of relevant teaching activities and is repeated once only when instructional reinforcement is necessary within ten days of the taping;

- (3) Recorded programs are shown in classrooms and similar places devoted to instruction within a single building, cluster or campus, or in the homes of students receiving formalized home instruction;
 - (4) Recorded programs are used only during the first ten days of the forty-five day retention period. Subsequent use is for evaluation purposes only. Further use is with the copyright holder's permission only.
- b. Unless authorized in writing by the owner of the copyright in any television or radio program:
 - (1) Programs may not be regularly recorded in anticipation of instructor requests by any media services unit of the College.
 - (2) The off-air recording need not be used in its entirety, but its content may not be altered, nor can it be physically or electronically combined or merged as part of a teaching anthology or compilation.
 - c. Off-air recordings made by faculty at home for classroom use must follow the above use procedures. Two changes to the procedures follow:
 - (1) The recorded program is the property of the faculty member.
 - (2) The faculty member is responsible for erasure at end of the forty-five day retention period.
6. Telecourses and Teleconferences

Licenses for the use of externally produced telecourses and teleconferences will be obtained for the College by the office of Academic Services. Specific rights of duplication, distribution and rebroadcast of these programs are determined in the license agreements, but usually include:

- a. For telecourses, rights to broadcast on cable and regular TV channels, to produce copies for telecourse student use on campus and by checkout, and audio visual use in related classes;
- b. For teleconferences, rights to tape from satellite transmissions, and to retain a permanent copy for institutional use via campus libraries;
- c. For off-air or off-satellite recording of programs specifically licensed, rights to retain permanent copies for library circulation, for classroom use, and, often, rights to rebroadcast on non-commercial cable channels.

The Office of Academic Services will maintain a file of telecourse and teleconference licenses. Faculty and staff may request licenses for telecourses and teleconferences through their Academic Deans, or by contacting Academic Services, District Office, directly.

7. Archival Copying

The right to copy an entire work is held solely by the owner of the copyright. If an archival copy is desired, the right to make such a copy should be obtained at the time of purchase or shortly thereafter before duplication can proceed.

The limited right to make an archival copy of audio visual works without permission is given by the copyright law. Permission is given to research libraries only to make archival copies of motion pictures and other audio visual works if the copying is "solely for the purpose of replacement of a copy that is damaged, deteriorating, lost, or stolen."

- a. This privilege applies to research libraries affiliated with archives and open to the public for research.
- b. Limited to programs no longer available on the open market from regular distributors.
- c. The library must be able to prove it performed research to locate a new copy at a reasonable cost.
- d. The library must own the copy it wants to reproduce for archival copying.
- e. If the library copies or reproduces any recording which has a copyright notice on it, or if the library knows how the actual copyright notice would read if it were on the recording, the library must include the same copyright notice on the reproduction.

8. Educational Use of Music

To create a balance between the rights of creators and the pedagogical need of music educators Guidelines For Educational Uses of Music was developed. The following guidelines are helpful in determining when copying music is allowed for academic purposes:

- a. A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the educational institution or individual teacher.
- b. A single copy of a sound recording (tape, disc or cassette) of copyrighted music may be made from sound recordings owned by an educational institution or an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the educational institutional or individual teacher.
- c. A single copy may be made for preservation or replacement in the library or archive when copies are not available for purchase. The library or archive should be able to prove a search for replacement was done.

9. Foreign Language Audiocassettes

Audiocassettes are provided by the foreign language textbook publisher(s) as supplemental material. Permission to make student copies is obtained by the faculty from the copyright holder through the publisher(s). Present the Duplication Request Form and Permission Letter to the Audio Visual Technician when requesting this service. After preparation of the audiocassettes for duplication, the permission letter and the Duplication Request form are kept by the Campus copyright Officer. Verbal permission will not be honored. Use and limitations imposed by the permission letter restrict the life of such materials and will be honored.

The following rules are observed for foreign language audiocassettes:

- a. Use is limited to students enrolled in the College foreign language classes. One copy of a lesson is made for the requesting student.
- b. There is no charge for the tape content.
- c. The use terms and period of use is dictated by the permission letter.

10. Slides and Transparencies

It is the responsibility of the requestor to obtain authorization when permission is necessary before copying. The following information is offered as guidelines for using copyrighted material to create slides and transparencies:

- a. Slides and transparencies can be created from multiple sources as long as the creation does not exceed 10 percent of the photographs in one source (book, magazine, filmstrip, etc.) unless the source forbids photographic reproduction.
- b. A single transparency from a single page of a "consumable" workbook can be made for instruction.
- c. Reproducing selected slides from a series is allowed if reproduction does not exceed 10 percent of total nor excerpting "the essence" of the production.

11. Donated Audio and Video Materials

The College does accept donated audio and video materials.

- a. Materials accepted must be legally produced with the copyright visible. Unauthorized copies will not be accepted.
- b. Original non-copyrighted, privately produced materials will be accepted when a letter of release accompanies the material.
- c. In certain cases, donations of audio and videotapes which can be erased and reused will be accepted. Such erasure will take place in a timely manner upon receipt of the materials.

2.2.4 POLICY- Miscellaneous

E. Employee Service Recognition

The Chancellor shall authorize the establishment and operation of an ongoing program of recognition of faculty and staff service to the College upon completion of appropriate intervals of services. The Chancellor is hereby charged with the responsibility for promulgating regulations to implement this policy.

Funds for this purpose shall be provided as part of the regular general operating budget each fiscal year.

F. Compensation

All employees of the College will receive compensation in accordance with state and federal law and, when applicable, in accordance with the Chancellor's directive or collective bargaining agreements.

Pursuant to the Fair Labor Standards Act, certain employees are not eligible for payment of overtime. Regular and enterprise employees in positions which have been evaluated at a DBM level of B22 and above shall not be eligible for overtime or for supplemental contracts unless specifically authorized, in writing, by the appropriate campus president, executive director, vice chancellor, or chancellor. Any exceptions must also have the concurrence of the Human Resources Department.

Regular or enterprise employees in positions which have been evaluated at DBM level of B21 and below shall be eligible for overtime compensation for approved hours in excess of 40 hours worked per week, at the rate of one and one-half times the individual's regular pay. Overtime must be approved in advance by the individual's supervisor.

Regular and enterprise employees in positions which have been evaluated at a DBM level of B21 and below shall not receive supplemental contracts, except as specifically authorized, in writing, by the appropriate campus president, executive director, vice chancellor, or chancellor. Any exceptions must also have the concurrence of the Human Resources Department.

Approved: 07-29-93

Revised: 06-21-11

2.3 POLICY- Employee Benefits (for Regular personnel not covered by a collective bargaining agreement and for enterprise employees, and temporary employees whose employment is anticipated, at time of hire, to be at least twelve consecutive months)

2.3.1 POLICY- Fringe Benefits

The College will provide or make available such coverage as is set forth below in this section. [see Flexible Compensation Plan (Flexcomp) for details of coverages listed below.] The College reserves the right to amend, to change, or to suspend insurance policies or to change those policies with or without advance notice to employees. In the event that the details of the coverages set forth in Flexcomp are inconsistent with the terms and provisions of any policy of insurance or benefit plan, the terms of the policy or benefit plan will control.

- A. Medical coverage with major medical and drug rider
- B. Life Insurance
- C. Dental Insurance
- D. Short- and Long-term Disability Insurance
- E. TIAA-CREF
- F. Vision
- G. Whole Life
- H. Flexible Spending Account

Approved: 11-20-80

1. Procedure- within one week of employment by the College, each new employee shall contact the Human Resources Department to complete the required forms to insure prompt coverage for these fringe benefits.

In addition, employees are entitled to Accidental Death and Dismemberment (voluntary); and Worker's Compensation, Unemployment Compensation, Social Security and Michigan Public School Employees Retirement System as required by law.

2.3.2 POLICY- Holidays/Paid Leave Days

The following shall be recognized as paid holidays:

- New Year's Eve, December 31
- New Year's Day, January 1
- Memorial Day (last Monday in May)
- Independence Day, July 4
- Labor Day
- Thanksgiving Day
- Day after Thanksgiving Day
- Christmas Eve, December 24
- Christmas Day, December 25

And any other holidays that the Board of Trustees declares or designates as legal holidays.

Whenever any of these holidays fall on the sixth and/or seventh day of the employees regular work week, and state authorities transfer its observance to another day, that day shall then be considered the holiday.

The Chancellor has the discretion to identify up to two (2) additional paid leave days per fiscal year. The Human Resources Department will post an announcement at each College location approximately two weeks prior to the holiday or paid leave day.

Approved: 02-17-77

2.3.3 POLICY- Trustee Tuition Grants and Reimbursement Program

Personnel may attend class at the College which are offered at hours outside of their assigned responsibilities without the payment of fees, since in-service training and growth are of benefit to the College. In addition, the spouse and dependent children residing with said employee who enroll in Oakland Community College credit courses shall be granted tuition authorization upon request prior to registration. Tuition grants for full-time employees are limited to one-half of the minimum number of hours required to be considered a full-time student.

Trustee Tuition Grants to Employees – Procedure

To apply and receive Trustee Tuition Grants, full-time employees or spouses or dependent children residing at home shall take the following steps:

- A. Request Application Form #Bus 60 from the Business Office on the appropriate campus or from the Accounting Department in the District Office.
- B. After completing the form, secure authorization by obtaining the signature of the campus President or the Director of Administrative Services in the District Office. Those designated administrators are responsible for determining that the employee or family member is eligible and the credit hours requested conform to Board policy and/or collective bargaining agreements.
- C. Present executed form to the cashier when registering on the campus where the course or courses will be taken.

Approved: 03-20-75

- D. Effective July 1 of each fiscal year, the Board shall appropriate \$15,000 in its operating budget to be used to pay administrative and management staff members tuition for course work at other institutions. The course work or program of study must be pertinent to the needs of the College and/or duties of the employee and must be taken at an accredited institution of higher education. The course work must provide the employee with additional areas of competence.

All course work must be normally taken outside of regular work hours on the employee's own time. Tuition reimbursement shall be for tuition only and shall not include reimbursement for books, fees, or any other related expenses.

Administrative and management staff employees must provide their application for tuition reimbursement no later than March 15 of each year for the subsequent summer and fall semesters and by July 15 of each year for the subsequent winter and spring semesters. Upon completion of an approved course with a grade of "B" or higher, administrative and management staff members shall provide to the Human Resources Department an official transcript for courses completed and relevant tuition payment receipts. Reimbursements of tuition will be made in January, July and October of each year.

The maximum payable tuition reimbursement in any single fiscal year shall be \$15,000. Tuition monies not utilized will not carry over to the next fiscal year.

Approved: 07-29-93

2.3.4 POLICY- Leaves of Absence

A. Types of Leaves of Absence

1. Leaves with Pay and Continuation of Benefits

These leaves shall be at the individual's base rate of pay and the College shall continue to maintain and pay all benefit premiums for the appropriate duration of the leave.

An employee shall be returned to his/her former job, or a substantially equivalent job, upon return from a paid leave of absence.

- a. **Bereavement Leave** for a period of three days with pay shall be available to the employee in the case of death of any member of the employee's or spouse's immediate family (children, parents, siblings, grandparents, grandchildren). In special circumstances bereavement may be extended to the employee in the case of death to significant others who have either lived with the employee for a period of years or who have provided an in loco parentis relationship over the years. In addition, under extenuating conditions, additional leave with or without pay beyond the three days may be approved by the Chief Human Resources Officer or his/her designee. Requests for an extension of bereavement must be initiated prior to the third day of leave. The request for extension may be verbal and may be initiated through the immediate supervisor.
- b. **Jury Duty Leave** shall be available to the employee who is summoned as a juror or subpoenaed as a witness in any judicial proceeding not of his/her own initiative. The term of the leave shall be the length of the judicial proceedings if the employee serves as a juror, or the time spent testifying if the employee is called as a witness. An employee so summoned shall endorse to the College any warrant or voucher issued for services as such juror or witness, less travel allowance. Employees summoned as jurors shall advise their supervisors as far in advance as possible as to the service dates and provide a copy of the court documents ordering their appearance. In proceedings wherein the employee is released prior to 12 noon, the employee is expected to return to work.
- c. **Military Leave** shall be available to an employee who is required to participate in training exercises or civil emergencies. The term of the leave shall not exceed 30 days in any one calendar year. An employee so serving in the military shall endorse to the College any warrant or voucher issued for military service, less travel allowance. Employees ordered to military services shall advise their immediate supervisor as far in advance as possible as to the service dates and provide a copy of their military orders.

Note: Voluntary military service that extends beyond 30 days may be approved as a Leave of Absence without pay or benefits (see below).

d. **Personal Business Leave** shall be available to the employee at the rate of three days per year. Personal business leave shall, in most instances, be requested of the immediate supervisor in advance of the requested day of leave. The advance request time may vary depending upon the reason(s) for the personal business leave. Personal business leave not requested in advance may be denied at the discretion of the supervisor and result in loss of pay for the day. Personal business leave is not cumulative, but is available on a year-to-year basis. An employee will not receive pay for unused personal business leave.

(1) Personal Business Leave- Procedure

Time taken as personal business leave should be reported on the Time Exception Report (BUS 29) prior to the scheduled time off.

e. **Sabbatical Leave** is available to employees for study and research and for the purpose of encouraging scholarly achievement. Applicants recommended for approval by the Sabbatical Leave Committee will be approved by the Chancellor. The decision of the Chancellor is final. Sabbatical recommendations are not subject to the Personnel Dispute Resolution Procedure.

(1) Sabbatical Leave Procedure (Applies only to Administrators)

Full-time administrators shall be eligible to apply for sabbatical leave during their third academic year of continuous service.

After three full contract years of continuous service an administrator shall be eligible for such leave for one semester or equivalent at half pay or for a spring term of equivalent at full pay. Semester and term shall be defined by the Oakland Community College calendar.

Administrators having been granted a sabbatical shall not be considered eligible for another such leave until they have accumulated at least three more academic years of continuous service.

An administrator who has not taken a prior sabbatical leave shall, after six academic years of continuous full-time service, be eligible for a full academic year or equivalent (ten months) sabbatical at half pay, or one semester or equivalent leave at full pay.

All usual fringe benefits shall be continued during the period of the sabbatical as though the administrator was on regular assignment.

An administrator on sabbatical leave shall not render service for compensation in another institution or enterprise without prior written approval of the College. This condition does not necessarily preclude the acceptance of a grant or fellowship provided such grant or fellowship materially aids the planned program of the recipient. The nature of the grant or fellowship and the approximate time requirements on the part of

the applicant shall be fully set forth in the application for sabbatical. Violation of any condition of this section shall lead to immediate suspension of the sabbatical pay. If it is determined that a violation of this section has occurred, then the administrator will be required to make financial restitution to the College in the amount of pay received from the College during the period of the sabbatical.

Application for leave shall be made in writing to the Human Resources Department and shall include detailed information as to:

- (a) Length of service with the College
- (b) Plan of study or research
- (c) Time period of requested leave
- (d) Value to the College
- (e) Other pertinent information

Filing date for sabbatical leaves shall be as follows:

Fall semester-	March 1 of that calendar year
Summer term-	March 1 of that calendar year
Winter semester-	June 1 of the previous calendar year
Spring term-	September 1 of the previous calendar year

All applications for administrative sabbatical leaves shall be reviewed by a committee comprised of six administrators. The committee will provide a rank ordered list of its recommendations for sabbatical leaves to the College Chancellor.

Upon return from sabbatical leave the administrator shall present a full written report regarding the use of his sabbatical leave to the Chancellor.

Upon accepting a sabbatical leave, the administrator shall certify to the College his/her intention to return to the College for a period of time equal to that covered by the leave granted. Administrators not remaining with the College for the required period, shall agree to repay the College the full amount received in sabbatical leave compensation. Should the administrator return for a portion of the required period, the repayment will be reduced proportionately. The administrator on sabbatical leave shall return to the same campus, department and position occupied prior thereto.

- (2) Sabbatical Leave Procedure (Applies only to Management Staff)
Procedures as they apply for administrators will apply for Management

Staff, except that the Management Staff Review Committee will be composed of three administrators and three Management Staff members.

- f. **Sick Leave** shall be available to the employee at a rate of one day per month. There is no limit to Sick Leave accumulation. In the event of a sustained illness or injury an employee may utilize his/her bank of sick leave for the extent of the illness (if the employee's bank has sufficient number of sick days) or the employee may opt to initiate Short-term Disability (see Benefits) benefits at the 15th consecutive calendar day of illness or injury. Should the absence due to illness or injury extend beyond a period of 90 calendar days, said employee may opt to initiate Long-term Disability (see Benefits) at the 91st consecutive calendar day of illness or injury. An employee absent over ten consecutive working days because of illness or injury shall have a physician's certificate substantiating his/her absence and authorizing the employee to return to work prior to return. An employee will not be paid for unused sick leave.

2. **Leaves without Pay and Continuation of Benefits**

These leaves shall be without pay and without benefits. Employees on such approved leaves may elect to maintain benefit coverages under the terms and conditions specified by COBRA. Employees on such approved leaves shall not be eligible for retirement credit under MPSERS. An employee shall be returned to his/her former job, or a substantially equivalent job, upon return from an unpaid leave of absence.

- a. **Leave of Absence Without Pay** may be granted for a period of not more than one year. Leave of Absence may be granted for professional growth, personal health (physical or emotional), or for such other reasons as may be approved by the Board of Trustees. Leave of Absence must be requested in advance and be reviewed and recommended for approval by the immediate supervisor, the Campus President or District Office Administrator and the Chief Human Resources Officer prior to recommendation to the Chancellor. Approval or denial of the request for Leave of Absence by the Chancellor shall be final. Such denial shall not be a subject of the Dispute Resolution Procedure.

3. **Family and Medical Leaves of Absence**

Purpose: To outline the conditions under which a non-represented employee may request time off with or without pay for a limited period with job protection and no loss of accumulated service provided the employee returns to work.

a. **Definition**

A family and/or medical leave of absence shall be defined as an approved absence available to eligible employees for up to 12 weeks per 12 months, measured forward from the date the employee's first leave began, under particular circumstances that are critical to the life of a family. Leave may be taken: upon the birth of the employee's child; upon the placement

of a child with the employee for adoption or foster care when the employee is needed to care for a child, spouse, or parent who has a serious health condition; or when the employee is unable to perform the functions of his or her position because of a serious health condition as defined by the Family and Medical Leave Act of 1993 (the "FMLA").

In addition, and under the FMLA, a family and/or medical leave of absence includes an approved leave of absence available to eligible employees for up to 12 weeks per 12 months with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation to address certain qualifying exigencies as defined by the FMLA. Leaves under the FMLA are also available for eligible employees of up to 26 weeks in a 12 month period to care for a covered service member.

b. Scope

The provisions of this policy shall apply to all family and medical leaves of absence except to the extent that such leaves are covered under other paid employment benefit plans or policies for any part of the 12 weeks of leave to which the employee may be entitled under this policy. That is, all vacation, sick leave, and personal business leave to which the employee is entitled shall be taken first and counted against the twelve week total to which the employee is allowed by law.

c. Eligibility

To be eligible for leave under this policy an employee must have been employed for at least 12 months in total, and must have worked at least 1250 hours during the 12 month period preceding the commencement of the leave.

d. Basic Regulations and Conditions of Leave

(1) The College will require medical certification (Certification of Physician or Practitioner Form) to support a claim for leave for an employee's own serious health condition or to care for a seriously ill child, spouse or parent. For the employee's own medical leave, the certification must include a statement that the employee is unable to perform the functions of his or her position. For leave to care for a seriously ill child, spouse, or parent, the certification must include an estimate of the amount of time the employee is needed to provide care. In its discretion, the College may require a second medical opinion and periodic recertification at its own expense. If the first and second opinions differ, the College, at its own expense, may require the binding opinion of a third health care provider.

(2) If medically necessary for a serious health condition of the employee or his or her spouse, child or parent, leave may be taken on an intermittent or reduced leave schedule. If leave is requested on this basis, however, the College may require the employee to transfer temporarily to an alternative position which better accommodates recurring periods of absence or a

part-time schedule, provided that the position has equivalent pay and

benefits.

- (3) Spouses who are both employed by the College are entitled to a combined total of 24 weeks of leave [rather than a combined total of 12 weeks] for the birth or adoption of a child or for the care of a sick parent.

e. Notification and Reporting Requirements

When the need for leave is foreseeable, such as the birth or adoption of a child, or planned medical treatment, the employee must provide reasonable prior notice, and make efforts to schedule leave so as not to disrupt College operations. In cases of illness, the employee will be required to report periodically on his or her leave status and intention to return to work.

- (1) A Request for Family and Medical Leave of Absence Form must be originated in duplicate by the employee. The proper form to use will depend on the reason for the leave. The form(s) are available from the Human Resources Department. The form should be completed in detail, signed by the employee and submitted to the immediate supervisor and Human Resources Department for proper approval. If possible, the form is be submitted at least 30 days in advance of the effective date of the leave when the need for the leave is foreseeable
- (2) All requests for family and medical leaves due to illness will include the following information attached to a completed Request for Family and Medical Leave of Absence form: Sufficient medical certification stating 1) the date on which the serious health condition commenced; 2) the probable duration of the condition; and 3) the appropriate medical facts within the knowledge of the health care provider regarding the condition. In addition, for purposes of leave to care for a child, spouse, or parent, the certificate should give an estimate of the amount of time that the employee is needed to provide such care. For purposes of leave for an employee's illness, the certificate must state that the employee is unable to perform the functions of his or her position. In the case of certification for intermittent leave or leave on a reduced leave schedule for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment must be stated.
- (3) FMLA leaves for other reasons may require the submission of other forms certifying the basis for the leave request.
- (4) The College may require employees to provide periodic recertification supporting the need for leave.

f. Status of Employee Benefits During Leave of Absence

- (1) During an FMLA leave, the employee's coverage under a College group health plan shall continue under the same terms as if the employee had continued to work.
- (2) Any employee who is granted an approved leave of absence under this policy is advised to provide for the retention of his or her non-medical care (dental, visions, life, etc.) group insurance coverage by arranging to pay the premium contributions during the unpaid period of his or her absence.
- (3) In the event that an employee elects not to return to work upon completion of an approved unpaid leave of absence, the College may recover from the employee the cost of any payments made to maintain the employee's coverage, unless the failure to return to work was for reasons beyond the employee's control. Benefit entitlement based upon length of service will be calculated as of the last paid work day prior to the start of the unpaid leave of absence.
- (4) Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. The most common exceptions apply in the event of reductions in force and as to "key employees" as defined by the FMLA.

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Revised: 01-22-13

2.3.5 POLICY- Vacations

A. Officers and Administrators

1. Full-time Officers and Administrators shall be entitled to annual vacation allowances at the rate of two days per month up to a total of twenty-four days per year. Vacation accrued but not taken may be carried forward to the next contract period to a maximum of forty-eight days.

Time Exception Reports shall be submitted for approval prior to taking vacation.

- a. Effect of Employment as a Faculty Member

Officers or Administrators who have received approval from the Chancellor to terminate their administrative positions during the course of an academic year in order to become members of the faculty will receive compensation for all the earned vacation days in their accumulated banks prior to employment as faculty members at their regular pay rate.

B. Management Staff

Full-time Management Staff shall be entitled to annual vacation allowances at the following rates:

<u>Period of Employment</u>	<u>Vacation Allowance</u>
0 through 12 months	One day per month, not to exceed 10 days
12 mos. through 60 mos.	1-1/2 days per month to a maximum of 18 days
61 st month and above	Two days per month to a maximum of 24 days

The date of initial employment or hire with the College shall be used for computation purposes. Vacation accrued but not taken may be carried forward to the next contract period to a maximum of forty-eight days.

C. Termination

In the event that employment is terminated, either voluntarily or involuntarily, the Officers, Administrators, or Management Staff shall receive compensation in cash at their annual salary rates for any accrued and unused vacation days to a maximum of twenty-four days. Any additional vacation days which the Officers, Administrators, or Management Staff may have accrued beyond the twenty-four days must be taken between the date of notification of termination and the date upon which the termination becomes effective. If it is impossible for any reason to take or use all of said vacation days, unused days shall be forfeited.

In the event that employment is terminated, either voluntarily or involuntarily, and the Officers, Administrators, or Management Staff have used vacation days in excess of those earned, the overpayment shall be deducted from their salary checks at their current contractual salary rates.

D. Death

In the event that Officers, Administrators, or Management Staff of the College should die while actively employed, the College shall compensate the estate in an amount equal to the number of earned vacation days in the deceased's accumulated banks at the time of death.

Revised: 06-21-11

2.3.6 POLICY- Effect of Termination or Death

In the event of the death of an employee, or voluntary or involuntary termination of an employee, all benefits shall cease as of the date of death or termination except as set forth in these policies or unless required by laws concerning continuation of benefit coverages for individuals and their dependents.

2.4 RELOCATION ASSISTANCE - ADMINISTRATORS & FACULTY

2.4.1 POLICY- Eligibility

Oakland Community College provides assistance to those individuals required to relocate their permanent residence to accept employment with the College. The assistance levels are the sum total of relocation assistance provided and specifically do not include any other form of monetary assistance such as mortgage differential, real estate commission, gross-up, incidentals, etc. Relocation assistance is available to Administrators and full-time faculty only.

2.4.2 POLICY- Relocation Assistance Levels and Procedures

<u>Tier</u>	<u>Relocating From Within</u>	<u>Assistance</u>
1	Wayne, Oakland, Macomb, Monroe Genesee, Livingston, Lapeer, St. Clair and Washtenaw Counties	None
2	Michigan (other than Tier #1	Up to \$2,500
3	Contiguous U.S. (other than Tiers #1 and 2)	Up to \$4,500

Situations not defined by the above tiers will be addressed on a case-by-case basis by the hiring authority and the Chief Human Resources Officer. Exceptions must be approved in advance by the Chancellor.

Relocation assistance will be paid at the option of the relocating individual either:

1. with the first paycheck received following active employment; or
2. upon receipt of written estimates from licensed household movers showing scheduled name, date and payment required. This allows the individual to apply the assistance to the actual moving costs rather than having to finance the move and receive assistance after the fact.

Relocation assistance will be provided to the employee with submission of appropriate documentation for up to one year from the original date of hire. This will allow ample time for the new employee to complete the relocation in a controlled manner and receive the full benefit of the College's Relocation Assistance.

Requests for any other payment schedule must be approved in advance by the Chancellor and/or his /her designee.

2.4.3 POLICY- Covered Expenses

Total covered expenses up to the authorized tier assistance amount will include but not be limited to:

- housing search by employee and spouse/dependents; housing search reimbursement will include related expenses, i.e. air fare, local transportation (or mileage where appropriate), lodging, and related miscellaneous expenses;
- packing and moving by moving specialists or rental unit, i.e. U-Haul;
- travel and lodging en-route to "new" location;
- temporary storage of household goods.

Covered expenses not defined by the above items will be addressed on a case-by-case basis by the hiring authority and the Chief Human Resources Officer. Exceptions must be approved *in advance* by the Chancellor.

2.5 DISPUTE RESOLUTION PROCEDURES FOR REGULAR PERSONNEL NOT COVERED BY A COLLECTIVE BARGAINING AGREEMENT

2.5.1 POLICY- Personnel Dispute Resolution

It is the policy of the College to provide regular full-time employees who are not covered by a collective bargaining agreement with a method by which they can voice their dissatisfaction when they feel they have been treated unjustly or their disputes have not been resolved to their satisfaction. Clear and open channels for the expression of employee concerns, based on a procedure which contains the "right of appeal", promote sound employee relations. This procedure is the exclusive method for these employees and the College to dispute all personnel related matters, except those specifically excluded elsewhere in these policies/procedures. Upon initiating a complaint, it is the employee's responsibility to pursue it through each step of the procedure within the time limits specified. Failure to do so will result in forfeiture of the right to pursue the complaint through the procedure. Informal complaints may be presented to the appropriate member of the College's management or the Human Resources Department and every effort will be made to resolve such complaints within 48 working hours. No employee is to be reprimanded, harassed or retaliated against by anyone as a result of initiating a formal or informal complaint.

Employees should remember that this procedure is not intended as a substitute for normal problem solving between the employee and his/her immediate supervisor. For complaints involving discrimination or other issues covered by the Board's Equal Opportunity Policy (Policy 2.6), the complaint procedure in that policy applies in lieu of the Complaint Procedure below.

For the purpose of this procedure, "business days" are weekdays which the offices of the College are generally open for business.

Revised: 01-22-13

2.5.2 POLICY- Personnel Complaint Procedure

A. Step I – Supervisory

An employee who has a complaint should make every effort to discuss the problem informally and orally with his/her immediate supervisor, who will make every effort to reach a satisfactory solution to the problem. Most problems are solved at this level. The complaint must be presented to the Supervisor within five business days of its occurrence. It is the responsibility of the Supervisor to act on the problem and respond to the employee orally within two business days after receiving the complaint. However, if the employee is not satisfied with the decision of the Supervisor, he/she may proceed to the next step.

B. Step II – Campus President/Executive Director/Vice Chancellor

Within three business days after Step I is completed, it is the employee's responsibility to reduce the complaint to writing on the Personnel Complaint Form provided by the College. The Human Resources Office is available to provide assistance to an employee in filling out the Personnel Complaint Form, if requested. The employee is to keep a copy for himself/herself, give one copy to the appropriate Campus President, Executive Director or Vice Chancellor and send one copy to the Human Resources Office. After the appropriate Campus President, Executive Director or Vice Chancellor has received the written complaint, he/she has five business days to investigate the facts, make a decision, and report his/her response in writing on the College-provided form to the employee in a private meeting. The appropriate Campus President, Executive Director or Vice Chancellor will keep one copy of this written decision for his/her records, give one copy to the employee, and send one copy to the Human Resources Office.

The appropriate Campus President, Executive Director or Vice Chancellor should inform the employee that if he/she is not satisfied with the outcome of the complaint at this step, the employee has the right to pursue the matter further to Step III of the Personnel Complaint Procedure.

C. Step III – Chancellor

Within three business days of the completion of Step II, the employee shall present the written complaint to the Chancellor or his/her designee. The Chancellor or his/her designee will review all aspect of the complaint with the employee and discuss the situation with the appropriate Campus President, Executive Director, or Vice Chancellor. The Chancellor or his/her designee will then reduce his/her decision to writing and meet with the employee to discuss the decision within 15 business days after receipt of the complaint. One copy of this decision will be given to the employee involved, and one copy sent to the appropriate Campus President, Executive Director or Vice Chancellor involved and one copy to the Human Resources Office. Except in cases of suspension without pay or termination of employment, this shall be the final step of the procedure.

D. Step IV – Binding Arbitration

Within five business days after the completion of Step III, an employee not covered by a collective bargaining agreement or a contract providing for arbitration, and

whose claim is not one of discrimination and is not otherwise covered by the Board's Equal Opportunity Policy, and who was suspended without pay or discharged and wishes to submit his/her dispute to binding arbitration under this Policy, must request arbitration, in writing, to the Chief Human Resources Officer. The making of such a request shall be irrevocable and shall constitute a contract to arbitrate.

In that event, the Chief Human Resources Officer shall select a neutral, qualified Arbitrator. A qualified Arbitrator shall be one who is recognized by the American Arbitration Association, the Federal Mediation and Conciliation Service, or the Michigan Employment Relations Commission. The Chief Human Resources Officer shall notify the Arbitrator of his/her appointment in writing with a copy to the employer within five business days of the date the request for arbitration was received. The notice shall request the Arbitrator to determine a hearing date as soon as possible, but not more than 30 calendar days after the appointment letter. If the Arbitrator declines the appointment or is unable to hear the case within the required time frame, another Arbitrator shall be selected in the same manner as described above.

The employee and the employer may be represented by counsel at the hearing. Each party shall bear the cost of his/her own counsel. The College shall bear the costs of the Arbitrator.

The Arbitrator shall apply the substantive law of Michigan, federal law, or both, as applicable to the claim(s) asserted. Pre-hearing discovery shall not be permitted. During the hearing, the Arbitrator shall generally apply the federal rules of evidence; however, she/he shall be the judge of the relevancy and materiality of the evidence offered.

Either party, at its expense, may arrange for and pay the cost of a court reporter to provide a stenographic record of proceedings. Either party, upon request at the close of hearing, shall be given leave to file a post-hearing brief. The time for filing such a brief shall be set by the Arbitrator.

The Arbitrator shall render an award and opinion no later than 30 calendar days after the close of the hearing, in the form typically rendered in labor arbitrations. The Arbitrator shall not have the power to modify, amend, add to, or subtract from any College policy or procedure. Further, with respect to damages or remedies, the Arbitrator's award of any damages and relief to any party shall be limited to the following: back pay (including lost benefits) less interim earnings, unemployment, retirement, disability and other benefits, and severance payments received by or to be received by a party; any other out-of-pocket expenses; documented economic damages; and reinstatement to the same or a substantially equivalent position with the College. If reinstatement is warranted, but is not reasonable or practical under the circumstances at the time the award is issued, the Arbitrator may award to the

employee an amount equivalent to a maximum of 12 months of front pay (including

benefits) from which the Arbitrator may subtract any severance payments received by or to be received by the employee. The decision of the Arbitrator shall be final and binding on the parties.

Both parties have a duty to mitigate their damages by all reasonable means including, in any case, mitigation by way of making application for unemployment, disability, retirement, or other available benefits. The Arbitrator must take a party's failure to mitigate into account in granting relief.

Revised: 01-22-13

2.6.1 POLICY- Discrimination Prohibition

Oakland Community College, pursuant to the requirements of applicable law and these policies, does not discriminate against applicants, employees or students on the basis of race, religion, color, national origin, citizenship, veteran status, sex, age, height, weight, marital status, sexual orientation, gender identity and expression, disability or handicap, nor will sexual harassment or harassment based on other classifications mentioned herein, be tolerated, in its employment practices and/or educational programs or activities.

A. Definitions of Gender Identity and Expression

For the purpose of this policy and other policies of the College, “gender identity” refers to a person’s innate, deeply felt psychological identification as male or female, which may or may not correspond to a person’s body or designated sex at birth. The term “gender expression” refers to all of the external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, grooming, mannerisms, speech patterns and social interactions associated with one’s gender identity.

B. Compliance

All administrators, faculty, staff, and students are expected to conform to this Board policy and any regulations, statements, and procedures issued in order to implement this policy. Any member of the faculty or staff or any student who violates this policy shall be subject to disciplinary action as appropriate, up to and including discharge from employment or dismissal from the College.

1. All College publications used to recruit students or employees and all admission and employment application forms shall include a statement of the Board's Equal Opportunity Policy.
2. All administrators and supervisors of the College shall be responsible for reporting any possible violation of this Board policy to the College's Equal Opportunity Compliance Officer. This shall include possible violations of which the administrator or supervisor has personal knowledge, as well as those which may be reported to him/her.
3. A member of the Human Resources Department shall be officially designated as the College's Equal Opportunity Compliance Officer and shall function as the Title IX Coordinator and Section 504 (Handicap) Compliance Coordinator. Other departmental staff, or [outside] legal counsel, may be utilized to assist in the processing or investigation of complaints, as necessary.
4. The College’s Human Resources Department shall be charged with the responsibility to process all complaints made against administrators, faculty and staff. If a complaint is made against any member of the Human Resources Department, the Chancellor shall be informed immediately, in writing, and the complaint may be referred to legal counsel for review and processing.

Revised: 01-22-13

2.6.2 POLICY– Sexual Harassment Prohibition

A. Prohibited Acts

Under this Equal Opportunity Policy, no member of the College community shall engage in sexual harassment. For the purposes of this policy, sexual harassment is defined as unwelcome advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or status in a course, program, or activity;
2. Submission to or rejection of such conduct is used as a basis for employment or educational decision affecting an individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance, or of creating an intimidating, hostile, or offensive environment for work or learning.

B. Examples of Sexual Harassment

1. Physical assault;
2. Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation;
3. Direct propositions of a sexual nature which are unwelcome or intimidating to the recipient;
4. Subtle pressure for sexual activity, an element of which may be conduct such as repeated and unwanted staring that would discomfort or humiliate a reasonable person at whom the staring was directed;
5. An unwelcome pattern of conduct (not legitimately related to the subject matter of a course if one is involved) intended to discomfort and/or humiliate a reasonable person at whom the conduct was directed that includes one or more of the following: (i) comments of a sexual nature; or (ii) sexually explicit statements, questions, jokes, or anecdotes; or
6. An unwelcome pattern of conduct that would discomfort and/or humiliate, a reasonable person at whom the conduct was directed that includes one or more of the following: (i) unnecessary touching, patting, hugging, or brushing against a person's body; (ii) remarks of a sexual nature about a person's clothing or body; or (iii) remarks about sexual activity or speculations about previous sexual experience.

Approved: 01-22-13

2.6.2 PROCEDURE – Discrimination/Harassment Prohibition Complaint Steps

Students, faculty, or employees or others who feel they have been subjected to discrimination or harassment based upon race, religion, color, national origin, age, sex, marital status, sexual orientation, veteran status, gender identity and expression, height, weight or disability with respect to the College's employment practices and/or educational programs or activities should process their concerns in accordance with policy by contacting the Equal Opportunity Compliance Officer (the "EOC Officer"), Oakland Community College, 2480 Opdyke Road, Bloomfield Hills, MI 48304-2266, Phone: 248.341.2200, within ten business days after the act(s) of which the person complains, or within ten business days of when the person should have reasonably know of such act(s), whichever is later.

For the purpose of this procedure, "business days" are weekdays which the offices of the College are generally open for business.

Step 1 — Informal Complaint. Prior to making a formal complaint under Step 2 of this procedure, the complaining individual may contact the EOC Officer with his/her concerns. The EOC Officer will discuss the nature of the complaint with the individual complaining (complainant) and the options available to the complainant within this procedure. All information at this stage will be kept confidential to the extent feasible.

Step 2 — Formal Complaint. If the problem cannot be resolved within ten business days from the date of the first contact with the EOC Officer, if used, or within ten business days after the act(s) underlying the problem occur is known or should have been reasonably known, whichever is later, the complainant may submit a written complaint under this formal step. If the EOC Officer is the subject of the complaint, the complaint should be submitted to the Chief Human Resources Officer, who will appoint another administrator to conduct the investigation. The complaint shall be signed by the complainant and include: 1) the complainant's name and contact information; 2) the facts of the incident or action complained about; 3) the date of the incident or action giving rise to the complaint; 4) the type of discrimination alleged to have occurred; and 5) the specific relief sought. Names of witnesses and other evidence as deemed appropriate by the grievant may also be submitted.

The EOC Officer (or other designated official) will then conduct an investigation to determine whether there is a reasonable basis to believe that a violation of board policy, Section 504 of the Rehabilitation Act, or Title II of the Americans with Disabilities Act, or some other applicable civil rights/non-discrimination law. In conducting the investigation, the EOC Officer will notify the accused (respondent) of the complaint, and he/she shall have the opportunity to respond to the charge. Steps will be taken to insure confidentiality. The investigation will be conducted as promptly as practicable, with the goal that be completed within 15 business days of the submission of the complaint at Step 2. If it is anticipated that more time is required, the complainant will be notified. The investigation shall include an interview of the parties and appropriate witnesses, a review of relevant evidence, and any other steps necessary to ensure a prompt and thorough investigation of the complaint. A written disposition of the complaint shall be

issued within 15 business days of completion of the investigation, unless a specific written extension of time is provided to the parties.

If at any time during the course of the investigation the EOC Officer deems it beneficial and the parties agree, he/she may hold a meeting with the complainant and the respondent to try and work out a mutually acceptable resolution to the problem. The complainant and respondent may each have one other person at the meeting. Any such resolution will be documented in writing with copies provided to the complainant and the respondent.

If the investigation concludes that the respondent engaged in discriminatory/harassing conduct, the report will be provided to the appropriate administrators who shall decide what, if any, formal action is to be taken against the respondent. If discrimination or harassment was found to have occurred, the disposition will include the steps that the College will take to prevent recurrence of any discrimination/harassment and to correct its discriminatory effects on the complainant and others, if appropriate. In the event disciplinary action is taken, a record of such action shall be placed in the respondent's personnel file. Formal action against any employee covered by a collective bargaining agreement shall be taken in accordance with the provisions of the applicable collective bargaining agreement. Formal action against any employee not covered by a collective bargaining agreement shall be taken in accordance with board policy.

Step 3 — Appeal Process. Appeals of any formal action taken against the respondent shall be made through the procedure provided in the applicable collective bargaining agreement, or a complainant who is dissatisfied by the decision issued at Step 2 may appeal within ten business days of notice of the outcome of the investigation to the Chief Human Resources Officer. Upon review and any further investigation deemed appropriate and within 20 business days of receipt of the appeal, the Chief Human Resources Officer shall issue a written final decision and provide a copy to the claimant and, if deemed appropriate, the respondent.

Non-Retaliation - The College not only prohibits discrimination and harassment, but also strictly prohibits any retaliation against an employee or student who, in good faith, has registered a complaint under this procedure. Any administrator, faculty member, or employee of the College who, after investigation, has been determined to have retaliated against any employee or student for utilizing the complaint procedure in this policy will be subject to appropriate discipline up to and including discharge. If an employee or student believes he/she has been retaliated against for exercising his/her rights under this policy, the individual should use the Complaint Procedure set forth above.

Approval: 01-15-81
Reviewed: 12-15-87
Revised: 03-23-89
Revised: 01-22-13

2.6.3 POLICY– Disability Accommodation

A. Students

The College shall accommodate the disabilities of students so as to enable them to participate in educational programs and activities as required by law. The scope and nature of accommodations are to be address through policies and guidelines of the ACCESS Department.

B. Employees

Under applicable law, the College must accommodate employees and job applicants with disabilities provided the accommodation is reasonable and does not cause the College an undue hardship. Employees and applicants seeking an accommodation should contact the EOC Officer as soon as the need for the accommodation becomes known. Under Michigan law, if a request for an accommodation is not made within 182 days of the need being known, the obligation to grant an accommodation under state law may be waived.

Approved: 01-22-13

2.6.4 POLICY – Sexual Misconduct Prohibition

Sexual misconduct will not be tolerated by Oakland Community College. The term “sexual misconduct” as used in this policy applies to any of the following acts: sexual assault as defined by Michigan law (including rape and acquaintance rape), stalking, dating violence, and domestic violence. The term also applies to retaliation taken in response to allegations made by a complainant or a reporter under this policy. Sexual misconduct violates OCC policy and federal and state law; it may also be subject to criminal prosecution. OCC is committed to fostering a community that promotes prompt reporting of all types of sexual misconduct and timely and fair resolution of sexual misconduct complaints. Creating a safe environment is the responsibility of all members of the College community; accordingly, the Title IX coordinator shall publish guidance to the College community consistent with this policy and as required by law.

Initial Approval: 06-16-15

2.6.4 PROCEDURE – Sexual Misconduct

In the event of a report of sexual misconduct made by a person regarding an OCC student or employee, the College will investigate whether a student, employee or third party is responsible for sexual misconduct and what, if any, safety measures and/or disciplinary actions are appropriate in accordance with the procedures described below. This procedure covers sexual misconduct and retaliation in connection with reports of possible sexual misconduct.

A. Application

This procedure applies to sexual misconduct or retaliation committed by a College student, employee, or a third party if that sexual misconduct or retaliation occurs:

1. On campus, or
2. Off campus, if: a) in connection with a College or College-recognized program or activity; b) in a manner that poses an obvious and serious threat of harm to any member of the College Community; or c) that may have the effect of creating a hostile educational environment for any member of the College community.

B. Timelines

The College will strive to complete its investigation and the sanction/remedy process, if applicable, and simultaneously share the results of those with complainant and respondent within sixty (60) calendar days after the Title IX coordinator receives a report of sexual misconduct. There are, however, factors beyond the control of the College that may affect the time needed to conduct a fair, reliable, impartial and prompt investigation of a report of sexual misconduct or retaliation including, but not limited to: (a) availability and cooperation of the complainant (if participating), respondent (if participating) and/or witnesses; (b) illness or injury of College employees conducting or participating in the investigation of the report or proceedings resulting from the report; and (c) weather or other acts of God that result in the College being closed.

The Title IX coordinator may extend the time for completing the investigation or the sanctions/remedy process for good cause.

C. The Investigation

The Title IX coordinator will receive all reports of sexual misconduct. The Title IX coordinator is not required to assign an investigator or otherwise investigate any report alleging facts that, if true, would not constitute a violation of the sexual misconduct policy. In all cases, the decision on whether, how, and the extent to which the College will conduct an investigation, and whether other measures will be taken in connection with any allegation of sexual misconduct or retaliation, rests with the Title IX coordinator. If the Title IX coordinator decides upon review to investigate a report of sexual misconduct or retaliation, a report will be forwarded to an appropriate person of his or her choosing to conduct an investigation. Upon assignment of a complaint to an

investigator, the Title IX coordinator and the investigator shall confer with respect to the investigation.

The investigator will conduct an adequate, reliable, impartial and prompt investigation. In most cases, the investigator will meet separately with the complainant, respondent, and reporter (if applicable), and interview any witnesses identified by them. An audio and/or video recording may be made of an interview if appropriate under the circumstances. The investigator will also review other relevant information gathered during the investigation, including any police investigatory documents and student or personnel records that may be available. A different or less formal response to the report may be warranted depending upon the nature of the report and the circumstances involved.

At any time during the course of an investigation, the complainant, respondent, or a witness may provide a written or verbal statement or other supporting materials, or identify other potential witnesses. Either the complainant or the respondent may have an advisor accompany him or her at any meeting he or she attends relating to the investigation of the reported misconduct.

D. Standard of Proof

The investigator's findings will be made using the preponderance of the evidence standard. This standard requires that the information supporting a finding of responsibility be more convincing than the information in opposition to it. Under this standard, individuals are presumed not to have engaged in sexual misconduct or retaliation unless a preponderance of the evidence supports a finding that sexual misconduct or retaliation occurred.

E. Investigation Findings and Outcome Notification

The investigator will report his/her findings in writing to the Title IX coordinator or his or her designee at the conclusion of an investigation. The investigator's written findings will generally include:

1. A summary of the investigation;
2. The investigator's findings; and
3. A summary of the investigator's rationale in support of the findings.

If the findings conclude that the respondent engaged in sexual misconduct as defined in the policy, the report will be submitted to the appropriate administrator who shall decide what, if any, formal action is to be taken by the College in response to the misconduct. In cases involving a student as either complainant or respondent, the appropriate administrator is the Vice Chancellor for Student Services. In all other cases, the appropriate administrator is the cabinet officer of the unit in which the respondent is employed or otherwise associated. The complainant and respondent shall be notified of the appropriate administrator's decision in writing.

Formal disciplinary action against a respondent shall be taken in accordance with the applicable collective bargaining agreement or College policy. The administrator

responsible for taking formal disciplinary action pursuant to the applicable collective bargaining agreement or College policy shall report the formal disciplinary action to the Title IX coordinator.

Upon receipt, the Title IX coordinator shall, in writing, simultaneously notify complainant and respondent of the investigator's findings, the sanctions imposed on respondent that directly relate to the complainant, the notice of appeal rights, and steps the College will take to remedy the effects and prevent recurrence of the misconduct, if any. The complainant will also be notified of any individual remedies offered or provided to the complainant, but the respondent will not be notified of such individual remedies offered or provided to complainant.

F. Sanctions

If the findings conclude that the respondent engaged in sexual misconduct or retaliation as defined in this policy, the College may initiate a process designed to eliminate the misconduct, prevent its recurrence, and remedy its effects, while supporting the College's educational mission and Title IX obligations. Sanctions or interventions may also serve to promote safety or deter students from similar future behavior. Some behavior is so harmful to the complainant and/or the College community, or so deleterious to the educational process, that it may require more serious sanctions or interventions including, but not limited to, removal from specific courses or activities, suspension or expulsion from the College, or a prohibition from being present on College property.

G. Appeal

The complainant or respondent may appeal the appropriate administrator's decision. Written notice of appeal shall be filed with the Title IX coordinator within ten (10) calendar days of receipt of the appropriate administrator's decision. The notice of appeal shall specify why the appropriate administrator's decision should not stand.

The complainant or the respondent may seek review only on one or more of the following specified grounds:

1. A material deviation from the procedures affected the outcome of the case;
2. There is new and relevant information that was unavailable at the time of the investigation that could affect the investigation findings;
3. The disciplinary action, sanctions, interventions and/or other remedies are inappropriate or disproportionate to the determined violation(s); or
4. A review of all available and relevant information indicates that a preponderance of the evidence does not support the findings and provides firm and definite support for modifying the original findings.

Upon receipt of a timely filed and properly specified notice of appeal, the Title IX coordinator shall confirm receipt and refer the notice of appeal to the appeal panel. The

Title IX coordinator shall also notify the appellant regarding whether the appeal was timely and properly specified.

The appeal panel shall be composed of three persons designated by the Chancellor. The appeal panel's decision should be made within twenty (20) calendar days of the date the notice of appeal is filed with the Title IX coordinator. These timelines are intended as guidelines and may be extended by the appeal panel for reasonable cause. The appeal panel will review the matter based on the issues identified in the request for appeal. The appeal panel may affirm, modify or reverse the decision of the appropriate administrator, or remand the appeal to the Title IX coordinator for additional investigation. The appeal panel will issue its decision and make it available to the complainant (if participating), respondent (if participating) and Title IX coordinator in writing, simultaneously.

H. Student Rights and Expectations

Certain student protections and expectations pertain to the process for resolving student sexual misconduct and retaliation allegations. Complainants and respondents participating in this process may expect the following:

1. Respect for Privacy

Information regarding sexual misconduct and retaliation reports, and any investigation or review of those reports, including any sanction determinations,

may be shared with College employees with a legitimate educational interest or with external individuals or entities on a need-to-know basis and only as permitted under College policy and applicable law.

2. Participation in Process

If a person declines to participate, the College may continue to investigate and/or proceed in the matter and issue findings/decisions based on available information. The complainant and the respondent shall be afforded equal opportunity to have others present.

3. Coordination with Legal Proceedings

Students may simultaneously engage criminal prosecution procedures and/or civil litigation in connection with the same behavior that forms the basis of a sexual misconduct report under this procedure. In such cases, the College is committed to appropriate coordination with the Public Safety Department and local law enforcement and may, if requested and appropriate, share information with those agencies. The College will fulfill its obligation to take immediate and appropriate action to investigate possible sexual misconduct even if there are other external processes or procedures pending in connection with that same sexual misconduct report. Similarly, if the College finds sexual misconduct has occurred, the College will take effective steps to end it, prevent its recurrence, and address its effect, as well as sanction the respondent regardless of what external proceedings may also be pending.

Standards for criminal investigations are different than the standards for a violation of this procedure and, therefore, the College will not base its decisions under this procedure solely on law enforcement reports and/or actions. Accordingly, the College will not normally wait for the conclusion of a criminal investigation or other proceedings before implementing its review of reported sexual misconduct under this procedure.

Initial Approval: 06-16-15

3.7.5 POLICY- Patents and Copyrights

Any invention, discovery or writing resulting from work by a member of the staff or faculty of the College, conducted wholly independently of and bearing no relationship to the normal field of employment by the College, or any research or other project conducted by the College, shall be the property of such member of the staff or faculty without claim of the College to any rights thereunder or to any proceeds therefrom.

Any invention, discovery or writing resulting from work conducted by a member of the staff or faculty of the College in the normal field of employment by the College, or with the use of any of the facilities of the College, or relating to any research or other project conducted by the College for an outside sponsor shall be the property of the College, its assigns or other legal representatives. The College, its assigns or other legal representatives shall have the right to apply for and obtain and shall have complete ownership in any and all patents or copyrights, domestic or foreign, on any such invention, discovery or writing, shall have full control of the licensing, sale or grant of other rights thereunder. The members of the faculty or staff of the College who make or author any such invention, discovery or writing agree for themselves, their heirs or other legal representatives to cooperate fully with the College in perfecting and protecting the aforesaid ownership in the College of all rights to any such invention, discovery or writing and to any and all patents and copyrights obtained thereon, and including the execution of any and all papers, including applications for letters patent and copyright of any and all kinds and in any and all countries.

In the event that any member of the staff or faculty of the College should apply to the Vice Chancellor for Administrative Services for a release with respect to any invention, discovery or writing made or authored by such member, he/she shall determine if the College has any interest in such invention, discovery or writing and, if no such interest exists, may release all rights to such invention, discovery or writing to such member upon terms and conditions, if any, to be set by the Vice Chancellor for Administrative Services under the circumstances, after consulting with the Chancellor and patent council.

Faculty members who are granted a release by the College for Texts or other material for student use may not profit from the sale of such materials to students whom they teach. Any royalties received as a result of such activity must be rebated to the College. All other royalties may be kept by the employee.

In the event that any money royalties are received by the College from the licensing, sale or grant of other rights under any invention, discovery or writing or any patents or copyrights obtained thereon, except for monies received from an outside sponsor in payment for or in relation to a research or other project conducted by or for the College, a member or members of the staff or faculty who have contributed to such invention, discovery or writing shall be entitled to receive not less than fifty percent (50%) of the net proceeds of such money royalties received by the College. The term "net proceeds" as used in this statement of policy shall mean gross money proceeds less the cost of obtaining and protecting the right to such invention, discovery or writing and including, by way of illustration and not limitation, renewing, licensing, selling defending and enforcing any patents or copyrights obtained thereon.

The money royalties received and retained by the College from the licensing, sale or grant of other rights with respect to invention, discoveries and writings to which the College has title under this policy shall accrue to the benefit of the College, and the resulting fund shall be administered by the Vice Chancellor for Administrative Services in concurrence with the Chancellor and Board of Trustees of the College, in such a manner as to promote the growth and development of the College as a whole. College employees who develop patentable or copyrightable materials and assign them to the College will participate in any and all royalties and other revenues for each invention and /or copyright as prescribed below. Within sixty days after the end of the fiscal year, the College will provide a statement for each such invention or copyright for each employee/author/inventor, or his or her heirs or assignees showing the following schedule:

All direct costs associated with the procurement, publication and activities for developing agreements or contracts with outside agencies pertaining to that particular invention or patent shall be deducted from the income from that year, or, if that amount exceeds such income, carried over to be charged against subsequent income which might accrue.

After all direct costs for the year and existing carryover charges are deducted, all remaining income shall be distributed to employees as follows:

1. First 5,000 All to employee(s)
2. Above 5,000 50% to employee(s)

Approved: 09-20-73

Revised: 08-15-94