

SECTION 600: PERSONNEL

Miles Community College employs personnel that uphold the College's Mission and Strategic Initiatives.

Policy History
Added 6/23/2008
Reviewed 1/2013, 7/2021

600.1 Definitions

The following are common definitions of terms used throughout this policy:

A. Spouse

An employee's legal spouse as defined by Montana law.

Revised 3/24/2014

B. Dependents

Unmarried dependent children under age 26. Children include your natural children, stepchildren and children placed in your home for adoption before age 18 or for whom you have court-ordered custody or you are the legal guardian.

Revised 2/23/2009, 3/24/2014

C. Exempt/Non-exempt Status

Each employee is designated as either non-exempt or exempt from federal and state wage and hour laws. Non-exempt employees are entitled to overtime pay under the specific provisions of federal and state laws. Exempt employees are specifically excluded from the provisions of federal and state wage and hour laws. An employee's exempt or non-exempt classification may be changed only upon written notification by the Dean of Administrative Services and HR.

D. Full-Time Employee

A full-time employee is one who works an annual average of forty (40) hours per week, has satisfactorily completed the probationary period.

E. Immediate Family Member

An immediate family member is an employee's spouse, parents and grandparents, children and grandchildren, brothers and sisters, mother-in-law and father-in-law, brothers-in-law, sisters-in-law, daughters-in-law, sons-in-law, as well as half- and step- members of the family.

Revised 5/21/2012

F. Member of Household

A member of household is a person who is claimed as a dependent when filing year-end tax forms. Such a dependent allows a taxpayer to qualify for the dependency exemption. A member of household can be a relative or a non-relative, but in order for a non-relative to

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be claimed as a member of household, he or she must meet the relationship requirements outlined by the IRS.

Revised 5/21/2012

G. Permanent Employee

A permanent employee is an employee who has attained satisfactory completion of an appropriate probationary period.

H. Permanent Part-Time Employee

A permanent part-time employee is one who normally works less than 40 hours a week and has satisfactorily completed the probationary period. (MCA 2-18-601)

Revised 5/21/2012, 9/27/2021

I. Probationary Employee

The probationary period is intended to give new, transferred and rehired employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets both the employee's and the employer's expectations.

During the initial probationary period, the employee may be terminated for any reason or for no reason at all. Such terminations during the initial probationary period are not subject to due process or the grievance procedure. The probationary period does not represent a guarantee of employment for six-months or any other period of time.

Revised 10-27-2008; 7/23/2018

J. Temporary Employees

A temporary employee means an employee who:

1. is designated as temporary by an agency for a definite period of time not to exceed 12 months;
2. performs temporary duties or permanent duties on a temporary basis;
3. is not eligible for permanent status;
4. is terminated at the end of the employment period; and
5. is not eligible to become a permanent employee without a competitive selection process.
6. is eligible for all benefits provided to permanent full-time employees with the exception of tuition waivers.

Revised 3/24/2014

Reviewed 1/2013, 7/2021

K. Student Employees

Students who work for the college as temporary, part-time employees who either receive federal work-study funds or are paid as student labor to perform limited tasks for the college. Student employees should not work over nineteen (19) hours per week during periods when the college is in session.

Policy History

Adopted 9/27/2021

600.2 Employment

All applicants are required to complete the College's hiring process.

Salaries shall be based upon job classification, which includes consideration of the difficulty of the position, the technical skills required, and the amount of management responsibility. Previous work experience, and/or training may be considered upon hire.

The terms and conditions of employment are outlined in an annual Employment Contract. Employees are responsible for fulfilling the requirements of the contract. Employment shall be limited to the time specified in the contract, but may be renewed upon approval of the President. Employees who are unable to fulfill the conditions of the contract shall notify the Dean of Administrative Services and HR in writing at the earliest possible opportunity.

Policy History
Revised 11/15/99, 6/22/2008
Reviewed 1/2013, 7/2021

600.3 Probationary Period

All new employees (except full-time faculty, as the faculty probationary period is delineated in the faculty master agreement) shall complete an initial probationary period of six months from the date of hire. During the initial probationary period, the employee may be terminated for any reason or for no reason at all. Such terminations are exempt from the grievance procedure.

Policy History
Added 6/23/2008; 7/23/2018
Reviewed 1/2013, 7/2021

600.4 Outside Employment/Other Responsibilities

Employees shall not assume responsibilities outside the College which interfere with assigned duties. Outside employment shall not serve as an acceptable reason for poor job performance, absenteeism, tardiness, or refusal to work overtime. If any of these conditions should arise, the employee may be required to cease outside employment or may be terminated.

College resources shall not be used to sustain or seek outside employment.

Policy History
Revised 6/23/2008
Reviewed 1/2013, 7/2021

600.5 Background Checks

The College reserves the right to conduct background checks, the results of which shall determine an applicant's eligibility for employment. Any information attained shall be placed in the employee's personnel file and kept strictly confidential.

Policy History
Adopted 10/20/2003
Revised 6/23/2008
Reviewed 1/2013, 7/2021

600.6 Sex Offender

Under the provisions of the Family Educational Rights and Privacy Act, as amended by the Campus Sex Crimes Prevention Act, Miles Community College may disclose information concerning registered sex offenders after appropriate consultation with local criminal justice agencies and legal counsel review of the proposed methods of dissemination.

The purpose of this reporting is to ensure that members of the campus community have information available concerning the presence of registered sex offenders. All registered sex offenders are required to self-report their status to the College upon employment or enrollment. Faculty and Staff shall report this to the Dean of Administrative Services and Human Resources and students shall report this to the Dean of Student Engagement. If designated as a registered sex offender, after employment or enrollment, the self-reporting must occur within one working day of the designation. Human Resources or the Office of Student Engagement will contact the employee or student to clarify his or her status and to advise him or her of applicable College policy and procedures. Failure to self-report may result in disciplinary action up to and including termination of employment or expulsion.

The Adam Walsh Child Protection and Safety Act is a federal statute signed into law in 2006. The Act organizes sex offenders into three tiers and provides guidance for how often each person identified into specific tiers must update their registry information. Section 46-23-508 of the Montana Code Annotated governs dissemination of information about sexual and violent offenders, including the release of information on juvenile sex offenders who are required to register. Dissemination pursuant to Section 46-23-508 is dependent on the type of offender and level of risk.

The Montana Sexual or Violent Offender Registry (SVOR) was created by the Montana Department of Justice in 1989. The SVOR is administered by the Sexual or Violent Offender Registration Unit with the Division of Criminal Investigation and the link can be found at <https://app.doj.mt.gov/apps/svow/search/>.

Registered Sex Offenders are:

- not barred from employment with MCC. Limitations and restrictions on employment must be both reasonable, job related, and directly related to areas of potential risk.
- not barred from enrollment at MCC. Students pursuing academic programs with specific licensure requirements are encouraged to contact their academic advisor and/or the state or national licensing agency related to their program.

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- prohibited from working in or being upon the premises without authority of any area of the College that is designated to provide service/care to children. Supervisors of registered sex offenders should not assign the employee to an area from which they are prohibited if other employees are available to complete the assignment. If the assignment of the sex offender is essential, their immediate supervisor must escort them for the entire time they are working in the prohibited location.
- prohibited from working, living, or being present in living areas of college housing.

Policy History
Adopted 11/23/2020
Reviewed 7/2021

600.7 Qualifications

Minimum qualifications for all employees shall be delineated in the respective position descriptions. Qualifications for faculty are set forth in the Montana Board of Regents policy. mus.edu/borpol/bor700/730.pdf

In the event that applicants are hired who do not meet the minimum qualifications, they must become qualified within an agreed-upon period of time as stated in their employment contract, unless waived by the President. This may include further study or coursework in the appropriate discipline.

Policy History
Revised 11/15/99, 8/20/07, 6/23/2008, 11/28/11
Reviewed 1/2013, 7/2021

600.8 Faculty Responsibilities

The College places emphasis on the quality of the instructional program. Specific responsibilities of faculty members include the following:

- A. Effectively instruct the assigned classes with sufficient instructional time to fulfill Carnegie units.
- B. Maintain accurate records of attendance and grades in the College's student data management system.
- C. Complete and submit all required records and reports on schedule.
- D. Advise students as assigned using the Advising Handbook.
- E. Maintain records on each student advisee, by documenting program and course selection, progress towards graduation requirements, and any deviation from the prescribed or recommended curricular program.
- F. Attend meetings and serve on committees as assigned.

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- G. Serve as faculty sponsor, supervisor, or chaperon for a limited number of student organizations and/or activities as assigned.
- H. Prepare a course syllabus for all assigned courses submit electronic copies to the Associate Vice President of Academic Affairs and the Associate Dean of Academic Affairs.
- I. Spend a minimum of 35 hours per week on campus (includes off-campus activities required by assigned responsibilities).
- J. Post and adhere to a minimum of seven (&) office hours per week.

Faculty meetings may be called at the discretion of the administration. Faculty members are expected to be in attendance at faculty meetings, excepting only those occasions when college or staff assignments require their presence elsewhere.

Policy History
Revised 8/20/2007, 6/22/2009, 7/27/2009
Reviewed 1/2013, 7/2021

600.8.1 Contract Year Obligations

The contract year shall begin six (6) business days prior to first day of class for Fall semester. Faculty contract days total 155. Faculty shall work 154 days per contract year pursuant to an academic calendar developed by the College administration, who agree to creation of a calendar committee, comprised of faculty and classified/exempt staff representatives. These 154 days will include teaching, teaching-related activities (i.e. office hours, laboratory preparation, etc.), advising, orientation activities, grade reporting, professional development, recruitment and committee/accreditation assignments. The concept of floating days is no longer recognized. In addition, there will be one (1) faculty day in May, June, or August assigned by the VPAA in consultation with the faculty.

Of the 155 contract day, three half days during Fall semester and three half days during Spring semester will be dedicated towards faculty prep and advising only. Also included in the 155 contract days are the equivalent of 4 professional development days and the equivalent of 4 “value added” days as determined by Administration in consultation with Association.

Policy History
Revised 6/25/2007, 11/28/11, 7/22/13, 8/18/2015
Reviewed 1/2013, 7/2021

600.8.2 Course Teaching Assignments

Teaching assignments shall be set forth as follows:

- A. Working with the Vice President of Academic Affairs and subject to the Vice President’s approval, faculty members will develop with their division chair/director an annual course schedule that takes into consideration programmatic scope and sequence of courses that

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focus on a learner-centered schedule, which may include daytime, evening, weekend, distance learning (online, interactive television, etc.), and other courses.

- B. The Vice President of Academic Affairs shall make all teaching assignments in consultation with the Division Chairs/Directors. When requested, faculty shall submit in a timely fashion their specific teaching requests for regular, full-time teaching assignments, including summer, to the Vice President of Academic Affairs. Depending on enrollment and after input from the faculty, the Vice President will make additional recommendations for course assignments, course deletions, and any overload courses.
- C. The Vice President of Academic Affairs has the prerogative to cancel courses with low enrollment and may consult with the Division Chairs/Directors and affected faculty in the event a course may be cancelled. In the event a core course is being considered for cancellation, the Vice President of Academic Affairs may provide the faculty member with the opportunity to teach the low-enrollment class at reduced rate, per article 16. The Vice President of Academic Affairs also has the option to offer the course as an independent study course for the affected student(s) in accordance with Section 10.6
- E. The Vice President of Academic Affairs will provide a written statement of overload/underload status to each faculty member within two weeks after the eighth day of classes.
- F. Courses and schedules will be based on student demands and needs. Some and/or all teaching requests may not be met.
- G. Class size limits will be set by the Vice President of Academic Affairs in consultation with the Department Chair/Director and faculty. Faculty members will be allowed to admit students over the class limit at their discretion; however, no extra pay will be given for extra students over the established class limit.

Policy History
Revised 6/25/2007
Reviewed 1/2013, 7/2021

600.8.3 Professional Development

Faculty members are required to participate in professional development, such as presenting at professional conferences and workshops. Upon written approval of the Vice President of Academic Affairs, faculty may attend professional development activities off and on campus. Please refer to the Faculty Master Agreement.

Policy History
Revised 6/25/2007, 8/18/15
Reviewed 1/2013, 7/2021

600.8.4 Instructional Work Load and Working Hours

A. Preparation for instruction

Quality classroom instruction requires adequate preparation. Each instructor should devote the major portion of non-classroom hours each week preparing for the instruction of assigned classes. To meet these objectives, faculty shall prepare and adhere to an Office Hours Schedule each semester and shall post such schedule on their office doors.

B. Overload

Full-time faculty members will be allowed to teach up to 18 load hours per semester. Summer session is overload except in the case of a faculty member who has not met the required 30 load hours per contract year; summer courses will be used to make-up the difference. Any exceptions to this require permission from the Vice President of Academic Affairs.

C. Independent Study

The Vice President of Academic Affairs must approve all independent study courses. If a regularly scheduled course is being offered, that course cannot be taken as an independent study for that semester/term.

Policy History
Revised 8/20/2007
Reviewed 1/2013, 7/2021

600.9 Family and Medical Leave

Employees shall be eligible for family and medical leave if they have at least 12 months of service, have worked at least 1,250 hours within the preceding 12-month period, and work at a worksite where there are at least 50 employees within a 75-mile radius. If eligible, an employee may be able to take up to 12 weeks of unpaid leave during a 12-month period for the following reasons:

- A. The birth of a child or to care for a child within the first 12 months after birth;
- B. The placement of a child with the employee for adoption or foster care and to bond with and care for the child (within the first 12 months after placement);
- C. To care for an immediate family member who has a serious health condition;
- D. For a serious health condition that makes the employee unable to perform the functions of his/her position; or
- E. If the employee experiences a qualifying exigency that arises out of the fact that a spouse, parent, or child has been called to or is on active military duty as a member of the National Guard or military reserves.

The College shall use the 12-month period measured forward from the date an employee's first FMLA leave begins as the method for determining the period of FMLA protection.

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A. Military Caregiver Leave

An employee who is the spouse, parent, child, or next of kin of a current member of the armed forces (including the regular armed forces) who was injured while on active duty may be eligible for up to 26 weeks of FMLA leave in a 12-month period, including the types of leave listed above.

B. Notice of Leave

When requesting leave, the employee shall:

1. Supply sufficient information to the Dean of Administrative Services and HR to determine if the FMLA applies to the leave request, as well as information regarding the anticipated timing and duration of leave;
2. Provide notice of the need for leave far enough in advance to provide sufficient coverage for the employee's responsibilities, or as soon as feasible;
3. Cooperate with all requests for information regarding whether or not absences are FMLA-qualifying.

Failure to comply with the notice of leave requirement may result in leave being delayed or denied.

C. Intermittent Leave

When medically necessary, employees may take FMLA leave intermittently or on a reduced schedule basis for their own serious health condition, the serious health condition of a family member, or for military caregiver leave. Employees are required to cooperate with the College to arrange reduced work schedules or intermittent leave so as to minimize disruption of college operations.

Qualifying exigency leave may be taken intermittently without regard to medical necessity or disruption of college operations.

Leave due to the birth or adoption of a child may not be taken intermittently and must be completed within the 12-month period beginning on the date of birth or placement of the child.

D. Medical and other Certifications

Employees shall be required to provide a medical certification if the leave request is: 1) for the employee's own serious health condition; 2) to care for a family member's serious health condition; or 3) for military caregiver leave. Failure to provide the requested certification in a timely manner may result in denial of the leave until it is provided. If an employee refuses to provide a certification, his/her leave request may be denied and the employee may be subject to disciplinary procedures, up to and including termination.

The College, at its expense, may require a medical examination by a health care provider of its own choosing if it has a reasonable question regarding the medical certification provided by the employee. In lieu of a second opinion, the College may contact the health care

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provider directly to clarify or authenticate a medical certification, including certifications for military caregiver leave. Second opinions may not be required for military caregiver leave.

Separate certification may also be required regarding the nature of the family member's military service and/or the existence of a qualifying exigency.

E. Fitness for Duty Certifications

Employees returning from FMLA leave for their own serious health condition shall provide a Fitness for Duty (FFD) certification signed by their health care provider. Employees who fail to provide an FFD certification shall be prohibited from returning to work and may be subject to discipline or termination.

FFD certifications may be required when an employee returns from intermittent FMLA leave if serious concerns exist regarding the employee's ability to resume his/her duties safely.

F. Concurrent Leave

Employees shall use any accumulated sick leave, vacation time, or personal leave to the extent available during FMLA leave unless such leave is covered under workers' compensation, in which case the employee may use accumulated leave time only for the purpose of satisfying any waiting period. Absences in excess of these accumulated days shall be treated as FMLA leave without pay.

G. Maintenance of Benefits

The College shall maintain health care benefits for the employee while on FMLA leave, but the employee is responsible for paying the normal monthly contribution. If the employee elects not to return to work at the end of the leave period, and has exhausted his/her paid-leave options, the employee shall be required to reimburse the College for the cost of premiums paid for maintaining coverage during the unpaid-leave period. All other benefits cease to accrue during the unpaid portion of the leave.

H. Married Couples Who Work for Miles Community College

If an employee and his/her spouse both work for the College, they are both eligible for leave. The married employees may be limited to a combined total of 12 weeks of FMLA leave in a 12-month period if the leave is taken for:

1. The birth, adoption, or foster placement of a child;
2. To care for a parent with a serious health condition; or
3. A combination of the above.

For military caregiver leave, the married employees may be limited to a combined total of 26 weeks of leave in a 12-month period, including the types of leave listed above in this paragraph.

I. Absenteeism

FMLA leave may be counted as an absence under the College's leave policy.

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J. Return from Leave

Upon return from leave, the employee shall be restored to his/her original or an equivalent position. An employee who fails to return at the end of FMLA leave shall, in most cases, be considered to have voluntarily resigned from his/her position at the College unless he/she is entitled to additional leave as a reasonable accommodation under the Americans with Disabilities Act.

Policy History
Reviewed 1/2013, 7/2021

600.10 Evaluation

All permanent employees shall undergo regular and systematic evaluation.

Policy History
Reviewed 1/2013
Revised 9/27/2021

600.10.1 Staff Evaluation

All permanent staff shall be evaluated before the end of the six-month probationary period and annually thereafter prior to end of the contract year (June 30th). Part-time employees may be evaluated as determined by supervisor. Staff evaluation procedures are specified on the evaluation form provided by the Human Resources office.

Policy History
Revised 11/24/2008, 8/26/11, 9/27/2021
Reviewed 1/2013

600.10.2 Faculty Evaluation

The Vice President of Academic Affairs is responsible for the evaluation of all faculty and making recommendations to the President on matters of retention. Faculty evaluation procedures are specified in the Faculty Master Agreement and are available at the office of the Vice President of Academic Affairs.

Modifications to the evaluation process may be made for nursing faculty to meet State Board and National League of Nursing requirements. The Director of Nursing shall administer any such modifications.

Policy History
Revised 9/19/1988, 6/25/2007, 8/26/11
Reviewed 1/2013, 7/2021

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600.11 Benefits

Miles Community College offers benefits for full-time faculty and staff, and permanent part-time staff based on eligibility criteria.

Policy History
Revised 7/23/2007, 9/27/2021
Reviewed 1/2013

600.11.1 Insurance

The College shall arrange for participation in the Montana University System Group Benefits Plan for all eligible employees. The College shall contribute the employer contribution as established by the Montana University System Group Insurance Plan and applicable state law. Any additional cost shall be borne by the employee and paid through payroll deduction.

Policy History
Adopted 12/22/1976
Revised 03/15/1999, 7/23/2007, 01/26/2009, 01/27/2020
Reviewed 1/2013, 7/2021

600.11.2 Retirement

Employees separating from employment may elect to retire if eligible under their respective program.

All eligible employees are covered by the benefits of Social Security and the Montana Public Employees Retirement System (MPERA) or Montana Teachers Retirement System (MTRS) in accordance with Title 19 Montana Code Annotated. Deductions are made from the wages of all employees according to Federal and State statutes.

In accordance with Montana Code Annotated, the College does not participate in “buyback” benefits when former or present employees make application for retirement benefits and request retroactive employer contribution.

Employees considering retirement may contact Human Resources for information about retirement programs and the benefits that apply to retirees, however, Human Resources cannot provide specific information about individual benefits. Employees considering retirement will need to contact their retirement program directly for any details related to their account and the process for initiating any retirement benefits.

Retirement is accomplished by submitting written notification to an employee's immediate supervisor indicating their decision to retire and the proposed effective date. The College provides retirement resources to assist retiring employees.

Policy History
Revised 10/27/2008, 2/23/2009, 9/27/2021
Reviewed 1/2013

600.11.3 Industrial Accident and Workers' Compensation

All College employees are covered by Industrial Accident Insurance and by Workers' Compensation. All work-related accidents and near misses, no matter how minor, must be immediately reported to the employee's supervisor and a First Report of Injury Form needs to be completed and returned to the Dean of Administrative Services and HR.

Workers' Compensation benefits are set by statute: the College does not set the requirements for this insurance.

Policy History
Revised 2/23/2009
Reviewed 1/2013, 7/2021

600.11.4 Faculty Leave

In the event that an instructor is absent from assigned classes, whether from illness or other causes, notice of such absence shall be given to the Vice President of Academic Affairs. Measures shall be taken to insure that instructional requirements of the affected courses and/or programs are fully met during the instructor's absences.

Revised 8/20/2007,7/22/2009

A. Sick Leave

Each full-time faculty member shall earn nine (9) days of sick leave per academic year. Annual sick leave shall accrue monthly as it is earned on a proportionate basis to the employee's work year.

Sick leave absences must be reported to the employee's immediate supervisor using forms provided by the Human Resources Office.

1. Sick leave may be taken for a sickness suffered by an employee or his/her immediate family or member of the household (as defined in [policy 600.1 – Definitions](#)).
2. An employee shall be permitted to utilize the annual sick leave in advance of accrual. In the event that sick leave days are utilized prior to the accrual thereof, such days will be deducted from future accumulations. In the event that an employee who has been permitted to utilize sick leave in advance of accrual under this provision should leave the employ of the College, he/she shall be liable to the College for any sick leave pay advanced beyond his/her earned accrual.
3. Sick leave granted herein will be in units of ½ or full days only.
4. Sick leave attributable to a pre-existing condition will not be allowed for 90 days following the first starting date of employment.
5. The College may require an employee to furnish a medical certificate from a qualified physician as evidence of illness, indicating the employee's absence was due to an illness, in order to qualify for sick leave pay.

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6. Upon an employee's request, an employee injured on the job in the service of the College and collecting worker's compensation insurance may draw sick leave from the College for the worker's compensation waiting period.
7. Paid sick leave shall not be granted for illness or disability occurring during the course of any other leave provided herein unless specifically provided by the provisions of such leave.
8. When an employee resigns, retires, loses a position due to reduction of force, or dies, the employee or the employee's beneficiary or estate shall be entitled to a cash payment equaling one-fourth of the employee's accumulated sick leave. The computation shall be based on the employee's salary as provided in the salary schedule for the last school year of employment and shall not include any additional compensation whatsoever.
9. Abuse of sick leave may be considered grounds for dismissal and forfeiture of a "lump-sum" payment of unused sick leave upon termination.

B. Sick Leave Bank

An employee may, at the employee's discretion, donate sick leave to another employee who is in need. The sick leave recipient shall have exhausted all sick leave due to a personal illness or an illness in the immediate family. Donors shall notify the Dean of Administrative Services and HR, on forms provided, of the intention to make such a donation. Donated leave shall be used in the order of date of receipt. Unused sick leave shall be credited to the donors at the end of each fiscal year. The Dean of Administrative Services and HR will maintain records of donations, usage, credits, and, will review requests for donated sick leave and where appropriate approve requests.

Revised 7/27/2015

C. Jury Duty

1. Employees should notify the College Administration Office promptly upon receipt of a jury duty summons.
2. An employee will be released to serve on a jury if adequate substitute service can be provided for the day or days of proposed jury duty. If adequate substitute service cannot be provided, the employee will be requested to ask to be excused from jury duty. In the event an employee serves on jury duty on a day in which he/she would otherwise be performing job related duties, the employee shall receive his/her regular salary but shall remit to the college any jury duty fees.

D. Parental Leave

1. Maternity/Paternity leave shall be granted according to the terms of the Family Medical Leave Act of 1993 ("FMLA").
2. In applying the provisions of the FMLA, the 12-month period used to measure leave shall be the 52-week period immediately preceding the commencement of the leave under the FMLA.

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3. Each employee on unpaid leave under the FMLA shall remain responsible for paying the employee's share of any health care or other premiums applicable to any coverage elected by or provided to the employee under this agreement and shall submit directly to the College, not later than the employee's normal pay day, the amount of premium owed by the employee.

E. Bereavement Leave

Five (5) days at full salary will be allowed each employee for each death of an immediate relative or member of the household. Additional time, if requested by the employee, shall be deducted from accumulated sick leave.

F. Personal Leave (refer to Article 600.6.6)

Four (4) days of personal leave may be taken per contract year without loss of salary for personal needs, including funerals and medical appointments. Leaves must be taken in either full-day or half-day increments. Written approval for such leave shall be obtained one week in advance, except in emergencies from the employee's supervisor. The supervisor shall send a copy of the written approval to the Dean of Administrative Services and HR for the purposes of record keeping.

G. Military Leave

Military leave shall be granted to employees of at least 6 months employment for a period of time not to exceed 10 working days per academic year for attending regular encampments, training, cruises, and similar training programs of the organized militia of the military forces of the United States.

H. Legislative Service Leave

Employees elected or appointed to the State Legislature shall be granted leave of absence, commensurate with the Legislative session, including any extensions or special sessions that may be imposed, without pay or benefits during the period of time they are performing public service as a member of the legislature. During Legislative leave, an employee has the option of retaining for him/herself any insurance benefit program specified in this Agreement by assuming the monthly payments of the entire premium cost.

I. Holidays

Faculty will be provided holidays in accordance with the College calendar for the academic year.

A committee consisting of exempt, classified and faculty personnel will recommend an academic calendar which meets Northwest Accreditation and Montana Board of Regents standards to be approved by the Board of Trustees annually. The calendar will be presented to the Board of Trustees six months prior to publication.

600.11.5 Staff Leave

A. Sick Leave

Eligible employees shall earn sick leave according to established State Laws for Montana Public Employers (MCA 2-18-618).

Each full-time staff member shall earn one day of sick leave per contracted month for each year of service. Part-time staff members shall earn sick leave on a pro-rated basis. Hours worked beyond forty hours per week do not earn additional sick leave.

Sick leave absences must be reported to the employee's immediate supervisor using forms provided by the Human Resources Office.

Abuse of sick leave may result in disciplinary action up to and including termination.

1. Sick leave may be taken for a sickness suffered by an employee or his/her immediate family or member of the household (as defined in [Policy 600.1 Definitions](#)).
2. An employee shall be permitted to utilize the annual sick leave in advance of accrual. In the event that sick leave days are utilized prior to the accrual thereof, such days will be deducted from future accumulations. In the event that an employee has utilized sick leave in advance of accrual under this provision and leaves the employ of the College, he/she shall be liable to the College for any sick leave pay advanced beyond his/her earned accrual.
3. Sick leave shall be taken in units of ½ or full days for exempt staff and in hourly increments for non-exempt staff.
4. Sick leave attributable to a pre-existing condition will not be allowed for 90 days following the first starting date of employment.
5. Upon an employee's request, an employee injured on the job in the service of the College and collecting worker's compensation insurance may draw sick leave from the College for the worker's compensation waiting period.
6. Paid sick leave shall not be granted for illness or disability occurring during the course of any other leave provided herein unless specifically provided by the provisions of such leave.
7. When an employee resigns, retires, loses a position due to reduction of force, or dies, the employee or the employee's beneficiary or estate shall be entitled to a cash payment equaling one-fourth of the employee's accumulated sick leave. The computation shall be based on the employee's current salary.
8. If abuse of sick leave results in dismissal, then the cash payment equaling one-fourth of the employee's accumulated sick leave shall be forfeited.

Revised 8/25/2008, 4/30/2012, 9/27/2021

B. Sick Leave Bank

An employee may, at the employee's discretion, donate sick leave to another employee who is in need. The sick leave recipient shall have exhausted all sick leave due to a personal illness or an illness in the immediate family. Donors shall notify the Dean of Administrative

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Services and HR on forms provided, of the intention to make such donation. Donated leave shall be used in the order of date of receipt. Unused sick leave shall be credited to the donors. The Dean of Administrative Services and HR will maintain records of donations, use, and credits. The Dean of Administrative Services and HR will review requests for donated sick leave.

Revised 7/25/2015

C. Jury Duty

1. Employees shall notify the College Administration Office promptly upon receipt of a jury duty summons.
2. An employee shall be released to serve on a jury if adequate substitute service can be provided for the day or days of proposed jury duty. If adequate substitute service cannot be provided, the employee will be requested to ask to be excused from jury duty. In the event an employee serves on jury duty on a day in which he/she would otherwise be performing job related duties, the employee shall receive his/her regular salary but shall remit to the college any jury duty fees.
3. In accordance with MCA 2-18-619, an employee may elect to use annual leave while serving jury duty, in which case he/she shall not be required to remit the juror fees to the college.

Revised 8/25/2008

D. Parental Leave

1. Maternity/Paternity leave shall be granted according to the terms of the Family Medical Leave Act of 1993 ("FMLA").
2. In applying the provisions of the FMLA, the 12-month period used to measure leave shall be the 52-week period immediately preceding the commencement of the leave under the FMLA.
3. Each employee on unpaid leave under the FMLA shall remain responsible for paying the employee's share of any health care or other premiums applicable to any coverage elected by or provided to the employee under this agreement and shall submit directly to the College, not later than the employee's normal pay day, the amount of premium owed by the employee.

E. Bereavement Leave

Five (5) days at full salary will be allowed each employee for each death of an immediate relative or member of the household. Additional time, if requested by the employee, shall be deducted from accumulated sick leave.

F. Personal Leave

Full-time staff may take up to five (5) days of personal leave per contract year without loss of salary for personal needs, including funerals and medical appointments. Leaves must be taken in either full-day or half-day increments. Written approval for such leave shall be obtained at a minimum of one day in advance, except in emergencies, or circumstances as

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deemed appropriate by the employee's supervisor. The supervisor shall send a copy of the written approval to the Human Resources Office for the purposes of record keeping.

Revised 10/24/2011, 5/2013, 4/21/2014, 3/28/2016

G. Military Leave

Military leave shall be granted to employees of at least 6 months employment for a period of time not to exceed 10 working days per academic year for attending regular encampments, training, cruises, and similar training programs of the organized militia of the military forces of the United States.

H. Legislative Service Leave

Employees elected or appointed to the State Legislature shall be granted leave of absence, commensurate with the Legislative session, including any extensions or special sessions that may be imposed, without pay or benefits during the period of time they are performing public service as a member of the legislature. During Legislative leave, an employee has the option of retaining for him/herself any insurance benefit program specified in this Agreement by assuming the monthly payments of the entire premium cost.

I. Holidays

Full-time and eligible part-time staff receives seventeen (17) holidays off with pay per year at the employee's regular rate of pay. A committee consisting of exempt, classified and faculty personnel will recommend an academic calendar which meets Northwest Accreditation and Montana Board of Regents standards to be approved by the Board of Trustees annually. The calendar shall be presented to the Board of Trustees six months prior to publication.

Revised 7/23/2007, 10/24/2011, 5/20/2013, 7/27/2015, 3/28/2016, 11/28/16

J. Annual Leave

Eligible staff members shall earn annual leave according to established State Laws for Montana Public Employers (MCA 2-8-611). Part-time staff members accrue leave on a pro-rated basis. It is intended that annual leave should be taken during the year in which it is earned, with not more than the amount earned in two years accumulating at any one time.

Revised 7/23/2007, 9/27/2021

K. Annual Leave Procedure

<u>Years of Employment</u>	<u>Annual Leave Credits Per Year</u>
1 day through 10 years	15 days
11 years through 15 years	18 days
16 years through 20 years	21 days
21 years +	24 days

Annual leave may be accrued up to twice the maximum number of days allotted within a fiscal year. Annual leave in excess of the cap must be taken by September 30th of the following fiscal year or it shall no longer accrue.

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Annual leave shall be taken in units of ½ or full days for exempt staff and in hourly increments for non-exempt staff.

Before annual leave may be taken, a Leave Request Form must be submitted to the appropriate supervisor for approval. Written approval for such leave shall be obtained at a minimum of one day in advance, except in emergencies, or circumstances as deemed appropriate by the employee's supervisor.

Upon an employee's separation, accrued annual leave shall be paid at his/her current salary.

Policy History

Revised on 2/15/1999, 7/23/2007, 1/25/2010, 9/26/11, 4/21/14

Reviewed 1/2013, 7/2021

600.11.6 Centra Use

Centra memberships are available at no cost to the following:

- A. Permanent and temporary full-time employees: are entitled to a free annual family membership to the Centra. This includes faculty and staff and their immediate family members: spouses and dependent children (as defined in [policy 600.1 Definitions](#)).
- B. Part-time employees: are entitled to an individual monthly membership. Families of part-time employees may purchase a membership at the current rate.
- C. Current Board Members: are entitled to full membership privileges. These include all that are granted to full-time employees, their spouses and dependent children (as defined in [policy 600.1 Definitions](#)).
- D. Retired Faculty and Staff: are entitled to full membership benefits, including those granted to full-time employees.

Policy History

Adopted 5/21/1999

Revised 1/22/2002, 9/16/2002, 8/16/2004, 2/23/2009, 3/24/2014

Reviewed 1/2013, 7/2021

600.11.7 Tuition Waivers

As defined in [policy 600.1 Definitions](#), trustees, permanent full-time faculty and staff, and their spouses shall have 100 percent of their tuition waived when enrolled in Miles Community College credit courses. All other expenses shall be the responsibility of the student. Dependents as defined in [policy 600.1 Definitions](#) shall receive 100 percent tuition waivers provided they meet the minimum standards as defined by the Financial Aid Satisfactory Academic Progress Policy stated in the Miles Community College catalog.

Policy History

Revised 10/18/99, 9/19/2005, 2/23/2009, 12/21/2009, 3/24/2014

Reviewed 1/2013, 7/2021

600.12 Job descriptions

Current position descriptions shall be on file for all employees.

Policy History
Revised 4/27/2009
Reviewed 1/2013, 7/2021

600.13 Working Hours

The regular workweek begins on Monday and ends on Friday. A normal instructional day begins at eight (8:00) a.m. and ends at ten (10:00) p.m. Whereas employees will work between the hours of eight (8:00) a.m. until ten (10:00) p.m., assignments will vary according to the needs of the position held.

Rest periods are paid time and full-time employees are encouraged to take a few minutes each morning and afternoon at a time convenient to the department. At no time should employees be absent from their workstation for more than twenty (20) minutes for this purpose. Care should be taken to ensure that services are provided for during their absences.

The receptionist in the main office should be notified when employees find it necessary to be away from their normal workstation.

Policy History
Revised 8/20/2007, 6/22/2009
Reviewed 1/2013, 7/2021

600.14 Discrimination, Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking

State and federal laws and regulations prohibit certain kinds of discrimination in employment and in educational services. This policy is intended to comply with the following laws and regulations: Titles IV, VI, and VII of the Civil Rights Act of 1964; 34 C.F.R. pt. 100; Title IX; 28 C.F.R. pt. 54 and 34 C.F.R. pt. 106; Section 504 of the Rehabilitation Act; 34 C.F.R. pt. 104; Age Discrimination Act of 1975; 34 C.F.R. pt. 110; and Titles I and II of the Americans with Disabilities Act; 28 C.F.R. pt. 35; Montana Human Rights Act and Governmental Code of Fair Practices, Title 49, Montana Code Annotated.

In addition, Title IX of the Education Amendments of 1972 and its implementing regulation, at 34 C.F.R. § 106.31 (a), provide that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by Miles Community College.

Policy History
Revised 1/16/1989, 4/27/2009, 9/26/2011, 3/24/14, 7/27/2020
Reviewed 1/2013, 7/2021

600.14.1 Policy Statement

The college is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from harassment and discrimination based upon race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation. Such an environment is necessary to a healthy learning, working, and living atmosphere because discrimination and harassment undermine human dignity and the positive connection among all people at the college. Acts of discrimination, harassment, sexual misconduct, dating violence, domestic violence, stalking, and retaliation shall be addressed consistent with this policy.

Policy History
Adopted 3/24/14
Revised 7/27/2020
Reviewed 7/2021

600.14.2 Definitions of Discriminatory Conduct

The following are common definitions of terms used throughout this policy:

- A. **Discrimination** is conduct that is based upon an individual's race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation that excludes an individual from participation, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual's employment, education, living environment or participation in a college program. This includes failing to provide reasonable accommodation, consistent with state and federal law, to persons with disabilities.
- B. **Harassment** is covered under this policy if it is based upon an individual's race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation. Harassing conduct may take various forms, including, name-calling, graphic or written statements (including the use of cell phones, social media, or the Internet), or other conduct that may be physically threatening, harmful, or humiliating. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Sex-based harassment includes sexual harassment, which is further defined below, and non-sexual harassment based on stereotypical notions of what is female/feminine v. male/masculine or a failure to conform to those gender stereotypes.
- C. **Sexual Harassment** can include unwelcome: sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, including sexual misconduct. Sexual harassment, including sexual misconduct, can involve persons of the same or opposite sex.

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Consistent with the law, this policy prohibits two types of sexual harassment:

1. Tangible Employment or Educational Action

This type of sexual harassment occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment or participation in a college program is conditioned upon, either explicitly or implicitly, submission to or rejection of unwelcome sexual advances or requests for sexual favors, or such submission or rejection is a factor in decisions affecting that individual's employment, education, living environment, or participation in a college program. Generally, this type of sexual harassment will involve agents or employees with some authority from the college.

2. Hostile Environment

A *Hostile Environment* based on race, color, religion, national origin, creed, service in the uniformed services, veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation exists when harassment:

- is sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive so as to deny or limit a person's ability to participate in or benefit from the college's programs, services, opportunities, or activities; or
- when such conduct has the purpose or effect of unreasonably interfering with an individual's employment or academic performance.

A hostile environment can be created by anyone involved in a college program or activity (e.g., administrators, faculty members, students, and even campus guests). Mere offensiveness is not enough to create a hostile environment. Although repeated incidents increase the likelihood that harassment has created a hostile environment, a serious incident, such as a sexual assault, even if isolated, can be sufficient.

In determining whether harassment creates a hostile environment, the harassment shall be considered not only from the perspective of the individual who feels harassed, but also from the perspective of a reasonable person in a similar situation. Also, the following factors shall be considered:

- The degree to which the conduct affected one or more students' education or individual's employment;
- The nature, scope, frequency, and duration;
- The location, event, or circumstances, whether or not these items are on a school's campus, includes where the school has substantial control over the

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context of the alleged harassment and the person accused of committing sexual harassment;

- The identity, number, and relationships of persons involved;
- The perspective of a “reasonable person” in the same situation as the person harassed; and
- The nature of higher education.

- D. **Sexual Misconduct** includes sexual assault, inducing incapacitation for sexual purposes, sexual exploitation, and dating violence.

Sexual Assault means an actual or attempted sexual contact with another person without that person’s consent. Sexual assault includes, but is not limited to:

- Involvement in any sexual contact when the victim is unable to consent.
- Intentional and unwelcome contact with the breasts, buttock, groin or genitals or touching another with any of these body parts or coercing or forcing or attempting to coerce or force another to touch the perpetrator or themselves with or on any of these body parts.
- Any other intentional bodily contact in a sexual manner, including contact by a penis, tongue or finger, and oral copulation (mouth to genital contact or genital to mouth contact).
- Sexual intercourse without consent, including acts commonly referred to as “rape.”

- E. **Consent** is an understandable exchange of affirmative words or actions, which indicate a willingness to participate in mutually agreed upon sexual activity. Consent must be informed, freely and actively given. If coercion, intimidation, threats, or physical force are used there is no consent.

There is no consent if a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact of, or make a reasonable judgment as to the nature or harmfulness of the conduct, or extent of the sexual situation. This includes impairment or incapacitation due to mental disability, alcohol or drug consumption, or being asleep or unconscious. There is no consent when there is force, expressed or implied, or use of duress or deception upon the victim. Silence does not necessarily constitute consent. Past consent to sexual activities does not imply ongoing future consent. Whether an individual has taken advantage of a position of influence over an alleged victim may be a factor in determining consent. Effective consent may not be given by minors less than 16 years old.

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- F. **Inducing incapacitation for sexual purposes** includes using drugs, alcohol, or other means with the intent to affect or having an actual effect on the ability of an individual to consent or refuse to consent (as “consent” is defined in this policy) to sexual contact.
- G. **Sexual Exploitation/Coercion** occurs when a person takes non-consensual or abusive sexual advantage of another for anyone’s advantage or benefit other than the person being exploited, and that behavior does not otherwise constitute one of the preceding sexual misconduct offenses. Examples of sexual exploitation include:
- Prostituting another person;
 - Non-consensual visual (e.g., video, photograph) or audio-recording of sexual activity;
 - Non-consensual distribution of photos, other images, or information of an individual’s sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;
 - Going beyond the bounds of consent (such as letting others hide in the closet to watch you having consensual sex);
 - Engaging in non-consensual voyeurism;
 - Knowingly transmitting a sexually transmitted disease, such as HIV to another;
 - Exposing one’s genitals in non-consensual circumstances, or inducing another to expose his or her genitals; and
 - Possessing, distributing, viewing or forcing others to view illegal pornography.
- H. **Dating Violence** is abuse or violence between, partners or persons in a social relationship of an intimate or romantic nature involving one or more of the following elements:
- Battering that causes bodily injury;
 - Emotional abuse creating apprehension of bodily injury or property damage;
 - Repeated telephonic, electronic, or other forms of communication -- anonymously or directly -- made with the intent to intimidate, terrify, harass, or threaten.

The existence of such a relationship shall be determined based on consideration of the following factors:

- The length of the relationship;

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- The type of relationship; and
 - The frequency of interaction.
- I. **Stalking** includes repeatedly following, harassing, threatening, or intimidating another by telephone, mail, electronic communication, social media, or any other action, device or method that purposely or knowingly causes substantial emotional distress or reasonable fear of bodily injury or death. To the extent applicable as provided in 600.13.4 Off Campus Conduct, allegations of stalking, regardless of whether they are based on discrimination, shall be addressed and considered in accordance with this Policy and the Discrimination Grievance Procedure.
- J. **Domestic Violence** is an act of partner or family member assault (as defined in Section 45-2-206 Montana Code Annotated) A person “commits . . . partner or family member assault if the person:
- a. purposely or knowingly causes bodily injury to a partner or family member;
 - b. negligently causes bodily injury to a partner or family member with a weapon; or
 - c. purposely or knowingly causes reasonable apprehension of bodily injury in a partner or family member.”

“Partners” are spouses, former spouses, persons who have a child in common, and persons who have been or are currently in a dating or ongoing intimate relationship. “Family member” means mothers, fathers, children, brothers, sisters, and other past or present family members of a household.

To the extent applicable as provided in 600.13.4 Off Campus Conduct, allegations of domestic violence, regardless of whether they are based on discrimination, shall be addressed and considered in accordance with this Policy and the Discrimination Grievance Procedure.

¹ While sexual assault and other sexual misconduct is often considered a subset of “sexual harassment,” for purposes of this policy and the consequences that may result from violating this policy, the terms are distinct.

Policy History
Adopted 3/24/14
Revised 7/27/2020
Reviewed 7/2021

600.14.3 Disability Discrimination

The College is committed to eliminating disability-based discrimination against persons with disabilities and making reasonable accommodation for any known disability that interferes with an applicant's ability to compete in a selection process, an employee's ability to perform the essential functions of a job, a student's ability to meet the essential requirements of an academic program, or a person's ability to benefit from a college service or participate in a college sponsored or hosted event. Applicants,

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employees, students or participants with a disability seeking an accommodation should contact the appropriate person identified below:

Students or student applicants:

Coordinator of College Success and Disabilities Support Services,
Center for Academic Success,
Room 208
Phone (406) 874-6100 or (800) 541-9281
DSS@milescc.edu

Employees, employment applicants or participants:

Dean of Administrative Services and HR,
Office 218
Phone (406) 874-6292
HumanResources@milescc.edu

Policy History
Adopted 3/24/14
Revised 7/27/2020
Reviewed 7/2021

600.14.4 Off Campus Conduct

Conduct that occurs off campus can be the subject of a complaint or report and shall be evaluated to determine whether it violates this policy or student code of conduct, e.g., if off-campus harassment has continuing effects that create a hostile environment on campus. Allegations of off-campus sexual misconduct, where the school has substantial control over the context of the alleged harassment and the person accused of committing sexual harassment should be brought to the attention of the Responsible Official (RO).

Policy History
Adopted 3/24/14
Revised 7/27/2020
Reviewed 7/2021

600.14.5 Applicability

This policy prohibits discrimination and harassment of employees by the employer and between members of the Miles Community College community more generally: for example, between an employee and another employee, instructor and a student, between two students, or between a student and an applicant or campus guest. The policy applies in all college programs and activities, including, but not limited to, discrimination in athletics, instruction, campus sponsored travel, grading, housing, clubs, organizations, and employment.

Policy History
Adopted 3/24/14
Revised 7/27/2020
Reviewed 7/2021

600.14.6 Reporting Violations of This Policy

All reports or any concerns about conduct pertaining to sexual harassment or discrimination that may violate Policy 600.13 and retaliation should be reported to official responsible for receiving reports of discrimination referred to throughout this Policy as the Responsible Official (“RO”).

The MCC Responsible Official (ROs) is:

Kylene Phipps
Title IX Coordinator
Office 218
2715 Dickinson
Miles City, MT 59301
Phone: (406) 874-6292
TitleIX@milesc.edu

Richard DeShields
Deputy Title IX Coordinator
Student Services Office
2715 Dickinson
Miles City, MT 59301
Phone: (406)874-6226
deshieldsr@milesc.edu

Erin Niedege
Deputy Title IX Coordinator
Student Services Office
2715 Dickinson
Miles City, MT 59301
Phone: (406) 874-6211
niedgee@milesc.edu

Jessica Lofland
Deputy Title IX Coordinator
Student Services Office
2715 Dickinson
Miles City, MT 5930
Phone: (406)874-6480
Loflandj@milesc.edu

Guidance concerning means and methods of reporting, criminal reporting, confidentiality and anonymous reporting are found in the Discrimination Grievance Procedure.

Upon receiving a report, the RO shall follow the procedures described in the Discrimination Grievance Procedure.

Please do not wait to report conduct of concern until harassment becomes sufficiently serious (i.e., severe, pervasive, or persistent) to create a hostile environment. The RO can take proactive steps to prevent harassment from continuing and perhaps escalating and to protect or otherwise assist the person harassed. For example, in the case of a student experiencing harassment, the Dean of Student Engagement and Auxiliary Services, or designee, can arrange for no-contact orders, counseling and changes in class schedules, living arrangements, class requirements, testing schedules as needed, and other supportive measures. The RO can also provide expertise and advice to help identify conduct that might be a warning sign of or constitute sexual harassment or hostile environment harassment prohibited by this policy and address concerns appropriately.

Policy History
Adopted 3/24/14
Revised 7/27/2020
Reviewed 7/2021

600.14.7 Mandatory Employee Reporting of Sexual Harassment and Sexual Misconduct Involving Students

To enable the college to respond effectively and to stop instances of sexual harassment and sexual misconduct involving students proactively, all employees are identified as Mandatory Reporters and must promptly (normally within 24 hours) report information they have about alleged or possible sexual harassment and sexual misconduct involving students to the RO. Employees, such as licensed health-care professionals and victim advocates who have a statutory privilege under Montana law, are exempt from these reporting requirements.

Policy History
Adopted 3/24/14
Revised 7/27/2020
Reviewed 7/2021

600.14.8 Sanctions and Corrective Action

Violations of this policy shall be addressed through the Discrimination Grievance Procedures. The college utilizes a preponderance of evidence standard in all cases pertaining to Policy 600.13. Consequences for violating this policy shall depend upon the facts and circumstances of each particular situation.

The respondent is presumed not responsible at the onset of the process and can only be found responsible after the grievance process concludes.

In determining the severity of sanctions or corrective actions, factors such as the frequency and severity of the offense and any history of past discriminatory, harassing or retaliatory conduct are relevant. A finding of discrimination, harassment that creates a hostile environment or results in a tangible employment or educational action, or sexual misconduct may be cause for disciplinary action up to and including the discharge of employees and the expulsion of students, in accordance with applicable college policies and procedures and collective bargaining agreements. Other possible terms of disciplinary action are identified in the Discrimination Grievance Procedures.

Policy History
Adopted 3/24/14
Revised 7/27/2020
Reviewed 7/2021

600.14.9 Amnesty for Drug or Alcohol Possession and Consumption Violations

The college strongly encourages students to report instances of sex-based discrimination, sexual harassment, and sexual misconduct involving students. Therefore, students who provide information about sex-based discrimination, sexual harassment, sexual misconduct, domestic violence, or stalking involving students shall not be disciplined by the college for any violation of the college's drug or alcohol possession or consumption policies in which they might have engaged in connection with the reported incident.

Policy History
Adopted 3/24/14
Reviewed 5/20/2020, 7/2021

600.14.10 Free Speech and Academic Freedom

This policy shall not be construed or applied to restrict academic freedom at the college, nor shall it be construed to restrict constitutionally protected expression, even though such expression may be offensive, unpleasant, or even hateful.

In addressing all complaints and reports under this policy, the college shall take all permissible actions to ensure the safety of students and employees while complying with free speech requirements for students and employees.

Policy History
Adopted 3/24/14
Reviewed 5/20/2020, 7/2021

600.14.11 External Complaints

As an employee or student, if you filed a complaint with the RO and believe the college's response was inadequate, or otherwise believe you have been discriminated against by the college on the basis of race, color, national origin, sex, including sexual harassment, disability, age, or retaliation, you may file a complaint with the Office for Civil Rights (OCR) of the U.S. Department of Education based in Seattle or the Educational Opportunities Section (EOS) of the Civil Rights Division of the U.S. Justice Department of Justice, and a complaint based on religion with EOS of the U.S. Justice Department. Contact information for the Office for Civil Rights is as follows:

U.S. Department of Education Office for Civil Rights

Seattle Office

915 Second Avenue, Room 3310

Seattle, WA 98174-1099

OCR.Seattle@ed.gov

Voice: 206-607-1600

Fax: 206-607-1601

TDD: 206-607-1647

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As an employee or student, if you filed a complaint with the RO and believe the college's response was inadequate, or you otherwise believe you have been discriminated against by the college on the basis of race, color, national origin, sex, including sexual harassment, disability, age, religion, creed, pregnancy, marital status, familial status (housing only), or political beliefs, or retaliation, you may file a complaint with the Montana Human Rights Bureau.

Contact Information is as follows:

Montana Human Rights Commission

1625 11th Ave.

PO Box 1728

Helena, MT 59624-1728

Voice: 406-444-2884

Toll free: 800-542-0807

<http://erd.dli.mt.gov/human-rights-bureau.html>

Policy History

Adopted 3/24/14

Reviewed 5/20/2020, 7/2021

600.14.12 Discrimination, Harassment, and Title IX Training

To educate staff and faculty on the importance of non-discrimination and the prevention of sexual harassment in the work environment and classroom, the college requires all employees (faculty, administrators, and staff members) to:

- complete discrimination and harassment prevention training on a biennial basis; and
- complete Title IX on-line training.

New employees must complete the training within 45 days of employment. Temporary employees and student employees are required to complete the training program only at the discretion of the RO or Human Resources and/or in conjunction with the department of hire.

Supervisors shall support the employee in providing a reasonable amount of work time for the employee to complete the training program. Training programs can be selected from resources such as online programs, presentations or self-study options as determined and pre-approved by the responsible college officials.

The college requires primary prevention, risk reduction and awareness training programs for all incoming students and new employees concerning sexual misconduct, domestic violence and stalking. The college shall maintain ongoing primary prevention, risk reduction, and awareness campaigns concerning sexual misconduct, domestic violence, and stalking for students and employees.

The RO will send an annual notice regarding policies, reporting mechanisms, and grievance procedures to every student, applicant for admission or employment, employees and faculty association representative.

Policy History

Adopted 3/24/14

Revised 7/27/2020

Reviewed 7/2021

600.14.13 Confidentiality of Reporting Parties and Other Necessary Parties

Except where specifically identified in written policies and/or procedures, such as the Grievance Process, the College has the responsibility to protect the confidentiality of victims/complainants and other necessary parties in the following ways:

- 1) Complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim/complainant, as defined in section 40002(a)(2) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20).
- 2) Maintain as confidential any accommodations or protective measures provided to the victim/complainant, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.
- 3) Whenever possible, the College shall inform victims/complainants before sharing personally identifiable information about the victim/complainant that the institution believes is necessary to provide an accommodation or protective measure.

The institution will, upon written request, disclose to the alleged victim of a crime of violence, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator or such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph. Additional information regarding the release of information pertaining to reports of discrimination, harassment, sexual misconduct, domestic violence, and stalking are located in 600.16 Grievance Procedures. In those cases where a formal complaint is made involving Discrimination, Harassment, Sexual Misconduct, Domestic Violence, Dating Violence and/or stalking, as defined in the final Title IX Rules of the Education Amendments of 1972, the College will share information with any respondent and advisor of choice.

Policy History
Adopted 11/23/2020
Reviewed 7/2021

600.14.14 Retaliation

Retaliation against an individual for taking any of the actions in support of this policy is prohibited. It is central to the values of the college that any individual who believes they may have been the target of unlawful discrimination or harassment feel free to report their concerns for appropriate investigation and response, without fear of retaliation or retribution.

Retaliation is action taken by an accused individual or an action taken by a third party against any person because that person has opposed any practices forbidden under this policy or because that person has filed a complaint, testified, assisted, or participated in any manner in an investigation or proceeding under this policy. This includes action taken against a bystander who intervened to stop or attempt to stop discrimination, harassment, or sexual misconduct. Retaliation includes intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's complaint or

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participation. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy.

Policy History
Adopted 3/24/14
Revised 7/27/2020, 7/2021

600.15 Drug and Alcohol Abuse Prevention

- A. Miles Community College seeks to maintain an effective Alcohol/Drug Prevention Program; to provide a Drug-Free Workplace environment for its employees and students; and to comply with all federal and state laws and requirements relating to Drug Prevention and a Drug Free Workplace. The College will annually publish and distribute in writing to all employees and students:
 - 1. Notification that college policy prohibits the unlawful manufacture, distribution, dispensing, possession or use of illicit drugs and alcohol in the Miles Community College workplace, on college property, or as part of any college activities or program affiliations.
 - 2. A description of the applicable legal sanctions under local, state or federal law for the unlawful possession or distribution of illicit drugs and alcohol.
 - 3. A description of the health risks associated with the use of illicit drugs and the abuse of alcohol.
 - 4. A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students.
 - 5. A clear statement that the institution will impose disciplinary sanctions on employees and students (consistent with local, State and Federal law), and a description of those sanctions, up to and including termination of employment or expulsion and referral for prosecution for violations of the standards of conduct. A disciplinary sanction may include the completion of an appropriate rehabilitation program.
- B. Miles Community College shall conduct a biennial review of its Drug Prevention and Drug-Free Workplace programs to determine their effectiveness, implement changes as needed, and ensure that disciplinary sanctions are consistently enforced.
- C. Miles Community College shall comply with all federal and state laws and regulations governing Drug Prevention and the maintenance of a drug-free workplace, including those required for certification as a recipient of federal and/or state grant funds.
- D. Miles Community College shall comply with all Drug Prevention and Drug-Free Workplace policies that may be established for institutions of higher education by the Montana State Board of Regents and the Office of the Commissioner of Higher Education.

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Policy History
Adopted 4/10/1989
Revised 9/10/1990
Reviewed 1/2013

- E. Possession or consumption of alcoholic beverages shall be prohibited on campus, or in any college facility, except as may be specifically authorized in [Policy 900.10](#).
- F. Smoking in any form is prohibited inside all college-owned or leased buildings, including student housing. In addition, smoking is prohibited in any college-owned or rented vehicles. Individuals who choose to smoke outside must stand at least 25 feet away from any campus building to prevent smoke from entering the building.

Any violations shall be brought to the attention of the facilities manager

Policy History
Adopted 10/20/1980
Revised 4/27/2009
Reviewed 1/2013, 7/2021

600.16 Timely Warning and Emergency Notification Policy

Miles Community College is committed to providing a safe learning, working and living environment for its students, faculty, staff and visitors. As part of this commitment, this policy is created in order to ensure the issuance of Timely Warnings and Emergency Notifications regarding safety and security matters that may pose a serious or ongoing threat to the campus community. The policy complies with the requirements and regulations of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) by establishing procedures for MCC regarding the circumstances and delivery of warnings of serious or ongoing threats.

MCC is responsible for issuing Timely Warnings and Emergency Notifications to the campus community. Anyone with information warranting a Timely Warning or Emergency Notification, should report that information to the Dean of Student Engagement or the Dean of Administrative Services and Human Resources.

Timely warnings are triggered when the College determines from a report filed by a campus security authority (CSA) that a crime required by CLERY reporting presents a serious or continuing threat to students and employees. This includes criminal offenses such as murder, manslaughter, rape, domestic violence, dating violence, stalking fondling, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, and arson.

Emergency notifications are triggered by any significant emergency or dangerous situation involving a broader range of potential threats than the timely warning notifications. This could include items like weather emergencies, campus closures, etc. and shall include follow up information.

MCC will issue Timely Warnings or Emergency Notifications as appropriate to keep the campus community informed about safety and security matters on an ongoing basis and to prevent similar crimes from occurring. The decision to issue a Timely Warning or Emergency Notification will be made

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by the Dean of Student Engagement or designee, in consultation with the Behavioral Intervention Team and/or the President's Executive Team in compliance with the Clery Act and considering all available information. Timely Warnings and Emergency Notifications, will be distributed via methods reasonably likely to reach the entire campus community; however, emergency notifications may be limited to only certain populations. These communications are typically accomplished via the RAVE Alert system and by email but may also include notification and/or bulletins posted on building entrances and exits and on the college website at www.milesc.edu.

Crime related information exclusively reported to a pastoral or professional counselor is exempt from timely warning notifications.

Policy History
Adopted 11/23/2020
Reviewed 7/2021

600.17 Employee Grievance Procedure

A. DEFINITIONS

1. Grievance

A grievance is a claim of injustice or discrimination against the Board of Trustees, administration, a faculty or staff member, or a student employee arising from an event, or decision which affects the conditions of employment or welfare of an employee or group of employees.

2. Grievance Committee

The Grievance Committee is a group of individuals who are called to hear a grievance. The President shall appoint the Dean of Administrative Services and HR, as the chair of the Grievance Committee, and four other committee members, with representation from administration, faculty, and staff. If the grievance is against the Dean of Administrative Services and HR, the President shall serve as the chair.

3. Representation

The grievance party or parties may represent themselves or may be represented by anyone of their choice at Level 2 and beyond.

4. Days

Days shall refer to working days. A working day is defined as all week days which are not designated as holidays. In computing any period of time prescribed herein, the date of the act, event, or default for which the designated period of time begins to run shall not be included. Time limits specified herein may be extended by mutual agreement of the parties involved at each step of the grievance process.

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The grievant carries the burden of moving the grievance forward within the time period specified for that step, unless the time period has been extended by mutual agreement of the parties. Failure of the grievant to comply with the established time limits shall result in dismissal of the grievance.

B. GRIEVANCE PROCESS

Employees are encouraged to present work-related issues to their immediate supervisor. It is expected that most issues will be resolved informally by discussing the problem.

All employees shall be protected from discrimination and retaliation in initiating either informal or formal action.

A grievance must be initiated within twenty (20) working days of the occurrence of the incident being grieved. Failure to file the grievance within the above timeframe and failure to follow the process outlined hereafter shall deem the grievance invalid.

Revised 7/23/2007

The levels of the formal grievance process are as follows:

LEVEL 1

If after informal discussion, the grievant does not feel that the problem has been satisfactorily resolved and wishes to proceed to the formal grievance process, the grievance must be initiated within twenty (20) working days of the occurrence of the incident, or the employee's initial knowledge of the incident being grieved. Failure to file the grievance within the above timeframe and failure to follow this process shall deem the grievance invalid.

An Employee Grievance Form shall be submitted to the Dean of Administrative Services and HR, who will forward it to the supervisory Vice President/Dean, who shall be designated as the grievance respondent. If the supervisory Vice President/Dean is one of the principals in Level 1, the President shall respond to the grievance. If the President is one of the principals in Level 1, the Board of Trustees shall respond to the grievance.

The grievance shall contain a complete statement of the situation being grieved and the remedy being sought. The grievance respondent shall meet with the parties involved. The meeting shall be held in good faith by all parties with the goal of reaching a fair resolution. The respondent shall provide the employee a written resolution within twenty (20) working days of receipt of the grievance.

LEVEL 2

The grievant may request a hearing by a grievance committee if the grievant can provide additional evidence that has not been satisfactorily resolved at Level 1. A formal written request for a hearing must be made to the Dean of Administrative Services and HR within five (5) working days of the receipt of the Level 1 response. The Dean of Administrative Services and HR

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shall forward the request to the President, who shall appoint the grievance committee members within five (5) working days of receipt of the formal written request. After the Chairperson has been notified that the committee has been appointed, the Chairperson shall have five (5) working days to set a hearing date. The hearing date that the Chair sets shall be no more than twenty (20) working days from the date of receipt of the formal written request for a hearing.

A written decision along with the reasons for the decision shall be submitted to the grievant and the President by the Dean of Administrative Services and HR within five (5) working days of a decision being made.

Failure of the grievant to initiate Level 3 within five (5) working days of the receipt of the written decision from the Dean of Administrative Services and HR shall end the grievance process.

LEVEL 3

If the grievant wishes to appeal the decision of the Grievance Committee, a written request shall be made to the President within five (5) working days of the Level 2 decision. No additional evidence shall be introduced. The President shall review all grievance materials to ascertain that correct procedures and processes were followed and that previous decisions were in accordance with College policies. The President, or designee, shall review the appeal and respond in writing to the grievant within ten (10) working days of receipt of the appeal. The President's decision shall be final and binding.

A copy of the written decision shall be filed with the Dean of Administrative Services and HR and shall conclude the grievance procedure within the College.

Policy History
Revised 5/20/2013
Reviewed 1/2013, 7/2021

600.17.1 Employee Grievance Committee Hearing Procedures

The Dean of Administrative Services and HR shall be responsible for convening the Grievance Committee and serving as Committee Chair. The following duties and responsibilities shall be adhered to when a hearing is requested:

- 1.) Grievance Committee hearings are open to the public unless, in the opinion of the Committee Chair (which may be overruled by a majority vote of the full committee), the right of individual privacy outweighs the public's right to know. The grievant and any individual person, against whom the grievance is lodged, may waive the right to privacy.
- 2.) All persons directly involved in the incident shall be given an opportunity to testify, to present evidence and witnesses, and to question adverse witnesses. Committee members are not permitted to submit evidence.
- 3.) The Committee Chair must provide the safeguards for due process, including the right to adequate notice of charges and proceedings; the right to appear personally and with

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counsel; the right to confront, present and cross examine witnesses; and the right to an impartial decision maker. The hearing must be fair to both parties and allow both sides to be heard in full and in the presence of the other party. The Committee Chair shall remind committee members that privileged information is confidential and that all reports of committee decisions must come from the Chair.

- 4.) All matters upon which the committee's decision is to be based must be introduced into evidence at the grievance hearing. The decision must be based solely upon such evidence.

The hearing procedures shall be as follows:

- 1.) The Committee Chair shall call the hearing to and present an opening statement regarding the grievance request and the procedures to be followed.
- 2.) The Committee Chair shall inform all present of the following:
 - a.) Proceedings are not adversary in nature.
 - b.) Rules of evidence shall not be applied.
 - c.) Relevancy of testimony or evidence shall be determined by the committee.
 - d.) Witnesses shall not be present until called to testify.
 - e.) The grievant will first be permitted to present any testimony, evidence, or witnesses and make any statement. After testifying, the grievant may be questioned by other persons directly involved and then by the committee members.
 - f.) The representative of the accused may subsequently present testimony, evidence, or witnesses in explanation of the matter. After testifying, the accused may be questioned by other persons directly involved and then by the committee members.
 - g.) After each witness testifies, other persons directly involved in the grievance and committee members may question the witness.
 - h.) Each side may make a concluding statement, after which the parties shall be dismissed while the committee deliberates.
- 3.) All materials made available to the committee during the course of the hearing shall be collected and filed with the committee hearing proceedings in the human resources office. The Committee Chair shall not duplicate materials and committee members' personal notes shall be destroyed.

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- 4.) The committee shall render a decision within (5) five working days of the hearing date and forward the written decision and recommendations to the President with copies to the grievant, Dean of Administrative Services and HR, and other affected college personnel.

Policy History
Revised 5/20/13
Reviewed 1/2013, 7/2021

600.18 Progressive Discipline

The Dean of Administrative Services and HR shall be available to assist in dealing with employee problems prior to the commencement of formal disciplinary action and in administering discipline.

Faculty disciplinary procedures are specified in the Faculty Master Agreement.

Classified and exempt employees shall be subject to discipline or termination for reasons including, but not limited to:

- A. Violation of College policies or procedures.
- B. Neglect of duty.
- C. Failure to obey a reasonable order by a supervisor.
- D. Refusal or inability to perform assigned duties.
- E. An act hostile to the purpose of the College.

Supervisors shall, when appropriate, have discretionary authority to use progressive discipline. Progressive discipline involves applying disciplinary actions which may progress from less serious to more serious actions based upon the initial severity, an employee's overall work history, and the repeated nature or pattern of misconduct or unsatisfactory performance.

Progressive discipline may range from corrective counseling to termination of employment. The number of steps may vary and steps may be repeated or skipped. The specific disciplinary actions taken and the order in which disciplinary actions are taken depend on the nature and severity of the performance deficiency or behavior and the employee's work history. Any employee, except a probationary employee, may file a grievance according to the Grievance Procedure [Policy, 600.17](#). Termination shall not be an initial disciplinary action except in severe cases of unsatisfactory performance or behavior. The College President shall make the final determination to suspend or terminate an employee.

Types of Progressive Discipline

- A. Verbal Warning:

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A verbal warning is informal corrective counseling or suggestion for performance improvement. Verbal warnings include, but are not limited to: routine performance errors, tardiness, inappropriate use of work time, unprofessionalism, or inappropriate work attire. A Verbal Warning form is available from the Dean of Administrative Services and HR.

B. Written Warning:

A written warning is formal corrective action that is issued when an employee fails to correct a problem after receiving a verbal warning, or as the first step of progressive discipline for more serious misconduct including, but not limited to: violation of safety rules, displays of anger or disrespect, performance issues, neglect or damage of property.

C. Suspension:

A paid leave of absence may be imposed when it is necessary to remove the employee from the workplace during an investigation or while information is being gathered. If during an investigation the employee is exonerated, the employee shall be reinstated without discipline. If misconduct is verified, the employee shall be subject to formal discipline, up to and including termination. A Vice President/Dean may immediately suspend an employee with pay for no more than one workday. No employee of the College may be suspended for more than one workday, without the approval of the College President. The employee shall be notified by the Dean of Administrative Services and HR or designee of his/her employment status within 24 hours of the suspension.

Revised 9/27/2021

D. Termination:

Termination is used in situations when other forms of disciplinary action fail to remove or correct the problem, or it may be used as the first and only step of discipline in response to the most serious types of offenses. Termination may be appropriate in situations including but not limited to the following:

1. endangering or threatening the health or safety of others,
2. using alcohol or illegal drugs on college property or during work hours or reporting for duty under the influence thereof,
3. falsifying official records,
4. leave abuse or unauthorized absence from work in excess of five days,
5. using or authorizing another to use any state owned or leased vehicle or other property for other than official purposes,
6. physical violence or fighting on the employer's premises,

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7. brandishing any firearm or weapon on the employer's premises,
8. immoral or indecent conduct on the employer's premises,
9. serious or pervasive sexual harassment,
10. theft,
11. willful destruction or abuse of the employer's or another employee's property or materials,
12. failure to maintain licensure that is necessary to perform job requirements (e.g. valid driver's license and professional licensure)

The Dean of Administrative Services and HR shall be consulted prior to any termination. While on suspension, employees shall be given an opportunity to respond in writing to the charges against them prior to imposing termination.

Any employee, except a probationary employee, who is suspended, or dismissed, may file a grievance according to the Grievance Procedure, Policy, 600.17.

Upon termination of service to the College, a written report shall be made to the President explaining the reasons for such termination. A final accounting shall be made of any unused sick leave and/or vacation leave and a computation recorded of any compensation due the employee. The Dean of Administrative Services and HR or designee showing dates of employment, position, classification and salary at the time of separation shall keep an employee history card.

Policy History
Revised 7/23/2007, 4/27/2009, 12/20/2010, 9/27/2021
Reviewed 1/2013, 7/2021

600.19 Professional Development

Within reasonable limits, and contingent upon available financial resources and administrative approval, the College shall pay for professional development.

Policy History
Revised 6/22/09
Reviewed 1/2013, 7/2021

600.20 Employment of Relatives (Nepotism)

A Miles Community College employee may not function as a judge or advocate or immediate supervisor in specific situations involving members of his/her immediate family, such as the employee's spouse, child, parent, grandparent, brother, sister, mother-in-law, father-in-law, or daughter-in-law. Employees of Miles Community College should neither initiate nor participate in institutional decisions involving a

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direct benefit, such as initial appointment, supervision, retention, promotion, salary or leave of absence, to members of their immediate families. Exceptions to the policy may occur at the recommendation and approval of the College President, and the Board of Trustees. Only the College President and the Board of Trustees may recommend exceptions to this policy.

Policy History
Adopted 5/22/2000
Reviewed 1/2013, 7/2021

600.22 Service Animals

The College abides by federal and state regulations provided by the Americans with Disabilities Act in reference to service animals.

A. Dogs

Beginning on March 15, 2011, only dogs and miniature horses are recognized as service animals under Titles II and III of the ADA. Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. If an animal meet this definition, it is considered a service animal regardless of whether it has been licensed or certified by a state or local government training program.

B. Miniature Horses

A miniature horse can be considered a service animal for use by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability subject to an assessment of the type, size, and weight of the miniature horse and whether the facility can accommodate these features. The same provisions that apply to service dogs also apply to miniature horses.

Therapy, companion, emotional support animals and pets are not service animals according to the ADA definition, as they have not been individually trained to perform disability mitigating tasks. Thus their handlers do not legally qualify for public access rights. Employees seeking accommodations for support animals shall work with the Dean of Administrative Services and HR for approval.

Policy History
Adopted 1/22/2018
Reviewed 7/2021