

OGLALA LAKOTA COLLEGE



FACULTY & STAFF HANDBOOK

Updated: December 16, 2020

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Oglala Lakota College
490 Piya Wiconi Road
Kyle, SD 57752

Faculty Acknowledgement of Institutional Responsibility Form

By signing this document, I acknowledge I have read the OLC policies and procedures and recognize my role as a full-time faculty member. I am guided and bound by them during my employment at Oglala Lakota College.

I acknowledge that I am guided and bound by all policies and procedures listed in the policy and procedures manual. I understand I am able to access OLC policies and procedures on line at www.olc.edu.

The information in the OLC policy and procedures manual is subject to change. Changes in policy will be communicated to faculty by official notice.

The policy and procedures manual is not intended to create any express or implied contractual rights. I understand my employment can be terminated based upon provision in policy.

Printed Name

Signature of Faculty Member

Date

Oglala Lakota College
490 Piya Wiconi Road
Kyle, SD 57752

Staff Acknowledgement of Institutional Responsibility Form

By signing this document, I acknowledge I have read the OLC policies and procedures and recognize my role as a full-time Staff member. I am guided and bound by them during my employment at Oglala Lakota College.

I acknowledge that I am guided and bound by all policies and procedures listed in the policy and procedures manual. I understand I am able to access OLC policies and procedures on line at www.olc.edu.

The information in the OLC policy and procedures manual is subject to change. Changes in policy will be communicated to Staff by official notice.

The policy and procedures manual is not intended to create any expressed or implied contractual rights. I understand my employment can be terminated based upon provision in policy.

Printed Name

Signature of Staff Member

Date

President's Message

Thomas Shortbull
OLC President

From its inception in 1971, our college's mission has been to provide the educational credentials to our students so that they could compete for employment opportunities on the Pine Ridge Indian Reservation. As a result of having a college on the reservation; Lakota people are now employed in teaching, nursing, human services, business, computer, and vocational educational positions on the Pine Ridge reservation.

Oglala Lakota College was one of the first tribally controlled colleges in the United States. The concept of a tribally controlled college is that it be sanctioned by an Indian tribe, it is governed by an Indian tribe, its governing body be made up of tribal members; and meet the needs of reservation people in their pursuit of higher education.



From its initial status as a community college, Oglala Lakota has grown to now offer ten Baccalaureate degrees and a Master's degree in Lakota Leadership with or without an emphasis in Educational Administration along with fourteen associate degrees and one certificate program.

Oglala Lakota College is accredited by the Higher Learning Commission and its credits transfer to any college depending on each institution's particular method of how it accepts transfer credit.

The Board of Trustees, local boards, administration, and instructors offer support in your efforts to advance yourself through higher education.

Thomas Shortbull
President
Oglala Lakota College

Statement of Vision, Mission and Purposes

Vision Statement

Rebuilding the Lakota Nation through Education

Mission Statement

The mission which emanates from the charter of the Oglala Sioux Tribe is to educate students for professional and vocational employment opportunities in Lakota country. The College will graduate well-rounded students grounded in Wolakolkiciyapi-learning Lakota ways of life in the community-by teaching Lakota culture and language as part of preparing students to participate in a multicultural world.

Purposes: In achieving the Mission, OLC has the following purposes:

Tribal

- Provides the Lakota with outstanding graduates.
- Promotes the study and practice of tribal sovereignty.
- Works with tribal entities toward building our nation.
- Helps students to gain meaningful employment and live healthy lifestyles.

Cultural

- Utilizes Lakota cultural values in all learning frameworks.
- Celebrates Lakota culture including sacred songs and ceremonies.
- Research, study, facilitate, and disseminate Lakota language, culture and philosophy.
- Provides leadership to maintain and revitalize Lakota culture and philosophy

Academic

- Encourages high student learning expectations through active and collaborative learning, which will be measured through assessment standards.
- Maintains a supportive campus environment through advising, counseling, tutoring, scheduling, and providing financial assistance.
- Practices open enrollment and students will acquire relevant knowledge, skills, and values to make a living in a diverse world, and to be a self-fulfilled person who is a contributing member of their family, community and tribe.
- Pursues the creation of Oglala Lakota University

Community

- Supports local communities in educational and other development.
- Engages people as active, productive members of their Tiospaye and communities.
- Offers frameworks for leadership development in the context of communities and organizations.
- Provides lifelong learning through continuing education and community activities.

Lakota Perspective and Values

The Lakota perspective is a world view which derives from the oral creation story of the Lakota people and is, therefore, a living, dynamic view handed down from generation to generation. At the base of this view is an unchanging adherence to the humanistic values of respect, generosity, wisdom, fortitude, bravery and humility. To see the world from the Lakota perspective is to understand that one must live each day guided by these values.

Important parts of the Lakota perspective are the skills of listening and sharing. No oral tradition can survive unless people know how to listen well and to share knowledge and wisdom. Decision making, governance, curriculum design, and classroom instruction depend upon the skills of all people involved to listen to each other and to share their views. Administrators, instructors, students, and the community all feel they must be heard. Classrooms, meetings and forums need to encourage listening and speaking to allow these needs to be met.

The Lakota perspective enters the classrooms of Oglala Lakota College in many different forms. It enters through the perspectives of our Lakota students, who must be encouraged to express their ideas to respectful listeners, fellow students and instructors. It enters through the use of Lakota materials: books, tapes, treaty documents, arts and crafts, song, dance, stories, and oral histories. It enters through the presence of people from the communities who share their memories, skills and wisdom with OLC students. It also enters through the use of the Lakota language either as the language of instruction, or as a vehicle for supplemental information.

The Lakota perspective, as a way of life, is supported in a powerful way by the treaties. The importance of the treaties is often overlooked, and that is a great danger. The treaties need to be studied, explored, and understood if the Lakota perspective is to survive in the generations to come. In implementing the Lakota perspective, we will observe the following guidelines:

1. The Lakota values of respect, generosity, wisdom, fortitude, bravery and humility guide all activities at Oglala Lakota College.
2. Structures within the college, including the classroom, accommodate a respect for listening and sharing so that students, faculty, staff and the community can all speak and be heard.
3. The Lakota student perspective, Lakota materials, Lakota speakers, and the Lakota language are incorporated into every course to the fullest extent possible.
4. The treaties will be studied, discussed, and understood in every way possible, as are the federal-tribal relationships and policies.

(Statement from the 2003 Oglala Lakota Self Study Report)

OLC BOARD OF TRUSTEES
December 2020-22

<u>Mailing Address</u>	<u>Home/Business</u>	<u>Mailing Address</u>	<u>Home Address</u>
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Wakpamni BOT - Vacant
Wounded Knee BOT - Vacant

BOT PRESIDENT

Dennis Brewer (h) 867-5403
P.O. Box 368 (c) 899-1220
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BOT VICE PRESIDENT

MaDonna Peterson (c) 407-1889
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Porcupine, SD 5772

BOT SECRETARY

Pete Red Willow (c) 441-7674
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BOT TREASURER

Vacant

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FINANCE COMMITTEE

Chastity Shot With Arrow (c) 454-2706
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Allen, SD 57714

PERSONNEL COMMITTEE

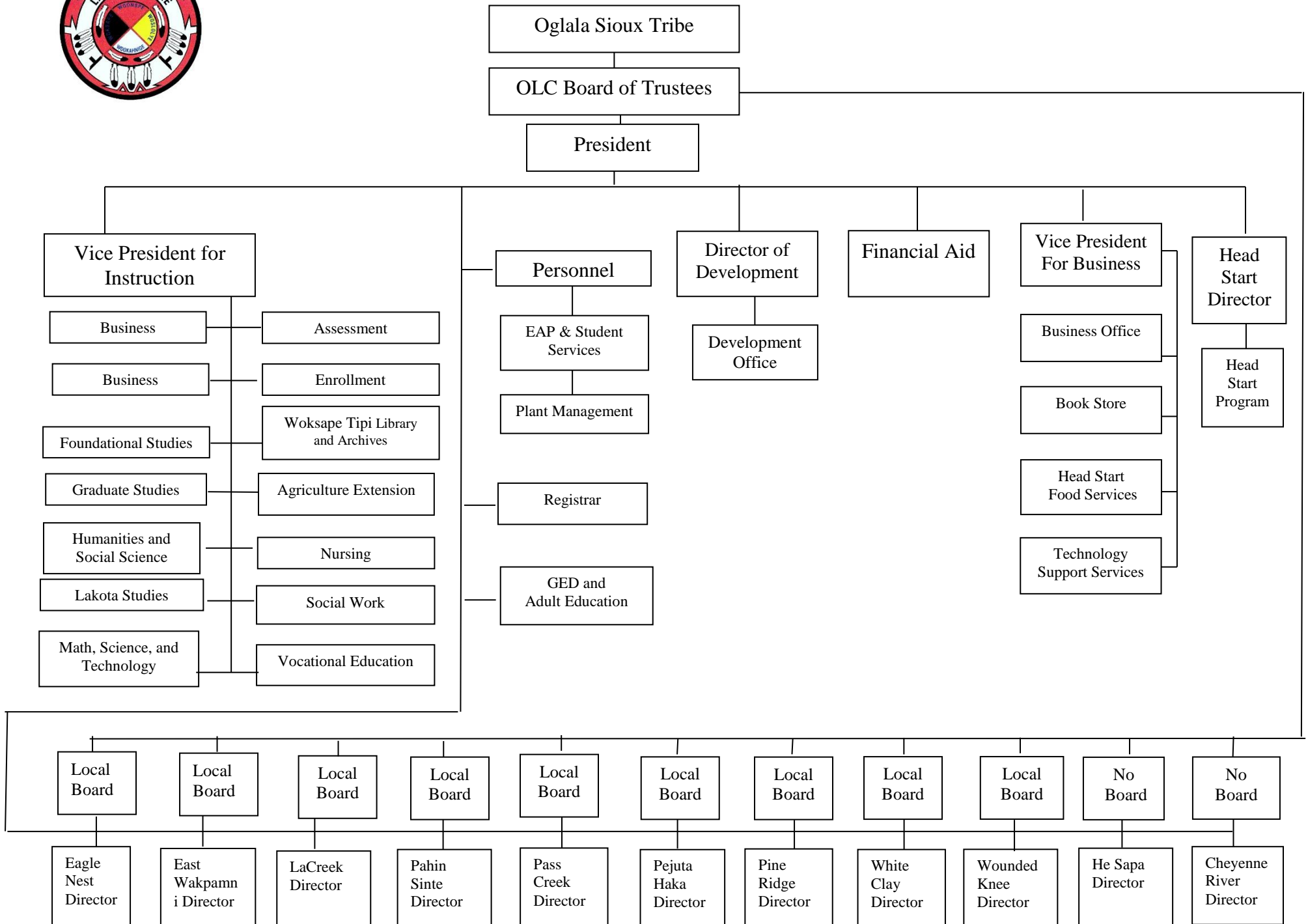
PROGRAM POLICY

Joe American Horse (h) 867-1227
PO Box 941
Pine Ridge, SD 57770

Revised 12-4-2020



Oglala Lakota College ORGANIZATION CHART



PERSONNEL ORIENTATION AND SUPERVISION (POLICY)

1. The supervisor will orient all new and present employees to the personnel policies and employees are required to sign a statement for the files that they have reviewed and understood the personnel policies.
2. It will be the responsibility of each supervisor to train, observe, and supervise the operations of employees. Performance will be observed and corrective action initiated or recommended where necessary in order to assure performance in a satisfactory manner, compliance with Oglala Lakota College policies and procedures, and to assure general adherence to standards of performance and conduct as may be required by the Oglala Lakota College personnel policies.

FACULTY

FACULTY QUALIFICATIONS (POLICY)

1. Definitions

Faculty is defined to include full-time, part-time, and adjunct faculty.

- Fulltime faculty refers to individuals who are employed with OLC on a 20 pay period contract.
- Part time faculty refer to individuals who are employed with OLC less than 20 pay periods
- Adjunct faculty refers to individuals who are hired on a semester by semester basis to teach specific courses they are qualified to teach.
- Teaching Assistant refers to faculty or adjunct faculty who meet minimal qualifications, placed on a professional development plan and/or who enter without teaching experience.

2. Determination by Credentials

Full time and Adjunct minimal faculty qualifications are as follows:

General Policy: Oglala Lakota College (OLC) faculty shall have completed a program of study in the discipline or subfield (as applicable) in which they teach, and/or for which they develop curricula, in the program of study at least one level above that of the courses being taught or developed.

- a. Foundational Studies Faculty shall hold a minimum of a bachelor's degree, or training or tested experience, or a combination thereof.
- b. Career and technical education college-level certificate and occupational associate's degrees: Faculty shall hold a bachelor's degree in the field and/or a combination of education, training and tested experience.
- c. Undergraduate: Faculty shall hold master's degrees or higher in the area or discipline of study in which they are teaching. If a faculty member holds a master's degree or higher in the area or discipline other than that in which he or she is teaching, that faculty member shall have completed a minimum of 18 graduate credit hours in the area or discipline to which the faculty will be responsible. Undergraduate includes transferable General Education courses.
- d. Graduate: Faculty shall hold a terminal degree determined by the discipline and have a record of research, scholarship or achievement appropriate for the graduate program. All Oglala Lakota College Full-time Faculty and

administrators with an earned doctorate are eligible to become members of the graduate faculty. Individuals who are actively seeking a Ph.D. and/or who are in a current ABD status may be allowed to teach graduate courses aligned to the area or discipline.

3. Limited Exception:

Tested Experience: tested experience may substitute for an earned credential or portions thereof, and the faculty member may be deemed qualified if OLC determines the tested experience is the equivalent to the degree it would otherwise require for the faculty position being sought.

Tested experience may be used to determine minimal faculty qualifications dependent upon the relevance of the individual faculty member's experience both to the degree level and to the specific course content the faculty member is responsible. Tested experience is not solely based on years of teaching but rather a combination of years of experience and other experiential factors relevant to the discipline (i.e., membership in professional organizations and learned societies, professional development, professional research and publications, professional presentations, among others).

- a. Each department shall develop a threshold of tested experience—standards, procedures and documentation requirements—for each discipline within the scope of the department.
- b. Each department's hiring qualifications related to tested experience shall be peer reviewed through the prescribed OLC peer review process and approved through OLC's prescribed processes.
- c. The qualification of a faculty member's tested experience shall be based on an objective measure that ensures the individual's knowledge and expertise are sufficient for determining what students must learn and have learned.
- d. Each academic department must follow the criteria. Departments using tested experience as a basis for determining minimally qualified faculty must provide evidence.
 - i. Highest earned degree appropriate to the assigned program and content of the course(s).
 - ii. Degrees in progress or additional credits.
 - iii. Types of certification, licensure or other credentials required or preferred (if available for the discipline).
 - iv. Minimum threshold of Teaching experience (i.e., minimum years of experience).
 - v. Professional work or experience in or closely aligned to program and content of the course (s).
 - vi. Knowledge base and Skill set related to course content

- vii. Minimum threshold of experience as determined by the department (i.e., minimum years of experience)
- e. The department hiring qualifications based on tested experience shall be used in evaluating a potential candidate's application. Each department must complete a *Faculty Qualifications Scoring Rubric*, *Qualified Faculty Documentation Form*, and *Faculty Approval form* for each current and prospective faculty member.

4. Compliance

- a. Faculty qualifications standards, as prescribed herein, shall be adhered to with respect to all existing faculty and prospective faculty applying for a faculty position with Oglala Lakota College.
- b. Any existing part-time and full-time faculty found out of compliance with the faculty credential requirements, or credential and tested experience standards, for those faculty falling below the required doctorate/master's degree in discipline or eighteen (18) or more doctorate/graduate hours in discipline, shall be placed on a professional development plan with a timeline for completion to maintain employment with Oglala Lakota College. Nonadherence to the professional development plan and its timelines will result in a contract non-renewal.

A required stipulation in the professional development plan shall be the participation in OLC's Mentorship Program whereby the Faculty Mentor or Faculty Emeritus will be the instructor of record with the responsibility of guiding, sharing best teaching practices, maintaining active course involvement and conducting evaluations for the part/full-time faculty. The part/full-time faculty shall be listed as the Teaching Assistant for the course and shall deliver course instruction in accordance with the course learning outcomes through the active mentorship of the Faculty Mentor or Faculty Emeritus.

- c. Existing Adjunct Faculty who do not meet the credential requirements, or credential and tested experience standards, for those faculty falling below the required doctorate/master's degree in discipline or eighteen (18) or more doctorate/graduate hours in discipline, for the course(s) requested, will not be able to teach unless they agree to a professional development contract with attainable goals and prescribed timelines. The lowest Minimum threshold for acceptance into faculty mentor program is Bachelors plus 18 in the area or discipline of which they will teach. Individual must be willing to commit to a graduate level courses or program as determined by the academic department needs. Individual must have Department and Vice Presidents concurrence.

A required stipulation in the professional development contract shall be the participation in OLC's Mentorship Program whereby the Faculty Mentor or Faculty Emeritus will be the instructor of record with the responsibility of guiding,

sharing best teaching practices, maintaining active course involvement and conducting evaluations for the Adjunct Faculty. The Adjunct Faculty shall be listed as the Teaching Assistant for the course and shall deliver course instruction in accordance with the course learning outcomes through the active mentorship of the Faculty Mentor or Faculty Emeritus.

- d. It is the responsibility of all staff to ensure compliance with faculty qualifications requirement of this policy.

61-310
BOT 8-20-04, 02-22-17, 05-23-17

FULL-TIME FACULTY - JOB DUTIES

A. Faculty Salaries:

1. Full-time faculty salaries cover 20 pay periods per annum. Faculty may be awarded contracts from 1, 3 or 5 years based upon the recommendation of the Faculty Review Committee and final approval.
2. Employment begins two weeks before the fall semester and ends one week after spring semester. The term of duty ends at the end of make-up week provided final grades are submitted.

B. Standard Load:

1. Teaching: The standard load for full-time faculty at OLC will be: Five courses (15 credits) per semester with one preparation, or four courses (12 credits) per semester with two but not more than three preparations. The nine-hour class, Ed 489 - Student Teaching, counts towards six (6) hours of a faculty load.
2. Preparation: Faculty are expected to prepare 1-2 hours for every hour taught.
3. Faculty are expected to serve on a least one OLC standing committee
4. Faculty are expected to attend all staff and academic department meetings at Piya Wiconi, on Fridays, from 8:30 am to 5:00 pm, unless an alternate schedule or leave has been approved by the Department Chair.
5. Faculty are expected to keep office hours for all classes taught with a minimum of one hour per week per course in the district where the course is taught.

6. Faculty are expected to serve as academic advisors during registration. Academic advising which is connected with the registration process shall be managed as follows:
 - a. Faculty are assigned each semester, either to a specific district or to specific advising duties by the chair of her/his academic department each semester.
 - b. Faculty will work as academic program advisors during registration week as assigned by the chair of her/her academic department.
 - c. Faculty will provide academic program advising during pre-registration and at least three hours in one or more of the districts where they facilitate courses as approved by their academic department chair. All full time faculty will submit advising logs to the chair of their department by the end of the semester.
7. In the event of an underload, as defined in B. 1. above, the faculty and her/his academic department chair will negotiate alternate duties. A schedule for all faculty will be published each semester.
8. Time Keeping: For non-class periods at the beginning and end of each semester, faculty will work eight hours per day, but not more than forty hours per week or as alternatively assigned.
9. Make-up Classes: Instructors will hold 15 class sessions or equivalent and make-up any missed class sessions.
10. Instructors' Office Scheduling (Policy from 73-012). The Chair of each department shall determine faculty office schedule according to the needs of the department except:
 - a. Faculty will be scheduled to an office site or sites as negotiated with the chair.
 - b. Faculty will be present for all scheduled department and college meetings and at assigned committee meetings unless on approved leave.
11. Assessment and Departmental Responsibilities:
 - a. Faculty will participate in development and modification of a master syllabus for each course taught or as assigned by the chair.
 - b. Faculty will conduct assessment of student learning as guided by college policy and procedures.
 - c. Faculty will develop, implement and assess Departmental Institutional Effectiveness Plans.
 - d. Faculty will assist in the approval and evaluation of adjunct faculty as appropriate. Be available to mentor adjunct and full time faculty.

- e. Faculty will be available to mentor students.
 - f. Faculty will assist in recruitment and retention of students.
 - g. All full time and adjunct faculty will submit attendance on a weekly basis.
- C. Evaluation: Each Faculty member will develop and submit a work plan that is submitted to her/his academic department chair (WEF).
- 1. Faculty work plans will consider teaching service to the OLC community, and scholarship to be finalized by the end of the fall semester each year covering the following spring and fall semesters.
 - 2. Faculty work plans should lay out establish achievable goals including, but not limited to anticipated teaching schedule, service expectations, professional development, and means of contributing to the mission of OLC.
 - 3. Faculty will complete a summative evaluation of goals achieved by the end of the fall semester in conjunction with development of the next year's work plan and submit it to for review and comment by the end of the fall semester.

D. Overload:

If a faculty member teaches courses over and above the standard load, (see above) the full-time faculty member will receive adjunct faculty pay per credit hour. Full-time faculty will be limited to one three-credit overload per semester unless approved by the Vice President of Instruction.

- E. Summer School: The summer schedule is based on student needs and as budgeted according to OLC summer school policy.
- 1. Full time faculty will have priority for teaching summer classes. Department Chairs must ensure fairness to all faculty members when assigning faculty to summer schedule.
 - 2. Adjunct faculty will be assigned if there are no available full time faculty members to teach during the summer.
 - 3. Faculty will be paid at the adjunct rate.
 - 4. All faculty teaching summer classes must meet OLC faculty qualification policy for each class.
 - 5. Faculty are expected to prepare 1-2 hours for every hour taught.
 - 7. Summer mileage will be paid according to OLC mileage rate for adjuncts.
 - 8. Faculty will be assigned to teach the class at the designated College Center by the Department Chair.

FACULTY CONSULTING AND PROFESSIONAL LEAVE (POLICY)

1. Oglala Lakota College recognizes that professional growth of faculty members includes performing in consulting roles for organizations external to the college.

In order to ensure that the best interests of the college are protected, the administration shall develop a set of guidelines to be followed by employees performing consultative work.

2. Oglala Lakota College recognizes that providing faculty with professional leave is consistent with providing students with instruction by high-quality professionals, continuing professional development, and the College's mission as a land-grant research and education institution.

3. Full time faculty are allowed up to 5 days a semester for consulting or professional leave, provided:

- a. The Department chair has been notified and approves.
- b. All classes and other duties are covered.
- c. The consulting or professional leave will benefit the professional development of the individual and OLC.

FACULTY CONSULTING/PROFESSIONAL LEAVE (PROCEDURE)

Full-time faculty will be allowed 5 days of combined consulting and professional leave per semester. Consulting/Professional Leave may not be carried over from one academic year to another.

Guidelines for Consulting Leave:

1. Any OLC faculty wishing to perform consulting duties must receive permission from his/her immediate supervisor and divisional head. Requests should include detailed descriptions of the work to be performed and a description of how the consulting can be done while normal duties are being performed. Consulting for OLC is not allowed.

Guidelines for Professional Leave:

1. Professional leave is specifically for faculty members to attend professional conferences, present research in a professional setting (i.e. conference, public hearing, or community presentation), or to conduct research within their professional fields in accordance with departmental and OLC missions.
2. Faculty members must submit a formal written request for professional leave to their department chair for approval at least two weeks prior to taking professional leave. Approval from department chair is required in order to take professional leave.
3. Faculty members must provide documentation, such as meeting registration receipts or conference programs, to confirm participation in said activities.

62-450

HOURS OF DUTY (POLICY)

A. Support Staff

Ordinarily, the basic work-week shall consist of forty (40) hours, from 8:30 a.m. to 5:00 p.m., Monday through Friday. Each employee shall have half hour for lunch. Exceptions to this rule are made by the President when different hours of duty are required on a permanent basis and by the President when different of duty are required on an emergency or temporary basis.

B. For full-time faculty office hours, see "full-time faculty - job duties"

76-530/76-530-1
BOT 12-22-07

Full Time Faculty Evaluation Policy and Procedure

Full time faculty will be evaluated yearly, and will be eligible to apply for 3 or 5 year contracts under the provisions of this policy.

Faculty evaluation, long term contracts and titling are intended to achieve the following goals:

- Ensure the ongoing development of instruction and faculty,
- Offer recognition to faculty for quality instruction and the advancement and attainment of personal and professional goals,
- Advance the mission and goals of Oglala Lakota College in serving the needs of the Lakota community,
- Strengthen Lakota cultural learning and instruction.
- Meet NCA requirements for accreditation

Definition of Full Time Faculty

Full time faculty members are employees of the College whose primary responsibility is teaching. Full time faculty also includes academic department chairs and academic program directors who teach courses. Staff members who teach on an adjunct basis are not full time faculty as defined in this policy.

Annual Evaluation

All faculty members will be evaluated annually before contract renewal offers as outlined in the procedures detailed below. Recommendation for contract renewal for one year contracts will be made by the appropriate academic department chair and approved by the Vice President for Instruction and the President.

Eligibility for Multi-Year Contracts

A full time faculty member must have at least 3 years of service at Oglala Lakota College or six years at an accredited degree-granting institution of higher education to be eligible to apply for a 3-year contract. A full time faculty member must have at least 6 years of service, and have completed a 3-year contract, to be eligible for a 5-year contract.

Evaluation Procedure

Faculty Development Plan and the Annual Review

Prior to signing contracts, faculty members will review their professional goals for the upcoming school year and write a one-page Faculty Development Plan listing 2-5 personal and professional goals, and steps that will be taken to achieve those goals, and to meet summary evaluation criteria to demonstrate achievement of the plan.

The Faculty Development Plan and goals included in the Development Plans are determined by faculty members based on their needs and goals relevant to their work and responsibilities at Oglala Lakota College. Plans must include reference to the following criteria (examples of supporting evidence are listed for each criteria):

Lakota language and cultural knowledge

- Completion of Lakota Language and Culture courses
- Independent study or research of Lakota language, history, or culture
- Oral proficiency interview
- Evidence of Lakota perspectives in teaching

Teaching

- Articulated teaching philosophy
- Scholarship related to course content
- Syllabi
- Assignments
- Lecture notes/lesson plans
- Student course evaluations
- Observation reports
- Letters of support from students, center staff, and community members

Scholarship

- New learning in content area
- Enrollment in courses
- Publication of scholarly work
- Presentation of scholarly work
- Literature review of instructor's area of study and instruction
- Research

Service to the college

- Committee work
- Participation in departmental planning, review
- Participation in college wide planning, review
- Availability for students, administration
- Serve as advisor to student groups, extracurricular activities
- Successful grantsmanship

Service to the community

- Service learning projects
- Consulting for tribal government, organizations, and other community programs
- Giving time to community activities
- Serving on committees outside of the college
- Serve as reviewer for grants, scholarly writing outside of the college
- Community workshops
- Organizing service learning opportunities
- Supporting community cultural and spiritual activities

Plans may focus on one or several of these content categories, but yearly formative evaluation will address all five.

Normal administrative duties and responsibilities such as committee membership, following institutional policy, participation in departmental processes and meetings etc. are not a part of the Faculty Development Plan but are expected of all faculty members and are part of the review criteria.

The evaluation process below applies to all faculty.

Formative Evaluation of Faculty Development Plans

Development Plans for the upcoming year will be presented to the department chair prior to contracts being issued. The faculty member will review his or her plan with the chair in a collaborative way. Department chairs and the Vice President for Instruction will review and approve individual plans.

The following year the faculty member will again meet with his or her department head to review the Development Plan and the evaluation criteria. Upon approval by the department head and Vice President for Instruction, a new Developmental Plan for the next year will be created. The previous Developmental Plan goes into the faculty member's portfolio.

Summative Faculty Review

After completion of a 3-year contract, faculty members will be eligible to apply for a 5-year contract.

Faculty members who wish to be considered for a 3 or 5-year contract must apply in writing and submit a portfolio of evidence by December 1 that addresses the criteria of Lakota language and cultural knowledge, Teaching, Scholarship, Service to the college, and Service to the community. The type and format of evidence to support achievement in these areas may vary, but must be substantive and relevant as determined by the Faculty Peer Review Committee. Other factors, such as fulfillment of administrative duties, may be considered in the review.

The portfolio is reviewed by the Faculty Peer Review Committee, Vice President, and the President with final extended contracts contingent on final board approval. The review process will be completed and a decision rendered by March 1.

Faculty Peer Review Committee

A standing committee will consist of five members; two elected by faculty and two members appointed by the Vice President for Instruction and the President, with the final member chosen by the elected and appointed members. Staggered 3 year terms are to be determined by the first committee. The majority of the five-member committee will be faculty.

The Faculty Peer Review Committee, in collaboration with the Vice President for Instruction, will develop guidelines, criteria and procedures for review of portfolios and summative performance. These guidelines, criteria and procedures for review will be made available to the faculty.

Summative Review for Faculty Who Do Not Apply for Multi-Year Contracts

All faculty members who do not apply for multi-year contracts and title within 5 years of enactment of this policy or date of hire will be reviewed in the 5th year as described under summative review procedures described herein.

Other Contingencies

1. Faculty with at least three years of service at Oglala Lakota College, or six years at an accredited degree-granting institution of higher education, may choose to pursue the three-year contract through the process described here upon enactment of the policy.
2. In the event that the faculty member does not gain approval at the administrative/peer/presidential or board levels, areas needing additional development will be specifically outlined with an opportunity to improve performance within the next year.
3. Faculty members who fail to meet performance standards by the end of the improvement period will not be given new contracts.
4. In the event of a disagreement with the final recommendation, faculty members or administration can appeal through the College Grievance Procedure. (Policy 65-500-1)

Titles

Faculty who qualify under the provisions of this policy may use the following titles

- Instructor: (adjunct faculty on a semester-to-semester contract)
- Assistant Professor: Faculty member with a full-time contract
- Associate Professor: Faculty member with three-year contract
- Professor: Faculty member with a five-year contract

NOTE: Equivalent Lakota terms will be chosen by our Lakota culture faculty and included with titles above.

Compensation

Faculty awarded multi-year contracts will receive an increase in compensation. Faculty awarded 3 year contracts will receive a one-time increase in annual salary of \$1,000. Faculty awarded a 5-year contract will receive a one-time increase in annual salary of \$2,000. This will be in addition to educational increments and cost of living increases.

LEAVE

SICK LEAVE (POLICY)

Oglala Lakota College shall maintain an Annual and Sick Leave Program that is consistent in the maintenance of good employee relationship and morale. Such a program will also be consistent with federal fair employment practice.

Oglala Lakota College employees, including full-time faculty, shall earn sick leave at the rate of four hours per full pay period. Such leave can be taken for reasons of the staff member's personal health as well as their immediate family, (biological children, spouse, legal guardians, parents, grandparents and legal dependents. Temporary or part-time employees do not earn sick leave. Sick leave taken in excess of two days at any one time will be supported by a written statement from one practicing physician substantiating the fact that Oglala Lakota College employee was under care or observation. The supervisor is granted the authority to waive the provision depending on the extenuating circumstances. No salary will be paid for such sick leave that is not properly supported. Advances of sick leave may be made only upon formal approval of the President. Such leave can be taken only for reasons of the staff member's personal health.

1. Notification of Illness

Notification of absence for illness shall be given to the employee's immediate supervisor prior to 9:00 a.m. for the day involved, unless, on the judgment of the supervisor, the circumstances surrounding such absence made reporting before normal starting time impossible, in which event such report must be made as soon thereafter as is possible.

2. Advanced Sick Leave

Employees requesting sick leave will be required to submit their signed request with good and sufficient reasons supported by a medical certification from their doctor. The request must be approved by the supervisor and the President before such advance will be granted.

3. Limit Per Contract Year on Advanced Sick Leave

No more than 40 hours will be advanced on sick leave per contract year. Advance sick leave must be paid back within the contract year.

4. Donated Sick Leave

An employee may donate sick leave to another employee under the following conditions:

- a. Request must have doctor's statement attached for the period employee will be off work due to an illness.
- b. Employees must use up their annual, sick leave and advanced sick leave if eligible for this sick leave before they can request donated sick leave.
- c. Donated sick leave is for sick leave in excess of 20 days only.
- d. Donated sick leave is restricted to 15 days per contract year. After the 15 days, the employee must apply for OLC disability insurance plan.

- e. Only OLC employees who have excess of 80 hours of sick leave can donate to other OLC employees for the amount they have in excess of 80 hours.
- f. When the employee returns to work, any unused sick leave is returned to the employees who donated sick leave.
- g. A signup sheet for employees to donate sick leave to another employee does not occur until the Supervisor forwards the request to the President for final approval.
- h. Donated sick leave is restricted to employees who have successfully completed their probationary period.

64-140

LEAVE WITHOUT PAY (POLICY)

A. Leave Without Pay

In emergencies, or for authorized absences which cannot be charged to annual or sick leave because of insufficient leave earnings, the supervisor may authorize leave without pay.

64-160

BOT 08-10-15

ABSENCES WITHOUT LEAVE (AWOL) (POLICY)

A. Unauthorized absence shall be charged as absence without leave (AWOL). No salary will be paid for unauthorized absences. Absence without leave will be cause for disciplinary action in writing by the immediate supervisor.

64-320

BOT 08-22-18

PREGNANCY/FAMILY LEAVE (POLICY)

A. Pregnancy/Maternity Leave:

Employees will report pregnancy as soon as possible so health can be safeguarded and plans can be made for temporary replacements. Paid Pregnancy/Maternity Leave shall not exceed 20 working days (4 weeks). As part of the Paid Pregnancy/Maternity Leave, an employee can use part or all of the 20 working days for the period from the first day that a doctor orders bed rest up until the birth of a child. Any of the Pregnancy/Maternity leave that is left after birth of a child must be taken immediately following pregnancy and entitles an employee of up to 12

weeks of maternity leave that can be a combination of available Pregnancy/Maternity leave, annual leave, sick leave, or leave without pay. Pregnancy/Maternity Leave is separate from annual and sick leave and will be compensated at the employee's regular salary. Health insurance will be paid for an employee who is on unpaid leave and has completed the probationary period. To be eligible for maternity leave, an employee must successfully pass the probationary period.

B. Paternity Leave:

Paternity Leave will be granted upon request to the immediate supervisor within the first three (3) months after the birth of his legally dependent child for a period not to exceed two (2) weeks or 80 hours. This leave will be without pay. To be eligible for paternity leave, an employee must successfully pass the probationary period.

64-330

SUN DANCE LEAVE (POLICY)

Oglala Lakota College employees who are Sun Dancers in a Sun Dance can be granted up to ten working days of paid Sun Dance leave yearly.

Employees who support the Sun Dancers will be granted up to four days of paid Sun Dance leave per year.

Employees wishing to apply for Sun dance leave must submit to their supervisor a request for a specific number of days, at least two weeks in advance, along with an explanation of the degree of participation. The supervisor and employee will determine that the duties of the employee will be fulfilled, and that notification has been made in sufficient time for those duties to be fulfilled.

64-340

BEREAVEMENT LEAVE (POLICY)

Employees can be granted up to 5 working days bereavement leave for the death of a member of their immediate family (grandmother, grandfather, mother, father, sister, brother, wife, husband, son, daughter, grandchild). The college recognizes Lakota traditional relationships and if the deceased is truly considered a member of the immediate family, the President can authorize this leave also.

JURY LEAVE (POLICY)

When a college employee is summoned on a jury, he or she shall be entitled to receive his or her regular salary from the college while so absent and without loss of any leave credits. He or she shall not be entitled to his or her expenses from the college but is entitled to his or her fees as such juror as otherwise provided for by the statute in addition to his or her regular salary as a college employee. Any college employee summoned either as a witness or juror shall notify his employer at once.

64-400

Revised BOT 1-20-05, BOT 9-20-07, BOT 09-30-10

ANNUAL LEAVE (POLICY)

Oglala Lakota College shall maintain an Annual Leave program that is consistent with the maintenance of good employee relationship and morale. Such a program will also be consistent with federal fair employment practices.

A. Oglala Lakota College employees shall earn annual leave at the rate of four hours per full pay period if employed by Oglala Lakota College for three years or less, six hours per full pay period if employed by Oglala Lakota College for more than three consecutive years, and eight hours per full pay period if employed by Oglala Lakota College for more than fifteen consecutive years.

1. Honorable military service of at least twenty-four (24) continuous months, properly supported and documented, shall be creditable as employment by Oglala Lakota College for the purpose of computing annual leave earned. Annual Leave is earned from the date of appointment.
2. This policy of accrual of annual leave will not affect those employees on staff upgrade.
3. No employee shall earn annual leave on the basis of employment at any agency other than the College.
4. Only non-faculty employees hired to fill full time permanent position can earn annual leave.
5. In the first ninety (90) days of the probationary period, a new employee may not use accrued annual leave. When a current employee is hired for a new position within the college, he or she is placed on probationary status related to the new position. During

this probationary period, however, the employee will not lose the right to use annual leave already accumulated during employment in the previous college position.

6. Contract employees may carry forty (40) hours of unused annual leave over into the next contract year. Career employees may carry annual leave accrued into the next fiscal year. A career employee terminated or released may receive his annual leave as a lump sum payment.
7. Full-time faculty do not earn annual leave. However, full-time faculty will be allowed 5 days of personal leave per semester. This leave must be approved by the department chair of the faculty member before the leave is taken. If classes are missed, they must be made up. Classes missed and not covered will cause a deduction in pay at an approved rate. **Faculty members who move to a staff position may carry over a maximum of 40 hours of their personal leave to annual leave.**
8. Annual Leave and personal leave must be approved in advance by the supervisor and may be denied if working conditions do not permit the absence of the employee without jeopardizing the work.
9. When an employee leaves a staff position to accept a faculty position, sick leave can be carried forward to a new contract but annual leave not used prior to the end of a staff contract cannot be carried forward and is lost.

64-600

BOT 12-17-05, 12-17-16

HOLIDAYS (POLICY)

- A. Except faculty members, student interns/part-time employees and work study, Oglala Lakota College permanent full time employees, janitors and employees who are in a temporary appointment in a permanent position shall be entitled to take time off without decrease in compensation on:
 - i. New Year's Day (January 1)
 - ii. Martin Luther King Day (3rd Monday in January)
 - iii. President's Day (February)
 - iv. Good Friday
 - v. Memorial Day (May)
 - vi. Battle of Little Big Horn (June 25)
 - vii. Independence Day (July 4)
 - viii. Labor Day (1st Monday in September)
 - ix. Veterans Day (November 11)
 - x. Thanksgiving Day and the Friday following (November)
 - xi. Christmas Eve Day (December 24)

- xii. Christmas Day (December 25)
- xiii. Day after Christmas (December 26)
- xiv. Wounded Knee Massacre Day (December 29)
- xv. New Year's Eve Day (December 31)

- B. Native American Day will be a holiday for all employees; all offices will be closed and no classes will be taught.
- C. If a holiday falls on a Saturday, the preceding Friday shall be considered as a holiday, and if a holiday falls on a Sunday, the following Monday shall be considered as a holiday.
- D. Instructors shall have those holidays stipulated on the academic calendar plus any of the above holidays which fall on a Friday or outside a semester. In consideration of faculty teaching on holidays, faculty have a longer Christmas break than other personnel.
- E. The President with approval from the Board may at his discretion set additional holiday dates which Tribal, federal or state agencies may take.

64-700

COMPENSATORY TIME (POLICY)

- A. Compensatory Time must be based on hours worked per work week (from Saturday to Friday) and work performed in addition to regular required hours or duty as ordered and approved in advance by the supervisor. The employee or staff must agree in writing prior to the work to be performed in addition to regular hours to take time and a half leave as opposed to being compensated time and a half.
- B. Compensatory Time cannot be forfeited if not used within a certain time period.
- C. Compensatory Time must be recorded in a separate record and recorded within the work week as opposed to being recorded on the bi-weekly time sheets.
- D. Compensatory Time must be paid to any employee who has accumulated compensatory time at the rate of time and a half payment upon resignation, termination or otherwise leaving employment with the Oglala Lakota College.
- E. Compensatory Time policy does not apply to the President, Vice-Presidents, Faculty, Director of Centers or Programs, the Registrar, or Financial Aid Director.

SABBATICAL LEAVE (POLICY)

A. Definition

Sabbatical Leave is defined as a period of time granted to an employee in reward for extended years of service to Oglala Lakota College, during which the employee will pursue research, a formal plan of study, or other experience which will benefit themselves and the college.

B. Compensation

Compensation while on Sabbatical will be half time salary of the employee for one academic year, dependant on fund availability.

C. Requirements

1. Sabbatical Leave is open to full time employees only (full time faculty and full time staff) and does not exceed twelve months.
2. The employee applying for Sabbatical Leave must have worked at the College for six consecutive years and be in good standing. (S/he must not be on conditional contract or owe any money to the College.)
3. Sabbatical Leave is dependent upon approval from the Board of Trustees.
4. The employee must submit a formal plan detailing the research, course of study or other experience which will benefit the College and him/herself for the time period to be covered by the sabbatical.
5. If the applicant will take full time paid employment during his/her absence, he/she must request ELWOP for the period in question.
6. Full fringe benefits and annuities will be paid at the normal rate while the employee is on sabbatical leave.
7. Sabbatical Leave will be counted as part of the employee's total and consecutive years of service at Oglala Lakota College.
8. The employee is expected to return to Oglala Lakota College for a minimum of one contract year at the end of the Sabbatical Leave. Non-adherence to this policy will constitute a breach of employment contract with Oglala Lakota College and any salary received from Oglala Lakota College during the sabbatical leave must be paid back.
9. Final approval of Sabbatical Leave guarantees the same position on returning to Oglala Lakota College.

SABBATICAL LEAVE (PROCEDURE)

- A. The employee must submit a formal plan detailing the research, course of study or other experience to the employees' immediate supervisor no later than the end of the fall semester of the academic year preceding the year for which sabbatical leave is requested.

- B. The employee's supervisor will forward the application and action plan with recommendations to the President. Upon the President's approval, the request will be forwarded to the Board of Trustees.
- C. The immediate supervisor will ensure that adequate replacement for the employee is available while the employee is on Sabbatical Leave.
- D. In the event of more than one employee submitting for Sabbatical Leave at one time, the Board of Trustees will give preference on the basis of benefit to the college and to the reservation and secondly, on the basis of years of service to Oglala Lakota College.

EMPLOYEE BENEFITS

EMPLOYEE BENEFITS (POLICY)

It shall be a policy of the Oglala Lakota College Board of Trustees to provide employees of the Oglala Lakota College with health and annuity program fringe benefits, within budget limitations; approved annual health and annuity program; shall meet legal restrictions regulated and legislated by the Internal Revenue Code in addition to other applicable regulations so as to provide the optimum legal obligations of the institution and its employees.

It shall also be a policy of the Oglala Lakota College Board of Trustees to establish a procedure which ensures college personnel input into the development of initial specifications for the health and annuity programs on an annual basis, to include types of coverage, types of service (claims processing, booklet of coverage, on-site assistance), and other appropriate recommendations for consideration, with such recommendations to be processed through established decision-making procedures of the Oglala Lakota College. It shall be an annual charge of the Institutional Development Committee to implement established procedures regarding this Health and Annuity Program policy.

Current Benefits

Fringe benefits are established, periodically, by the Board of Trustees as a percentage of salary.

Current fringe benefits are 30% of the gross salary and include Social Security and Medicare as a required federal deduction, along with unemployment insurance as required by state law. Employee life insurance and disability are OLC mandated coverage for employees to be paid from their fringe. You are eligible for life insurance and disability when all the completed paperwork is received by the Personnel Office.

The following are optional benefits available for purchase with an employee's fringe benefits: Health Insurance, Vision Care, Prescription Drugs, Family Life Insurance, Dental, and Retirement Plan. You are eligible for employee health insurance, vision, dental and family life insurance when all the completed paperwork is received by the Personnel Office. Any unspent balance of the 30% fringe benefit will be deposited into the employee's annuity account. The only annuity account provider is TIAA-CREFF. Employees are not eligible for retirement or annuity plans until they have completed and passed their probationary period and all the properly completed paperwork is received by the personnel office. For the retirement and annuity plans, it is the employee's responsibility to return all forms to the personnel office before the end of their probationary period. Failure to return the documentation will mean a loss of the benefits until the open enrollment period except for retirement and annuity plans. If an employee closes their annuity account, any annuity payments not posted to their annuity account will mean a loss of the benefit. The optional benefits will take effect the month following receipt of the properly filled out required forms. If an employee elects to purchase

more benefits than he/she has fringe benefits available, the difference will be deducted as a fringe overpayment from the employee's wages.

Benefits for existing employees can only be changed/added/deleted during the open season in September with the exception of the TIAA Retirement accounts. An employee may begin contributions at any time. The matching contribution will not begin until an employee has been employed with OLC for one contract year. After the year OLC will match the employee contribution in accordance with approved BOT scale for retirement matching.

1-2 Years	2%	13-14 Years	8%
3-4 Years	3%	15-16 Years	9%
5-6 Years	4%	17-18 Years	10%
7-8 Years	5%	19-20 Years	11%
9-10 Years	6%	20+Years	12%
11-12 Years	7%		

In order to go the next level on the scale, an employee must have started the first year listed on that scale level. For example, on the second scale line (3-4 years), an employee would be eligible on day one of year 3 for 3%. Each increase on the scale will follow this requirement. The employee's years of service must be verified through personnel before contributions will begin. Consecutive years only will be counted towards an employee's placement on the scale.

OLC employees are also eligible to visit, audit, or take for credit classes at OLC free of tuition (see policy and procedures 67-300-1). Courses taken during regular working hours must be approved by the employee's supervisor in line with a specific individual upgrade plan.

67-300
BOT 12-21-02

PERSONNEL DEVELOPMENT (POLICY)

Administrative Professional Staff

In order to encourage staff members to increase their leadership skills to provide training for maintaining an adequate supply of supervisory and managerial personnel, the college shall have a leadership development training program provided that funds are available. The President is authorized to set up and maintain such a program.

Staff Development

1. Oglala Lakota College recognizes the need for ongoing staff/faculty development to help maintain a high quality of education for its students.

2. Oglala Lakota College recognizes the need for not only academic and technological training, but for cultural training to aid staff/faculty in gaining a better understanding of its students and their communities.
3. Oglala Lakota College will promote and foster staff development through educational leave and in-service training, provided that funds are available.

67-300-1

BOT 06-29-2006, 04-29-2010

PERSONNEL DEVELOPMENT (PROCEDURE)

A. Definition

Staff development is prescribed training involving Oglala Lakota College staff during the course of their employment at the college. The training may take a variety of forms and is grouped into three broad categories.

1. Tuition Waivers

All employees will be granted tuition cost waivers when no other financial aid is available or when sufficient financial aid is not available. Full-time faculty and staff will also be granted reasonable leave time and travel time to attend courses offered by Oglala Lakota College leading to the next highest college degree at one of the satellite centers (i.e. 30 miles of travel = 45 minutes time/weather is a considerable factor). Only one course may be taken during working hours with sufficient travel time granted to drive to and from the center of attendance. If additional course work is requested, leave time will be arranged between the supervisor and employee (i.e. comp. time, annual leave, etc.). Tuition waivers will also be granted to adjunct faculty and part time employees, but no leave time will be granted by OLC.

If any other financial aid is awarded to the student for the semester, including scholarships, it will first be applied to non-tuition costs (other fees). Any remaining financial aid will be applied to tuition cost with the balance being waived. (BOT 6-26-03) If Pell is awarded during the same Pell year that the staff tuition waiver is granted, it will be applied to prior semester cost as long as the employee has set up a payroll deduction to cover their school bill of not less than \$12.50 per pay period. If a payroll deduction has not been set up, Pell allows for the Pell to be applied to any time during the school year and it will be applied to prior semesters of the current Pell year.

2. In-Service

Taken while the staff member is on the job and is normally scheduled into the individual's work schedule. This type of training may take the form of workshops, seminars, mini-courses, research projects or a limited number of academic courses which may or may not be for credit (related policies: 62-001, Comp Time; 44-006, Travel; 53-000, Transportation).

3. Individuals attending courses at institution other than Oglala Lakota College and who continue to work full time at the College will be granted tuition and one-half their mileage costs from the Oglala Lakota College center or extension nearest to their home to the campus. Upon the availability of funds mileage will be paid.

4. Educational Leave

Training which cannot otherwise be pursued while working at OLC. Staff is granted leave from the college for a prescribed extended period of time usually to pursue a degree, (BA, MA, Ph. D., etc.). Research projects as part of an individual's training may also necessitate leave.

B. Purpose

The purpose of staff development is threefold:

1. Pursuant to Lakota self-determination, the college places heavy emphasis upon qualified Oglala Sioux Tribal member to be involved as personnel in college programs. Staff development allows for tribal members employed at the college to upgrade themselves into other positions within the college.
2. The college is a growing institution that is constantly striving to provide quality higher education to its students. The development of new programs and educational requirements will result in a need to provide ongoing training to faculty and staff. In some cases, training will need to begin at the outset of employment. The efficient functioning of each department will mandate the needs for training.
3. Since Lakota Studies lies at the heart of the college mission and purposes, all staff are encouraged to increase their knowledge in this area and, where feasible, to contribute through research and development.

C. Priorities

1. The following priorities will apply to all decisions concerning staff development. The staff development screening committee will develop a priority checklist based upon the following objectives to screen all applicants.

2. The Staff Development Screening Committee will meet in the spring of each year to determine the overall educational needs of the college for the following year. Areas of need will be prioritized.
3. Staff development at college expense must have direct bearing to the college and the fulfillment of its missions and purposes. Staff development will depend upon the availability of funds. The college will set aside a portion of its annual budget for staff development.
4. Preference for staff development will be given to Oglala Sioux Tribal members, other American Indians, and non-Indians in that order in relation to institutional program and activity priorities as part of short range and long range plans.
5. In the event that the above priorities result in equal applicants, a successful work record, and length of time employed by the college should be used as criteria for selection.

D. Eligibility

During the first year of employment, training and development must be directly related to the employee's job requirements. After the first year of employment, staff development requests will be determined by both personal and institutional goals. No educational leave will be granted until the employee has been with the college for one year. Staff development is open to all full time college employees.

E. Contractual Agreements

All staff development will occur through an appropriately negotiated agreement stipulating:

1. Budget
2. Length of time on leave
3. Place of training
4. Training progress reports and other necessary documentation of satisfactory progress.
5. Remuneration and obligations to college and individual.
6. Mileage will not be paid to Oglala Lakota College classes.

F. Authority and Responsibility

All educational leave recommendations will originate with appropriate staff and supervisors. A staff development screening committee comprised of the Director of Institutional Development and two members from the Institutional Development Committee, will review the applications in light of overall college goals and objectives. The committee will prioritize the applications and will submit them to the President's Council for approval. Educational leave must also go to the Board of Trustees for approval. Applicants will receive notification of approval or disapproval 6 weeks prior to the new semester.

G. Remuneration

The College will set aside a portion of its annual budget for all staff development activities, if funds are available. Individuals on an approved staff development plan will be required first to apply to other sources of financial aid for which they may be eligible. Only when an individual documents that all sources have been exhausted and the individual has been found ineligible for financial aid, will the college bear total negotiated expenses. Remuneration for extended training periods will be according to a fixed budget formula that will provide in addition to normal training costs, reasonable allowance for living expenses.

67-400

STAFF AWARDS (POLICY)

To promote employee morale, Oglala Lakota College will hold an Annual Awards ceremony where employees receive recognition for work well done and other accomplishments. The Activity Committee will determine categories, selection procedures and awards and forward these to the President for approval and implementation.

67-600

EMPLOYEE GIVING (POLICY)

Oglala Lakota College is engaged in a major national effort to develop an endowment to increase quality of services and provide security of funding. Employees are asked to contribute something to the endowment. This can be done through payroll deduction. See the Pay Roll Officer, if you have questions.

EMPLOYEE ASSISTANCE

EMPLOYEE ASSISTANCE PROGRAM (POLICY)

PHILOSOPHY

Various social, family, and personal problems, including the abuse of alcohol and/or drugs, can be an obstacle to the development of individual students, staff, and others. These problems may be major contributors to poor work performance, absenteeism, communication problems, physical and mental health concerns, and poor self-concept. These difficulties affect individuals regardless of culture, age, socio-economic status, education, or religious affiliation. These difficulties can be addressed successfully. The troubled employee's behavior affects friends, family, coworkers, and self, and therefore supports the provision of a comprehensive approach to intervention.

To this end, OLC will maintain an Employee Assistance Program to assist individuals who may experience difficulties including their own or a family member's alcohol and/or drug abuse. The goal of this program is to prevent dismissal of an employee due to alcohol or drug abuse, or other personal issues.

69-100-1

EMPLOYEE ASSISTANCE PROGRAM (PROCEDURES)

A. Employee Assistance Program

The Employee Assistance Program is a means for helping employees who may be experiencing problems due to their own alcohol and drug abuse or other social, family, or personal problems. The purpose of this program is to offer early intervention to employees exhibiting poor work performance and other problems. The program will offer assistance using college, community, and tribal resources.

B. Procedures for Dealing with Troubled Employees

1. Employee Assistance Program Responsibility

a. The Employee Assistance Director, under the direct supervision of the President, will be responsible for coordinating the Employee Assistance Program including:

- I. Provide counseling or referral of employees to appropriate course of intervention.
- II. Maintain documentation of all contacts, contracts, assessments, and referrals.

- III. Train supervisory staff and update all personnel concerning Employee Assistance Program services.
- IV. Mediation of inter-personal conflicts that interfere with work performance.

b. Employee Assistance Program supervisor training. All supervisory personnel will have ongoing training annually which will include the following:

- ii. The dynamics of alcohol and drug abuse.
- iii. Interviewing techniques.
- iv. The intervention process.
- v. Indicators of problematic behavior.
- vi. Confidential documentation.
- vii. Identification and maintenance of referral, treatment, and after-care resources.
- viii. The human grief process.
- ix. The addictive behavior cycle.

c. Referral. All referral will be without prejudice. Neither the occurrence of a referral nor any material produced in the process of referral may be used in any form as the basis for any disciplinary action against the referee.

- ii. All referrals are without prejudice.
- iii. An employee may do self-referral
- iv. Supervisors will do employee referrals
- v. Board chairpersons will do member referrals.
- vi. Employee may refer supervisor.

d. Work performance monitoring and referral.

- ii. It is the responsibility of the immediate supervisor to monitor and document inappropriate behavior on the job and poor work performance.
- iii. When an issue arises the supervisor and employee will negotiate an acceptable limit for the documented resolution of the issue.
- iv. In the event the documented resolution is not met, the supervisor will refer the employee to the Employee Assistance Director.
- v. The Employee Assistance Program Director will interview and assist the employee in identifying the problem and will make the appropriate referral.
- vi. The employee must develop stipulations with the Employee Assistance Program and the supervisor. If there is no improvement, the immediate supervisor will begin disciplinary procedures.

e. Referral to in-patient treatment

Employees who are referred, either by the Employee Assistance Program or by self-referral, will utilize in order (1) short term disability coverage (2) personal sick/annual leave (3) donated leave. Once these sources are exhausted, administrative leave for a period not to exceed 30 calendar days will be considered. Employees returning from treatment will be provided with after-care and follow-up services including a re-entry interview with the supervisor and the Employee Assistance Program Director. At this time, a contract will be drawn for the purpose of after-care. Failure to keep the terms of this contract by the employee will result in termination of the employee. Follow-up services will include but are not limited to financial management consultation, work performance monitoring, and referral for after-care support group.

2.Other Considerations.

- a. All supervisors will keep for the use of employees an Employee Assistance Program manual which will include information on resources, policies, procedures, and information signs, symptoms, and characteristics of problem behavior.
- b. The supervisor and the Employee Assistance Program will operate under the strict law of confidentiality.
- c. All employees will receive information on the Employee Assistance Program at the time of hiring. Current employees will receive orientation to the program at the beginning of each contract year.

EMPLOYEE ACTIVITIES

PROFESSIONAL PUBLISHING (POLICY)

A. Professional Publishing

1. Employees are encouraged to contribute professional articles to local, state and national publications. All professional articles in which the college or any of its departments is mentioned should be reviewed, in advance, by the Vice President for Instruction.

68-600

PROFESSIONAL PUBLISHING - COPYRIGHTS (POLICY)

A. Professional Publishing - Copyrights

1. The Board recognizes that employees under contract to the OLC may, in carrying out their professional responsibilities, develop educational materials for use in the college program. It is understood by the board and employees that such materials developed as a part of regular employment are the property of the OLC. It is also understood that educational materials created during the leisure hours when an employee is not fulfilling his/her contractual duties to OLC are the property of the employee.
2. The President will consult with the appropriate employee on the continued use of taped materials, both within or outside the college, beyond the school year for which is was originally made.
3. The President shall ensure that a contractual agreement form and assignment of copyrights interests form shall be executed between the employee and the college when requested by the Board.

67-200

POLITICAL ACTIVITIES (POLICY)

1. A college employee shall not be obliged, by reason of their employment to contribute to any political fund, or collections or to render such political services and may not be removed or otherwise disciplined or prejudiced for such refusal. A college employee shall not use his/her official authority or influence to coerce the political action of a person or group.

2. Employees, when exercising their First Amendment freedoms, must be sure to separate themselves from association with the college.

3. Oglala Lakota College does not take positions on political issues involving the tribal government or United States government but it does encourage debate on issues.

GOVERNANCE

PIYA WICONI OKOLAKICIYE / COLLEGE LEGISLATURE (POLICY)

A. Purpose of PWO

1. The PWO provides participation in the governance and policy-making processes for all components of the college community: students, staff and faculty. PWO actions occur within the existing administrative and policy making structure of the college.
2. The PWO provides members of the components of the college a means through which they can assist the Board of Trustees and the President with planning.
3. The PWO provides a forum for the open discussion of major issues affecting the college community.

B. Specific Functions of PWO

1. PWO recommends new policies to the President for review and possible introduction to the Board of Trustees.
2. PWO refers issues affecting the college to its standing committees for review and response to PWO.
3. PWO reviews recommendations from its standing committees.

PIYA WICONI OKOLAKICIYE / COLLEGE LEGISLATURE (PROCEDURE)

1. The current by-laws and amendments to PWO will be recognized as the official procedures for the functioning of the assembly, (See exhibit 35-000-2).
2. Amendment to the by-laws may be added providing at least a 2/3 majority of PWO with concurrence of the President. Amendments must be introduced at regular meetings and, with the approval of a majority of the PWO, will be voted upon at the next meeting of the PWO.

BY-LAWS OF PIYA WICONI OKOLAKICIYE (EXHIBIT)

INTRODUCTION

The Piya Wiconi Okolakiciye was developed to meet the need for decision-making in a format consistent with Lakota culture and with standard academic institutional practice. Piya Wiconi Okolakiciye provides a channel to examine issues affecting the college community and to utilize staff, instructors and students to recommend means toward more effective service to the college's constituencies.

A. Purpose of Piya Wiconi Okolakiciye

1. The Piya Wiconi Okolakiciye provides participation in the governance and policy-making processes for all components of the college community: students, staff and faculty. Piya Wiconi Okolakiciye actions occur within the existing administrative and policy making structure of the college.
2. The Piya Wiconi Okolakiciye provides members of the components of the college a means through which they can assist the Board of Trustees and the President with planning.
3. The Piya Wiconi Okolakiciye provides a forum for the open discussion of major issues affecting the college community.

B. Specific Functions of Piya Wiconi Okolakiciye

1. Piya Wiconi Okolakiciye recommends new policies to the President for review and possible introduction to the Board of Trustees.
2. Piya Wiconi Okolakiciye refers issues affecting the college to its standing committees for review and response to Piya Wiconi Okolakiciye.
3. Piya Wiconi Okolakiciye reviews recommendations from its standing committees.

MEMBERSHIP

Membership in Piya Wiconi Okolakiciye is a combination of elected representatives and ex-officio members that represent a cross-section of the faculty, staff, and students of Oglala Lakota College.

A. Composition:

Component	Number of Reps	Methods of Selection
1. Instructional Division	4	Elected
2. Non-Instructional Division	4	Elected
3. Student Governance Committee (11)	4	Rotating Membership
4. Ex-officio	5	Chairs of Standing Committees
TOTAL	17	(12 elected, 5 ex-officio)

The President, Vice-Presidents, and Development Director are ineligible for membership in Piya Wiconi Okolakiciye.

Chairs of Standing Committees may be appointees to Piya Wiconi Okolakiciye which will lower the total number of representatives.

B. Terms of Office:

1. Representatives - as determined by the electing constituency. If a member (non-officer) is going to be absent, they may assign an alternate from the group they represent to attend and to vote in their place.
2. Students - one year. If a student (non-officer) is going to be absent, they may assign an alternate from their college center to attend and vote in their place.
3. Ex-officio - duration of chairpersonship.
4. Replacement of members unable to fulfill terms will be chosen according to election procedures described in A above.
5. Resignation – respectfully give written notification. Members absent for three consecutive meetings with no representation shall be removed from membership by written notice to their respective groups. Can be removed for cause.

(Ex-officio members are non-voting unless they also are elected Piya Wiconi Okolakiciye members.)

C. Election of Staff Representatives:

1. Each constituency will inform the outgoing chair of Piya Wiconi Okolakiciye of the names of representatives for the coming academic year before the first scheduled meeting of Piya Wiconi Okolakiciye for the academic year.

SELECTION AND RESPONSIBILITIES OF OFFICERS

A. **Officers** – Officers will be elected from instructional division and non-instructional division representatives who have been employed by Oglala Lakota College at least two years prior to election. The rotating membership of the students precludes them from holding elected office.

B. **Chairperson** - The Chairperson will be elected by the members of Piya Wiconi Okolakiciye every two years (staggered terms). Election will require simple majority of members present.

1. The Chairperson presides at Piya Wiconi Okolakiciye meetings.
2. The Chairperson is responsible for preparing each agenda and publishing it at least one week prior to scheduled meetings.
3. The outgoing chairperson from the previous year is responsible for calling and conducting the first meeting of each new academic year.

C. **Vice Chairperson** - Selection will be selected by the same process as the Chairperson. The Vice Chairperson will assume the duties of the Chairperson in his/her absence.

D. **Recorder** - The Recorder will be selected by the same process as the Chairperson.

1. The recorder is responsible for recording and dissemination of minutes for each meeting within seven (7) days following approval of minutes.
 - a. original in Piya Wiconi Okolakiciye files
 - b. copy will be available on-line.
2. The recorder is responsible for maintaining Piya Wiconi Okolakiciye files.

MEETINGS

A. Piya Wiconi Okolakiciye regular meetings will be held monthly from September through May.

B. Special meetings of Piya Wiconi Okolakiciye may be called by the Chairperson with the consent of the College President to discuss pressing college wide topics. Students who are part of the discussion or are scheduled for that month will be required to attend the special meetings. This also includes summer meetings.

C. Should any pressing business come up during summer months (June, July, and August):

1. The chairperson of Piya Wiconi Okolakiciye may call a special meeting with the consent of the College President. Members of Piya Wiconi Okolakiciye, who plan on being away from the area during the summer months may designate, in advance, an alternative to attend meetings of Piya Wiconi

Okolakiciye called during the summer months. The designated alternative may not represent more than one person. Designation of alternatives must be in writing.

2. If a quorum cannot be met, the College President may make a one-time administrative decision, which will be reviewed by Piya Wiconi Okolakiciye during the regular September meeting.
- D. A quorum will be a majority of the elected members (7).
 - E. Agenda: Any person from any component may request consideration of his/her concern for review by Piya Wiconi Okolakiciye and referral to appropriate committee.
 - F. Voting: Only recognized representatives may vote on any issue. Secret ballots will be utilized at the request of any member.
 - G. Robert's Rules of Order will govern proceedings of the Piya Wiconi Okolakiciye and its committees.
 - H. Meetings of Piya Wiconi Okolakiciye will be open to any member of the college community who may be recognized at appropriate stages of Piya Wiconi Okolakiciye proceedings.
 - I. The President's secretary will keep a copy of the minutes for two years.

STANDING COMMITTEES

Standing Committees are the primary working subdivision of Piya Wiconi Okolakiciye and will transact Business assigned by either Piya Wiconi Okolakiciye or the President of the college. All recommendations from committees will be transmitted to the Chairperson of Piya Wiconi Okolakiciye and to the President.

Membership:

1. Staff and Faculty Members:

All employees of the college are expected to participate in Piya Wiconi Okolakiciye committees. It is the responsibility of each division supervisor to assure appointment of each employee to a committee within the context of college priorities, employee preference and the need for representation from each division.

2. Student Members:

Each student organization will elect one (1) member to the Student Governance Committee Membership. Prior to the September committee meetings, the students will select the committee to which they will be assigned. (No more than 3 students on any one committee.)

The Standing Committees and Their Responsibilities:

1. Instructional Affairs:

- a. Reviews curricula
- b. Establishes standards for instructional staff.
- c. Reviews and recommends action on instruction-related tasks from any component of the college as referred to it by Piya Wiconi Okolakiciye or the President, or adopted by vote of a majority of committee members.
- d. Chairperson: selected by simple majority of members present at first meeting of each academic year.
- e. Proceedings: minutes will be made available on the OLC website.
- f. A member of the senior administrative staff designated by the President will serve as an ex-officio member of the committee.

Permanent Sub-Committee: Assessment Committee Reviews and oversees all aspects of institutional assessment and accreditation. Develop policies and procedures relevant to assessment. Membership appointed by administration. Chair: selected by simple majority of members present at the first meeting of each academic year.

- a. Reviews and recommends action on tasks assigned by either Piya Wiconi Okolakiciye, or the President, the VP of Instruction, or adopted by vote of a majority of committee members.

2. Institutional Development Committee:

- a. Reviews and recommends changes in College Strategic Plan.
- b. Assists and monitors accreditation development and maintenance.
- c. Reviews and recommends long-range goals and objectives.
- d. Chairperson: selected by simple majority of members present at first meeting of each academic year.
- e. Proceedings: minutes will be made available on the OLC website as a permanent record.
- f. Reviews and recommends action on tasks assigned by either Piya Wiconi Okolakiciye or the President, or adopted by vote of a majority of committee members.
- g. A member of the senior administrative staff designated by the President will serve as an ex-officio member of the committee.

3. Student Services Committee:

- a. Reviews and recommends Student Services policies and procedures.
- b. Reviews requests for student activity proposals and costs.
- c. Acts as Financial Aid committee.
- d. Acts upon specific assignments by Piya Wiconi Okolakiciye or President, or adopted by vote of a majority of committee members.

- e. Chairperson: selected by simple majority of members present at first meeting of each academic year.
 - f. Proceedings: minutes will be made available on the OLC website.
 - g. A member of the senior administrative staff designated by the president will serve as an ex-officio member of the committee.
- Permanent Sub-Committee: Institutional Activities Plans annual graduation activities. Plans and monitors social functions for Oglala Lakota College staff. Plans and coordinates institution-wide events. Chair: selected by simple majority of members present at the first meeting of each academic year.

(ex-officio members are non-voting members.)

AMENDMENTS TO BY-LAWS

Only by 2/3 majority of Piya Wiconi Okolakiciye with concurrence of President. Amendments must be introduced at regular meetings and, with the approval of a majority of the Piya Wiconi Okolakiciye, will be voted upon at the next meeting of Piya Wiconi Okolakiciye.

ACTIONS of Piya Wiconi Okolakiciye

- A. Proposals introduced to Piya Wiconi Okolakiciye by members of the college community may be referred by simple majority to an appropriate committee for deliberation. Piya Wiconi Okolakiciye need not refer all proposals to a committee.
- B. Reports from Committees to Piya Wiconi Okolakiciye
 - 1. received
 - 2. referred back to committee with special instructions for amendment.
 - 3. submitted to the President in proper form one week in advance.
- C. Presidential Response:
 - 1. return to Piya Wiconi Okolakiciye with objections or request for additional information within two weeks after the presentation.
 - 2. agree to present Piya Wiconi Okolakiciye voted recommendations to Board of Trustees for adoption.
 - 3. in cases where Piya Wiconi Okolakiciye receives President's objections and cannot resolve their opinion with that of the President, the President agrees to present the Piya Wiconi Okolakiciye recommendation to the Board of Trustees with his/her objections. (The President must invite Piya Wiconi Okolakiciye to designate a spokesperson to present its position.)
 - 4. Board of Trustees actions will be returned to Piya Wiconi Okolakiciye within two weeks. It is the responsibility of the chair of Piya Wiconi Okolakiciye to insure that the originating parties are informed of these actions.

GRIEVANCE POLICY & PROCEDURES

EMPLOYEE COMPLAINTS AND GRIEVANCES POLICY

The Oglala Lakota College Board of Trustees shall provide employees with guidelines and procedures for use in fairly and legally resolving problems that arise from any practice, condition of employment, situations or events, or other performance or personnel matters that affect or interrupt employees' delivery of contracted services. The established complaints and grievance procedures shall include both formal and informal procedures, and shall ensure fair, equitable, legal, consistent, and timely processing of employee grievances.

Employees shall be responsible for the initiation of complaints and grievance procedures to resolve work difficulties; failure to use established procedures shall constitute a violation of the employee contract agreement that may result in disciplinary action. A major focus of the employee grievance and complaints procedure shall be to resolve difficulties at the lowest administrative level.

If the employee chooses not to appeal an appealable sanction, the action and sanction shall become final without further proceedings or notice to the employee. An appeal shall not stay or delay the effective date of the sanction specified in the notice of the disciplinary action.

65-500-1

04-27-2006, 08-10-15, 03-28-18, 04-25-18, 09-26-18

EMPLOYEE COMPLAINTS AND GRIEVANCES (PROCEDURE)

A. Definitions

1. Grievance: Any written claim alleging a violation, misrepresentation or inequitable application of any college policy, procedure or established practice regarding terms and conditions of employment. Also, when an employee is given the option to resign rather than being terminated, the employee has the right to file a grievance.

The grievance shall contain the following information:

1. Reference to the section or sections of the Personnel Policies alleged to be violated, if any;
 2. A written statement describing the circumstances surrounding the alleged violation;
 3. The remedy requested; and
 4. The signature of the grievant and the date the grievance was filed.
2. Grievant: An employee of the college allegedly aggrieved and making a claim for redress (similar grievances or complaints may be consolidated and processed together as a single issue as appropriate).

3. Hearing Officer: A professional hearing officer who will be the final arbitrator of the employee grievance. A Hearing Officer is contracted through a solicitation of attorneys and college and school administrators who have had experience with employee grievances. If the college has a pool of hearing officers, the Hearing Officer shall be selected through a random process. A format for the hearing before the Hearing Officer will be provided to the grievant.
4. Personal Relief: A decision from the Hearing Committee to OLC Board President regarding a specific remedy directly benefiting the grievant. Personal relief may include a request for back pay if the employee has been suspended or terminated and is requesting reinstatement, but will not include a request for damages.
5. Respondent: Any person or persons named in the grievance as having caused or contributed to the grievance.
6. Party in Interest: Any person or persons who may be required to take action in order to resolve the grievance.
7. Representative: Any individual selected by the grievant to act for, on behalf of, or to assist the grievant.
8. Supervisor, or Immediate Supervisor: The person to whom the Grievant directly reports to and takes direction from.

B. Stage One – Informal Grievance Procedure

The best and usual way for resolving employee problems is the informal procedure which is an attempt to resolve the difficulty among the grievant, the immediate supervisor of the grievant, and any parties-in-interest. The grievant may waive stage one if the issue involves their immediate supervisor and they have already attempted to resolve the issue with their immediate supervisor.

<u>Responsibility</u>	<u>Action</u>	<u>Time Limit *</u>
Grievant	Must notify immediate supervisor of grievance in writing.	5 business days * from occurrence
Supervisor	Provide a private conference with appropriate parties of interest	3 business days * from notification
Supervisor	Document decision and provide to grievant and respondent and advise them of formal grievance procedures if they feel the issue is not resolved.	2 business days * from private conference

If submission of the grievance is untimely, it shall be dismissed and the action and sanction shall become final without further proceedings or notice to the employee unless the OLC Board President agrees to extend the filing deadline for good cause shown. The grievant must request that the filing deadline be extended in writing to the OLC Board President within 10 business days of the initial occurrence.

C. Stage Two - Formal Grievance Procedure

If the decision of the immediate supervisor is deemed unsatisfactory by the grievant or the grievant waived the Informal Grievance Process (Stage 1), the grievant may proceed to a formal grievance procedure.

The formal grievance procedure consists of a hearing before a Hearing Officer.

Step 1. – Hearing by Hearing Officer Process and Timelines:

<u>Responsibility</u>	<u>Action</u>	<u>Time Limit</u> *
Grievant/Respondent	File written appeal to the Personnel Director requesting a hearing before a Hearing Officer shall be accompanied by a short and specific statement giving the reason for the appeal.	5 business days * from receipt of the Informal Hearing decision.
Personnel Director	Select Hearing Officer and set up hearing with Hearing Officer	10 business days * from written receipt of request before Hearing Office
Hearing Officer	Hold Hearing	Earliest time available not to exceed 10 business * days.
Hearing Officer	Written decision of the Hearing Officer is sent to grievant and respondent and filed with Personnel Director	5 business days * from Hearing

The decision of the Hearing Officer is final and is binding upon all parties involved in the grievance. If the employee was suspended without pay and is subsequently reinstated, the

Hearing Officer may determine if any back pay will be paid for the period of the suspension.

If an application is untimely, the appeal shall be dismissed and the action and sanction shall become final without further proceedings or notice to the employee unless the OLC President agrees to extend the filing deadline for good cause shown.

Mootness of Complaints and Grievances: If at any stage in the informal and formal grievances a documented, consensus resolution to the initial grievance becomes realized and no further action is required, or if the condition originating the grievance becomes non-existent, the issue shall become moot; but, the record of proceedings occurring prior to mootness and any evidence of record submitted prior to mootness shall be admissible if relevant to subsequent situations or events precipitating similar grievances or actions.

Conduct of Hearings: The conduct and procedure followed by the Hearing Officer shall be initiated by the college. Sufficient records should be kept to back up decisions and be passed on to the next level if appealed.

67-100

EMPLOYEE PROTECTION (POLICY)

A. Employee Protection

1. The Board of Trustees will supply, upon request from the President, adequate legal counsel for the defense of college employees who are called into court or for administrative hearings as a result of enforcing the provisions of Board policy.

EMPLOYMENT

HIRING OF PERSONNEL (POLICY)

A. Responsibility for Personnel Action

1. The Board of Trustees of the Oglala Lakota College has the ultimate responsibility for all personnel actions. The role of the Board is to insure that policy and procedures have been followed in the hiring and termination of employees.
2. Oglala Lakota College is empowered to recruit and hire all personnel as necessary for implementing its objectives and purposes. In executing its personnel program, the college shall follow the personnel policies and procedures as adopted by the Board of Trustees.
3. These personnel policies and procedures are to be available in the Office of the President and the offices of each district center.
4. Indian preference in hiring and fair employment labor practices as defined in Title VI, the Equal Employment Opportunity Act are applicable guidelines in the personnel program of the Oglala Lakota College.

B. Employment of Qualified Personnel by OLC

1. The Board of Trustees recognizes the significance of employing those people most qualified to fulfill the responsibilities of established positions within the college. Only by employing such people can the Board assure that its mission of providing quality education to members of the Oglala Sioux Tribe will be effectively accomplished.
2. Although the Board continually strives to honor its philosophy of hiring local qualified Lakota's for the positions within the college, it recognizes that when such people are not available, qualified non-Lakota's must be hired.
3. It is with this intention of attracting and hiring the most qualified individuals for the positions within the college, that the following search and screen procedures are set forth.

1-250-1

BOT 10-05-2005, 3-22-07, 01-28-16, 08-22-18

HIRING OF PERSONNEL (PROCEDURE)
(SEARCH AND SCREEN)

- A. Applicability: The search and screen procedures, as defined in this section, are applicable to those major positions of the college, namely: the Executive Vice-President for Community Services and Student Development; the Vice-President for Instructional

Programs; the Vice-President for Business Affairs; the Director of Institutional Development, and the President. In addition, the Board may feel that the filling of another position other than that described above is crucial enough to warrant the application of search and screen procedures. The board, in this case, may direct that search and screen procedures be applied to that particular position.

- B. Deadlines: Immediately upon the vacancy of one of the above positions, that President or other executive officer shall initiate search and screen procedures as defined in this section. Vacancy announcements shall be distributed according to guidelines as defined in this handbook. The Personnel/Grievance Committee shall be called together for the purpose of appointing a Search and Screen Committee. Due to the difficulty sometimes encountered in filling key positions, reasonable time shall be allowed the Search and Screen Committee to submit a list of potential candidates. For those positions for which other executive office shall recommend to the Board at their next regular meeting, that search and screen procedures be initiated for the position in question. Along with the recommendation for search and screen procedures be initiated for the position in question. President or other executive officer shall submit a list of potential search and screen committee members from which the Board will appoint a search screen committee if they decide to initiate such procedures.
- C. Prohibiting former employees who resign or terminated from applying for College positions for one year.

A former employee who resigns or is terminated from their OLC position will not be allowed to apply for an OLC position for one year commencing on the date of resignation or termination. The OLC President can waive this requirement when an employee requests a waiver and has presented compelling reasons for granting this request.

D. Search and Screen Committee:

1. Membership: The committee shall be comprised of six (6) members chosen in the following way: two program directors or supervisors; two teaching faculty; one center director; one student; both of the major divisions of the college must be represented; the program directors or supervisors may not be from the same division; the teaching faculty may not be from the same department; the student shall be an active student enrolled either part-time or full-time. As soon as possible after appointment, the committee shall convene for the purpose of initiating search and screen procedures. A chairman will be appointed from among and by the members. The responsibility of the chairman shall be to facilitate the meetings and coordinate the functions and responsibilities of the committee.
2. Responsibilities: The major responsibility of the committee shall be to complete a list of potential candidates for the position candidates for the position in question. The committee may utilize those means of recruiting applicants that it deems essential to accomplishing the task. Care should be

exercised, however, to insure that such means are within policies and guidelines of the college and within the limits of availability of financial resources.

The chairman shall delegate the various identified tasks to the members of the committee. Form among the list of potential candidates, the committee shall bring in a reasonable number of the candidates for the purpose of interview with the appropriate personnel of the college and with the Personnel/Grievance Committee.

3. Candidates: Potential candidates shall be those who have responded to the vacancy announcement and those who have been recruited by the committee by whatever means they may have devised. Candidates shall be considered based solely upon the requirements and responsibilities of the position in question. Sincere efforts shall be made to recruit Indian people, preferable local, who meet the requirements. The committee shall utilize as a guideline in recruiting candidates, the vacancy announcement and job descriptions specifically related to the position in question. In addition, the committee may enumerate other criteria which it deems essential to the position and which are not listed on the vacancy announcement or job descriptions. Those candidates or applicants who do not meet minimum requirements of the position shall not be considered. The committee shall, upon recruiting and interviewing candidates and applicants, submit recommendations to the appropriate supervisor and personnel/grievance committee. The committee shall list all applicants and candidates (providing all meet minimum requirements) in order of preference enumerating specifically (utilizing the criteria of the position) why the individuals are ranked where they are.
4. Background Check: An applicant for employment with Oglala Lakota College may have a federal background check completed prior to a search and screen committee considering the applicant. Applicants for the Oglala Lakota College Head Start Program must have a tribal records check and a National Criminal History Check completed. The Oglala Lakota College Head Start Program will pay for the cost of the Background investigation for the selected applicant only. The search and screen committee has the discretion to not forward a recommendation to the President based on an applicant's background check. An applicant for the Head Start Program shall not be considered for employment if the applicant has any conviction for child abuse and neglect, or any violent felony conviction.
5. Substance/Alcohol Abuse: When an applicant is selected by the Board of Trustees, they will receive a temporary appointment until the drug test results come back to the OLC Personnel Office. If an applicant fails the drug test, their employment with Oglala Lakota College ends immediately. If an applicant passes the drug test, their employment with Oglala Lakota College

becomes permanent and retroactive back to the date of the temporary appointment. Current employees applying for different positions within OLC are subject to pre-Employment testing. For the applicant who fails the drug test, they may reapply after 45 days for unfilled vacant positions within the college. Those applicants who have failed an initial drug test and then are hired after the forty five days waiting period will again take a pre-employment drug test and then be randomly drug tested every month for one year. Thereafter, they drug test twice each year. An employee who fails the initial drug test and then fails a second time during their permanent employment shall be immediately terminated.

6. Duration: Upon final recommendation by the Board of Trustees with regard to the position in question, and upon lack of further delegation of responsibility by the Board to the Committee, the Committee shall be officially dissolved.
7. Records of Proceedings: The committee shall, during the course of its activities, maintain accurate records and minutes of its proceedings, meetings, interviews, and deliberations. A separate folder for each candidate and applicant shall be developed; included in the folders shall be all relevant records of the candidate or applicant (application, resume, letters of recommendation, etc.). These records shall be kept readily available to be used by the appropriate supervisor and the Board of Trustees in their deliberations and discussions. Prior to official dissolution of the Committee, to the appropriate files.

61-420
BOT 06-01-2006, 12-09-10

NEPOTISM (POLICY)

A. Relatives of Board Members Applying for College Positions

1. There will be no employment of the Oglala Lakota College President, Vice- Presidents, Directors, Coordinators, and Department heads if their immediate family members is a member of the Oglala Lakota College Board of Trustees. Immediate family member is defined as grandmother, grandfather, mother, father, sister, brother, wife, husband, domestic partner, son, daughter, father-in-law, mother-in-law, step-father, step-mother, step-son, step-daughter, step-brother, step-sister, half-brother, half-sister, and grandchild.
2. With the exception of the Oglala Lakota College President, Vice-President, Directors, Coordinators, Department Heads, there will be employment of relatives of Board members with the following provisions:

- a. If a relative of a Board member applies for a college position, the Board member must remove himself from the deliberation on the selection of a immediate family member as defined in the preceding section.
3. When an applicant for a district staff position is related to more than one Local Board member, the selection of the district staff will be referred to a Piya Wiconi Search and Screen committee. The vote by the Search and Screen committee will be by secret ballot.
4. Realizing that there are other relationships that are important in the Indian culture, Board members are encouraged to remove themselves from the selection procedure at any time they feel they cannot be objective.
5. Oglala Lakota College shall allow relatives of staff members to apply for college positions with the following exception:
 - a. No person/employee shall be hired, promoted or transferred within any department of the College in which his/her relative is a staff member.

B. Board Members Applying for College for College Positions.

Any member of the Board of Trustees or a local District Board considering employment with the College shall resign from Board membership prior to their application being considered for employment.

61-500

REASSIGNMENT (POLICY)

The President of Oglala Lakota College shall have the authority to temporarily reassign any employee under exceptional circumstances and in the best interests of the College.

In a situation where the President determines that both criteria are present, he shall have authority to make such an assignment for a period not to exceed 90 days.

No person reassigned shall have a reduction in their salary or payments under their contract.

Any permanent reassignment shall be approved by the Board of Trustees.

PERSONNEL PROBATION (POLICY)

An employee shall be placed on a probationary status at initial employment or during employment as means of determining the job performance of an employee. The probationary status will be 90 calendar days for contractual employees.

If a current employee applies for and is hired for a new position not similar to his/her current position within the college, he/she will be considered a new hire and placed on ninety (90) calendar days probation. If a current employee applies for and is hired for a similar position, he/she will be placed on thirty (30) calendar days probation. Probationary employees will be evaluated at mid-point and at the end of the probationary period. Employees serving a probationary period of 30 or 90 calendar days may be dismissed at any time during the probationary period by the supervisor with the concurrence of the President by written notice. During the probationary period, an employee cannot be dismissed after mid-point of the probationary period if an evaluation has not been completed. Dismissal during the probationary period cannot be grieved prior to the mid-point and after the midpoint it cannot be grieved if the evaluation has been completed.

In the first ninety (90) calendar days of the probationary period, a new employee may not use accrued annual leave. When a current employee is hired for a new position within the college, he or she is placed on probationary status related to the new position. During this probationary period, however, the employee will not lose the right to use annual leave already accumulated during employment in the previous college position.

EMPLOYMENT CONTRACTS (POLICY)

Oglala Lakota College has a standard contract of employment as to content and format. This annual form may change as to content and format each year.

Employment contracts are to be issued at the time an employee is hired into a contract position. New employee contracts shall state that the employee shall be terminated if the staff member fails to satisfy the terms of their probationary period.

Employment contracts are subject to annual re-negotiation based on funding availability, performance reviews and/or evaluation. Notice of contract non-renewal shall be given no later than ninety (90) days prior to expiration of the contract or academic year.

Employment contracts may be approved for 1-5 years based on the immediate supervisor's recommendation. For non-faculty, the following table is the number of years employees can receive contracts based on their years of employment in the position that they currently hold. Contract offers in excess of one year must be based on exceptional job performance.

- | | |
|---------------------------------------|-----------------|
| 1. 2 years or less of employment | 1-year contract |
| 2. More than 2 years through 5 years | 2-year contract |
| 3. More than 5 years through 8 years | 3-year contract |
| 4. More than 8 years through 10 years | 4-year contract |
| 5. More than 10 years and above | 5-year contract |

An employment contract of more than one year shall have the President's concurrence.

Contracts cover variable pay periods per annum depending on the personnel position of the individuals involved: Support Staff and Administrators 24 pay periods; Academic department chairs 22 pay periods; Full time faculty 20 pay periods.

An employee cannot report to work for the new contract year until they have turned into the Personnel Office an accepted and signed contract for the ensuing year.

Payroll checks will be withheld when required documentation is not submitted in a timely manner.

62-100-1
BOT 03-31-11, 08-10-15

EMPLOYMENT CONTRACTS (PROCEDURE)

The following procedures are in effect regarding staff contracts:

1. Staff recommendations are approved by the Board of Trustees beginning in March for the following contract year.
2. Contracts and work schedules are negotiated and executed by July 1, the beginning of the new contract year. Headstart/Early Headstart contracts will include the following in their contract: Your pay will be spread over 26 pay periods. If you are on a 21 pay period contract, 10% of your wage will be set aside for payments to you while you are off contract. If you are on a 24 pay period contract, 5% of your wage will be set aside for payment to you while you are off contract.

3. Copies of the executed contracts and work schedules are to be filed with the appropriate supervisors and staff.
4. Copies of the executed contract form excluding work schedule are to be filed with the Business Office to authorize payment.
5. Copies of the executed contract form and work schedule are to be filed with the Personnel Director. The main functions being to coordinate personnel recruitment and to act as a central file for personnel information (to address external audit concerns in addition to meeting our own needs). The Institutional Development Office also needs access to this type of information for human resource planning and other institutional development purposes.
6. Evaluations and subsequent personnel decisions, e.g. termination, contract renewals and salary raises will be based upon these fully executed forms.
7. Work Expectation Form (WEF):
Before the commencement of each contract year, the employee and supervisor will negotiate a Work Expectations Form (WEF) containing the following elements:
 - a. knowledge and support of OLC mission
 - b. knowledge and support of OLC goals
 - c. division objectives
 - d. program/department/center objectives
 - e. specific job/position/objectives
 - f. specific performance/policy expectations, e.g. punctuality, attitude, etc.
 - g. professional development
 - h. individual objectives (personal interests)
8. At mid-year (January) and end of the year (June), employees' work performance will be evaluated according to the negotiated work schedule. Work Expectation Forms (WEFs) are available from the Personnel Director.
9. Contract Non-Renewals. Notice of non-renewal of contract must be given at least 90 calendar days prior to the expiration of the contract. Notice shall be given in writing and shall be either given to the employee in person or sent by registered mail to the address of the employee. If notice is mailed, it is deemed given upon the date of the mailing. In any case the notice shall be contained in a sealed envelope addressed to the employee and marked confidential. A signed and dated receipt shall be requested of the employee in the case of personal delivery and a return receipt shall be requested in the case of mail delivery. The notice shall be the responsibility and signed by the appropriate Vice President and President. If the notice is directed to the President, it shall be the responsibility of and signed by the OLC Board President.

SEPARATION POLICY

A. Policy.

The Board of Trustees recognizes the necessity of the Oglala Lakota College (OLC) to initiate adverse actions which may affect the employment status of institutional personnel. Such actions may be attributable to budgetary constraints resulting in forced reductions or personal improprieties and/or misconduct of OLC staff. While adverse personnel action may be unavoidable in certain instances, the Administration of the Oglala Lakota College will provide every opportunity to faculty/employees to protect their employment status.

B. Scope.

The procedures contained in this section address employee separation actions relating to suspension, dismissal, and reduction in forces. The procedures defined in this section apply to all classification of employees as defined in this handbook. They do not apply to those employees on temporary appointment. If the employee chooses not to appeal an appealable sanction, the action and sanction shall become final without further proceedings or notice to the employee. An appeal shall not stay or delay the effective date of the sanction specified in the notice of the action.

C. Definitions.

1. Forced Reductions. Forced reductions result from the elimination of positions or programs due to major budget constraints. Forced reductions do not constitute negative personnel action, and recall privileges are provided if adequate funding support becomes available. A recall privilege is the privilege of an employee subject to a forced reduction to return to the position held at the time of the forced reduction. CROSS REFERENCE: 65-250
2. Elimination of Positions. Positions maybe eliminated due to budget constraints, or programmatic needs.
3. Dismissals. Dismissals are adverse personnel actions taken for staff improprieties and/or personal misconduct. Dismissal means the termination of all pay and benefits from a given date and forward.
4. Suspension. Forced leave without pay.

D. Authority.

With the exception of Oglala Lakota College's President, it is the responsibility of the employee's immediate supervisor to initiate action on dismissals, non –renewals, suspensions, and reductions in force by giving proper notification to the employee in writing within five (5) working days of the incident.

It is the responsibility of the Board of Trustees for dismissals, suspensions, non-renewals and reductions in force for Oglala Lakota College's President and Vice-Presidents.

E. Grounds for Disciplinary Action and Dismissal

Any employee who conducts themselves in a manner that reflects unfavorably upon the reputation of the College may be subject to discipline up to and including immediate termination. Terminations pursuant to this policy may occur without advanced notice and without further pay. Such infractions shall include, but are not limited to, the following table of offenses:

Table of Offenses

The following table is an illustration of the kinds of offenses and the type of disciplinary action that shall be used for each offense depending on the number of occurrences. The immediate supervisor and/or program director shall evaluate the circumstances before making a decision. The appropriate authority shall insure that the discipline used is done in a consistent manner so as not to discriminate.

Kind of Offense	1 st Occurrence	2 nd Occurrence	3 rd Occurrence
1. Malicious Damage of OLC Property	Removal		
2. Willful Falsification of Records Involving Funds	Removal		
3. Willful Theft of OLC Property	Removal		
4. Misappropriation of Fund	Removal		
5. Acceptance or Solicitation of Bribes	Removal		

6. Fraud	Removal	
7. Deliberately concealing, Removing, Mutilating, Obliterating, or Destroying Records	Removal	
8. Unauthorized Absence 4 or More Consecutive Days	Removal	
9. Solicitation and Accepting of a Gift More Than \$100	Removal	
10. Deliberately Falsifying, Counterfeiting or Forging Any Form of Transportation Request Or Expense Report	Written Reprimand or Removal	Removal
11. Performing Personal Service During Official Hours for Financial Gain	Written Reprimand or Removal	Removal
12. Misstatement of Material Fact in Application for Employment	Written Reprimand or Removal	Removal
13. Disclosing Confidential Information	Written Reprimand or Removal	Removal
14. Unduly Disrupts the Operations of a Department or the College	Written Reprimand or Removal	Removal
15. Violations of Generally Accepted Safety Practices Endangering Self or Others	Written Reprimand or Removal	Removal

16. Unauthorized Absence more Than 8 hrs. & Less than 4 Consecutive Days	Written Reprimand	Removal
17. Solicitation and Accepting a Gift Less Than \$100	Written Reprimand	Removal
18. Insubordination or Failure to Follow Direction	Written Reprimand	Removal
19. Misuse of College Property	Written Reprimand	Removal
20. Violating Traffic Law While Operating College Vehicle	Written Reprimand	Removal
21. Perjury	Written Reprimand	Removal
22. Violation of any College, Department or Division Regulation or Order	Written Reprimand	Removal
23. The Threat, Attempt, or Use of Personal or Political Influence in Securing Promotion, Leave of Absence, Transfer, Change of Pay Rate, or Character in Work	Written Reprimand	Removal
24. The Inducement or Attempt to Induce an Officer or Employee of the College to Commit an Unlawful Act or To Act in Violation of Any College, Department, Division Regulation or Order.	Written Reprimand	Removal

25. Serious Personal Misconduct Which Brings the Organization Into Disrepute	Corrective Interview or Written Reprimand	Written Reprimand or Removal	Removal
26. Unauthorized Absence 8 hrs. Or Less	Corrective Interview	Written Reprimand	Removal
27. Fraudulent Use of Sick Leave.	Corrective Interview	Written Reprimand	Removal
28. Incompetence, Inefficiency in Performing Job Duties	Corrective Interview	Written Reprimand	Removal
29. Neglect of Duty	Corrective Interview	Written Reprimand	Removal
30. Tardiness	Corrective Interview	Written Reprimand	Removal
31. Damage to OLC Property through Negligence	Corrective Interview	Written Reprimand	Removal
32. Drug and Alcohol Offenses	See Substance Abuse Policy		
33. Failure to follow health or safety practices of HS or EHS children resulting in a report to a child protection agency	Suspension /without pay (until cleared by child protection agency and retroactive pay when cleared by child protection agency) or removal		

Refer to OLC Policy 65-250 "Reduction in Force (Policy)"

F. Employee Requirement

When an employee is no longer employed with Oglala Lakota College, their final paycheck will be held until all equipment, reports, and keys have been turned in to the responsible parties. Cross Reference 65-200-1

G. Temporary Appointments.

Employees on temporary appointment can be released at any time without notice, verbal or written.

65-200-1
BOT 06-04-09, 07-28-13, 08-10-15

SEPARATION (TERMINATION) (PROCEDURE)

Dismissals, Suspensions, and Reductions in Forces. Notices

1. Notice

The notice shall describe specifically each ground or reason claimed as justification for the dismissal, suspensions, or reduction in forces in detail sufficient for the staff person to commence such grievance procedures as provided in Section 65-500 of the Oglala Lakota College's Personnel Policies.

a. Time of Notice: Notice of dismissal may be given at any reasonable time. Notice of termination due to reduction in force shall be given as early as practicable.

b. Service of Notice: Notice shall be given in writing and shall be either given to the staff person in person or sent by registered mail to the address of the staff person. If notice is mailed, it is deemed given upon the date of the mailing. In any case the notice shall be contained in a sealed envelope addressed to the staff person and marked confidential. A signed and dated receipt shall be requested of the staff person in the case of personal delivery and a return receipt shall be requested in the case of mail delivery.

c. Source of Notice: The notice shall be the responsibility and signed by the appropriate Vice President and President. If the notice is directed to the President, it shall be the responsibility of and signed by the OLC Board President.

d. Contents of Notice: The notice shall describe, specifically each ground or reason claimed as justification for the dismissal, suspension, reduction in force, elimination of positions in detail sufficient for the staff person to commence such procedures for review as provided in Section 65-500 of the Oglala Lakota College's Personnel Policies.

2. Effective Dates of Action

The effective date of the dismissal, suspension, reduction in force, or elimination of positions shall be specified in the notice of the action.

3. Notification

- a. The supervisor notifies the Personnel Office that the employee has been terminated, has failed the probationary status or has quit his employment. The notification must be in writing and will include the effective date of the action,
- b. The Personnel Office will notify Payroll and the Technology Department via email of the personnel action and the effective date. (The VP of Business should also be notified.)
- c. The Personnel Office will notify the Supervisor that the final timesheet will need to be completed. The Personnel Office will notify the supervisor and the employee. That the final paycheck will be held in the Personnel Office until the Personnel Office is notified in writing if the employee has returned all OLC property. (i.e. keys, computers, etc.)
- d. The final payroll check will be forwarded to the Personnel Office from the Payroll Office for release pending the return of all OLC property and keys. If notification isn't received from the Supervisor prior to the Friday when payroll is dispersed, the Personnel Office will release the final paycheck.

65-300

BOT 06-04-09, 08-10-15, 01-30-19

EMPLOYEE RESIGNATION (POLICY)

1. Proper Notice. A college employee under contract who desires to terminate his/her employment shall submit a written resignation to his/her supervisor stating the reasons for which she/he seeks to terminate the contract. Members of the instructional staff must give notice at least 30 calendar days prior to the end of the current semester, effective at the end of that semester. All other staff must give two (2) weeks' notice.
2. Acceptance of Resignation. A resignation is recognized when accepted by the OLC President. Employees are entitled to the salary earned up to the last day of work excluding any debts remaining with the college. Any annual leave accrued by the resigning employee shall be paid to the employee. Instructors, who have resigned without completing the contract year, cannot claim any remaining personal or consulting days for the semester in which they resigned.
3. Notification.
 - i) The supervisor notifies the Personnel Office that the employee has resigned. The notification must be in writing and will include the effective date of the resignation.

- ii) The Personnel Office will forward a letter to the OLC Board President for acceptance of the resignation per OLC Policy. The Personnel Office will notify the Payroll Office, Vice President of Business and the Technology Department by email of the effective date of the resignation.
- iii) The Personnel Office will notify the immediate Supervisor that the final timesheet will need to be completed. That the final paycheck will be held in the Personnel Office until the Personnel Office is notified in writing that the employee has returned all OLC property/ (i.e. keys, computers, etc.)
- iv) The final payroll check will be forwarded to the Personnel Office from the Payroll for release pending the return of all OLC property and keys. If notification isn't received from the immediate Supervisor prior to the Friday when payroll is dispersed, the Personnel Office will release the final paycheck.

65-250

REDUCTION IN FORCE (POLICY)

A. Reasons

1. Reduction in force resulting in the termination of staff personnel may occur for any of the following reasons:
 - a. the college is faced with a justifiable lack of work.
 - b. the college of staff person's curriculum, service or support program area has experienced declining participation due to identifiable lack of need.
 - c. funds are not justifiably available to support the staff persons curriculum, service or support program.
 - d. a major, justifiable change occurs in the staff person's curriculum, service or support program.

B. Provisions Concerning Reductions in Force

1. Staff employed by a college may be subject to reduction in forces for any or a combination of any of the reasons previously stated. The Board recognized that the college, within these factors, may have no alternative but to curtail or delete certain programs, or portions of programs at the same time that other programs are being retained, expanded or added depending upon the legitimate educational needs of the community. Programs and services most necessary to meet the needs of the students and community, consistent with in philosophy and mission of the college, are to be of highest priority when reduction in forces is being considered.

2. As soon as it becomes apparent that a reduction in forces may be necessary, all staff of the college will be notified. Following this, the executive officers shall accommodate by retirements, resignations, transfers, leave and other type of normal attrition.
3. In addition, priority will be given to full-time over part-time personnel in those programs affected. Furthermore, staff persons shall be given the opportunity to move into other areas in the college where there may be vacancies for which they are qualified. Also, staff persons shall be given the opportunity to upgrade themselves into vacant positions providing that such persons are reasonably qualified to do so, and the college can accommodate such a move.
4. When staff reduction cannot be satisfied by the above methods and the qualifications and abilities of staff in the affected area are relatively equal, seniority shall be the determining factor in considering who shall be reduced. The most recently employed staff shall be reduced first and additional reductions shall proceed in that order.
5. In any future vacancies of the college for which staff persons need to be hired, those positions for which the reduced staff are qualified shall be offered to those staff who were reduced last and continue to be offered through the list of those who were reduced first. All reduced personnel must keep the college informed of their current mailing address in order to be eligible for employment and specified in this section.
6. A staff person who is rehired under procedures (d) shall have the benefits or longevity, salary and fringe benefits reinstated.

SEXUAL HARRASSMENT POLICY

PROHIBITION OF SEXUAL HARASSMENT (POLICY)

1. It is the policy of Oglala Lakota College to provide a learning and working atmosphere for students, employees, and visitors free from sexual harassment.
2. It is a violation of this policy for any administrator, instructor or other employee or any student to engage in or condone sexual harassment.
3. It is the responsibility of every employee to recognize acts of sexual harassment and take every action necessary to ensure that the applicable policies and procedure of Oglala Lakota College are implemented.
4. Any employee who believes that he or she has been subjected to sexual harassment has the right to file a complaint and to receive prompt and appropriate handling of the complaint. Further, all reasonable efforts shall be made to maintain the confidentiality and protect the privacy of all parties.
5. The Complaint Manager shall be responsible for assisting employees seeking guidance or support in addressing matters relating to sexual harassment or inappropriate behavior of a sexual nature.

PROHIBITION OF SEXUAL HARASSMENT (PROCEDURE)

A. Definitions

1. Sexual Harassment means unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal, written, or physical conduct of a sexual nature that takes place under any of the following circumstances:
 - a. when submission to such conduct is made, explicitly or implicitly, a term or condition of employment, instruction, or participation in college activities or programs;
 - b. when submission to or rejection of such conduct by an individual is used by the offender as the basis for making personal or academic decisions affecting the individual subject to sexual advances;
 - c. when such conduct has the effect of unreasonably interfering with the individual's work; or
 - d. intimidating, hostile, or offensive work or learning environment.

2. Complaint Manager means the person or persons who are responsible for the investigation of any complaints alleging noncompliance with this policy. The complaint manager for Oglala Lakota College employees is the Personnel Director, and for students it will be the District Center Staff.

B. Publication of Policy

1. Appropriate books and materials regarding sexual harassment shall be available in the library.
2. Each student shall receive a copy of this policy at the beginning of each year and at the time of transfer to the college which shall be included in the Student and Staff Handbooks.

C. Training

1. All administrators, supervisors, instructors, and other staff of Oglala Lakota College shall receive appropriate training, including but not limited to the following: EEOC Policy 1604.11, Oglala Sioux Tribal laws, and South Dakota State laws.
2. All training shall be documented by maintaining records of the date the training was conducted; the names of all persons participating (including signed attendance sheets); an outline of the subject matter covered; the name(s) and credentials of the instructor (s); copies of hand-outs or audio-visual material used; and any copies of tests and test results, if used.

D. Complaint Procedures

1. Filing

- a. Any employee or student who believes that he or she has been subjected to sexual harassment has the right to file a complaint with the Complaint Manager. If the original complaint is oral, the complaining party shall be asked to put the complaint in writing. A written complaint shall include the following: the name of the complaining party; the name of the offender; the date of the offense; the location of the offense; a description in as much detail as possible of the incident (s), including any statements made by either party; and a list of all known witnesses.
- b. No person, witness, or person who participates or cooperates with an investigation shall be subject to retaliation of any kind.

2. Preliminary Investigation

- a. Complaints filed pursuant to this policy shall be promptly and thoroughly investigated by the Complaint Manager.

- b. All circumstances of the situation shall be considered in the investigation of possible harassment incidents. In determining whether the alleged conduct constitutes sexual harassment, consideration shall be given to the totality of the circumstances, including the context in which the alleged incident (s) occurred.
 - c. Upon completion of the investigation, the Complaint Manager shall prepare a sexual harassment report including the following: (1) the date of the incident (s); (2) the name of the complainant; (3) the name of the offender (s); (4) a summary of the factual allegations that allege sexual harassment; (5) the name of all potential witnesses; (6) a summary of the steps taken to complete the investigation; (7) a summary of all witness statements (with copies of the actual statements attached); (8) a listing of any physical evidence available and (9) a factual summary of all evidence that supports or refutes the allegations of sexual harassment.
 - d. The investigation shall be complete within 5 days after the complaint is filed.
3. Initiation of Grievance Procedure
- a. Once the preliminary investigation on a complaint is filed, the appropriate Grievance Policy and Procedure of Oglala Lakota College will be initiated.

E. Monitoring

- 1. On a semi-annual basis, a random sampling of students and employees shall be interviewed to determine if students and employees are being properly informed of the sexual harassment policy and whether there are unreported incidents of sexual harassment.
- 2. Within three months after a complaint is resolved, the complainant shall be interviewed to determine if any additional incidents have occurred and the complainant's general satisfaction with the process involved.
- 3. The President shall report semi-annually to the Board of Trustees providing qualitative information relative to the number of complaints, number of investigations, results of investigation, training efforts and policy publication efforts.
- 4. This policy will be reviewed every three years.

(Adopted by B.O.T. action 1/3/95)

Title IX Sexual Harassment and Violence Policy

Oglala Lakota College is committed to maintaining a safe and healthy educational and work environment in which no member of the College community is subjected to discrimination in any form on the basis of sex, sexual orientation, or gender identity. This policy is designed to ensure a safe and non-discriminatory educational and work environment and to meet legal requirements, including Title IX of the Education Amendments of 1972 as amended, and the Clery Act of 1990.

Oglala Lakota College as an institution recognizes that sex offenses are a serious issue. The College will not tolerate sexual harassment and assault. OLC will investigate all reported instances of sex offenses, and take appropriate disciplinary and/or legal action if proceedings determine responsibility of the respondent, appropriate support services will be made available to victims. The college strongly encourages all members of the campus community to report any sex offense to the appropriate law enforcement officials.

Scope of this policy: Title IX requires OLC to respond when sex discrimination and harassment occurs in OLC's education programs or activities against a person in the United States. Education programs and activities includes locations, events, or circumstances over which the school exercises substantial control over both the respondent and the context in which the discrimination or harassment occurred, including buildings owned or controlled by a student organization that is officially recognized by OLC. Title IX applies to all of OLC's education programs or activities, whether such programs or activities occur on- or off-campus and includes distance education.

Title IX Sexual Harassment and Violence Procedure

SECTION I: DEFINITIONS

Sexual Harassment

OLC follows the U.S. Department of Education's Final Title IX Rule of 2020 in defining sexual harassment as three types of misconduct on the basis of sex, which all jeopardize equal access to education: a) any instance of *quid pro quo* harassment by an OLC employee, b) any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; and c) any instance of sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

- a) ***Quid pro quo* sexual harassment:** Individuals in positions of authority over the complainant make unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature and indicate explicitly or implicitly that rejection or failure to submit to such conduct will result in adverse educational or employment action, or that participation in an educational program or institutional activity or benefit is conditioned on the complainant's submission to such activity.

Examples:

- An instructor implies that a student can bring up his/her grade by agreeing to have sex with him/her.
- A supervisor insists that an employee has sex with him/her in exchange for a favorable performance review.

- b) **Hostile environment sexual harassment:** Unwelcome conduct of a sexual nature, including unwelcome sexual advances, request for sexual favors, and other verbal, nonverbal, graphic, or physical conduct of a sexual nature that is sufficiently severe, pervasive, and objectively offensive that it interferes with or limits a person's ability to participate in or benefit from the College's education or work programs or activities.

Examples:

- Student A keeps using sexual innuendos or comments and asks intrusive sexual questions whenever Student B is around, despite Student B's clear discomfort.
- The instructor probes for explicit details, and demands that students respond to him or her, though they are clearly uncomfortable and hesitant.

- c) **Sexual Violence:** Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act.

Complainant: An individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination or sexual harassment.

Advisor: A person who has agreed to assist a complainant or respondent during the Title IX process. The advisor may be a person of the complainant's or respondent's choosing, including but not limited to an OLC faculty or staff member, a friend or an attorney.

Formal complaint: A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment and stating the date, time, place, name(s) of person(s) involved (e.g. the accused, witnesses) and sufficient detail to make a determination regarding basic elements of the formal complaint process.

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the school with which the formal complaint is filed.

Supportive measures: Individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.

SECTION II: TITLE IX PERSONNEL

- The **Title IX Coordinator** has the primary responsibility for overseeing the process of coordinating OLC's Title IX compliance efforts including the development, implementation, and monitoring of policies, procedures and practices designed to achieve full compliance with federal and state legislation, regulations, and case law requiring the prompt and equitable resolution of Title IX complaints. To file a complaint or submit questions concerning actions governed by this policy contact the Title IX Coordinator (<http://www.olc.edu/administration/eap.htm>). The Title IX Coordinator is the OLC Coordinator of Student Affairs, unless the President assigns this responsibility to another OLC employee in writing.
- **Deputy Title IX Officers** have the secondary responsibility and assist in the duties of the Title IX Coordinator in case the Title IX Coordinator is unavailable or has a conflict of interest. The OLC Deputy Title IX Officers are the [Enrollment Management Director](#) and the [Personnel Director](#).
- **Title IX Investigators** may include but not be limited to OLC staff. The primary responsibility of the investigator is to collect statements and any evidence directly related to any allegations of a Title IX policy violation as directed by the Title IX Coordinator. Investigators will receive appropriate Title IX training.

- **Title IX Hearing Officers** may include an OLC administrator or external legal counsel. The primary responsibility of the hearing officer will be to ensure both parties receive due process in the event allegations of a Title IX policy violation are directed to a hearing by the Title IX Coordinator. Hearing Officers will receive appropriate Title IX training.
- **Title IX Hearing Members** may include OLC faculty or staff members or external legal counsel. The primary responsibility of the hearing member is to listen to both sides of the complaint. Each hearing member will evaluate the information provided by both parties to make a decision whether or not a Title IX policy violation took place. Hearing members will receive appropriate Title IX training.

SECTION III: REPORTING OF SEXUAL HARASSMENT

Victims of sexual violence should get to a place of safety and call law enforcement and obtain necessary medical treatment. An assault should be reported directly to a law enforcement officer, and college officials will aid in facilitating this process. Filing a police report will not obligate the complainant to prosecute, nor will it subject the reporting party to scrutiny or judgmental opinions from officers. Filing a police report will ensure that a complainant of sexual violence receives the necessary medical treatment and tests, and provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later.

Any person may report sexual harassment (whether or not the person reporting is the alleged victim or a third person) in person, by mail, by telephone, or by e-mail to the Title IX Coordinator (<http://www.olc.edu/administration/eap.htm>). Such a report may be made at any time, including during non-business hours.

OLC employees are required to report all the details of an incident (including the identities of both the complainant and respondent) to the Title IX Coordinator. Failure to do so may result in disciplinary action up to and including termination. All OLC employees are considered responsible employees with a duty to report any incident to the Title IX Coordinator.

Upon receipt of a report, the Title IX Coordinator will promptly contact the complainant confidentially to discuss the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. A complainant's wishes with respect to whether OLC investigates should be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.

Interim supportive measures to ensure the safety and well-being of the complainant may include changing academic or work schedules, changing living arrangements, addressing transportation issues, withdraw from/retake a class without penalty, and access to academic support (e.g., tutoring), leaves of absence, campus escort services, or similar measures. In addition, while an investigation is pending, OLC may initiate a “no contact order” between the parties that carries a sanction of expulsion if violated.

OLC provides short-term virtual mental health services to students at no cost. Students may complete a [Student Success Referral](#) form to connect to OLC and community mental health resources. Additional support services may be available through:

- Center Director
- Coordinator for Student Affairs/Employee Assistance Program
- IHS Behavioral Health: Pine Ridge 867-5131, Kyle 455-2451, Cheyenne River’s Sacred Heart Center 605-964-7233 (*Crisis Hotline 1-800-390-9298*)
- Behavior Management Systems: 605-343-7262
- Lutheran Social Services 1-800-260-1439 or 605-348-6699
- Community Resource lists can be provided by your local Center Director.

SECTION IV: INVESTIGATION

Written Notice of Complaint

Upon receipt of a formal complaint, the Title IX Coordinator will provide written notice to all known parties in sufficient time to give the respondent time to prepare a response before an initial interview. Written notice includes:

- a. Notice of the grievance process, including availability of informal resolution process;
- b. Notice of the allegations with sufficient detail (i.e., names of known parties, the conduct alleged to be sexual harassment, and the date and location of the conduct, if known) to allow the respondent to prepare a response;
- c. A statement that the respondent is presumed not responsible for the conduct and that responsibility will be determined at the conclusion of the Title IX grievance process;
- d. Notice of the parties’ right to have an advisor (who may be, but is not required to be, an attorney) and to inspect and review evidence; and
- e. Notice that knowingly making false statements or providing false information in the Title IX grievance process is a violation of the code of conduct and subject to disciplinary action.

Investigation

The Title IX Coordinator will initiate a formal investigation of the sexual harassment incident, which will be conducted by a Title IX Investigator. The coordinator will be available to explain to both parties the process and to notify in writing of the receipt of a complaint and the actions OLC will take.

The investigation will include:

- meeting personally with the complainant (unless extraordinary circumstances prevent a personal meeting),
- meeting personally with the respondent (unless extraordinary circumstances prevent a personal meeting),
- collecting any physical evidence,
- meeting personally with any witnesses (unless extraordinary circumstances prevent a personal meeting with one or more witnesses), and
- reviewing any documentary evidence.

The investigation of complaints will be adequate, reliable and impartial. The respondent will be presumed not responsible for the alleged conduct until a determination regarding responsibility is made. The investigation process can take up to 60 days.

When investigating a complaint and throughout the complaint process, the investigator must:

- ensure that the burden of proof and of gathering evidence rests on OLC rather than the parties;
- provide an equal opportunity for the parties to present witnesses and evidence;
- not restrict either party's ability to discuss the allegations or gather and present evidence;
- provide the parties with the same opportunities to have others present during interviews or related proceedings, including an advisor;
- provide to a party who is invited or expected to attend, written notice of the date, time, participants, purpose, and location of any investigative interview, hearing or other meeting with enough time to allow the party to prepare and participate;
- provide both parties and their advisors an equal opportunity to review all evidence directly related to the allegations in the formal complaint (both exculpatory and inculpatory) at least 10 days prior to the completion of the final investigation; and
- prepare a written investigation report that fairly summarizes the relevant evidence and provide the report to both parties and their advisors for review and written response at least 10 days before a hearing. The complainant and the respondent will be notified in writing of the hearing date.

Mandatory or Permissive Dismissal of Formal Complaint

Mandatory dismissal must occur when determined in the course of the investigation that the incident: (1) did not occur in OLC's program or activity; (2) did not constitute sexual harassment as defined; or (3) did not occur against a person within the United States. Both parties must receive written notice of a mandatory dismissal and reasons.

Permissive dismissal may occur at any time during the investigation or hearing when: (1) a complainant notifies the Title IX Coordinator in writing that they would like to withdraw the complaint; (2) the respondent is no longer enrolled at or employed by OLC; or (3) specific circumstances prevent OLC from gathering evidence sufficient to reach a determination. Both parties must receive written notice of a permissive dismissal and reasons.

OLC may still address allegations of misconduct under the Student Code of Conduct.

SECTION V: INFORMAL RESOLUTION

Respondent and complainant may choose an informal resolution option instead of the Title IX grievance process. Mediation may include conflict resolution or a restorative agreement between the parties with a trained Title IX Hearing Officer presiding over the mediation. An informal resolution will only be pursued with the written consent of both parties involved. Mediation may only be used:

1. prior to a notice of hearing being issued;
2. when a trained Title IX Hearing Officer determines this is a suitable option for resolving the concern;
3. both the complainant and respondent agree to use the process;
4. when both parties acknowledge receipt of written notice of their rights under this policy and both parties provide written, voluntary consent.

Informal resolutions may NOT be used:

1. when the complaint involves sexual violence as defined in the Title IX Policy;
2. when the complaint alleges sexual harassment of a student by an OLC employee.

Because the outcomes of informal resolution conversations are mutually developed and agreed upon by all parties involved, an appeal of the process and its result is not permitted. However, either the complainant or the respondent may terminate mediation at any time prior to the entry of a voluntary resolution and proceed with the Title IX hearing. If the parties are unable to agree on a voluntary resolution, the matter will be referred by the Title IX Coordinator to a Title IX

Hearing. No offers to resolve the conflict that were made or discussed during the informal voluntary resolution process may be introduced during the Title IX Hearing.

SECTION VI: TITLE IX HEARING

Upon completion of the investigation into a formal Title IX complaint, the Title IX Coordinator will notify the complainant and the respondent in writing of the hearing date, the alleged policy violation and issue a notice to appear at the hearing. The written notice will be hand-delivered directly to the student(s) or mailed to the local address on file in the Registrar's Office.

The hearing will include opening statements, each party's evidence and witnesses, and closing statements. Students are permitted to be present during the disciplinary hearing (except during deliberations of the hearing members). Complainant and respondent are permitted to make statements, present witnesses and present evidence during the hearing which has been previously collected and approved during the investigation process. Advisors may cross-examine the other party and witnesses. Witnesses and evidence need to be directly related to the incident.

The hearing members shall include a trained Title IX Hearing Officer, three members of faculty and staff as Title IX Hearing Members, and a secretary who will transcribe the proceedings. The selection of the hearing members will be made by the Title IX Coordinator. Criteria for the hearing committee will include: (1) have received all appropriate training, (2) not a current instructor of either party involved, (3) have no previous substantive or direct knowledge of the incident, and (4) have no other perceived conflict of interest as determined by interview process with the Title IX Coordinator.

Duties of the Title IX Hearing Members will include but not limited to the following:

- Read and understand the Title IX Policy and Procedures, which include the hearing process.
- Read and understand all of the information of the Title IX case provided by the Coordinator prior to the hearing as part of a hearing packet.
- Objectively evaluate all relevant evidence without prejudgment of the facts and free from conflicts of interest or bias for or against either party.
- Decide the outcome (majority vote) and sanctions if needed based on the information presented, hearing notes, and the OLC Title IX Policy.

Complainant's Rights:

- Be given a written explanation of the allegations and the hearing process.
- Be given a timely hearing.
- Have access to evidentiary material in advance of the hearing.
- Be present during the entire hearing.
- Request to attend the hearing in a separate room than the respondent.
- Be accompanied by an advisor during the hearing. The advisor will conduct the cross-examination of the other party. Students must provide OLC with the name and contact information for the student's advisor as soon as practical but at least three (3) days prior to the hearing. If the complainant does not identify an advisor, OLC will select a faculty or staff member trained in Title IX processes to act as advisor.
- Not to be questioned on past sexual history from discussion during the hearing. The past sexual history of the victim with persons other than the respondent shall be presumed irrelevant. Clarifying that evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of sexual harassment.
- Written notification of the outcome of the hearing including any sanctions; remedies/accommodations for the complainant; additional remedies for the school community.
- Written notification of any external counseling services that may be available.
- Written notification of options for changing academic, living, transportation, and work site situations.
- Written notification of an avenue for appeal.

Respondent's Rights:

- Be given written notice of the allegations and the hearing process.
- Have access to evidentiary material in advance of the hearing.
- Be present during the entire hearing.
- Request to attend the hearing in a separate room than the complainant.
- Have no violation presumed until found responsible.
- Be given a timely hearing.
- Be accompanied by an advisor during the hearing. The advisor will conduct the cross-examination of the other party. Students must provide OLC with the name and contact information for the student's advisor as soon as practical but at least three (3) days prior to the hearing; If the complainant does not identify an advisor, OLC will select a faculty or staff member trained in Title IX processes to act as advisor.
- Written notification of the outcome of the hearing including any sanctions; remedies/accommodations for the complainant; additional remedies for the school community.

- Written notification of any external counseling services that may be available.
- Written notification of an avenue for appeal.

Standard of Proof:

The standard of proof used in OLC Title IX Hearings is the preponderance of the evidence, which means the determination to be made is whether it is more likely than not that a violation occurred. This is significantly different than proof beyond a reasonable doubt, which is required for a criminal prosecution. In-person hearings are preferred, but videoconference hearings may be conducted if the hearing officer determines that the health, safety and welfare of all participants is better served by the alternate hearing mode.

SECTION VII: TITLE IX GRIEVANCE OUTCOME

If it is determined under the preponderance of evidence standard (more likely than not to have occurred) that the respondent is not responsible for a Title IX policy violation the complaint will be dismissed.

If it is determined under the preponderance of evidence standard (more likely than not to have occurred) that the respondent is responsible for a Title IX policy violation, the Title IX Hearing Members will determine appropriate sanctions on a case-by-case basis. The following list includes examples of sanctions that may be imposed singularly or in combination with others:

- **Restriction** – A limitation on a student’s privileges for a period of time and may include but not be limited to the denial of the use of facilities or access to parts of campus, denial of the right to represent OLC, or denial of participation in extracurricular activities.
- **Service Project** – Community service or an education class or project beneficial to the individual and campus or community.
- **Behavioral Change Requirement** – Required activities including but not limited to, seeking counseling, substance abuse assessment, anger management class, writing a reflection paper, etc.
- **Conduct Probation Level I** – A specified period of time during which the student is placed on formal notice that he/she is not in good social standing with OLC and that further violations of regulations will subject him/her to suspension or expulsion from OLC.
- **Conduct Probation Level II** – Adds to Level I the stipulation that students are prohibited from participating in any extracurricular activities not directly associated with academics (e.g., intramural sports, attending athletic events, student organizations/clubs/associations, AIHEC student conference). Students must apply to get off Conduct Probation Level II by submitting documentation of their significant

proactive efforts to become good citizens of the community and engage in responsible, productive behavior.

- Housing Suspension – If applicable and warranted by the severity of the incident, the student may be evicted from the dorm and be ineligible for student housing for a specified period of time, after which the student is eligible to return. Conditions for returning may be specified.
- Suspension – If warranted by the severity of the incident, exclusion from enrollment in classes and other privileges or activities for a definite period of time not to exceed three years and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended from OLC are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension. Conditions to conclude a suspension and reinstatement process will be stated in the written notification. Suspension due to violations of the Title IX Policy will not be noted on the transcript; however, a permanent record of the action is maintained in the student's record. Any refund of tuition or fees will be subject to OLC's normal withdrawal policy.
- Expulsion – Termination of student status for an indefinite period. The conditions for readmission, if any, shall be stated in the hearing outcome letter. Expulsion due to violations of the Title IX Policy will not be noted on the transcript; however, a permanent record of the action is maintained in the student's record. Any refund of tuition or fees will be subject to OLC's normal withdrawal policy. Expulsion should be reserved and used only in cases involving the most severe instances of misconduct.

Both parties will be notified of the outcome in writing by certified mail or other agreed upon form of notice within five business days after the hearing. Both parties have the right to appeal the decision reached through the hearing proceedings within ten days of receipt of outcome notification.

SECTION VIII: APPEAL PROCESS

An appeal is not a new hearing, but is a review of the record of the original hearing. The burden of proof shifts from OLC to the person appealing the decision one or more of the listed grounds for an appeal must be demonstrated.

- A. Appeals must be submitted in writing to the President within ten (10) business days of receiving the decision. Failure to file an appeal within the prescribed time constitutes a waiver of any right to an appeal.

- B. The appeal must cite at least one of the following criteria as the reason for appeal and include supporting argument(s):
 - 1. The original hearing was not conducted in conformity with prescribed procedures and substantial prejudice to the complainant or the respondent resulted.
 - 2. The evidence presented at the previous hearing was not “sufficient” to justify a decision against the student or group.
 - 3. New evidence which could have substantially affected the outcome of the hearing has been discovered. The evidence must not have been available at the time of the original hearing. Failure to present available information is not grounds for an appeal.
 - 4. The sanction is not appropriate for the violation. This provision is intended to be utilized when a determined sanction is inherently inconsistent with OLC procedures or precedent. Simple dissatisfaction with a sanction is not grounds for overturning a sanction under this provision.
- C. The President will review the record of the original hearing, including documentary evidence. It is the President’s discretion to convert any sanction imposed to a lesser sanction, to rescind any previous sanction, to return a recommended sanction to the original hearing committee for review/or reconsideration, or to request a new hearing.
- D. The President will communicate the final decision in writing to the appealing student(s) and the Title IX Coordinator.
- E. The decision of the President on appeal shall be final.

SECTION IX: RETALIATION

The Federal civil rights laws, including Title IX, make it unlawful to retaliate against an individual for the purpose of interfering with any right or privilege secured by these laws. This means that if an individual brings concerns about possible civil rights problems to a school’s attention, including publicly opposing sexual harassment or filing a sexual harassment complaint with the school or any State or Federal agency, it is unlawful for the school to retaliate against that individual for doing so. It is also unlawful to retaliate against an individual because he or she testified, or participated in any manner, in a Title IX investigation or proceeding. Therefore, if a student, parent, teacher, or other individual complains formally or informally about sexual harassment or participates in a Title IX investigation or proceedings related to sexual harassment, OLC is prohibited from retaliating (including intimidating, threatening, coercing, or in any way discriminating against the individual) because of the individual’s complaint or participation. Individuals who, apart from official associations with OLC, engage

in retaliatory activities will also be subject to OLC's policies insofar as they are applicable to third party actions.

OLC will take steps to prevent retaliation against a student who filed a complaint either on his or her own behalf or on behalf of another student, or against those who provided information as witnesses. Complaints of retaliation will follow the same process of investigation, hearing, and appeal.

SECTION X: RECORDKEEPING AND REPORTING

The Title IX Coordinator will maintain a secured electronic file system of all Title IX cases, reports, and complaints by academic year. The cases will include all information related to the individual case, which includes but is not limited to the initial complaint, letters sent to all parties, response from the respondent, immediate assistance, investigation notes, mediation agreement if applicable, notice of a hearing, committee selection, hearing transcript, hearing decision, written notice of the outcome, and any recordings made of the hearing or in the course of the investigation. The time period to maintain the case records will be no less than seven (7) years from the date of OLC's final action or decision. The number of incidents and types will be included in the Annual Crimes Report.

SECTION XI: TRAINING

A sexual assault training is given annually to dorm managers and Center Directors. Educational programs are also offered to the campus community. These educational programs cover areas such as promotion of awareness of rape, acquaintance rape, domestic violence, dating violence, sexual harassment, stalking, cyber stalking, and active bystander intervention skills. Mandatory training for employees will be provided on discrimination, harassment, and violence and mandatory reporting through new employee orientations and other periodic training opportunities and upon request.

Title IX Personnel will be provided training aligned with their tasks in the Title IX Grievance Process.

Free Speech and Academic Freedom

OLC students and employees enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution. This policy is intended to protect OLC students and employees from discrimination and is not designed to regulate protected speech. No

provision of this policy shall be interpreted to prohibit conduct that is legitimately related to course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic or literary expression of students in classrooms and public forums. However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or state anti-discrimination laws.

Availability of Other Complaint Procedures

In addition to seeking criminal charges through local law enforcement, OLC students and employees may also file complaints with the following entities regardless of whether they choose to file a complaint under this procedure:

Office for Civil Rights
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Customer Service Hotline: (800) 421-3481
Email: OCR@ed.gov

Office of Civil Rights:
Kansas City Field Office: OCR.KansasCity@ed.gov, (816) 268-0550;

Equal Employment Opportunity Commission:
Minneapolis Field Office: 1-800-669-6820;
Washington D.C.: 1-800-669-4000, Eeoc.gov/contact

SUBSTANCE ABUSE/DRUG FREE WORK ENVIRONMENT

Substance Abuse/Drug Free Work Environment (Policy)

I. Policy Objective

The Oglala Lakota College (OLC) is committed to providing a safe environment that fosters excellence in learning for its students and in work performance for all its employees. OLC recognizes that drug and/or alcohol dependence is an illness which under most circumstances can be successfully treated. OLC wants to encourage and assist any employee with controlled substance and/or alcohol dependency to voluntarily enter a rehabilitation program.

II. Policy

The misuse, illegal use, possession, transportation, distribution, manufacture, dispensation of alcohol or controlled substances by OLC employees and local Board/Board of Trustees (BOT) members is not permitted on property owned or controlled by OLC, or while representing OLC on business or in other college-sponsored activities.

Employees and local Board/BOT members who possess, use, attempt to possess or use, participate in the transfer, sale, offering or possession of illegal controlled substances while on the job or on property owned or controlled by OLC (including parking lots) are in violation of this policy and are subject to disciplinary action up to and including termination. Further, the Oglala Sioux Tribe under Section 88.01 of the Penal Code prohibits the possession, transportation, or manufacture of beer, wine, whiskey or any other article which produces alcoholic intoxication. Any criminal violation under Federal, Tribal, or State law by an employee, local Board/BOT member will result in action by law enforcement officials.

III. Applicability

This policy applies to all part-time, temporary, and full-time employees of OLC (including adjunct faculty), applicants OLC may hire in the future, student interns, BOT members, and local college center Board members.

IV. Definitions

- A. "Controlled substance" means any controlled substance, dangerous drug(s) or intoxicating compounds as defined under federal, tribal or state law and includes, but is not limited to, narcotics, opiates, hallucinogens, stimulants, marijuana, and so-called "designer drugs."
- B. "Illegal drug" or "illegal controlled substance" means any drug(s) or controlled substance(s) which is not legally obtainable or is being used in a manner inconsistent with the prescribed dosage or by an individual other than the person the medication was originally intended.

- C. "Impaired" means an alcohol concentration established by a properly administered breath alcohol test to be equal to or greater than 0.02.
- D. "Legal drug" means any prescribed drug(s), over-the-counter drug(s), or prescribed controlled substance(s), which has been legally obtained and is being used in the dosage prescribed according to the manufacturer's and/or physician's instructions.
- E. "Randomly selected" means a computer generated random selection of employees for drug testing, and may acquire a different definition over time based on case law and legal opinions, but at no time shall any employee be chosen for a "random" test by a method that could arguably have been prejudiced to include a particular employee.
- F. "Safety Sensitive and High Risk Positions" mean those College positions in which the impaired performance of an employee and/or faculty member would present a substantial risk of injury to self or others and includes positions that require one or more of the following activities: (i) driving or maintenance of powered vehicles; (ii) the operation or maintenance of boilers, elevators, construction equipment or similar dangerous machinery; (iii) dispensing controlled substances or prescription medication; (iv) providing clinical services to students; and (v) being in a setting with minor children.

V. Criminal Convictions

Any OLC employee, local Board/BOT member convicted of a criminal controlled substance and/or alcohol-related offense under Federal, Tribal, or State law either on or off duty must notify the President or their immediate supervisor in writing within five (5) days of the conviction. Employees who fail to notify his/her supervisor within five (5) days are subject to immediate termination. Within thirty (30) days after OLC receives notice of such violation, OLC will require the employee, local Board member/BOT member to participate in a controlled substance and/or alcohol abuse assistance or rehabilitation program through a referral process. Failure to comply with directed participation in a controlled substance and/or alcohol abuse assistance or rehabilitation program may result in termination.

VI. Prescription Medication and Over the Counter Medication:

When a positive result occurs, it is the responsibility of the employee to notify the Medical Review Officer (MRO) if the employee is taking ANY prescription or over-the-counter medication that may create impairment or result in a false-positive drug test.

If an employee tests positive and cannot produce a prescription, the Medical Review Officer (MRO) will report a positive result to the employer. Consequences for a positive test will then apply. If an employee tests positive and has a valid prescription the MRO will report the results as negative.

VII. Required Testing Circumstances

Pre-Employment Testing:

Pre-Employment Testing applies to any job applicant who has received a contingent offer of employment. Current employees applying for different positions within OLC are subject to Pre-Employment Testing. OLC will withdraw an offer of employment if Applicant fails to pass the controlled substance and/or alcohol test. Applicant may re-apply after forty-five days (45) after the date of the pre-employment screen.

BOT Testing:

Each local Board Member and member of the Board of Trustees prior to taking office on the College's Board of Trustees/Local Board shall submit to a controlled substance test. If an elected or appointed member of either the Local Board or the Board of Trustees tests positive, the Board of Trustees will not seat the individual.

Random Testing:

Unannounced Random Testing is mandatory for all Safety Sensitive and High Risk Positions. With the exception of those employees subject to DOT standards, OLC will randomly test up to 1/3 of employees on an annual basis for controlled substances and/or alcohol. The random testing will be done through obtaining a urine specimen. Once notified of random selection, the employee must proceed immediately to the collection site.

Post-Accident Testing:

Employees are required to submit to alcohol and/or controlled substance testing whenever there is any vehicle or workplace accident or conduct that results in property damages in the amount of \$1,000 or greater.

Reasonable Suspicion Testing:

Employees are required to submit to hair follicle testing and urine test based upon reasonable suspicion, except where there is only reasonable suspicion of alcohol use, in which case only a urine test will be administered. The Personnel Director shall make the determination of whether both hair follicle and urine tests are required, or only a urine test is required.

Reasonable suspicion may arise based, for example, on a supervisor's assessments of the employee's work performance, excessive employee tardiness and/or absenteeism, the detection of suspicious odors on or about the employee's person, slurred speech, stumbling/staggering not attributable to a medical condition, and other indicators typical of alcohol or controlled substance use. Reasonable Suspicion Testing shall occur as soon as possible.

In order to limit accidental and liability exposure, supervisors will NOT allow employees who are unable to perform their assigned duties due to controlled substance and/or alcohol related impairment to leave the work premises without an escort.

VIII. Consequences for Employees who violate the Substance Abuse/Drug Free Work Environment (policy).

In a case of controlled substance testing, an employee is in violation of this policy if he/she has tested positive for drug metabolite. Under such circumstances, the employee must be evaluated by a substance abuse professional (SAP) within 5 working days. Employees must utilize their personal or sick leave during this time.

In a case of alcohol testing, employee is in violation of this policy if he/she has a blood alcohol concentration of equal to or greater than .02. Under such circumstances, the employee must be evaluated by a substance abuse professional (SAP) within 5 working days. Employees must utilize their personal or sick leave during this time.

An employee will be required to satisfactorily complete all recommendations of the SAP. Failure to comply with directed participation in a controlled substance and/or alcohol abuse assistance or rehabilitation program may result in termination.

An employee may utilize their sick leave, annual leave, or donated sick leave for lost-time due to treatment recommended by the SAP.

Consequences for Local Board/Board of Trustees:

If a Local Board member or Board of Trustee member tests positive for drug metabolite and/or blood alcohol concentration of equal or greater than .02 then the member must be evaluated by a substance abuse professional (SAP) within 5 working days. Failure to comply with directed participation in a controlled substance and/or alcohol abuse assistance or rehabilitation program may result in removal. A Local Board member or Board of Trustee member must pay for their treatment at their own expense

Return to Duty:

After completing treatment and/or the recommendation of the SAP, employee must take a return-to-duty alcohol and/or controlled substance test by the designated OLC personnel. If the test is negative, employee will be fully reinstated to his/her job position. Follow up tests will be conducted after employee has completed recommendations of SAP. The President in consultation with the EAP can set testing schedules. If Employee tests positive during follow up testing this is cause for immediate dismissal.

Employee is responsible for payment of all rehabilitation/treatment costs not covered by any applicable Employee Assistance Program (EAP) or employee's health insurance, and may be responsible for return-to-duty and follow up testing for controlled substance and/or alcohol.

IX. Testing Procedures

Testing shall be conducted in a manner to ensure adherence to approved standards of confidentiality, privacy, accuracy, and reliability and shall be administered by certified testing professionals.

Testing will take place at a local location to be determined at the time of testing.

A. Controlled Substance Testing – All employees selected for testing will be given a DOT/Non DOT Testing Notice, by the Personnel Office staff which indicates where and when to report to the required test site.

1. Urine will be collected in a single cup and labeled thoroughly so as to reasonably preclude the likelihood of erroneous identification of lab result.
2. Specimens undergo testing by an initial screening procedure, which is followed by GC-MS (Gas Chromatography/Mass Spectrometry) confirmation testing, if necessary.
3. The Medical Review Officer (MRO) will contact the employee if there is a positive result.
4. The MRO will report the results to the employer or program supervisor.
5. The MRO will give the employee the option of a single testing of any remaining specimen at his/her laboratory of choice at the employer's expense.

B. Alcohol Testing

1. A breath test shall be conducted by a certified Breath Alcohol Technician.
2. The initial test must give results of less than 0.02 or a restart (confirmation) test must be done following a fifteen (15) minute wait.
3. If the confirmation reveals a concentration of equal to or greater than 0.02 the employee is in violation of this policy.

X. Refusal to Submit to Testing

An employee refusal constitutes a positive test result and is therefore subject to the consequences of this policy. An employee is determined to have refused to submit to testing if:

- A. He/She outright refuses to take the test.
- B. If there is an inability to produce the required urine specimen after forty (40) ounces of fluid and three (3) hours are allowed, and there is no valid medical explanation.
- C. He/She fails to report to the testing location within the required time limit.

XI. Other Prohibitions

A. Hemp

The Oglala Sioux Tribe distinguishes Industrial Hemp from marijuana according to the amount of tetrahydrocannabinol concentration. Specifically, Section 106 of the Oglala Sioux Tribe's Penal Code holds that any part or variety of the plant *Cannabis Sativa*, or marijuana, containing a tetrahydrocannabinol concentration of one (1) percent or less by weight is not subject to criminal penalties. OLC will not accept the ingestion of hemp-based products, regardless of the amount of tetrahydrocannabinol, as an excuse for testing positive for the marijuana metabolite.

B. Adulterants

Adulteration is a tampering of a urine specimen in an attempt to mask any drug that may otherwise be detected. OLC will have all specimens tested for adulteration. Adulteration and substitution are considered pre-meditated actions to deceive the employer, and therefore, are treated as a more severe violation of this policy than a positive test result. The consequences for adulteration, substitution, or refusal will be termination.

C. Diluted Specimens

If a specimen falls outside of the normal ranges for a validly concentrated urine specimen, it is classified as a diluted specimen. After the first diluted specimen, the employee will pay for any subsequent testing until a determinative result can be obtained. There will be no more than a forty-eight (48) hour span between any tests given. After three (3) tests showing dilution, the employee will be placed on suspension without pay for up to two (2) weeks until a determinative test is completed. If no determinative test is completed within two (2) weeks from the date of the first test, the employee will be terminated.

Any time an employee is determined to have a positive test result (either through an actual positive or a refusal; and an adulterated test or diluted specimen, the EAP and the college President will be notified.

ACCESS TO RECORDS

The employee is entitled to copy of his/her records on file. Subsequent employers or others may have a copy of employee records only upon receipt by OLC Personnel Office of specific written release of information duly executed by employee.

TRAINING

- A. Those designated to determine if reasonable suspicion exists must receive sixty (60) minutes of alcohol training and (60) minutes of controlled substance detection training, which covers the physical, speech and performance indicators of controlled substance and alcohol abuse.

- B. OLC will provide each covered employee with a copy of the Substance Abuse policy.
- C. Each employee must sign a certificate of receipt of the materials.

ACKNOWLEDGMENT OF SUBSTANCE ABUSE POLICY

I understand and agree to comply with the OLC Substance Abuse Policy, which calls for Mandatory Pre-Employment Testing and Random Testing as a condition of employment. I further understand that since this is a mandatory policy my failure to comply with it may be grounds for dismissal from employment.

I understand that I may volunteer for controlled substance and/or alcohol testing at any time. I understand a positive result will be subject to the consequences enumerated within this policy.

I understand that with regard for Random Testing I am responsible for any required treatment/rehabilitation under this policy not covered by the Employee Assistance Program (EAP) and/or my health insurance policy.

I understand that OLC is responsible for paying for Mandatory Pre-Employment Testing, Random Testing, post-accident testing and reasonable suspicion testing.

Employee/Applicant Signature
(Please circle or underline appropriate designation)

Date

Printed Name

AIDS AND HIV AWARENESS (POLICY)

- A. Oglala Lakota College will respond to complaints of discrimination or harassment against students or employees with AIDS through counseling and education, and through disciplinary measure if necessary. Unless medically justified, OLC will not require transfers or changes in working conditions because an employee has AIDS or because of concerns about a co-worker having AIDS. Information about AIDS is available to students at Piya Wiconi and each district center

FOR MORE INFORMATION, PLEASE CALL:

AIDS Hotline US Public Health Service 1-800-342-7432

Hearing Impaired AIDS Hotline 1-800-243-7889

BOT 02-23-09, 04-30-09

EMPLOYEE PROHIBITION ON BEING BOT OR LOCAL BOARD MEMBERS

Full-time or Part-time/temporary Oglala Lakota College employees, except work study, cannot be members of the Board of Trustees or the Local Boards or student organizations.

ELECTRONIC INFORMATION, RESOURCES AND ACCEPTABLE USE

COMPUTER ACCOUNT AND NETWORK POLICY

Students and staff of Oglala Lakota College who have been provided with access to networks, including the Internet, by the college shall be governed by the following policy.

SECTION A: PHILOSOPHY

Risk: It is impossible to control all materials on the network. Sites accessible via the network, particularly networks under OLC control, might contain material that is illegal, defamatory, obscene, inaccurate, or controversial. With global access to computers and people, there is a risk that students may access material that might not be considered to be of educational value in the context of the school setting.

Users Responsible: Network users, like traditional library users, are responsible for their actions in accessing available resources. The user is responsible for making sure any information received does not contain pornographic material, inappropriate information, inappropriate language, or files that are potentially dangerous to the integrity of the hardware/software on school premises.

SECTION B: ACCEPTABLE USE

Oglala Lakota College network access may be used to improve learning and teaching consistent with the educational mission of OLC. Oglala Lakota College expects legal, ethical and efficient use of the network.

Access: Oglala Lakota College may issue network accounts to provide access to network resources.

Privilege: Use of a personal Oglala Lakota College network account, once issued, is a privilege, not a right.

Voluntary: Use of a personal Oglala Lakota College network account is voluntary on the part of the student or staff.

Subject to Network Administration: All Oglala Lakota College network account usage is subject to examination or investigation as needed without prior notification or consent of the user.

SECTION C: IMPLIED CONSENT

By accessing Oglala Lakota College's network, you have entered into a legally binding contract with implied consent to all terms and conditions of the contract. Listed below are the provisions of this contract. If any user violates these provisions, access to the information service may be denied and you may be subject to disciplinary action.

Terms and Conditions of this Contract:

Personal Responsibility: As a representative of this school, each user will accept personal responsibility for reporting any misuse of the network to the network administrator. Misuse can come in many forms, but it is commonly viewed as any message(s) sent or received that indicate or suggest pornography, unethical or illegal solicitation, racism, sexism, inappropriate language, installation or copying of files or unapproved software, and other issues described below. All of the rules of conduct described in the Oglala Lakota College Student Handbook apply when you are on the network.

Acceptable Use: The use of an assigned account must be in support of education and research and within the educational goals and objectives of Oglala Lakota College. Each user is personally responsible for this provision at all times when using the network.

a. Use of other organizations' networks or computing resources must comply with rules appropriate to the Oglala Lakota College network.

b. Transmission of any material in violation of any international, federal, state, or tribal regulation and/or law is prohibited. This includes, but is not limited to: copyrighted material, threatening, harassing or obscene material, or material protected by trade secret. Any attempt to break the law while using Oglala Lakota College facilities may result in prosecution or litigation against the offender. If such an event should occur, Oglala Lakota College will fully cooperate to the extent permitted by law with the authorities to provide any information necessary in connection with prosecution.

c. Use of the network for commercial activities and product advertisement are prohibited.

d. Use of the network for product or political lobbying is prohibited.

Each user is aware that inappropriate use of electronic information resources can be a violation of local, state, and federal laws and regulations and the user can be prosecuted for violating those laws.

Privileges: The use of the information system is a privilege, not a right, and inappropriate use will result in a cancellation of those privileges. Each person who receives an account will participate in an orientation or training course with a faculty member as to proper behavior and use of the network. The Oglala Lakota College network administrator will decide what will be regarded as appropriate and acceptable use. The network administrator(s) may close an account at any time deemed necessary. The administration, staff, or faculty of Oglala Lakota College may request the network administrator to deny, revoke, or suspend specific user accounts.

Network Etiquette and Privacy: You are expected to abide by the generally accepted rules of network etiquette. These rules include, but are not limited to, the following:

a. Be Polite: Never send, or encourage others to send, abusive messages.

b. Use Appropriate Language: Remember that you are a representative of Oglala Lakota College on a non-private system. You may be alone with your computer, but what you say and do can be viewed globally! Never swear, use vulgarities, or any other inappropriate language. Illegal activities of any kind are strictly forbidden.

c. Electronic Mail: Electronic mail (e-mail) is not guaranteed to be private. E-mail accounts may not be used for private or commercial activities. Messages relating to or in support of illegal activities must be reported to the authorities.

d. Disruptions: Do not use the network in any way that would disrupt use of the network by others.

e. Accounts: Accounts are not for private or commercial use.

Services: The Oglala Lakota College makes no warranties of any kind, either expressed or implied, for the service it is providing. Oglala Lakota College will not be responsible for damages suffered by the user while on this system. These damages include loss of data as a result of delays, non-deliveries, mis-deliveries, or service interruptions caused by the system or user errors or omissions. The user assumes the risk of any information obtained via the information system. Oglala Lakota College specifically disclaims any responsibility for the accuracy of information obtained through its services.

Security: Security on any computer network is a high priority. Each user is responsible to immediately notify the system administrator of any security problems. Never demonstrate the problem to other users. Never use another individual's account without written permission from that person. All use of the system must be under your own account. Any user identified as a security risk will be denied access to the information network.

Vandalism: Vandalism is defined as any malicious attempt to harm or destroy data of another user, agency, or network connected to this system. This includes, but is not limited to, the uploading or creation of computer viruses. Any vandalism will result in the loss of computer services, disciplinary action, and legal referral.

Updating: The network administrator may require periodic updates in the user's account information to maintain each user's account. Each user or account holder must also notify the network administrator of any changes in their account information.

SECTION D: INAPPROPRIATE USE

Inappropriate use includes, but is not limited to, those users: that violate the law, that are not in accord with this policy, or that hamper the integrity or security of Oglala Lakota College networks or any external networks to which OLC networks are connected. Logging on, or attempting to log on, the name or account of another person or entity is prohibited.

Offensive or Inflammatory Speech: Users must respect the rights of others both in the local community and the network at large. Personal attacks are an unacceptable use of the network. If a user is the victim of an inappropriate communication the incident shall be brought to the attention of a staff person or network administrator.

User ID Violations: Once an account is issued to a user, that user is responsible for all actions taken while using that account. Sharing of an account with another person is prohibited.

Electronic Mail Violations: Forgery of electronic mail messages is prohibited. Reading, deleting, copying, or modifying the electronic mail of other users is prohibited. Sending unsolicited junk e-mail or e-mail chain letters is prohibited.

File/Data Violations: Deletion, examination, copying, or modification of fields, and/or data belonging to another user is prohibited.

Non-Academic Use: District technology is a valuable, scarce resource. It is not to be used for non-academic purposes, such as game playing, unless approved by the District Director or network administrator.

System Interference/Alteration: Attempts to exceed, evade or change resource quotas that may be established are prohibited. Quotas are limits on local hard drive storage space or network time or storage space which are designed to allow all users an equitable opportunity to access resources. Causing network congestion through mass consumption of system resources is prohibited.

SECTION E: COPYRIGHT INFRINGEMENT

Higher Education Opportunity Act Peer-to-Peer Compliance: The Higher Education Opportunity Act (HEOA) contains provisions for the regulation of peer-to-peer (P2P) applications when used in ways that infringe on the copyrights of commercial works (usually entertainment media files). Several sections of the HEOA deal with unauthorized file sharing on campus networks, imposing three general requirements on all U.S. colleges and universities:

- An annual disclosure to students describing copyright law and campus policies related to violating copyright law.
 - A statement that explicitly informs its students that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the students to civil and criminal liabilities;
 - A summary of the penalties for violation of federal copyright laws (see sample below); and
 - A description of the institution's policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions that are taken against students who engage in illegal downloading or unauthorized distribution of copyrighted materials using the institution's information technology system.

- A plan to “effectively combat the unauthorized distribution of copyrighted materials” by users of its network, including “the use of one or more technology-based deterrents”. Technology-based deterrents may include:
 - Bandwidth shaping;
 - Traffic monitoring to identify the largest bandwidth users;
 - A vigorous program of accepting and responding to Digital Millennium Copyright Act (DMCA) notices; and/or
 - A variety of commercial products designed to reduce or block illegal file sharing.

OLC complies with these provisions in the following ways:

- OLC provides disclosure reminders through the Acceptable Use and Implied Consent sections of this policy whenever users:
 - Register for classes or
 - Apply for admission.
- OLC has chosen to deploy “a vigorous program of accepting and responding to Digital Millennium Copyright Act (DCMA) notices” as our technology-based deterrent.
- Additional technology-based deterrents including router-based protocol dropping and vendor-provided filtering.

Notification Statement for Current and Prospective Students (and others):

- Unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the user of OLC IT systems and services to civil and criminal liabilities.
 - In plain, non-technical, non-legal language: If you have a program, application or service on your computer that allows you to get any song, video, game or other entertainment file that you want for free even though you could buy it in the store or online, you are at risk of violating copyright and being discovered and prosecuted. When you use one of those programs, usually a peer-to-peer file sharing utility like LimeWire, Gnutella, Morpheus, KaZaA, BitTorrent or others, you don’t just receive files. In an “honor among thieves” arrangement your computer silently and automatically becomes an illegal provider of those files to other peer-to-peer users on the Internet.
- The consequences of this illegal file-sharing, whether intentional or not, according to the U.S. Department of Education, include:
 - Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under Section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.

- Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or “statutory” damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For “willful” infringement, a court may award up to \$150,000 per work infringed. A court can in its discretion, also assess costs and attorneys’ fees. For details, see Title 17, United States Code, Sections 504, 505.
- Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense.
- For more information, please see the website of the U.S. Copyright Office at www.copyright.gov, especially their FAQs at www.copyright.gov/help/faq.
- Additionally, when a DMCA-compliant notice of copyright infringement is received by the DMCA Agent for OLC, the user of record of the infringing OLC Internet Protocol (IP) address is subject to the following administrative and disciplinary actions:
 - The user of record is identified from the infringing IP address and the timestamp provided in the complaint. The corresponding network access is disabled for a violation of the Acceptable Use section of this policy.
 - The copyright owner’s representative is not provided with the identity of the user of record.
 - Contact Information for the user of record is obtained from the Jenzabar preferred e-mail address. Failure to maintain a current e-mail address will thwart contact about the actions being taken and the remedies available, but will not relieve the user of responsibility for the infringement.
 - The user of record is provided with the notice of infringement (minus the contact information for the copyright agent) as well as local instructions to regain network access.
 - The user of record is required to affirm that the infringing file(s) and file-sharing software have been removed from the computer. The user of record should respond to OLC’s DMCA Agent and not to the copyright owner’s representative.
 - Repeat infringements are referred to the Office of Student Services for an interview and possible disciplinary action.
 - If the infringing IP address is assigned to a user’s wireless router, it is the user’s responsibility to secure the router so that it cannot be used for this or other purposes by anonymous users. This explanation is not a defense against a copyright infringement complaint.

SECTION F: INTERNET CONTENT FILTERING/SAFETY

In compliance with the Children's Internet Protection Act (CIPA) and Regulations of the Federal Communications Commission (FCC), Oglala Lakota College has adopted and will enforce Internet safety that ensures the use of technology protection measures on all college computers with Internet access. Such technology protection measures apply to Internet access by both adults and minors as defined by CIPA and Oglala Lakota College with respect to the use of computers by minors and/or use considered harmful to such students. Appropriate monitoring of online activities of minors will also be enforced to ensure the safety of students when accessing the Internet.

The college's decision to utilize technology protection measures and other safety procedures for faculty, staff and students when accessing the Internet fosters the educational mission of the college; including the selection of appropriate teaching/instructional materials and activities to enhance the college's programs, and helping to ensure the safety of college personnel and students while online.

In addition to the use of technology protection measures, the monitoring of online activities and access by minors to inappropriate matter on the Internet and World Wide Web may include, but shall not be limited to, the following guidelines:

- The presence of appropriate personnel will be ensured when students are accessing the Internet including, but not limited to, the supervision of minors when using electronic mail, chat rooms, instant messaging and other forms of direct electronic communications. The use of e-mail, chat rooms, as well as social networking websites, may be blocked by the appropriate building administrator as deemed necessary to ensure the safety of such students;
- Access logs will be monitored in order to keep track of the web sites visited by students as a measure to restrict access to materials harmful to minors;
- In compliance with the Internet Safety and Acceptable Use sections of this OLC Policy, unauthorized access (including so-called "hacking") and other unlawful activities by minors are prohibited by the college, and student violations of such policies may result in disciplinary action; and
- Appropriate supervision and notification will be provided for minors regarding prohibition of unauthorized disclosure, use and dissemination of personal identification information regarding such students.

The determination of what is "inappropriate" shall be determined by the college and/or designated official(s). It is acknowledged that the determination of such "inappropriate" material may vary depending upon the circumstances of the situation and the age of the students involved in online research.

Under certain specified circumstances, the blocking or filtering technology measure(s) may be disabled for adults engaged in bona fide research or other lawful purposes. The power to disable can only be exercised by an administrator, supervisor, or other person authorized by the college.

The college shall provide certification, pursuant to the requirements of CIPA, to document the college's adoption and enforcement of Internet Safety, including the operation and enforcement of technology protection measures (i.e., blocking/filtering of access to certain material on the Internet) for all college computers with Internet access.

Access to Inappropriate Content/Material and Use of Personal Technology or Electronic Devices: Despite the existence of college policy, regulations and guidelines, it is virtually impossible to completely prevent access to content or material that may be considered inappropriate for students. Students may have the ability to access such content or material from their home, other locations off school premises and/or with a student's own personal technology or electronic device on school grounds or at school events.

The college is not responsible for inappropriate content or material accessed via a student's own personal technology or electronic device or via an unfiltered Internet connection received through a student's own personal technology or electronic device.

Notification/Authorization: The college has provided reasonable vetting through the college's governance system to address the Internet Content Filter/Safety as part of the Computer Account and Network Policy prior to formal adoption. The college's policy regarding Internet Content Filtering/Safety, Section F of the Computer Account and Network Policy, must be made available to the FCC upon request. Furthermore, appropriate actions will be taken to ensure the ready availability to the public of this policy.

SECTION G: CONSEQUENCES OF POLICY VIOLATION

A user's network privileges may be interrupted or terminated for any violation or attempted violation of this policy.

A user's network privileges may be interrupted or suspended by a staff member, administrator or the network administrator while a suspected violation is being investigated and while determination of an appropriate discipline is in progress. During such an investigation and determination, alternative opportunities for the user to complete assignments will be made available where appropriate and reasonably possible. Before suspension or termination of network privileges, the user will be advised of the suspected violation.

SECTION H: SECURITY

High Priority: Security on any computer network is a high priority, especially when the network involves many users.

Reporting Security Problems: If the user identifies a security problem on the network, it is expected that a user will notify the Director of Technology or a designee. The user must not share the security problem with other users.

Security Risks Denied Access: Any user identified as a security risk or having a history of violation with other computer networks may be denied access to network through Oglala Lakota College facilities. It is the intent of Oglala Lakota College to prohibit access to such persons.

SECTION I: DISCLAIMER

Oglala Lakota College makes no warranties of any kind, whether expressed or implied, for the network facilities it is providing. Oglala Lakota College will not be responsible for any damages suffered by its users. This includes loss of data resulting from delays, non-deliveries, or service interruptions caused by its own negligence or user errors or omissions. Oglala Lakota College is not responsible for phone/credit card bills or any other charges incurred by users. Use of any information obtained via the network is at the user's own risk. Oglala Lakota College specifically denies any responsibility for the accuracy or quality of information obtained through its network facilities.