

LANSING COMMUNITY COLLEGE
BOARD OF TRUSTEES
December 13, 2021

Regular Meeting
Adopted Meeting Minutes

Call to Order

The meeting was called to order at 6:00 p.m.

Roll Call

Present: Abood, Buck, Hidalgo, Mathews, Meyer, Proctor, Vaive
Absent: None

Pledge of Allegiance

Trustee Thomas led the Pledge of Allegiance.

Approval of Minutes

IT WAS MOVED by Trustee Proctor and seconded by Trustee Mathews that the minutes of November 15, 2021, Regular Board of Trustees Meeting be adopted.

Corrections were made to the meeting minutes to read:

Limited Public Comment Regarding Agenda Items

Mark Kelland: Mark Kelland addressed the Board regarding the procedures related to the HR **Children in the Workplace** policy. He stated that he hoped the committee could provide more clarity on the procedures.

Roll call vote:

Ayes: Proctor, Buck, Mathews, Thomas, Abood

Nays: None

Absent: None

Trustees Hidalgo and Vaive abstained from voting due to being absent from the November 15 meeting.

The motion carried.

Additions/Deletions to the Agenda

The following additions/deletions were made to the agenda:

- Trustee Vaive asked that the Children in the Workplace policy be removed from the Consent Agenda.

- Trustee Mathews asked that the 2022 Audit Committee Meeting Calendar and the Resolution Opting Out of Delta Township Saginaw Highway Corridor Improvement Authority's Development Plan and Tax Increment Financing Plan, and Approving a Tax Sharing Agreement with the Charter Township of Delta and the Delta Township Saginaw Highway Corridor Improvement Authority, be removed from the Consent Agenda.

Limited Public Comment Regarding Agenda Items

There were no Public Comments.

Action Items – Consent Agenda

The following items were presented under the consent agenda:

- ~~A. 2022 Audit Committee Meeting Calendar (REMOVED)~~
- B. 2022 Regular Board of Trustees Meeting Calendar
- C. Capital Project Request
- D. College Policies
 1. Americans With Disabilities Act, Reasonable Accommodations – (REVISED)
 - ~~2. Children in the Workplace – (REVISED) (REMOVED)~~
 3. Weapons – (REVISED)
- E. Michigan New Jobs Training Agreement and Revenue Bond
 1. Konnech, Inc.
 2. MWC, LLC – Amendment No. 3
- F. Request to Closed the Student Success Commitment Budget Resolution and the Developmental Education Resolution
- ~~G. Resolution Opting Out of Delta Township Saginaw Highway Corridor Improvement Authority's Development Plan and Tax Increment Financing Plan, and Approving a Tax Sharing Agreement with the Charter Township of Delta and the Delta Township Saginaw Highway Corridor Improvement Authority (REMOVED)~~

IT WAS MOVED BY Trustee Mathews and seconded by Trustee Vaive that the Consent Agenda, removing the 2022 Audit Committee Meeting Calendar, Children in the Workplace policy, and the Resolution Opting Out of Delta Township Saginaw Highway Corridor Improvement Authority's Development Plan and Tax Increment Financing Plan, and Approving a Tax Sharing Agreement with the Charter Township of Delta and the Delta Township Saginaw Highway Corridor Improvement Authority, be approved.

Roll call vote:

Ayes: Proctor, Mathews, Thomas, Vaive, Hidalgo, Abood, Buck

Nays: None
Absent: None

The motion carried.

Action Item – 2022 Audit Committee Meeting Calendar

IT WAS MOVED BY Trustee Mathews and seconded by Trustee Thomas that the 2022 Audit Committee Meeting Calendar be approved.

Trustee Mathews stated that the Trustees will be at the ACCT National Legislative Summit during this time.

Ms. Duncan clarified that the meeting could be canceled or moved to another date.

Roll call vote:

Ayes: Hidalgo, Thomas, Vaive, Abood, Mathews, Buck, Proctor
Nays: None
Absent: None

The motion carried.

Action Item – Children in the Workplace Policy

IT WAS MOVED BY Trustee Proctor and seconded by Trustee Mathews that the Children in the Workplace be approved.

Trustee Vaive asked if there were accommodations for parents who wanted to nurse their child on campus.

Dean Miller stated that there are lactation rooms on campus for mothers to express milk.

Roll call vote:

Ayes: Thomas, Abood, Hidalgo, Vaive, Buck Mathews, Proctor
Nays: None
Absent: None

The motion carried.

Action Item – Resolution Opting Out of Delta Township Saginaw Highway Corridor Improvement Authority’s Development Plan and Tax Increment Financing Plan, and Approving a Tax Sharing Agreement with the Charter Township of Delta and the Delta Township Saginaw Highway Corridor Improvement Authority

IT WAS MOVED BY Trustee Vaive and seconded by Trustee Thomas that the Resolution Opting Out of Delta Township Saginaw Highway Corridor Improvement Authority’s Development Plan and Tax Increment Financing Plan, and Approving a Tax Sharing

Agreement with the Charter Township of Delta and the Delta Township Saginaw Highway Corridor Improvement Authority be approved

Trustee Mathews asked for clarification on the tax sharing agreement.

Mark Nettleton from Mika Myers explained the tax sharing agreement.

Roll call vote:

Ayes: Mathews, Buck, Abood, Thomas, Vaive, Hidalgo, Proctor

Nays: None

Absent: None

The motion carried.

Trustee Proctor abstained from voting due to his wife serving on the Delta Township Planning Commission.

Monthly Monitoring Report

The following Monitoring Reports were presented:

1. Financial Statements Publications
2. Monthly Financial Statements

Policy Development

Action Item – Advocacy - Freedom of Speech

Trustee Proctor presented the new Advocacy Freedom of Speech policy for approval. Approval of this policy is needed by January 1 to comply with Public Act 86 of 2021.

ADVOCACY - FREEDOM OF SPEECH

I. Purpose

To comply with Public Act 86 of 2021 Act as amended; and to affirm LCC's commitment to freedom of speech, freedom of expression, and artistic expression. Freedom of speech encompasses all forms of communication and artistic expression as well as the freedom to listen, watch, protest, or otherwise participate in such communication.

II. Scope

This policy applies to the trustees, employees, students, visitors, volunteers, and contractors.

III. General

One of the basic purposes of the College is freedom of expression and

communication. In that regard, the College shall respect the free expression of ideas and shall encourage the competition of ideas from diverse perspectives.

Under this policy, no member of the Board of Trustees, employee, student, visitor, volunteer, or contractor:

1. Shall cause or threaten physical harm to another, or endanger the physical safety of another.
2. Shall obstruct or disrupt the activities of another individual as protected by law, ordinance, regulation, or policy.
3. Shall obstruct, disrupt, or interfere with the functions, services, or directives of the College, its offices, or its employees (e.g., classes, social, cultural, and athletic events, computing services, registration, library, and food services, governance meetings, and hearings).
4. Shall engage in disorderly conduct at or in connection with a riot. This Policy shall not be interpreted to restrict or limit the First Amendment rights to freedom of speech or assembly of these individuals.
5. Shall without authorization, assemble together anywhere on the campus for the purpose of creating any excessive noise or any disturbance, riot, or raid, or assemble in a manner which obstructs the free movement of persons about the campus or the free and normal use of College buildings and facilities or which prevents or obstructs the normal operations of the College.
6. Shall obstruct, hinder, or impede the normal operation of any class, laboratory, seminar, examination, field trip, or other educational activity of the College.
7. Shall obstruct, hinder, or impede the normal use or operation of any campus building or area which has been assigned or scheduled for educational or extracurricular activities, including, but not limited to, dramatic or musical presentations, lectures, athletics events, orientation meetings, commencement ceremonies, student organization meetings, and placement activities.
8. Shall obstruct, hinder, or impede the normal operations of any person, firm, or agency, or the use of its property, while that person, firm, or agency is providing a service or carrying out an activity or agreement for or with the College.

This Policy shall not be interpreted to restrict or limit any rights of students, employees, or visitors to exercise peaceful and lawful demonstrations, the distribution of printed political or advocacy materials made in full compliance with the College's Public safety policies and procedures. Examples are sit-ins and picket lines as expressions of revendications. This policy shall not be construed to restrict the rights of students, employees, and visitors to distribute printed political or advocacy materials related to First Amendment activities and political demonstrating in designated areas of the College campuses. Any applications related to designated areas by registered student organizations should be made with the College's Office of Student Life. Any other individuals or groups should affect the application with the College's Conference Services.

Members of the Board of Trustees, employees, students, visitors, volunteers, and contractors who experience any violation of this Policy can report or file a complaint. **Reports or complaints about the advocacy policy should be reported to: J.R.**

Beauboeuf, Director of Risk Management and Legal Services Location: 309
Washington Square Suite 150 Lansing, MI 48933 Phone: (517) 483-1730 Email:
beauboej@lcc.edu.

IV. Responsibility

Responsibility for the interpretation and administration of this policy is delegated to the Director of Risk Management and Legal Services or designee.

IT WAS MOVED BY Trustee Hidalgo and seconded by Trustee Vaive to suspend the Board's Bylaw 1.6.6, stating that a new policy is introduced as a first read-only.

Roll call vote:

Ayes: Vaive, Proctor, Buck, Mathews, Thomas, Hidalgo, Abood
Nays: None
Absent: None

The motion carried.

The following changes to the scope and the general section were put forth by Trustee Buck and Abood.

II. Scope

This policy applies to the ~~trustees~~, employees, students, visitors, volunteers, and contractors while conducting college activities while on the college's leased or owned property.

III. General

One of the basic purposes of the College is freedom of expression and communication. In that regard, the College shall respect the free expression of ideas and shall encourage the competition of ideas from diverse perspectives.

Under this policy, ~~no member of the Board of Trustees,~~ employee, student, visitor, volunteer, or contractor on any college campus:

1. ~~Shall cause or threaten physical harm to another, or endanger the physical safety of another.~~
2. ~~Shall obstruct or disrupt the activities of another individual as protected by law, ordinance, regulation, or policy.~~

IT WAS MOVED BY Trustee Abood and seconded by Trustee Hidalgo that the Advocacy Freedom of Speech policy with the proposed changes be approved.

Roll call vote:

Ayes: Thomas, Hidalgo, Buck, Proctor, Abood, Mathews, Vaive
Nays: None
Absent: None

The motion carried.

IT WAS MOVED BY Trustee Buck and seconded by Trustee Hidalgo that the Board directs the president and the administration to return to the Board's February meeting addressing those points discussed.

Roll call vote:

Ayes: Abood, Buck, Hidalgo, Mathews, Vaive, Proctor, Thomas

Nays: None

Absent: None

The motion carried.

Trustee Proctor presented the following Human Resource policy revisions as a first read. The Policy Committee is recommending approval of these policies at the next Board meeting.

DRUG AND ALCOHOL

I. Purpose

~~Lansing Community College complies with the Drug-Free Workplace Act and the Drug-Free Schools and Community Act. The purpose of this policy is to more fully~~
To set forth the College's commitment to protect **providing** students and applicants for admission, ~~as well as~~ **and** employees and applicants for employment, **a campus environment free of** ~~from~~ prohibited drug and alcohol use and intoxication, consistent with federal, state, and local law, other policies adopted by the Board of Trustees, and **procedures** ~~rules and standards~~ adopted by the College.

~~Consistent with state and federal law, Lansing Community College will maintain a campus free from the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, as defined in the comprehensive Drug Abuse Prevention and Control Act of 1970, 21. U.S.C. 812.~~

~~The unlawful manufacture, distribution, dispensation, possession, or use of controlled substances, illegal drugs, and alcohol are prohibited on any property under the control of and governed by the Board of Trustees of Lansing Community College.~~

II. Scope

This policy applies to all **trustees**, ~~college~~ employees, students, volunteers, guests, contractors, and visitors (1) on college property, (2) at college-sponsored events, or (3) in the conduct of college business or conducting or engaging in an academic program.

III. Definitions

- ~~1. "Alcohol" is a substance that is a beverage containing alcohol.~~
- ~~2. An "illegal drug" is any substance that is unlawful to use, possess, sell, or transfer under state or federal law. In cases where federal and state laws conflict, federal law applies.~~

3. ~~“Drug paraphernalia”, means any equipment, product, material of any kind, or combination of equipment, products, or materials, which is specifically designed for use or primarily intended for use in planting; propagating; cultivating; growing; harvesting; manufacturing; compounding; converting; producing; processing; preparing; testing; analyzing; packaging; repackaging; storing; containing; concealing; injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, possession of which is unlawful under either federal law 21 U.S. Code § 863 (d) or state law (MCL 333.7451). It includes items primarily intended or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, hashish oil, PCP, methamphetamine, or amphetamines into the human body.~~
4. ~~A “prescription drug” is any substance prescribed for an individual by a licensed health care provider and used in accordance with the prescription.~~
5. ~~An “inhalant” is any substance that produces mind-altering effects when inhaled.~~
6. ~~An “over-the-counter medication” is a substance used in treating a disease or condition or relieving pain that may be obtained without a prescription.~~
7. ~~“College Property” includes buildings, grounds, structures, and real estate, and vehicles that are owned, rented, leased, or otherwise utilized by or under the control of LCC. (MOVED TO GENERAL SECTION)~~

III. General

The College complies with the Drug-Free Workplace Act and the Drug-Free Schools and Community Act; therefore, the unlawful manufacture, distribution, dispensation, possession, or illegal use of a controlled substance, illegal drugs, and alcohol are prohibited on any property under the control of the College.

Trustees, All employees, students, volunteers, guests, contractors, and visitors are expected to be free of illegal drugs or alcohol while on or using the College property.

A. Definitions

1. A “controlled substance” means a drug, or a substance, defined in the Federal Controlled Substance Act (Title 21 United States Code (USC) Controlled Substances Act.) It includes certain prescriptions and over-the-counter medications.
2. An “illegal drug” is any substance that is unlawful to use, possess, sell, or transfer under state or federal law. In cases where federal and state laws conflict, federal law applies.
3. “Alcohol” means ~~is a substance that is a~~ beverage containing alcohol ~~any beverage in liquid form which contains not less than one-half of one percent of alcohol by volume.~~
4. “Drug paraphernalia”, means any equipment, product, material of any kind, or combination of equipment, products, or materials, which is specifically designed for use or primarily intended for use in planting; propagating; cultivating; growing; harvesting; manufacturing;

compounding; converting; producing; processing; preparing; testing; analyzing; packaging; repackaging; storing; containing; concealing; injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, possession of which is unlawful under either federal law *21 U.S. Code § 863 (d) or state law (MCL 333.7451)*. It includes items primarily intended or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, hashish oil, PCP, methamphetamine, or amphetamines into the human body.

5. A “prescription drug” is any substance prescribed for an individual by a licensed health care provider and used in accordance with the prescription.
6. An “inhalant” is any substance that produces mind-altering effects when inhaled.
7. An “over-the-counter medication” is a substance used in treating a disease or condition or relieving pain that may be obtained without a prescription.
8. “College Property” includes buildings, grounds, structures, and real estate, and vehicles that are owned, rented, leased, or otherwise utilized by or under the control of LCC.

B. Employees

All employees of the College are expected to report for work fit for duty; that is, being able to perform assigned duties safely and acceptably without any limitations due to the use or after-effects of any substance covered by this policy.

Off-the-job and on-the-job involvement with any covered substance, as previously defined, can have adverse effects upon the workplace, the integrity of the College’s ability to serve our students, the safety of other employees, the well-being of our employees’ families, and the ability of the College to implement this policy. The College, therefore, emphasizes that it has zero tolerance for employees who arrive at work impaired **by or under the influence of drugs and/or alcohol**. You are “under the influence” of any substance **if your use of that substance:**

- impairs your behavior or your ability to work safely and productively;
or
- **Impairs your physical or mental conditions in a manner such that you become a threat to your own safety or the safety of others or damage college property.**
- ~~results in an impaired physical or mental condition that creates a risk to your own safety, the safety of others, or college property.~~

Accordingly, the following conduct and behaviors are strictly prohibited (1) on college property, (2) at college-sponsored events, or (3) in the conduct of college business or conducting or engaging in an academic program:

1. Use, possession, purchase, sale, dispensation, distribution, or manufacture of any substance, as previously defined with the following exceptions.

Employees who take over-the-counter medications or legally prescribed drugs while at work:

- a) May use prescription drugs or over-the-counter medications only if they do not impair the employee’s ability to work safely.

- b) Must follow applicable directions regarding use, including dosage limits and usage cautions.
2. Being **impaired by or** under the influence **of by** any substance as previously defined.
3. Use, possession, purchase, sale, transfer, or distribution of drug paraphernalia.
4. Use, possession, purchase, sale, dispensation, or distribution of alcohol is prohibited on campus except when a written request has been submitted for consideration and approved in writing by the President or ~~the President's~~ designee.

Compliance with this policy, including compliance with mandated drug and alcohol testing, is a condition of employment.

Furthermore, as a condition of continued employment, any employee who is charged with or convicted of a violation of any state or federal criminal statute involving the manufacture, distribution, dispensation, use, or possession of any controlled substance or alcohol shall notify the Executive Director of Human Resources, in writing, of the charges or conviction no later than five (5) days after such charges or conviction(s). The Executive Director of Human Resources shall report ~~the~~ conviction(s) as required by the Drug-Free Workplace Act.

In accordance with the Drug-Free Workplace Act, the Drug-Free Schools and Communities Act, or applicable College policies, employees shall be subject to mandatory participation in a substance abuse assistance or rehabilitation program; and/or disciplinary action, up to and including discharge or dismissal, as determined by the College for the following reasons:

1. Failure to comply with mandated drug or alcohol testing.
2. Failure to timely report being charged with or convicted of a violation of any state or federal criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance or alcohol.
3. Failure to abide by this policy.

In addition, an employee may be subject to criminal prosecution by federal, state, and local authorities.

C. Students

All students on College property are expected to abide by the Student Code of Conduct. Accordingly, the following conduct and behaviors are strictly prohibited on college property, at college-sponsored events, and while pursuing an academic program:

1. Use, possession, purchase, sale, dispensation, distribution, or manufacture of any substance, as previously defined.
2. Being impaired by any substance as previously defined.
3. Use, possession, purchase, sale, dispensation, or distribution of drug paraphernalia

As required by the Drug-Free Schools and Communities Act, any student found to **have violated** ~~be in violation of~~ the above prohibitions **may** ~~shall~~ be subject to

disciplinary actions as outlined in the Student Code of Conduct up to and including expulsion.

In addition, a student may be subject to criminal prosecution by federal, state, and local authorities.

D. Counseling and Rehabilitation Services

The College offers educational programs, resources, and referral services to employees and students aimed at preventing substance abuse, alcohol abuse, and assisting in rehabilitation. Interested employees should contact the Human Resources Office. Interested students should contact the Center for Student Support. All inquiries are confidential.

E. Drug and Alcohol Prevention Program (DAAPP)

The College has a Drug and Alcohol Prevention Program that is distributed annually to all employees and students and it is provided to new employees and students. The College conducts a Biennial Review of the DAAPP. The DAAPP includes descriptions of drug and alcohol awareness programs; descriptions of health risks associated with the abuse of drugs or alcohol; provides information about available counseling or rehabilitation assistance; and specifies disciplinary sanctions imposed for violations of College policy, the Student Code of Conduct, and federal, state and local laws. The [DAAPP](https://www.lcc.edu/campuslife/documents/daapp.pdf) may be accessed here at the College website. <https://www.lcc.edu/campuslife/documents/daapp.pdf>

F. Trustees, Alumni, Volunteers, Guests, Vendors, Contractors, Visitors to campus, or similarly situated individuals.

Individuals listed in this category shall abide by the prohibitions listed in this policy.

IV. Responsibility

Responsibility for the interpretation and administration of this policy is delegated to the ~~Executive Vice President or his/her designee~~ the Dean of Student Affairs or his/her designee, and the Executive Director of Human Resources or his/her designee as applicable.

EMPLOYMENT OF RELATIVES - NEPOTISM

I. Purpose

~~The purpose of this policy is~~ To avoid actual or perceived conflicts of interest when relatives are employed at the College.

II. Scope

This policy applies to all **trustees and** college employees. ~~temporary, and interim employees, as well as Board members. This policy also applies to independent contractors who have a direct supervisory relationship with College employees. This policy does not apply to students.~~

~~III. Definitions~~

~~**Relatives:** The term relatives and related are hereby defined as a current spouse, current domestic partner, mother, father, son, daughter, brother, sister, grandparents, grandchildren, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepmother, stepfather, stepchild and/or any other relative living in the immediate household.~~

~~**Direct supervision:** The term direct supervision is hereby defined as a direct line of authority, no matter how far removed. For example, the child of a Vice President reporting to a Manager, who reports to a Director, who reports to the Vice President, is a direct line of authority to the Vice President.~~

~~**Senior Leadership:** The term Senior Leadership is hereby defined as the Executive Leadership Team, which currently includes the President, Senior VP's, Provost, CIO, CFO, Executive Director, Deans, or comparable positions.~~

III. General

A. Definitions

1. **Relatives:** The term relatives and related are hereby defined as a current spouse, current domestic partner, ~~mother, father,~~ **parents,** ~~son,~~ **child,** ~~daughter, brother, sister,~~ **siblings,** grandparents, grandchildren, ~~mother-in-law, father-in-law,~~ **parent-in-law,** ~~son-in-law, daughter-in-law,~~ **child-in-law,** ~~brother-in-law, sister-in-law,~~ **sibling-in-law,** ~~stepmother, stepfather,~~ **step-parents,** stepchild and/or any other **members of the employee's** household.
2. **Direct supervision:** The term direct supervision is hereby defined as a direct line of authority no matter how far removed. For example, the child of a Vice President reporting to a Manager, who reports to a Director, who reports to the Vice President, is a direct line of authority to the Vice President.
3. **Senior Leadership:** The term Senior Leadership is hereby defined as the Executive Leadership Team, which currently includes the President, **Vice Presidents, Associate Vice Presidents,** Provost, **Chief Information Officer, Chief Financial Officer, Chief Diversity Officer,** ~~Executive Director~~**s,** Deans, or comparable positions.

B. Standards for hiring, promotion, reappointment, assignments, evaluation, working conditions, responsibilities, wages/salaries, and retention for all employees at ~~Lansing Community~~ **the** College are based upon ability, qualifications for the position, and performance. Relatives must not participate in roles that have the authority to influence employment decisions, including but not limited to search committees, reclassification reviews, peer reviews, evaluations, or corrective actions. Further, relatives cannot approve expenditures or reimbursements.

C. Relationship to another individual employed by the College shall not constitute a bar to hiring, promotion, or reappointment, provided, that no employee shall be under the direct supervision of a relative.

D. Those within Human Resources, Senior Leadership, and the Board of Trustees have access to confidential budgetary and compensation

information, and may materially affect employment decisions covering all employees and positions across the College. Therefore employment of relatives of Human Resources, Senior Leadership, and the Board of Trustees at the College will not be authorized.

- E. Students who are enrolled and actively pursuing their courses and are relatives of employees (including excluded employee groups) may be employed as long as they are not employed in jobs under ~~the~~ direct supervision of a relative.

The Board may waive this policy by resolution of the Board through a recommendation of the President.

- F. General requirements:
 1. No employee shall be assigned to a division/department under the direct supervision or control of a relative.
 2. Employees who witness or perceive a conflict of interest in employment because of a relationship of relatives may contact their supervisor or Human Resources without fear of retaliation.
 3. Related employees, employed prior to the effective date of this policy, will continue their employment in their current position without regard to the policy change. The college will, however, make a concerted effort to move the employee laterally into a vacant position consistent with current collective bargaining agreements to a department where there is no supervising relative, if possible.

Relationships to fellow employees as defined by this policy should be disclosed ~~within 30 calendar days~~ **immediately** to the Human Resources Department, in writing.

V. Responsibility

Responsibility for the interpretation and administration of this policy is delegated to the Executive Director of Human Resources or ~~his/her~~ designee.

EVALUATION

I. Purpose

~~The purpose of this policy is~~ To assist the College and each of its employees in achieving excellence in performance ~~through regular evaluation of goals, performance, and opportunities for improvement.~~

II. Scope

Unless otherwise provided for in an applicable collective bargaining agreement or an individual written employment agreement with the College, this policy shall apply to all **part-time and full-time** employees of the College. ~~except temporary, casual, or seasonal employees.~~

III. General

All employees covered under this policy shall be evaluated regularly in writing by their supervisor. Evaluations shall be done using a standard evaluation format approved by the ~~President or the President's designee~~ **Executive Director of Human Resources or designee.**

IV. Responsibility

Responsibility for the interpretation and administration of this policy is delegated to the Executive Director of Human Resources or ~~his/her~~ designee.

FAMILY AND MEDICAL LEAVE ACT

I. Purpose

~~The purpose of this policy is to state the commitment of the College to comply~~ **To ensure compliance** with the Family and Medical Leave Act (FMLA **or ACT**) of 1993, ~~and as amended.~~ Any terms used herein will be as defined in the Act. To the extent that any provision is in violation of the Act, the language of the Act will prevail.

II. Scope

An employee is eligible for **an** FMLA leave if ~~he/she has~~ **they have** been employed by the College for at least twelve (12) months and at least 1,250 hours during the twelve (12) month period immediately preceding the employee's request for leave or the date on which the leave commences, whichever comes first.

III. General

An eligible employee, upon request, will be granted up to twelve (12) work weeks of unpaid FMLA leave during the twelve-month period for one or more of the following events:

- A. For the birth of a ~~son or daughter~~ **child** of the employee and to care for ~~such child~~ **the newborn within one year of birth;**
- B. For the placement **and care** of a child with the employee for adoption or foster care **within one year of placement;**
- C. To care for a spouse, child, or parent who has a serious health condition;
- D. For the serious health condition of the employee which ~~renders him/her~~ **makes them** unable to perform the **essential** functions of ~~the employee's position~~ **their job.**
- E. For any qualifying exigency arising out of the fact that a spouse, child, or parent is a military member on covered active duty or call to covered active duty status.

An eligible employee may also be granted up to twenty-six (26) workweeks of unpaid FMLA leave during the twelve-month period to care for a covered

servicemember with a serious injury or illness when the employee is the spouse, child, parent, or next of kin of the service member.

FMLA grants of leave do not accumulate from year-to-year.

1. Benefits

The taking of an FMLA leave shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced; provided, however, that nothing in this sentence shall be construed to entitle any employee who returns from leave to the accrual of any seniority or employment benefits during the period of the leave or to any right, benefit or position other than that to which the employee would have been entitled had the employee not taken the leave.

2. Return to Position

Employees who take an FMLA leave for the intended purpose of the leave shall be entitled, on return from the leave, to be restored by the College to the position of employment held by the employee when the leave commenced or an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

3. Health Benefits

During the period of an FMLA leave, the College shall maintain coverage under any group health plan as defined by the FMLA for the duration of such leave and at the level and under the conditions of the coverage which would have been provided if the employee had continued in employment for the duration of the leave. The College shall have the right to recover the premiums paid for maintaining coverage for the employee under such group health plan during the period of an FMLA leave if the employee fails to return to work for reasons other than the continuation, recovering from, or onset of a serious health condition entitling the employee to leave under Section III-C or III-D above, or other circumstances beyond the employee's control. In this situation, the College may require certification of inability to return to work as specified and allowed by the FMLA.

4. Relationship to Paid Leave

Pursuant to applicable bargaining unit terms, an employee may elect to substitute any accrued vacation leave, personal leave, or family leave for any part of the twelve (12) week period of leaves taken pursuant to Section III-A, III-B, or III-C above. An employee may be required to substitute any accrued or available paid medical or sick leave for part or all of the twelve (12) week period of leave under Section III-D above, with any remainder of the twelve (12) week period to be unpaid.

5. Birth Year

An unpaid family leave of up to twelve (12) workweeks for the birth/care of a child or for the placement of a child for adoption or foster care may be taken at any time within the twelve-month period which starts on the date of such birth or placement of adoption or foster care. However, regardless of when the leave commences, it will expire no later than the end of the

twelve (12) month "birth year". For example, an employee who requests a leave at the start of the eleventh month [of the twelve (12) month birth year counted from the date of birth or placement] is entitled to only eight (8) work weeks of unpaid leave (months 11 and 12.)

6. Spouses Employed

Spouses, both of whom are employed by the College, are limited to a combined total of twelve (12) workweeks of unpaid leave during any twelve (12) month period for the birth/care of their child, placement of the child for adoption or foster care, or ~~for~~ the care of a parent with a serious health condition. However, each employee may use up to twelve (12) workweeks of unpaid leave during any twelve (12) month period to care for ~~his/her~~ **their** child or spouse who is suffering from a serious health condition.

7. Notification of Birth

An employee who foresees that ~~he/she~~ **they** will require a leave for the birth/care of a child or ~~for~~ the placement of a child for adoption or foster care, must notify the College, in writing, not less than thirty (30) calendar days in advance of the start date of the leave. If not foreseeable, the employee must provide as much written notice as is practicable under the circumstances.

8. Notification of Medical Treatment

An employee who foresees the need for a leave of absence due to planned medical treatment for ~~his/her~~ **their** spouse, child, or parent should notify, in writing, the College as soon as possible so that the absence can be scheduled at a time least disruptive to the college's operations. Such a member must also give at least thirty (30) calendar days written notice, unless impracticable, in which case the employee must provide as much written notice as circumstances permit.

9. Health Provider's Statement

If the requested leave is to care for a spouse, child, or parent who has a serious health condition, the employee may be required to file with the College in a timely manner a health care provider's statement that the employee is needed to care for the son, daughter, spouse, or parent and an estimate of the amount of time that the employee is needed for such care.

10. Intermittent Leave

A leave taken **for the birth/care of their child, placement of the child for adoption, or foster care** shall not be taken intermittently or on a reduced leave schedule unless the College and the employee agree otherwise. Subject to the limitations and certifications allowed by the FMLA, other FMLA leaves may be taken intermittently or on a reduced leave schedule when medically necessary; provided, however, that where such leave is foreseeable based upon planned medical treatment, the College may require the employee to transfer temporarily to an available alternative position offered by the College for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave than the employee's regular position.

11. Inform the College

An employee on an approved FMLA leave should keep the College informed regarding ~~his/her~~ **their** intent to return to work upon conclusion of the leave.

12. Opinion Verification

In any case, in which the College has reason to doubt the validity of the health care provider's statement or certification for leaves taken, the College may, at its expense, require a second opinion.

13. Serious Health Condition

For purposes of this policy, "Serious Health Condition" is defined as it appears in FMLA Section 101(11) as follows: "an illness, injury, impairment, or physical or mental condition that involves (A) inpatient care **as defined in §825.114**; ~~in a hospital, hospice, or residential medical care facility~~; or (B) continuing treatment by a health care provider **as defined in §825.115**. ~~This~~ **These** definitions ~~is~~ **are** further explained at length in the final FMLA regulations, **29 CFR Part 825. §825.114**.

IV. Responsibility

Responsibility for the interpretation and administration of this policy is delegated to the Executive Director of Human Resources or ~~his/her~~ designee.

SEVERANCE

I. Purpose

To provide specific circumstances under which severance pay or benefits may be offered, recognizing that severance is not an entitlement.

II. Scope

Severance pay or benefits may be granted only to discharged "at-will" employees of the College and only upon their entry into a waiver and release of claims in a form acceptable to the College. Employees covered by a collective bargaining agreement or otherwise employed on a "just cause" basis are not eligible for severance pay or benefits but may be granted reasonable amounts of pay or benefits in settlement of potentially meritorious discharge grievances advanced in accordance with an applicable grievance procedure approved by the Board of Trustees.

III. General

Without further Board approval;

- A. An employee with an individual "at-will" employment agreement in a form approved by the Board of Trustees may be granted severance in accordance with the terms of such an agreement.

- B. Other “at-will” employees may be granted severance for a period ~~which is~~ **that is** less than that provided to Level 9 Administrators.
- C. A severance agreement will not be approved if the employment relationship is terminated by the College under the following circumstances:
 - 1. The employee commits an intentional act, including but not limited to dishonesty, fraud, embezzlement, theft, or assault, which threatens or causes a materially adverse effect on the Employer.
 - 2. The employee substantially fails to carry out a duty of the employee’s position, and fails to cure the failure as directed by the Employer in writing; or
 - 3. The employee is convicted of or pleads nolo contendere to any felony criminal offense or to any misdemeanor crime related to the performance of the employee’s job or the reputation of the Employer; or involving substance abuse, theft, fraud, assault, or weapons.
- D. No severance shall be granted to a non-employee.

IV. Responsibility

Responsibility for the interpretation and administration of this policy is delegated to the Executive Director of Human Resources or ~~his/her~~ designee.

STAFFING

I. Purpose

~~This policy reaffirms the College's commitment and~~ **To ensure** adherence to equal opportunity, and diversity, equity, and inclusion in the appointment to positions and/or hiring of ~~our internal staff. It also~~ **To** enhances the College's flexibility to utilize the knowledge, skills, and abilities of ~~our current staff. This policy does not apply to changes in job duties of a given position.~~

II. Scope

This policy applies to full-time and part-time regular and temporary positions with the following exception: In instances where positions are covered by a collective bargaining agreement (CBA) that contains terms and conditions in conflict with this policy, the CBA terms and conditions will control. **This policy does not apply to changes in job duties of a given position.**

III. General

- A. Definitions:

1. A **Regular** position or job assignment is ~~one that~~ is expected, although not guaranteed, to continue indefinitely.
2. A **Temporary** position or job assignment is ~~one that~~ has a definite end date. A temporary position may be converted to a regular position if the need for the position continues beyond three years.
3. An **Interim** job assignment is a temporary assignment to a regular position.
4. **Reassignment/Transfer** is the assignment of a current employee to a different position based on qualifications, performance, and institutional needs.
5. **Promotion** is the assignment to a higher-salary position.

B. Selection Process

1. A regular job assignment will be made through a competitive search process or ~~through~~ a reassignment/transfer. Transfers to regular positions will be limited to individuals in regular job assignments. A reassignment/transfer will occur only after ~~giving consideration to~~ **considering** all employees currently in regular job assignments that have relevant qualifications for the position **and have expressed interest in the position**. This language does not limit the right of the College to make unilateral transfers that are in the best interest of the College.
2. Temporary job assignments can be made through appointment, through a call for interest, or ~~through~~ a competitive search.
3. If a temporary job assignment is being converted to a regular job assignment, a competitive search will be conducted, with the following exceptions:
 - a. If an individual with a regular job assignment moves to a temporary position classified at the same level that eventually becomes a regular position, that individual may, at the discretion of College management, be assigned to the regular position.
 - b. An individual is placed into a temporary position through a competitive search and the position is later converted to a regular position, that individual may, at the discretion of College management, be assigned to the regular position.

IV. Responsibility

Responsibility for the interpretation and administration of this policy is delegated to the Executive Director of Human Resources or ~~his/her~~ designee.

~~WORKING FROM HOME~~ REMOTE WORK

I. Purpose

To establish clear and consistent guidelines for ~~Lansing Community College~~ employees working from home **in locations other than college campus sites**. This policy is consistent with the strategic plan goal of creating an environment for innovation, intelligent risk taking, and organizational agility.

II. Scope

This policy applies to all College employees who receive prior approval from their supervisor to work from home **remotely**.

III. General

Regardless of the location of their workstation or the time of day actual work is accomplished, all full-time college employees are required to work a minimum of forty hours per week and all part-time employees are expected to work their designated number of hours per week. Employees are expected to follow supervisor-approved work schedules; the respective Executive Leadership Team (ELT) or his/her designee has the final decision regarding an individual's work schedule and location.

IV. Responsibility

Responsibility for the interpretation and administration of this policy and the establishment of the procedures governing working from home is delegated to the Executive Director of Human Resources or his/her designee.

Linkage Planning/Implementation

Community Linkage – President's Report

President Robinson presented the December 2022 President's report to the Board.

Committee Reports – Foundation Board Update

Trustee Mathews stated that the college accepted the largest single gift from a living donor for \$250,000.

Chair Report

The Chair reviewed the new business for the January Board meeting.

Unfinished Business

There was no Unfinished Business.

New Business

New Business items for the January 24, 2022 Board of Trustees Meeting:

- A. Consent Agenda
 - 1. No Bid Request
 - a. Lansing Electrical JATC Instruction Fees
 - 2. Sole Source Request
 - a. Oracle Support Service Renewal
- B. Chair's Report
 - 1. Conflict of Interest Disclosure Statement
 - 2. Review of Annual Board Planning Cycle

Public Comment

There were no Public Comments.

Board Comment

Trustee Abood stated: (1) There should be a long-term plan for improvement to the Dart Auditorium sometime before the end of the fiscal year, (2) LCC should set standards for academic statistics when it comes to developmental education and student success, (3) A moment of silence for what happened in Oxford will not save anyone, but the college is in the position do something. It would be nice if the Board acted in making sure LCC students are protected. The college should spend more money on the college police officers, create a higher level of public safety, and invest in police canine units on campus, and (4) He requested a report, not a presentation, on the budget status of the Gannon parking structure.

Trustee Thomas stated that she hopes faculty are emailing students back in a reasonable time. She stated that it is stressful for students when they are waiting to get a response back from an instructor and hopes there is a timeframe for responses.

Adjournment

IT WAS MOVED BY Trustee Vaive and seconded by Trustee Abood that the meeting be adjourned.

Ayes: Abood, Buck, Hidalgo, Mathews, Mathews, Proctor, Vaive
Nays: None
Absent: None

The motion carried.

The meeting adjourned at 8:30 p.m.

Submitted,



Executive Assistant & Liaison to the Board
Benita Duncan