

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~~ Reduction in Forces. Reduction in Forces result from the elimination of positions or programs due to major budget constraints. ~~Forced reductions~~ Reduction in Forces 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~~ Reduction in Forces to return to the position held at the time of the ~~forced~~ Reduction in Forces reduction.
CROSS REFERENCE: 65-250

2. Elimination of Positions. Positions ~~may be~~ may be 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 ~~supervisors~~Supervisor to initiate action on ~~dismissals~~Dismissals, non-renewals, ~~suspensions~~Suspensions, and ~~reductions~~Reductions in ~~force~~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 Oglala Lakota 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~~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 Occurrence	1 st Occurrence	2 nd Occurrence	3 rd
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		

Kind of Offense Occurrence	1 st Occurrence	2 nd Occurrence	3 rd
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	

Kind of Offense Occurrence	1 st Occurrence	2 nd Occurrence	3 rd
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 Reprimand	Written	Removal	
22. Violation of any College, Department or Division Regulation or Order	Written Reprimand	Removal	
23. The Threat, Attempt, or Use of Personal	Written Reprimand	Removal	

Kind of Offense Occurrence	1 st Occurrence	2 nd Occurrence	3 rd
(23. con't.) Leave of Absence, Transfer, Change of Pay Rate, or Character in Work			
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 Interview	Corrective Reprimand	Written	Removal
31. Damage to OLC Property through	Corrective Interview	Written Reprimand	Removal

Negligence

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| 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, or will be, no longer employed with Oglala Lakota College, the employee's final paycheck will be held until all equipment, (i.e. keys, electronic devices, passwords, etc) and reports, and keys, have been turned in returned 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.

H. Employee Access to Electronic Systems

The Personnel Office may determine on a case-by-case basis that an employee's administrative or other access to electronic systems should be terminated or suspended in connection with a Disciplinary Action.

When an employee is, or will be, no longer employed with Oglala Lakota College, the employee's administrative access, if any, to electronic systems will be terminated between the date of notice and the effective date of the adverse action, unless such access is determined to be necessary for operation of the Oglala Lakota College by the Personnel Office.

When an employee is no longer employed with Oglala Lakota College, the employee's access to electronic systems will be terminated on the effective date of the adverse action.