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APPENDICES

SWC Statement of Becoming

SWC commits to the constant process of providing an unsurpassed Wodakotah centered environment that will enable and empower our learners and our community to fully engage in a lifelong ceremony of educational achievement, creativity, personal growth, and cultural renewal.

FOREWORD

This Employee Handbook is designated to acquaint you with Sisseton-Wahpeton College (SWC) and provide you a reference for answering most of your questions relating to your employment.

The contents are only a summary of the various benefits, policies, procedures and guidelines that apply to your employment. Employee questions concerning this Handbook will be answered by your department Manager/Director or the Human Resource Manager. You should also consult written supplemental policies that have been passed to implement the requirements of this Handbook, and any individually adopted department policies, which are available through the human resources office or your department manager. Each new policy will be posted and made available for individual distribution. Each manager and supervisor is responsible for keeping employees informed of changes in the policy.

B. PURPOSE

The SWC employee handbook is intended to provide guidance and to set standards and procedures for implementation and compliance by management and employees in the performance of their official duties. This handbook shall apply to all employees of SWC with the exception of contract employees. The handbook serves as the basis for supervision, accountability and responsibility. Supplemental policies may be developed and implemented by SWC or by SWC officers.

THIS HANDBOOK IS NOT INTENDED TO CREATE, NOR IS IT TO BE INTERPRETED AS TO CREATE, A CONTRACT BETWEEN THE SWC AND ANY OF ITS EMPLOYEES.

This handbook may be changed at any time if deemed necessary. The policies and procedures contained herein supersede and revoke all prior past policies or practices, oral and written representations, or statements regarding the terms and conditions of employment with the SWC.

Nothing in this handbook shall mean or be interpreted to be a waiver of the sovereign immunity of the Sisseton Wahpeton Oyate (SWO), the SWC, its officers, or any of its employees.

A. INTRODUCTION

Native American Tribes are specifically exempted from the Civil Rights Act of 1964 and 1991 and may give preferential treatment to Native American's in all areas of employment.

1. Native American Preference in Hiring

Native American preference in hiring has been, and will continue to be, a fundamental principle at SWC, in accordance with Chapter 59, Tribal Employment Rights Ordinance, of the SWO legal codes. Preference will first be given to qualified Native Americans in all areas of employment including, but not necessarily limited to the following:

- a. Recruiting
- b. Selection
- c. Promotion and transfer
- d. Demotions, lay-offs, reductions in force, and terminations
- e. Testing and training
- f. Compensation and benefits

All other hiring is based upon personal capabilities and qualifications without discrimination because of race, color, religion, sex, age, national origin, disability, or any other protected characteristic.

The Human Resources Department has overall responsibility for this policy and maintains reporting and monitoring procedures. Employees' questions or concerns should be referred to the Human Resources Department.

Appropriate disciplinary action may be taken against any employee willfully violating this policy.

2. Non-discrimination and Anti-harassment Policy

The Sisseton Wahpeton College is committed to a work environment in which all individuals are treated with respect and dignity as declared in the SWC Statement of Becoming. Each individual has the right to work in a professional atmosphere that prohibits discriminatory behavior and harassment. Therefore, SWC expects that all relationships among persons in the workplace will be business-like and free of bias, prejudice and harassment.

SWC prohibits and will not tolerate any such discrimination or harassment.

Definitions of Harassment

a. Sexual harassment constitutes discrimination and will not be tolerated. For the purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal or visual conduct of a sexual nature. Sex-based harassment that is, harassment not involving sexual activity or language (e.g., male manager yells only at female employees and not males) may also constitute discrimination if it is severe or pervasive and directed at employees because of their sex.

b. Harassment is strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, national origin, age, disability, [alienage or citizenship status, marital status, creed, genetic predisposition or carrier status, sexual orientation] or any other characteristic, or that of his/her relatives, friends or associates, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group, regardless of how this is circulated.

Individuals and Conduct Covered

These policies apply to all applicants and employees, and prohibit harassment, discrimination and retaliation whether engaged in by fellow employees, by a supervisor or manager.

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

Retaliation Is Prohibited

SWC prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action.

COMPLAINT PROCEDURE

Reporting an Incident of Harassment, Discrimination or Retaliation

SWC strongly urges the reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe they have experienced conduct that they believe is contrary to SWC's policy or who have concerns about such matters should file their complaints with the Director of Human Resources before the conduct becomes severe or pervasive. Individuals should not feel obligated to file their complaints with their immediate supervisor first before bringing the matter to the attention of the Human Resource Director.

Employees have an obligation to take advantage of the complaint mechanisms offered by employers; and an employee's failure to do so unreasonably (e.g., does not complain, refuses to cooperate in the investigation), will in appropriate circumstances allow the employer to establish a defense to liability if the employee takes subsequent legal action.

IMPORTANT NOTICE TO ALL EMPLOYEES:

Employees who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of this complaint procedure. An employee's failure to fulfill this obligation could affect his or her rights in pursuing further action.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, SWC strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. SWC will make every effort to stop alleged harassment before it becomes severe or pervasive, but can only do so with the cooperation of its staff/employees.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

The Investigation

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly, thoroughly and impartially. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

Responsive Action

Misconduct constituting harassment, discrimination or retaliation will be dealt with promptly and appropriately. Responsive action may include, for example, training, referral to counseling, monitoring of the offender and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reduction of wages, demotion, reassignment, temporary suspension without pay or termination, as SWC believes appropriate under the circumstances.

If an employee making a complaint does not agree with its resolution, the employee may appeal to SWC's President.

Individuals who have questions or concerns about these policies should talk with the Human Resources Director.

Finally, these policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other characteristic, from participating in business or work-related social activities or discussions in order to avoid allegations of harassment. The policies of SWC prohibit disparate treatment on the basis of sex or any other characteristic, with regard to terms, conditions, privileges and perquisites of employment. The prohibitions against harassment, discrimination and retaliation are intended to complement and further these policies, not to form the basis of an exception to them.

3. Disabled Individuals Policy Statement

The Sisseton Wahpeton College is committed to providing a work environment that is supportive of individuals with disabilities. It is SWC's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions of the job. Consistent with this policy of nondiscrimination, SWC will make every effort to assist an individual with a disability, who has made SWC aware of his or her disability, provided that such accommodation does not constitute an undue hardship on SWC.

Employees with a disability who believe they need accommodation to perform the essential functions of their job should contact the Human Resources Department.

Procedure for Requesting an Accommodation

On receipt of an accommodation request, a member of the Human Resources Department and your supervisor will meet with you to discuss and identify the precise limitations resulting from the disability and the potential accommodation that SWC might make to help overcome those limitations.

SWC will determine the feasibility of the requested accommodation considering various factors, including, but not limited to the nature and cost of the accommodation, outside funding, SWC's overall financial resources and organization, and the accommodation's impact on the operation of SWC, including its impact on the ability of other employees to perform their duties and on SWC's ability to conduct business.

SWC will inform the employee of its decision on the accommodation request or on how to make the accommodation. If the accommodation request is denied, employees will be advised of their right to appeal the decision by submitting a written statement explaining the reasons for the request. If the request on appeal is denied, that decision is final.

This policy does not require SWC to make the best possible accommodation, to reallocate essential job functions, or to provide personal use items (i.e., eyeglasses, hearing aids, wheelchairs etc.).

An employee or job applicant who has questions regarding this policy or believes that he or she has been discriminated against based on a disability should notify the Human Resources Department. All such inquiries or complaints will be treated as confidential to the extent permissible by law.

4. Conflict Of Interest And Professional Conduct

In General

SWC expects our employees to conduct business according to the highest ethical standards of conduct. Employees are expected to devote their best efforts to the interests of SWC. Business dealings that appear to create a conflict between the interests of SWC and an employee are unacceptable. SWC recognizes the right of employees to engage in activities outside of their employment which are of a private nature and unrelated to our business. However, the employee must disclose any possible conflicts so that SWC may assess and prevent potential conflicts of interest from arising. A potential or actual conflict of interest occurs whenever an employee is in a position to influence a decision that may result in a personal gain for the employee or an immediate family member (i.e., spouse or significant other, children, parents, siblings) as a result of SWC's business dealings.

Although it is not possible to specify every action that might create a conflict of interest, this policy sets forth the ones which most frequently present problems. If an employee has any question whether an action or proposed course of conduct would create a conflict of interest, he or she should immediately contact the Human Resources Department to obtain advice on the issue. The purpose of this policy is to protect employees from any conflict of interest that might arise.

A violation of this policy will result in immediate and appropriate discipline, up to and including immediate termination.

Professional Conduct

Employees are expected to engage in professional conduct at all times while on duty or when attending functions in an official capacity and representing SWC. Employees are expected to abstain from becoming intoxicated, engaging in violence, or engaging in other activities that may cause harm to the reputation of SWC. Employees are expected to refrain from making

disparaging comments regarding the College, its employees, clients, students, suppliers and others while in the presence of any of those previously mentioned and while on duty.

From time to time, SWC employees may be required to work beyond their normally scheduled hours. In cases of conflict with any outside activity, the employee's obligations to the SWC must be given priority. Employees are hired and continue in SWC's employ with the understanding that SWC is their primary employer and that other employment or commercial involvement which is in conflict with the business interests of SWC is strictly prohibited.

5. Work Product Ownership

All SWC employees must be aware that SWC retains legal ownership of the product of their work. No work product created while employed by SWC can be claimed, construed, or presented as property of the individual, even after employment by SWC has been terminated or the relevant project completed. This includes written and electronic documents, audio and video recordings, system code, and also any concepts, ideas, or other intellectual property developed for SWC, regardless of whether the intellectual property is actually used by SWC. Although it is acceptable for an employee to display and/or discuss a portion or the whole of certain work product as an example in certain situations (e.g., on a resume, in a freelancer's meeting with a prospective client), one must bear in mind that information classified as confidential must remain so even after the end of employment, and that supplying certain other entities with certain types of information may constitute a conflict of interest. In any event, it must always be made clear that work product is the sole and exclusive property of SWC. Freelancers and temporary employees must be particularly careful in the course of any work they discuss doing, or actually do, for a competitor of SWC.

Reporting Potential Conflicts

An employee must promptly disclose actual or potential conflicts of interest, in writing, to his or her supervisor. Approval will not be given unless the relationship will not interfere with the employee's duties or will not damage the College's relationship.

6. Confidential Nature Of Work

All SWC records and information relating to SWC or its students are confidential and employees must, therefore, treat all matters accordingly. No SWC or SWC-related information, including without limitation, documents, notes, files, records, oral information, computer files or similar materials (except in the ordinary course of performing duties on behalf of SWC) may be removed from SWC's premises without permission from SWC. Additionally, the contents of SWC's records or information otherwise obtained in regard to business may not be disclosed to anyone, except where required for a business purpose or by an applicable court of law. Employees must not disclose any confidential information, purposefully or inadvertently through casual conversation), to any unauthorized person inside or outside SWC unless expressly authorized to do so by the President.

It is absolutely prohibited to disclose any information relating to a student, other than to confirm or deny their enrollment at SWC, without their written permission to do so.

Employees who are unsure about the confidential nature of specific information must ask their supervisor for clarification. Employees will be subject to appropriate disciplinary action, up to and including dismissal, for knowingly or unknowingly revealing information of a confidential nature.

B. EMPLOYMENT

1. HIRING OF KEY PERSONNEL

It is the responsibility of the SWC Board of Trustees to hire the President (CEO) and other executive positions for the institution. Every effort will be made to conduct an extensive search for candidates who possess all the necessary skills, education, and qualifications to fill key positions. The key positions at SWC are the President (CEO), Vice President of Academic Affairs, and the Chief Financial Officer (CFO). The following procedure will provide the guidelines for this process:

1. In the event of a vacancy, the Board of Trustees will authorize a Search Committee to initiate a search for the President. This committee will consist of two Board members and three key staff people from the institution.
2. The Search Committee will have the responsibility of developing criteria, qualifications, and other desired characteristics that will assure that the institution will have the leadership qualities needed to meet the goals and objectives that fulfill the mission set forth for the organization.
3. When the committee screens the applicants to the three most qualified candidates, they will be presented to the full Board of Trustees for selection. The Board may choose to interview any or all of the candidates prior to their selection.
4. Once a selection is made, the Board may direct the Search Committee to negotiate the contract and salary agreements which are then presented to the full Board for final approval. Once approved, a contract for a two-year period may be awarded to the successful candidate.
5. The President will hire all other personnel.

2. HIRING OF FACULTY

It shall be the responsibility of the Vice President of Academic Affairs to recruit and screen applicants for teaching and instruction. Suitable candidates are those who possess all the necessary academic credentials and experience needed to successfully perform the duties and responsibilities required of the position. An interview panel may be used to interview the candidates. The Vice President of Academic Affairs will make a recommendation for selection to the President for final approval.

3. HIRING OF ALL OTHER PERSONNEL

An interview panel may be instituted to screen and interview the candidates for all other positions. The interview panel will make a recommendation to the President for final approval.

4. HIRING PROCEDURE

Step 1. An Employee Requisition Form will be completed by the program director or grant manager that is need of an employee and must be submitted to the Human Resources Department. If approved by Human Resources, the form will proceed to step 2.

Step 2. After approval is received by the Human Resources Department, the form will be submitted to the Chief Administrative Officer or CFO to ensure funds are available for the position. If funding is available for the position, the form will proceed to step 3.

Step 3. The Employee Requisition form will then be presented to the President for final approval to proceed. If approved by the President, the process will advance to the next step.

Step 4. The position will be posted in house for three days and will be advertised in the newspapers identified in the Employee Requisition Form.

Step 5. Interviews will be held with the qualified candidates and a recommendation will be presented to the President for final approval.

5. PROMOTION AND JOB POSTING

The College desires to enhance and promote advancement opportunities for its employees through **in-house promotion**. SWC encourages employees to assume higher-level positions or lateral transfers for which they qualify. Toward this end, SWC has a job posting program that offers employees the opportunity to apply for certain positions within the College.

A vacancy may be filled satisfactorily by someone already employed by the College. Generally, employees must have a good performance, attendance and punctuality record.

Each employee requesting a transfer will be considered for the new position along with all other applicants.

Each transfer is judged on an individual basis, depending on the needs of both departments involved.

All final decisions regarding transfers will be made by the President, in conjunction with the Human Resources Department and the individual department manager.

Employees who wish to apply for a transfer should discuss it first with their supervisor/manager and the Human Resources Department so that it may be determined if their skills fit the requirements of the desired job. Employees should also feel free to discuss their career aspirations with their supervisor/manager or the Human Resources Department at any time.

If an employee fits the basic criteria for the position, the Human Resources Department will make arrangements to set up an exploratory interview with the other department.

The transfer or promotion of an employee will follow the steps identified in the Hiring Process on page 10 with the position being posted in house for three days. If current employees do not respond to the posting within the three day posting period, the position will be advertised outside in the various news media.

Procedure

1. Employees must submit a completed application to the Human Resources Department.
2. The employee will be interviewed by the interview panel with a recommendation for final approval presented to the President.
3. The appointment of an employee with higher responsibility or authority than the employee's previous position shall be considered a promotion. The employee's wage will be adjusted accordingly.
4. The appointment of an employee to a position of similar scope and authority to another department will be considered a transfer.
5. Employees who change positions through transfer or promotion may be required to serve a one month probationary period.

6. NEPOTISM

An individual shall not be hired for a full-time position in a division of the College where a member of his/her immediate family (father, mother, son, daughter, brother, sister, husband, wife) is his/her immediate supervisor.

7. PROBATIONARY PERIOD

Every new employee goes through an initial period of adjustment in order to learn about the SWC and about his/her job. During this time the employee will have an opportunity to find out if he/she is suited to, and likes, his/her new position.

Additionally, the probationary period gives the employee's supervisor a reasonable period of time to evaluate his/her performance. The initial employment period is ninety (90) days. All personnel (including key personnel) shall serve a ninety day probationary period.

During this time, the new employee will be provided with training and guidance from his/her Supervisor. The employee may resign his/her employment at SWC without prejudice at any time during the probationary period. He/she may be discharged at any time during this period if his/her Supervisor concludes that he/she is not progressing or performing satisfactorily. Under appropriate circumstances, the initial employment may be extended. Additionally, as is true at all times during an employee's employment with SWC, employment is not for any specific time and may be terminated at will, with or without cause and without prior notice.

At the end of the probationary period, the employee shall be evaluated by his/her immediate supervisor. Provided his/her job performance is "satisfactory" at the end of the initial employment period, he/she will continue in our employment as an at-will or contract employee.

Procedure

Additional requirements regarding the probationary period are as follows:

1. The employee is not eligible to accrue leave during the probationary period.
2. The employee is not eligible for health insurance, dental and vision insurance, or additional optional life insurance during the probationary period.
3. The employee is not eligible for participation in the 401(k) program during the probationary period.
4. Employees may be subject to an additional thirty (30) day probationary period in the case of promotion or transfer.
5. A probationary period may be reactivated or extended for up to an additional ninety (90) days when discipline is involved.
6. Employees who resign and subsequently withdraw their resignation will be required to serve a six month probationary period after returning to their position. This does not constitute a guarantee that the employee will be placed back into their former position.

The President reserves the right to waive a portion or all of an employee's probationary period under special circumstances.

8. ORIENTATION

The Human Resources Department will provide an orientation session to each new employee of the Sisseton Wahpeton College. The purpose of this orientation is to inform the employee of the College's mission (Statement of Becoming), organizational policies and procedures, job duties and responsibilities, and applicable laws. This process is designed to assist the new employee in adjusting to the organizational culture and processes of the College and his/her new job.

The new employee's immediate supervisor will also provide an orientation session to inform the new employee of his/her job requirements, duties, departmental policies and/or requirements, and other SWC policies or procedures that may affect the employee.

9. EMPLOYEE CATEGORIES

Based on the conditions of employment, employees of SWC fall into the following categories:

- Full-Time
- Part-Time
- Temporary Employees
- Exempt Employees
- Non-exempt employees

Administrators
Professional/Supervisory Staff
Faculty
Support Staff

Exempt/Non-exempt employees

Exempt employees are classified as such if their job duties are exempt from the overtime provisions of the Federal and State Wage and Hour Laws. Exempt employees are not eligible for overtime pay. Their salaries are calculated on a weekly basis.

Non-Exempt employees receive compensatory time in lieu of overtime for hours worked above the requisite forty (40) hours per week. Their salaries are calculated on an hourly basis.

Administrators

Administrators are college officers who have administrative responsibility. Generally these positions are full time, exempt, and have an annual employment contract; the President has the discretion to award two year contracts. These positions are considered top management executives and consist of the President, Vice President of Academic Affairs, and Chief Administrative Officer. The SWC Board of Trustees has the discretion to award the President a two year contract.

Professional/Supervisory Staff

These employees are primarily professional or supervisory in nature and are considered middle management. Positions in this category generally consist of Grants Administrators, Department Managers, and professional positions. Exempt or non-exempt status is dependent upon the position. These positions may or may not have an annual contract at the discretion of the President.

Faculty

Those who are contracted primarily to teach. In addition they serve on at least two Institutional Committees during their contract period. Their tasks and the time needed to accomplish them vary with each employee.

Support Staff

These employee's responsibilities involve a supporting role to the College administrative or academic functions. Support personnel have specific job responsibilities as detailed in their job descriptions. They generally have a routine set of duties which they perform during their scheduled hours and are considered non-exempt.

Full-Time

An employee who works the standard working hours of SWC each week (for these purposes, 8 hours per day, 5 days per week).

Part-Time

Part-time employees are classified as those that work a regular schedule of 20 hours or more but less than 30 hours per week. Part-time employees are not eligible for benefits such as insurance, annual or sick leave, and educational benefits.

Temporary Employees

The College may need to make use of temporary employees for short periods of time for purposes of completing a specific task (term) or to temporarily fill a vacant position. Such temporary employment arrangements are not intended to permanently replace staff appointed positions.

- Temporary employment shall not exceed ninety (90) days. At the completion of the ninety-day period, the employee will receive a performance evaluation. Based upon the results of the evaluation, the Department Director may recommend to the President that the person be placed in the position on a regular, full time basis or the temporary employment may be terminated at this time. Term employment shall not exceed six (6) months.
- A temporary employee who advances to regular status will carry forward their date of hire in the temporary position to their regular status.
- The President shall reserve the right to waive a ninety (90) day probationary period for those temporary employees who advance to regular status.
- Temporary employees who are hired for a period of less than ninety (90) days will not be evaluated (e.g. – a person is hired for a period of sixty (60) days to complete a specific project). Term employees will not be evaluated.
- Temporary and term employees are not eligible for benefits such as health insurance, annual or sick leave, promotion and/or grievance hearings.
- Temporary and term employment may be terminated before completion of the specified time period.
- Temporary and term employees will be required to adhere to all SWC policies, procedures, and regulations unless specifically exempted.

The Sisseton Wahpeton College's nepotism policies will apply to the hiring of temporary employees. *The President must approve all temporary hires.* Employees who will have the responsibility of working with children or minors will be required to successfully pass a background check in accordance with PL101-630 prior to actual hire.

All appropriate documentation must be completed before the temporary employee can actually assume any duty (Personnel Status Form, W-4's, I-9's and confidentiality statements). The Human Resources Form *must* stipulate that this is a non-contractual appointment for a specific time period.

* This policy does not apply to regular employees appointed to a temporary assignment.

** This policy excludes faculty or other instructional appointments.

C. COMPENSATION

I Policy Statement

1. PERFORMANCE MANAGEMENT AND COMPENSATION PROGRAMS

In order to attract and retain a highly qualified and competent work force, SWC has instituted a performance management program to compensate employees in a fair and equitable manner based upon demonstrated job performance and educational achievements.

Through this program employees will receive constructive work reviews designed to address performance and skill developmental needs and interests. Upon an employee's anniversary date, an employee becomes eligible for consideration of a salary review. Salary increases may be dependent upon available funding. Salary increases may be in the form of lump sum payments, merit increases, or cost of living increases.

II Procedure

Employees may receive constructive work reviews on the following schedule:

FULL-TIME NON-PROFESSIONAL OR SUPPORT EMPLOYEES:

- a. ninety (90) day probationary period review.
- b. annual work and salary review, based on anniversary of start date.

FULL-TIME PROFESSIONAL LEVEL OR MANAGEMENT EMPLOYEES:

- a. ninety (90) day probationary period review.
- b. annual work and salary review, based on anniversary of start date.

PART-TIME EMPLOYEES:

- a. annual work and salary review

Under usual and appropriate circumstances, employees should receive a performance review annually. If an employee's job responsibilities change substantially at any time after the annual work review, however, another may be performed before the next annual review, after the new assignment has begun.

FACULTY

Full time Faculty are paid according to the policies delineated in the SWC Faculty Handbook. Adjunct Faculty are paid \$500 per credit hour and \$70.00 per credit hour for independent study courses. They may receive mileage if they travel a distance of over twenty-five (25) miles one way. The total mileage an Adjunct instructor may receive in any semester is \$250.00.

2. PAYMENT OF SALARY

Salary payment is made bi-weekly for base salary due up to the pay date. Paydays usually are bi-weekly on the specified day of the week designated for disbursement.

It is the SWC's policy that employee paychecks will only be given personally to that employee. All other arrangements for mailing or pick-up must be made in advance and in writing with the Business Office or Human Resources Department.

If the normal payday falls on a recognized holiday, paychecks will be distributed one workday prior to the disbursement date.

Employees may be paid by check or through direct deposit of funds to either a savings or checking account at their bank of choice (providing the bank has direct deposit capability). To activate direct deposit, a Direct Deposit Authorization form from Human Resources may be obtained and the employee should have his/her bank complete the form. The completed form must then be returned with a voided personal check to the Human Resources Department. Due to banking requirements it may take several weeks for activation of the Direct Deposit.

In the event of a lost paycheck, the Human Resources Department must be notified in writing as soon as possible before a replacement check can be issued. In the event the lost paycheck is recovered and SWC identifies the endorsement as that of the employee, the employee must remit the amount of the replacement check to SWC within 24 hours of the time it is demanded and may be subject to disciplinary action, up to and including termination and referral to proper authorities.

A statement of earnings is given each pay period to employees indicating:

Gross Pay
Statutory Deductions
Voluntary Deductions

The amount of Federal withholding is affected by the number of exemptions claimed on Form W-4, Employee's Withholding Allowance Certificate. If an employee's marital status changes or the number of exemptions previously claimed increases or decreases, a new Form W-4 must be submitted to the Human Resources Department.

3. TIME RECORDS

The attendance of all employees, including full time and Adjunct Faculty, is recorded on a time sheet and is submitted to the Business Office on a bi-weekly basis. Our attendance records are College records, and care must be exercised in recording the hours worked, compensatory time hours, and absences. Violations of this policy may result in appropriate disciplinary action, up to and including immediate discharge.

Each employee is responsible only for his/her own recordkeeping.

Once an employee arrives at work, work is to commence immediately. Failure to do so is considered falsification of timekeeping records.

4. OTHER COMPENSATION CONSIDERATIONS

All staff and faculty are encouraged to pursue additional training during their employment with SWC. Increasing individual education will add to their level of skill and consequently increase their value to the institution. As this value increases it provides a basis for greater compensation. ***See Employee Education Benefits Policy, page 23.***

During the first year of employment, full time faculty are required to successfully complete one of the following SWC courses when offered. These courses will be offered free of charge to the faculty and staff with the purpose of benefiting the employee and the institution:

- a. DKT 130 Dakota History
- b. DKT 140 Dakota Culture
- c. DKT 250 Introduction to Tribal Government (with permission)

During the first two years of employment with SWC, instructors who have not had completed a teaching methods course in their field of instruction are required to complete a course. This is an outside requirement that is also considered faculty development.

All other personnel are required to complete one of the three courses listed above (at the college's expense) during their first year of employment at SWC.

Note: The President reserves the right to negotiate compensation above and beyond the advertised or base amount when deemed necessary and appropriate.

5. PERSONNEL RECORDS

To keep necessary Company records up to date, it is extremely important that you notify the Human Resources Department of any changes in:

- Name and/or marital status
- Address and/or telephone number
- # of eligible dependents
- W-4 deductions
- Person to contact in case of emergency

6. BUSINESS TRAVEL

I Policy Statement

The College has established guidelines on College travel and for reimbursement of those expenses incurred by College employees on business assignments.

The College appreciates the efforts of those that travel and have established these guidelines to assist them with obtaining reimbursements quickly. Travel should be used to accomplish College business objectives in a cost efficient manner. Reimbursed expenses must be reasonable, necessary, documented, and properly authorized. Employees should neither gain nor lose personal funds as a result of college business travel.

The College realizes that because of the unique extended nature of relationships in Indian Country, travel may serve the dual purpose of meeting the primary business objective and enhancing social and tribal/intertribal relationships. This said, the only reimbursable expenses are those directly related to business objectives. Additional expenses will be entirely the responsibility of the employee and additional time taken must be approved in advance and charged to the employee's accrued leave. These activities also must not impact the price of an airline ticket, hotel stay, mileage reimbursement or other expenses in a way that increases costs to the College.

All employees are expected to travel coach or economy class and stay in moderately priced establishments. Airline reservation upgrades utilizing Frequent Flyer miles are acceptable.

II Procedure

1. The intent of the college Business Travel Policy is that persons incurring expenses during travel on behalf of the College will be reimbursed for their out-of-pocket expenses upon completion of a travel expense report. This form must be completed in its entirety. Dates, location, and purpose must be stated in order for travel to be considered not-taxable income. The expense report must be accompanied by original documentation (receipts) of expenses,

- signed by the appropriate supervisor, and turned in to the Accounts Payable Office within 5 business days after travel.
2. Use the Travel Expense Report/Employee Reimbursement form for reimbursements to any SWC employee or student. Itemized receipts must be attached. Forms must include the grant or fund paying for the travel. Invoices and requests for payment must reach the Business Office by Tuesday at 1:00 p.m. to ensure payment in the week's check run.
 3. Cash advances must include a completed expense report detailing how the cash was spent and all receipts must be attached within 5 business days of returning from travel. The IRS requires the college to report cash advances not accounted for within a reasonable time as compensation or that the amount is question be deducted form the employee's salary.
 4. When the college has provided the employee with funds to travel but the employee fails to travel, the employee is required to immediately return the funds to the college in full for the travel advance.

GUIDELINES FOR APPROVAL

Airlines: The individual responsible for arranging travel will search for the lowest airfare available. Employees who arrange travel and reserve a ticket with their own credit card will be expected to accept the lowest rate available in order to be reimbursed by the College. The travel clerk will ensure the employee receives the lowest rate available. On occasion, individuals may know consolidators or other agencies with access to special fares; however, the College will not be responsible for travel agent's fees. **THE USE OF FIRST CLASS TICKETS OR OTHER HIGH COST TICKETS WILL SELDOM EVER BE APPROVED.** Be flexible whenever possible by choosing alternative times and airports if the savings are greater than the additional cost of meals and lodging.

- **Cancellations:** When a trip is cancelled after the ticket is issued, the traveler must inquire use it for future travel.
- **Advance Purchase:** The College expects its employees to purchase airline tickets as far in advance as possible (at least 14 to 21 days for domestic travel). The college will not be responsible for failures of planning; last minute travel of pre-scheduled events will usually be denied.
- **Frequent Flyer Miles:** these may be used by the employee for personal trips or upgrades but attaining extra miles should never be done at the cost of higher fares.
- **Fly Coach:** The College expects employees to fly coach whenever possible; federal regulations require persons using federal grant funds for travel to utilize coach or equivalent airfare. Airfare costs in excess of the lowest available commercial discount airfare are not allowable except when it causes undue hardship.
- **Insurance:** Flight insurance premiums will not be reimbursed.

Hotels: Travelers are expected to use prudent judgment when selecting hotels. Reservations should be made in advance by the Travel Clerk whenever possible. When attending conferences or meetings, lodging arrangements may be provided on site and the traveler may make reservations through the hosting organization/group. If it is necessary to cancel a reservation, inform the hotel or travel agency immediately. Charges for unused reservations are the employee's responsibility. Always advise the hotel of early departure to avoid penalties. Costs that are not reimbursed include charges for in room mini-bar, room service, movies, personal telephone calls, and/or alcohol/liquor. The Travel Clerk is required to inquire about special federal or state rates at the time of booking. As a tribal college, SWC is eligible for both state and federal discounts.

Ground Transportation: Ground transportation, especially to and from airports, should be the least expensive mode of transportation. (Hotel shuttles are recommended over taxis.)

Personal Vehicle Reimbursement: The College reimburses mileage at the IRS approved rate. Employees using their own cars for college business are obligated to carry liability insurance in case of an accident that causes injury/damage to a third party.

College Owned Vehicles: College owned vehicles may be reserved through the relevant program (i.e. Nursing) for college purposes. Current valid state and tribal driver's license's are required to reserve and operate a college owned vehicle.

Car Rentals:

- SWC recommends that travelers use economy or compact model rental cars when other transportation is not available.
- Return the rental car to the agency (same location) with a full tank of gas.
- Attach a copy of the rental agreement as well as the receipt to your Travel Expense Report.

Meals: SWC issues per diem at the current federal rate established for the destination. If the traveler is requesting reimbursement after returning from travel, explanations must be provided as to why the traveler is requesting more than the established rate, and receipts must be attached. When meals are provided in the cost of a conference, meals taken elsewhere are the responsibility of the traveler.

Fund Raising: SWC recognizes the unique nature of certain travel and entertainment expenses incurred for fund raising and development activities. If these activities necessitate a deviation from stated travel policies, the traveler should attach a brief explanation to the completed Travel Expense Report.

Miscellaneous Expenses: SWC will pay for expenses associated with registering for conferences. Certain entertainment expenses during business engagements or fund raising activities are reimbursable but must be fully explained. Other expenditures associated with travel including business telephone calls, facsimiles, telexes, seminar/conference fees, currency rates, baggage service, parking fees, tips and gratuities, and other travel expenses clearly related to the purpose of travel must be itemized on the travel expense report.

Expenses Not Covered By SWC: Spouses, dependents, and/or guests travel, alcohol, personal expenses, valet parking, dry cleaning/laundry for trips of 7 days or less, traffic violations, airline club memberships, health spa fees, sundries/toiletries, theft or loss of personal belongings or money, non-business meals and/or transportation or undocumented expenses are the responsibility of the traveler.

RESPONSIBILITY OF THOSE APPROVING TRAVEL EXPENSES

- Expenses must follow the SWC Business Travel Policy and must also meet guidelines of the sponsoring agency, i.e. NSF, DOE, etc. where their guidelines are more stringent.
- Expenses were incurred in the conduct of College business.
- Travel Expense Report has been properly prepared and adequately documented.
- Policy exceptions are documented and approved.
- Expenses are coded to the proper units and accounts.
- Expenses are within the budgeted amounts.

D. EMPLOYEE BENEFITS

I Policy Statement

SWC has prepared a benefit package for all employees who work full time (32 or more hours per week) for the institution. These benefits are a substantial part of the overall employee compensation for those employees who qualify. These benefits include health insurance, dental

and vision insurance, retirement plans, life insurance, educational/professional development, and various leave opportunities such as flex time, telecommuting, paid holidays, and accrued forms of leave. A flex plan (AFLAC) is also available to an employee that deviates from the required 1,000 hours per year.

II DISCLAIMER

The College has established a variety of employee benefit programs designed to assist you and your eligible dependents in meeting the financial burdens that can result from illness and disability, and to help you plan for retirement. This portion of the Employee Handbook contains a very general description of the benefits to which you may be entitled as an employee of SWC. Please understand that this general explanation is not intended to, and does not, provide you with all the details of these benefits. Therefore, this Handbook does not change or otherwise interpret the terms of the official plan documents. Your rights can be determined only by referring to the full text of the official plan documents, which are available for your examination from the Business Office. To the extent that any of the information contained in this Handbook is inconsistent with the official plan documents, the provisions of the official documents will govern in all cases.

Please note that nothing contained in the benefit plans described herein shall be held or construed to create a promise of employment or future benefits, or a binding contract between the Company and its employees, retirees or their dependents, for benefits or for any other purpose. All employees shall remain subject to discharge or discipline to the same extent as if these plans had not been put into effect.

As in the past, SWC reserves the right, in its sole and absolute discretion, to amend, modify or terminate, in whole or in part, any or all of the provisions of the benefit plans described herein, including any health benefits that may be extended to retirees and their dependents. Further, SWC reserves the exclusive right, power and authority, in its sole and absolute discretion, to administer, apply and interpret the benefit plans described herein, and to decide all matters arising in connection with the operation or administration of such plans.

For more complete information regarding any of our benefit programs, please refer to the Summary Plan Descriptions, which were provided to you separately or contact the CFO. If you lost or misplaced those descriptions, please contact the CFO for another copy.

1. HEALTH INSURANCE

SWC currently offers regular full-time employees who have been employed by SWC for 90 days health coverage under the current insurance plan. The College pays a percentage of the monthly premium with the remainder being paid by the employee. ***Note: The President reserves the right to change the percentages based upon necessity or financial considerations.***

The insurance plan provides comprehensive hospital and major medical insurance coverage. Under the plan, participants can choose to go in-network or out-of-network at any point in time. Many in-network services are fully covered (some require a co-payment) and no claim forms need to be completed. Out-of-network services are generally subject to an annual deductible and coinsurance payments, and require the submission of claim forms to the insurance carrier for reimbursement. Refer to your plan manual for further information.

You may elect to sign up for insurance coverage or decline the coverage after the completion of the 90 day probationary period. Once made, your election is generally fixed for the remainder of the plan year. However, if you undergo a change in family status (as defined in the Plan document), you may make a mid-year change in coverage (i.e., you may change coverage from individual to family or from family to individual, add or delete dependents, or revoke coverage), provided you do so within 30 days from the date of the change in family status, in a manner which

will not entitle you to make a mid-year change from one medical carrier to another. Please contact the CFO to determine if a family status change qualifies under the Plan document and IRS regulations.

At the end of each calendar year, during open enrollment you are free to change your medical elections for the following calendar year, whether or not you have a change in family status.

The CFO will assist you in making the necessary arrangements for enrollment. A complete description of the plans is provided to each employee as Summary Plan Descriptions and appropriate supplements.

2. VISION AND DENTAL INSURANCE

If you are a regular full time employee you are eligible for the Vision and Dental Plan after 90 days of employment with SWC. Please see the CFO to enroll in this benefit.

The insurance agent will provide the employee information regarding the availability of services, approved provides, and any deductibles or co-pay the employee may be required to pay.

SWC pays 100% of the premium for individual coverage for all eligible employees. Additional coverage may be purchased, including family coverage, with pre-tax payroll deductions. ***Note: The President reserves the right to change the percentages based upon necessity or financial considerations.***

3. FLEX PLAN (AFLAC)

Employees may elect to enroll in the AFLAC plan to offset their medical costs. This is an elective benefit that is the sole responsibility of the employee to fund. As a service to our employees, payment will be sent to the carrier as a payroll deduction through the Business Office Payroll Department.

4. GROUP LIFE INSURANCE

The College offers regular full-time employees who have been employed by SWC for 90 days an employer-paid basic group term life policy along with an accidental death and dismemberment policy. Each policy generally pays a death benefit equal to the lesser of their "Life Salary" (as defined in the Plan document) or \$50,000.

5. OPTIONAL ADDITIONAL LIFE INSURANCE

Employees have the option of enrolling in an additional optional life insurance policy at the sole expense of the employee. The monthly premium is dependent upon the amount of coverage chosen by the employee. See the CFO for more information.

6. RETIREMENT PLAN

As part of the employee benefit package, the College will contribute to a qualified and defined contribution retirement plan (401(k)) according to the following conditions:

III PROCEDURE

- A. Contributions will be made available for all employees, who are full time who elect to utilize this retirement plan.
- B. Contributions to this retirement plan will be made on a dollar-for-dollar match of contributions made to the plan by employees to a maximum of 4 percent of the employee's annual compensation.

- C. Employees can make additional contributions on their own not subject to match by the institution, but subject to the regulatory limitations of the plan.
- D. Contributions made by the College will vest with employees at the rate of 40 percent after two years of service and an additional 20 percent after each year of service and thereafter until 100 percent vesting is reached after 5 years of service. The minimum age for computing years of service for vesting purposes is 18.
- E. Employee contributions are 100 percent vested at all times.
- F. Contributions will only be made to custodial accounts managed by an investment management firm approved by the Board of Trustees.
- G. Federal regulations, especially those established under the Employee Retirement Income Security Act of 1974 (ERISA), will be adhered to with regard to administration of this plan.

The "window" periods during which you may change the dollar amounts or the percentages of your contributions may vary dependent upon your anniversary of hire date.

Further details about the Plan may be obtained from the CFO and the Plan document.

7. WORKERS' COMPENSATION BENEFITS

The College is covered under statutory state Workers' Compensation Laws. Should you sustain a work-related injury, you must immediately notify your department supervisor and the Human Resources Department. In the case of an emergency, you should go to the nearest hospital emergency room for treatment.

8. FLEX TIME

I Policy Statement

Flex Hours may be authorized for certain employees who have fluctuating work schedules. For example, a project may be time sensitive where a large amount of time may be required to complete it, such as a grant deadline, a required report that is unexpectedly due, a sudden trip, or extended meetings. Where an employee's duties may consist of many of these situations, a regular eight hour time slot may make it difficult to track hours. In addition, the employee may not necessarily need to be at his/her office during an entire normal work day.

The flex hour schedule requires an employee to be at his/her work place between the hours of 9:00 AM and 3:30 PM. The two remaining hours must be applied either at another location, including being home, or an employee may choose to come in at 7:30 and complete the day at 3:30 or come in at 9:00 and leave the workplace at 5:30. ***All employees who qualify for flex time must get prior approval from the President. Only employees who are in the administrative or faculty category are eligible for flex time.*** The slightest abuse of flex time will result in that employee being placed on a regular schedule. If a particular program or department has more than one employee then at least one of the employees must maintain regular working hours. Faculty and administrative staff are professional people and should have the integrity to utilize flex time for the greatest benefit to the institution.

9. TELECOMMUTING POLICY

I Policy Statement

Sisseton Wahpeton College considers telecommuting to be a viable alternative work arrangement in certain circumstances which, when properly implemented and administered, benefits both the College and the telecommuter. This policy does not pertain to faculty and/or non-exempt staff.

Telecommuting is a voluntary work alternative (unless specifically stated as a condition of employment) that may be appropriate for some employees and some positions. It is not an entitlement; it is not a college wide benefit; and it in no way changes the basic terms and conditions of employment with SWC. All College employees, including telecommuters, are subject to the College's policies and procedures.

Telecommuting will be limited to one to two days per week depending upon the reason for the request and will be approved on a case by case basis. When employees are unable to make it to work due to inclement weather, the hours between 10:00 a.m. and 2:00 p.m. will be designated telecommuting hours.

II Procedure

Definition. Telecommuting is a work arrangement in which some part of the regularly scheduled work is performed at an off-campus worksite such as the home, on the road, or in an office space near home.

- 1) The employee will initiate the request to telecommute. The request will be submitted to the employee's immediate supervisor. All required signatures must be obtained before the employee will be allowed to telecommute.
 - The request form must be completed and signed by the employee.
 - The request must be approved (and signed) by the immediate supervisor.
 - The request must be approved (and signed) by a member of the executive staff (President, Vice President of Academic Affairs, Chief Financial Officer).
- 2) Individuals requesting telecommuting as an alternative work arrangement will be evaluated in the following areas:
 - Suitability – the employee's immediate supervisor will assess the needs and work habits of the employee.
 - Job Responsibilities – the employee and supervisor will discuss the responsibilities and determine whether or not the employee can be absent from the office setting for the specified time period.
 - Equipment needs, scheduling issues, security issues.
- 3) The telecommuting form must contain all relevant information as to duration, location, and reason for the request (specify duties).
- 4) Each request for this arrangement will require a new agreement be completed.
- 5) Recognizing that effective communication is essential for this arrangement to be successful, the following methods and times of communicating are agreed upon:

Specify: who (include backup and emergency contacts),
when, how often, times, how (phone, IM, email).
- 6) The employee agrees to remain accessible during designated work hours, and understands that management retains the right to modify this agreement as a result of business necessity.
- 7) Consistent with the College's expectations of information and asset Security for employees working at the office full time, telecommuting employees will be expected to ensure the protection of proprietary company, customer, and student information accessible from their home office from theft, misuse, access, and/or disclosure. Steps include, but are not limited to, use of a locked file cabinet, disk boxes and desks, regular password maintenance, and any other steps appropriate for the job and environment.

The employee must establish an appropriate work environment within his/her home for work purposes. The College will not be responsible for costs associated with initial set up of the

employee's home office such as remodeling, furniture or lighting, nor will it be responsible for repairs or modifications of the home office space.

10. EMPLOYEE EDUCATIONAL BENEFITS

I Policy Statement

This policy stems from the view that professional development and continuous learning are necessary to maintain the quality of the College staff and their continued readiness and ability to contribute effectively to the mission and goals of the College. This policy is further informed by the understanding that education is a primary cultural value of the Dakota people. As a Dakota centered organization, all education attained is considered to strengthen the Sisseton Wahpeton Oyate and enhance the development of the Lake Traverse Reservation.

Employees who have successfully completed their probationary period and are not currently subject to disciplinary action are eligible for the following education benefits offered by SWC:

1. Sisseton Wahpeton College Course Option: Employees may attend courses offered at SWC under this policy. A performance evaluation must be completed by his/her supervisor prior to this benefit being in effect. To remain in the program you must continue to be eligible to enroll in classes by meeting SWC academic standards and must maintain a Grade Point Average (GPA) of 2.0 or above.

EEB will apply for up to 6 hours per fiscal year. Tuition and standard fees will be paid out of available professional development grants or other resources for the 6 hours. The qualified employee will be required to pay for all books, materials, and ancillary fees associated with the class. The qualified employee will also pay the entire costs of any credit hours taken over the 6 credit hour limit. Course enrollment is on a space available basis only and employees will never have priority over a student enrolled in a regular program of study. EEB will only pay for an employee to attempt a particular course one time. Subsequent attempts to complete the same course will be paid for entirely by the employee.

2. Professional Development Benefit

It is the policy of the College to provide assistance and support to staff employees in order to increase the effectiveness of their performance in their present College positions, as well as to encourage employees to obtain skills, knowledge, and abilities which may improve their opportunities for career advancement within the College.

This benefit allows employees to take classes at outside institutions, participate in workshops, professional conferences, and participation in professional organizations.

Procedures

- A. The employee and supervisor should jointly discuss professional development goals, review available opportunities, and determine applicable benefits identified by this policy.
- B. The discussion of professional development goals may occur at any time during the performance review cycle and should occur as part of the annual performance appraisal. The supervisor and employee may jointly formulate performance development plan to work collaboratively to build on the employee's effectiveness in performing the current College position.

- C. When an employee initiates a request for professional development leave, the employee will provide the supervisor and the President's Office with the completed Employee Educational Benefits Request Form.

3. Student Loan Repayment

The purpose of the student loan repayment benefit is to help the College recruit skilled workers and retain highly skilled workers in positions that are mission critical or difficult to fill. It is a discretionary recruitment and retention tool available to the college. Thus the College will use the student loan repayment as needed to:

- Recruit candidates for mission critical positions when in absence of that benefit, the College would encounter difficulty in filling the position with a highly qualified candidate, and;
- Retain current mission critical employees when the high or unique qualifications of the employee or a special need of the College for the employee's services make it essential to retain the employee.

Determination

Determinations relating to the payment of this benefit will be made independently of one another on a case-by-case basis and is contingent upon available funds. The amount of the repayment should be the minimum need to recruit a candidate for employment or retain the concerned employee or to achieve regional market rate compensation. Decisions of whether to offer the repayment and the amount to be paid are discretionary. These determinations are final. Employees have no appeal or grievance rights under the Education Benefits Policy. For recruitment purposes, determinations must be made before the employee enters into duty.

Coverage

Exempt employees in mission critical positions are eligible for repayment. Non-exempt and temporary employees are not.

The EMPLOYEE EDUCATION BENEFITS POLICY is contained in its entirety in Appendix B of this Handbook. This section contains a condensed policy; please see the complete policy for further information and requirements.

11. INSTITUTIONAL DOWNSIZING

I Policy Statement

Because of budgetary constraints, it may become necessary at some time to reduce the number of employees (downsizing) or the number of hours they work i.e. part time. Decisions in regard to this matter will be made by the President after an assessment of the situation is made and a determination is made as to what necessities are to be maintained both in human and financial resources. During lay off periods, the essential functions of the college are to be safe guarded and maintained. For this reason, some positions become more essential than others.

II PROCEDURE

The following functions are vital to the college and command a high priority in the event of severe curtailing of services and operations. At least minimum staff will be retained to maintain services. The fully-funded grant programs will continue to function as they normally would. For all other functions the following categories or adjustments to them will be used:

1. **Minimum Staffing Levels** will consist of the Administration Office of the President, Chief Administrative Officer, Business Office, and Planning/Development Office, and the Facilities Manager.

2. **Moderate Staffing Levels** will consist of The Administrative Office of the President, the Chief Administrative Officer, Business Office, the Planning/Development Office, the Facilities Manager, and the Vice President of Academic Affairs.

3. **Maximum Staffing Levels** consists of all available personnel on the SWC payroll, staff, faculty, and special program personnel.

After a determination is made to curtail operations, the President will decide what arrangements will be made, such as down-sizing the workforce, limiting work hours or a combination of both.

If the matter is extreme, the President may take the matter before the Board of Trustees for consultation and decision-making.

E. Staff Leave

I Policy Statement

All full time staff and faculty are eligible for certain paid leaves of absence for various occasions and situations. This leave is considered a fringe benefit. All requests for leave must be approved and signed by the immediate supervisor and must meet the criteria for which the leave is intended.

II Procedure

1. Sick Leave

Sick leave is intended to provide the employee time to heal and recover from personal illness or when being incapacitated due to serious injury. Any illness or injury that exceeds three days in duration must be verified by a medical doctor in writing. Any violation of sick leave policy will be treated as falsifying information.

1. The employee is to notify his/her immediate supervisor as soon as he/she realizes he/she is unable to satisfactorily perform his/her duties due to illness or injury.
2. If an employee is going to a clinic appointment they are to fill out a sick leave request prior to being absent. If they are recently taken sick or injured, they are complete a leave request immediately (the same day) on their return to work.
3. A full-time employee will earn four (4) hours of sick leave per pay period with a cumulative maximum of two hundred and forty (240) hours, the employee can carry over into the new contract year.
4. If an employee has an extensive illness that exceeds their accumulated sick leave they may borrow up to (5) days of sick leave from the remaining contract year's allowance. If the employee for whatever reason is no longer in the employ of the college, this borrowed sick leave will be deducted from the final pay check of that employee.
5. If an employee is absent for three or more days and cannot or does not provide a doctor's verification of the sickness or injury, that employee is subject to being charged with being absent without authorization and disciplinary action may follow. The assumption is that a person sick enough to miss work for three days must be sick enough to consult with a medical doctor.

2. Annual Leave

Annual leave is intended to provide the employee the opportunity to be absent from their position with normal pay for the purpose of recouping from job stress, taking a vacation, or spending quality time on personal business and concerns. Annual leave is not provided to be used randomly to take a day off work at the convenience of the employee just because he/she does not feel like coming to work that day.

1. Leave request forms must be completed, signed and authorized by supervisor prior to an employee taking annual leave.
2. An employee cannot take annual leave when he/she has time-sensitive work or any critical tasks to complete.
3. An employee cannot “borrow” annual leave nor use sick leave to extend the leave period.
4. Employees will accumulate annual according to the amount of hours worked in a contract year and the amount of time they have worked for SWC as follows:
 - A. 1-4 years = 4 hours of annual leave per pay period
 - B. 5-15 years = 6 hours of annual leave per pay period
 - C. 16 years or more = 8 hours of annual leave per pay period
5. At the end of the contract year, any accrued annual leave not used, up to eighty (80) hours can be carried over into the next year. The employee will lose any hours beyond eighty (80) hours not used during the fiscal year.
6. Employees are responsible for submitting their individual time sheet for each pay period when on leave.
7. There will be no advance pay for employees going, or on, annual leave.

Leave becomes available after successful completion of the probationary period.

Any illness or injury that exceeds three days in duration must be verified by a medical doctor in writing. Employees must request leave at least two days in advance for medical appointments.

An employee's request for personal leave or vacation may be denied when he/she has time sensitive critical tasks to be completed.

3. Voluntary Shared Leave Policy

Voluntary shared leave is responsive to the Dakota traditional values of kindness and reciprocity and allows one employee to assist another employee in case of a prolonged medical condition which exhausts the employee's available leave and forces the employee to be placed in leave without pay status, resulting in a loss of income and family hardship.

This policy does not apply to incidental, normal, and/or short term medical conditions. In addition, the policy is not intended to circumvent the requirement of management to have duties performed, or limit management's right to deny a request for leave without pay.

All full time, non-probationary employees may participate in this program.

A prolonged medical condition is one which is likely to require an employee's absence from duty for a prolonged period. A prolonged period is generally considered to be at least 10 work days in a one month period related to the same condition.

An exception to the 10 day requirement may be made if the employee has had previous, random, and excessive absences for the same condition as that for which shared leave is currently being requested; or if the employee has had a different but prolonged medical condition.

The medical condition may involve the employee or a family member (e.g. spouse, parent, children, or other dependents living in the employee's household). In either case, a document from the attending physician, listing the condition, prognosis, and the estimated treatment or recovery time is required as part of the application process.

In the case of parental leave, a six week recovery period after a normal delivery (eight weeks for a cesarean section) is covered by this policy. Eligibility may also be extended for complications related to pregnancy and delivery. Leave may be paid or unpaid.

Shared leave will not apply to short term or sporadic conditions or illness. Shared leave will not be allowed to exceed the actual amount of hours used for the leave as supported by the physician's statement.

Employees may donate leave to the Sick Leave Bank only, not to individual employees. Donated leave is deducted from the employee's leave record.

Employees must complete a Request Form to receive shared leave.

3. Full Time Faculty Leave

Full-time Faculty will not accrue Annual leave. In place of annual leave, each contract year, faculty will be awarded four (4) days of personal leave and ten (10) days of sick leave. A faculty member cannot carry over any personal or sick leave into the next contract year. Arrangements for the use of personal leave must be made in advance. The faculty member requesting annual leave must make all arrangements to ensure their classes will function during their absence. At no time will a faculty member take annual leave when to do so would inconvenience the students. In addition, faculty members work around their teaching schedules and are often able to take days off when classes are not being held, for instance semester breaks, Easter breaks, spring breaks and school closings where other staff may be required to continue a normal working schedule.

4. Emergency Leave

The purpose of emergency leave is for those emergency situations, which are not covered by other leave policies for a particular employee classification. Emergency leave may be granted with pay under the following conditions:

1. Emergency leave is available for full time administrators, faculty, and support staff when a life threatening illness or injury occurs to a member of his/her immediate family (father, mother, spouse, children, and siblings). The employee must furnish verification that such a condition exists and have prior approval.
2. Emergency leave will be granted for unusual conditions considered as acts of God and/or natural disasters over which the employee has no control (tornado, fire, flooding, lightning damage, severe wind damage).

5. Bereavement Leave

This policy has been developed as part of our Dakota centered philosophy which respects the special relationships of Native Americans. In the unfortunate event of a death in the immediate family, a leave of absence of up to 5 days with pay will be granted.

For this purpose, immediate family is defined as:

- Spouse
- Child
- Step-child
- Parents (including in-laws), step-parents
- Siblings, step-siblings
- Grandparents
- Grandchildren
- Hunka relatives
- Members of the same household

Employees should make their supervisor aware of their situation. In turn, the supervisor should notify Human Resources of the reason and length of the employee's absence.

Two (2) days of bereavement leave may be granted to employees who have lost a member of their extended family. Extended family is defined as: Cousins, Aunts, Uncles, Nieces, and Nephews.

One day of bereavement leave may be granted for community members at the discretion of your supervisor.

Upon returning to work, the employee must record his/her absence as a Bereavement Leave on his/her attendance record.

6. Spiritual Leave

Spiritual leave may be granted *once per calendar year* for those employees who are actively participating in Native American Traditional ceremonies such as the sun dance, healing, hunka ceremonies, etc. Spiritual leave is granted when the employee presents sufficient evidence that they are actively participating in a traditional ceremony. Peripheral functions such as cooking, setting up, and breaking down are not considered actively participating. Participants will need to submit a Special leave form to supervisor & HR department. The form can be picked up in the HR department.

7. Military Leave

Military leave will be granted to those employees who are in active reserves in any military branch of the armed forces at times when they are in meetings. Any employee who serves on an honor guard for any special purpose may take military leave when asked to serve. If the employee receives any compensation for their duty, the college will reduce their amount of pay accordingly.

An employee who is a member of the United States Army, Navy, Air Force, Marines, Coast Guard, National Guard, Reserves or Public Health Service will be granted a leave of absence for military service, training or related obligations in accordance with applicable law. Employees on military leave may substitute their accrued paid leave time for unpaid leave. At the conclusion of the leave, upon the satisfaction of certain conditions, an employee generally has a right to return to the same position he or she held prior to the leave or to a position with like seniority, status and pay that the employee is qualified to perform.

Continuation of Health Benefits

During a military leave of less than 31 days, an employee is entitled to continued group health plan coverage under the same conditions as if the employee had continued to work. For military leaves of more than 30 days, an employee may elect to continue his/her health coverage for up to

18 months of uniformed service, but may be required to pay all or part of the premium for the continuation coverage.

Requests for Leave

Leave for Active or Reserve Duty

Upon receipt of orders for active or reserve duty, an employee should notify his/her supervisor, as well as Human Resources, as soon as possible, and submit a copy of the military orders to his/her supervisor and the Human Resources Department (unless he/she is unable to do so because of military necessity or it is otherwise impossible or unreasonable).

Leave for Training and Other Related Obligations (e.g., fitness for service examinations)

Employees will also be granted time off for military training (normally 14 days plus travel time) and other related obligations, such as for an examination to determine fitness to perform service. Employees should advise their supervisor and/or department head of their training schedule and/or other related obligations as far in advance as possible.

Return from Military Leave

Notice Required

Upon return from military service, an employee must provide notice of or submit an application for reemployment in accordance with the following schedule:

- 1) An employee who served for less than 31 days or who reported for a fitness examination, must provide notice of reemployment at the beginning of the first full regular scheduled work period that starts at least eight hours after the employee has returned from the location of service.
- 2) An employee who served for more than 30 days, but less than 181 days, must submit an application for reemployment no later than 14 days after completing his/her period of service, or, if this deadline is impossible or unreasonable through no fault of the employee, then on the next calendar day when submission becomes possible.
- 3) An employee who served for more than 180 days must submit an application for reemployment no later than 90 days after the completion of the uniformed service.
- 4) An employee who has been hospitalized or is recovering from an injury or illness incurred or aggravated while serving must report to the Human Resources Department (if the service was less than 31 days), or submit an application for reemployment (if the service was greater than 30 days), at the end of the necessary recovery period (but which may not exceed two years).

Required Documentation

An employee whose military service was for more than 30 days must provide documentation within two weeks of his/her return (unless such documentation does not yet exist or is not readily available) showing the following: (i) the application for reemployment is timely (i.e. submitted within the required time period); (ii) the period of service has not exceeded five years; and (iii) the employee received an honorable or general discharge or deactivation.

8. Maternal/Parental Leave

1. Pregnancy is considered a temporary disability, and a pregnant employee may use accrued annual or sick leave for pre-delivery and post delivery absences.
2. Clinic visits and medical checkups are allowable for maternal leaves.
3. Upon the utilization of the entire accrued leave, the employee may be granted additional leave as delineated in the Shared Leave Policy.
4. Paternal leave may be granted to an employee during and immediately after childbirth.

9. Jury/Court Leave

SWC employees may take jury/court leave when summoned to serve on a jury or to appear as a witness. No deduction will be made from the salary of an employee for required appearances in court, including jury duty, when the reason for such appearance is not personal to the employee. If the employee receives witness fees or a payment for jury duty, the College pay shall be reduced accordingly. The employee must present a subpoena or jury duty statement as evidence they are required to appear in court or for jury duty.

10. Holiday Leave

The following are legal holidays observed by SWC:

<i>New Year's Day</i>	<i>January 1</i>
<i>Martin Luther King's Birthday</i>	<i>January (3rd Monday)</i>
<i>Treaty Day/Washington's B-Day</i>	<i>February (3rd Monday)</i>
<i>Memorial Day</i>	<i>May (last Monday)</i>
<i>Independence Day</i>	<i>July 4</i>
<i>Founder's Day</i>	<i>August 7</i>
<i>Labor Day</i>	<i>September (1st Monday)</i>
<i>American Indian Day/Columbus Day</i>	<i>October (2nd Monday)</i>
<i>Veteran's Day</i>	<i>November 11</i>
<i>Thanksgiving Day</i>	<i>November (4th Thurs. & Fri.)</i>
<i>Christmas Day</i>	<i>December 25</i>

Days proclaimed by Executive Order of the President of the United States and/or the Sisseton Wahpeton Tribal Chairman are considered legal holidays.

11. Treatment and Rehabilitation Leave

Employees who self-commit to a treatment or rehabilitation program for alcohol or drug problems will be granted leave without pay for up to (30) days provided they successfully complete the program and absent disciplinary actions. SWC will retain any employee who takes the initiative to improve their situation with regard to the abusive use of alcohol and drugs. SWC

believes good employees are an investment and worth saving. Leave without pay will be granted for up to (30) working days from the time of entry into the treatment/rehabilitation program.

12. Leave Without Pay

Leave without pay will be granted to an employee when an employee does not qualify for any other type of leave yet needs to be absent for personal reasons other than those previously mentioned. Employees must get prior approval for leave without pay. In addition, the following will constitute leave without pay:

- If an employee does not receive proper authorization to attend a meeting or workshop, even if it is work related, they will be given leave without pay for the time they are away from their workplace. In addition they will not be eligible for any reimbursement of expenses as a result of their absence.
- Any hours not recorded on the time sheet for which there is not a leave request form completed and signed by a supervisor will be counted as Leave Without Pay.
- Time away from work taken without informing the supervisor as to the nature and purpose of such absence will be counted as Leave Without Pay (i.e. an employee does not show up for work at 8:00AM but calls in at 10:00AM to request leave, the time from 8:00AM to 10:00AM will be counted as Leave Without Pay.
- Leave Without Pay may be authorized for a period not to exceed ten (10) working days (except in the case of treatment/rehabilitation leave).
- If an employee does not return to work and gives no intention of returning, at the end of the ten (10) working days, the President may declare the position vacant and proceed with filling the vacancy.

13. Administrative Leave

Administrative Leave is an excused absence from duty administratively authorized without loss of pay and without charge to leave. The President may at his/her discretion, grant administrative leave to an employee because the employee performed duties that went beyond the scope of their job description, such as attending a meeting beyond their work schedule or work hours.

14. Compensatory Time

Compensatory time is for hourly waged employees only. Compensatory hours are hours worked exceeding the employee's normal forty-hour work week. Compensatory time must be approved in advance by the supervisor. Compensatory time must be submitted and approved by the supervisor on the appropriate time sheet. Compensatory time is given at the equal rate of one hour for each hour worked. There are no provisions for overtime payments. Compensatory time is utilized in lieu of overtime. Compensatory leave will need to be utilized within two weeks following the pay period in which leave was accrued. Exempt Employees with or without contracts do not receive compensatory time because of the flexibility they have in fulfilling their exempt work status. Employees can print a compensatory leave tracking form in the Business Office section of the SWC website.

15. Time Off To Vote

On days when local state, Tribal, and/or national elections for public office ("elections for public office" includes elections for sheriff, school board, district attorney, and all primary and general elections) are scheduled throughout the state, county, city or town in which the employee works,

schedules will be changed as needed to ensure that employees will receive adequate leave to cast their vote before the polls close.

Employees living in other localities or states will need to inform their supervisor in advance if they expect any conflict between their work schedule and the exercise of voting rights in any election for any public office. Supervisors will find out when the local polls are open and adjust employee's schedules as needed to ensure that they will have the opportunity to vote.

No employee will be penalized or retaliated against for requesting reasonable time off to vote.

F. ON THE JOB

1. ATTENDANCE, PUNCTUALITY AND DEPENDABILITY

Because SWC depends heavily upon its employees, it is important that employees attend work as scheduled. Dependability, attendance, punctuality, and a commitment to do the job right are essential at all times. As such, employees are expected at work on all scheduled work days and during all scheduled work hours and to report to work on time. Moreover, an employee must notify his/her supervisor or the Human Resources Department as far in advance as possible, but not later than one hour before his/her scheduled starting time if he/she expects to be late or absent. This policy applies for each day of his/her absence. An employee who fails to contact his/her immediate supervisor or the Human Resources Department may be considered as having voluntarily resigned. A careful record of absenteeism and lateness is kept by the employee's supervisor and becomes part of the personnel record. Absenteeism and lateness lessen an employee's chances for advancement and may result in dismissal.

2. VIOLENCE IN THE WORKPLACE

The College strongly believes that all employees should be treated with dignity and respect. Acts of violence will not be tolerated. Any instances of violence must be reported to the employee's supervisor and/or the Human Resources Department. All complaints will be fully investigated.

The College will promptly respond to any incident or suggestion of violence. Violation of this policy will result in disciplinary action, up to and including immediate discharge.

3. ACCIDENTS AND EMERGENCIES

Maintaining a safe work environment requires the continuous cooperation of all employees. The College strongly encourages employees to communicate with fellow employees and their supervisor regarding safety issues.

All employees will be provided care, first-aid and emergency service, as required, for injuries or illnesses while on SWC premises. Employees should contact their supervisor, the nearest supervisor, and/or 911 in the event of an accident or emergency.

If an employee is injured on the job, SWC provides coverage and protection in accordance with the Worker's Compensation Law. When an injury is sustained while at work, it must be reported immediately to the employee's supervisor, who in turn will notify Human Resources of the incident.

Failure to report accidents is a serious matter as it may preclude an employee's coverage under Worker's Compensation Insurance.

4. E-MAIL AND INTERNET POLICY

Every SWC employee is responsible for using the electronic mail (E-mail) system properly and in accordance with this policy. Any questions about this policy should be addressed to the Human Resources Department.

The E-mail system is the property of SWC. It has been provided by SWC for use in conducting college business. All communications and information transmitted by, received from, or stored in this system are company records and property of SWC. The E-mail system is to be used for business purposes only. Unreasonable, excessive, or malicious use of the E-mail system for personal purposes is prohibited.

Employees have no right of personal privacy in any matter stored in, created, received, or sent over the SWC mail system.

SWC, in its discretion as owner of the E-mail system, reserves and may exercise the right to monitor, access, retrieve, and delete any matter stored in, created, received, or sent over the E-mail system, for any reason and without the permission of any employee.

Even if employees use a password to access the E-mail system, the confidentiality of any message stored in, created, received, or sent from the SWC E-mail system still cannot be assured. Use of passwords or other security measures does not in any way diminish SWC's rights to access materials on its system, or create any privacy rights of employees in the messages and files on the system. Any password used by employees must be revealed to SWC as E-mail files may need to be accessed by the college in an employee's absence.

Employees should be aware that deletion of any E-mail messages or files will not truly eliminate the messages from the system. All E-mail messages are stored on a central back-up system in the normal course of data management.

Even though SWC has the right to retrieve and read any E-mail messages, those messages should still be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any E-mail messages that are not sent to them. Any exception to this policy must receive the prior approval of SWC management.

SWC's policies against sexual or other harassment apply fully to the E-mail system and intranet, and any violation of those policies is grounds for discipline up to and including discharge. Therefore, no E-mail messages should be created, sent, or received if they contain intimidating, hostile, or offensive material concerning race, color, religion, sex, age, national origin, disability or any other classification protected by law.

The E-mail system may not be used to solicit for religious or political causes, commercial enterprises, outside organizations, or other non-job related solicitations.

The E-mail system shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization from SWC management. Employees, if uncertain about whether certain information is copyrighted, proprietary, or otherwise inappropriate for transfer, should resolve all doubts in favor of not transferring the information and consult the IT Department.

Although SWC recognizes that the Internet may have useful applications to SWC's business, employees may not engage in Internet use unless a specific business purpose requires such use. Employees may not access the Internet pornography sites using SWC's computer systems, at any time or for any reason.

Management approval is required before anyone can post any information on commercial on-line systems (Intranet) or the Internet. Any approved material that is posted should obtain all proper copyright and trademark notices. Absent prior approval from SWC to act as an official

representative of SWC, employees posting information must include a disclaimer in that information stating, "Views expressed by the author do not necessarily represent those of SWC."

Users should routinely delete outdated or otherwise unnecessary E-mails and computer files. These deletions will help keep the system running smoothly and effectively, as well as minimize maintenance costs.

Employees are reminded to be courteous to other users of the system and always to conduct themselves in a professional manner. E-mails are sometimes misdirected or forwarded and may be viewed by persons other than the intended recipient. Users should write E-mail communications with no less care, judgment and responsibility than they would use for letters or internal memoranda written on SWC letterhead.

Because E-mail records and computer files may be subject to discovery in litigation, SWC employees are expected to avoid making statements in E-mail or computer files that would not reflect favorably on the employee or SWC if disclosed in litigation or otherwise.

Any employee who discovers misuse of the E-mail system should immediately contact the IT Department.

SWC reserves the right to modify this policy at any time.

Employees are required to sign an E-mail and Internet policy Acknowledgment Form as a condition of employment. The form is to be signed on acceptance of an employment offer by SWC.

If you abuse your right to use the Internet, it will be taken away from you. In addition, you may be subject to disciplinary action, including possible termination, and civil and criminal liability.

Your use of the Internet is governed by this policy and the E-Mail Policy.

Disclaimer of liability for use of Internet. SWC is not responsible for material viewed or downloaded by users from the Internet. The Internet is a worldwide network of computers that contains millions of pages of information. Users are cautioned that many of these pages include offensive, sexually explicit, and inappropriate material. In general, it is difficult to avoid at least some contact with this material while using the Internet. Even innocuous search requests may lead to sites with highly offensive content. In addition, having an e-mail address on the Internet may lead to receipt of unsolicited e-mail containing offensive content. Users accessing the Internet do so at their own risk.

Duty not to waste computer resources. Employees must not deliberately perform acts that waste computer resources or unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to, sending mass mailings or chain letters, spending excessive amounts of time on the Internet, playing games, engaging in online chat groups, printing multiple copies of documents, or otherwise creating unnecessary network traffic. Because audio, video and picture files require significant storage space, files of this or any other sort may not be downloaded unless they are business-related.

No expectation of privacy. The computers and computer accounts given to employees are to assist them in performance of their jobs. Employees should not have an expectation of privacy in anything they create, store, send, or receive on the computer system. The computer system belongs to the College and may only be used for business purposes.

Monitoring computer usage. The College has the right, but not the duty, to monitor any and all of the aspects of its computer system, including, but not limited to, monitoring sites visited by employees on the Internet, monitoring chat groups and news groups, reviewing material

downloaded or uploaded by users to the Internet, and reviewing e-mail sent and received by users.

Blocking of inappropriate content. The College may use software to identify inappropriate or sexually explicit Internet sites. Such sites may be blocked from access by College networks. In the event you nonetheless encounter inappropriate or sexually explicit material while browsing on the Internet, immediately disconnect from the site, regardless of whether the site was subject to company blocking software.

Prohibited activities. Material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful, inappropriate, offensive (including offensive material concerning sex, race, color, national origin, religion, age, disability, or other characteristic protected by law), or violative of SWC's equal employment opportunity policy and its policies against sexual or other harassment may not be downloaded from the Internet or displayed or stored in SWC's computers. Employees encountering or receiving this kind of material should immediately report the incident to their supervisors or the Human Resources Department. SWC's policies against sexual or other harassment apply fully to the use of the Internet and any violation of those policies is grounds for discipline up to and including discharge.

Games and entertainment software. Employees may not use the company's Internet connection to download games or other entertainment software, including wallpaper and screen savers, or to play games over the Internet. Use of internet radio is strictly prohibited.

Accessing the Internet. To ensure security and to avoid the spread of viruses, employees accessing the Internet through a computer attached to SWC's network must do so through an approved Internet firewall. Accessing the Internet directly by modem is strictly prohibited unless the computer you are using is not connected to the College's network.

Virus detection. Files obtained from sources outside the College, including disks brought from home; files downloaded from the Internet, newsgroups, bulletin boards, or other online services; files attached to e-mail; and files provided by customers or vendors may contain dangerous computer viruses that may damage the College's computer network. Employees should never download files from the Internet, accept e-mail attachments from outsiders, or use disks from non-College sources, without first scanning the material with College-approved virus checking software. If you suspect that a virus has been introduced into the College's network, notify the Help Desk immediately. Employees may have restrictions placed on their accounts that prohibit them from downloading from the internet. Contact the IT Department if you have any questions regarding downloads or upgrades for your computer.

Sending unsolicited e-mail (spamming). Without the express permission of their supervisors, employees may not send unsolicited e-mail to persons with whom they do not have a prior relationship.

Amendments and revisions. This policy may be amended or revised from time to time. Users will be provided with copies of all amendments and revisions.

Violations of this policy will be taken seriously and may result in disciplinary action, including possible termination, and civil and criminal liability.

Use of the Internet via SWC's computer system constitutes consent by the user to all of the terms and conditions of this policy.

G. DISCIPLINARY POLICY

I Policy Statement

It shall be the policy of the Sisseton Wahpeton College to establish a method in which the College will take corrective action to assure that all employees maintain standards of behavior and conduct that keep both the individual and the institution above reproach. When an employee does not observe these standards, certain procedures are followed to correct these violations. Employees, whether professional, support, or administrators are aware that they held to a higher standard of conduct because of the nature of their profession.

DISCIPLINE OTHER THAN IMMEDIATE TERMINATION

All employees are expected to meet SWC's standards of work performance. Work performance encompasses many factors, including attendance, punctuality, personal conduct, job proficiency and general compliance with the College's policies and procedures.

If an employee does not meet these standards, the College may, under appropriate circumstances, take corrective action, other than immediate dismissal.

The intent of corrective action is to formally document problems while providing the employee with a reasonable time within which to improve performance. The process is designed to encourage development by providing employees with guidance in areas that need improvement such as poor work performance, attendance problems, personal conduct, general compliance with the College's policies and procedures and/or other disciplinary problems.

II Procedure

If it is determined that an employee has failed to perform his/her work or conduct his/her self in accordance with requirements, the supervisor shall proceed through the following steps:

1. Initial disciplinary action should be in the form of an oral discussion and warning. A letter or memo should be given to the employee as a follow up indicating that the discussion took place. All written communication will be part of the employee's official file.
2. Further action may require a formal letter of reprimand that places greater emphasis on the possible effect of the employee's conduct or performance on his/her record and his/her opportunity for continued employment.
3. Further action may require that the employee be suspended from work three (3) days without pay. This action becomes necessary after steps 1 & 2 have been followed. *If the violation is serious enough, the first two (2) steps may be by-passed to prevent further damages and consequences.*
4. An employee may be terminated after the first three (3) steps have been followed. *When the employee is terminated for cause, he/she shall forfeit any wages and accrued leave that is due at the time of termination.*

Disciplinary action or termination may result depending upon the severity of the action. Some causes and consequences of disciplinary action are as follows:

1. Fraud or dishonesty in securing appointment. **DISMISSAL**
2. Poor quality of work or neglect of duty. (1st) **COUNSELING**, (2nd) **LETTER**, (3rd) **DISMISSAL**

3. Conviction of a felony or conviction of a misdemeanor involving moral turpitude, such as child, spouse, sexual abuse, fraud, or theft. **DISMISSAL**
4. Discourteous treatment or abusive language toward the public or fellow employees. (1st) **COUNSELING**, (2nd) **LETTER**, (3RD) **DISMISSAL**
5. Insubordination and willful disobedience. (1st) **LETTER**, (2nd) **DISMISSAL**
6. Misuse of college property. (1st) **COUNSELING**, (2nd) **LETTER**, (3rd) **DISMISSAL**
7. Dishonesty or theft. **DISMISSAL**
8. Release of confidential information. **DISMISSAL**
9. Unprofessional conduct or displaying public behavior either during or outside of duty hours which is of such a nature that it causes discredit to the college. (1st) **LETTER**, (2nd) **DISMISSAL**
10. Drunkenness or use of drugs or alcohol while in the workplace. (1st) **DISMISSAL**
11. Unexcused absence and excessive absenteeism. (1st) **THREE (3) DAYS, SUSPENSION WITHOUT PAY**, (2nd) **DISMISSAL**
12. Continued tardiness. (1st) **COUNSELING**, (2nd) **LETTER**, (3rd) **DISMISSAL**
13. Abandonment of Position. Unauthorized absence of three (3) consecutive days without permission will be considered an abandonment of the employee's position. **DISMISSAL**
13. Optional disciplinary action involving alcohol or drug related problems.

2. SWC ZERO TOLERANCE POLICY

The Sisseton Wahpeton College has adopted a zero tolerance policy relating to any drug and certain alcohol related *convictions*. The following policies will apply:

Drug Related Offenses:

- ◆ Any employee who is arrested for a drug related offense *must immediately* notify their immediate supervisor of the arrest and pending action.
- ◆ An employee who is convicted of any drug related offense will be terminated immediately.

Alcohol Related Offenses:

- ◆ Any employee who is arrested for one of the following alcohol related offenses *must immediately* notify their immediate supervisor of the arrest and pending action:
 - Vehicular manslaughter
 - Vehicular homicide
 - Alcohol related felony

Other Offenses:

- ◆ Any employee who is arrested for one of the following offenses involving violence or child abuse *must immediately* notify their immediate supervisor of the arrest and pending action. This category of offenses are violations of the federal Indian Family and Child Violence Protection Act (PL 101-630):
 - Assault
 - Sexual Assault
 - Child Abuse

- ◆ An employee who is convicted of one of the above offenses will be terminated immediately.

Employees who are terminated for drug and alcohol related convictions will be allowed to reapply for any open position(s) at the college after a period of six (6) months and after having successfully completed a treatment program. (Documented proof of the successful completion of a treatment program must be provided at the time of application for any position.)

Any person who is arrested for the above offenses and knowingly withholds that information from their immediate supervisor will be subject to discipline, up to and including termination.

3. ALCOHOL/DRUG FREE WORKPLACE

I Policy Statement

The Sisseton Wahpeton College has a strong commitment to the community, students and employees to provide a safe, learning and working environment. While it is not the intention of the college to intrude into the private lives of its employees, the college does expect its employees to conduct their work free from the influence of alcohol or drugs. It is therefore the policy of SWC to monitor and prevent any abuses of alcohol and drug use through initiating a deterrent using a mandatory random alcohol and drug testing procedure for all its employees. Refusal to submit to a testing procedure will be considered an admission of guilt and disciplinary action, including termination, may result.

II Procedure

1. Once, each semester, there will be a drug test screening on those employees who are randomly selected for testing. Approximately one-fourth of all full-time administrators, support staff, and faculty will be randomly selected for the test.
2. The names of all employees will be placed in a lottery and one-fourth of the names drawn. If the same person's name is drawn the second time in an academic year, his/her name will be omitted and another name drawn.
3. All full-time employees agree to this random testing when they sign their contract. As part of Federal contracts, SWC agrees to maintain an alcohol and drug free work place. This initiative partially meets that requirement.
4. If an employee shows symptoms of abusing alcohol or drugs, the President may require the employee to undergo an evaluation and/or drug testing.

The college takes special note of the nature and treatment of alcohol and drug problems as a part of staff discipline and staff employee assistance. When there is clear evidence of alcohol or drug abuse that affects job performance, (i.e. absenteeism, tardiness, lack of motivation) the President may, at his/her discretion, provide that employee the option of receiving self-imposed treatment prior to the imposition of any further disciplinary action.

A. The President may request an evaluation of the employee by a professional in the field of alcohol/drug abuse treatment to confirm the existence of such problems, and/or recommend appropriate treatment options. Should the employee decline the option for treatment, disciplinary sanctions appropriate to the employee's infractions shall be invoked as specified in Section II-B of these policies.

B. Should an employee recognize his/her own alcohol/drug abuse problem and voluntarily request leave to obtain treatment, the situation shall be regarded as is any other medical emergency, and no penalty or prejudice shall be attached to this action.

C. Sisseton Wahpeton College strongly supports the efforts of its staff to improve their physical, emotional, and psychological health. However, if the problem continues after treatment has been received appropriate disciplinary action will be taken according to Section II-B of these policies.

D. Faculty and staff personnel are regarded as valuable assets to the institution because of their prior experience and contributions to the institution. This view is held so long as the employee is willing to cooperate with the administration to find solutions and remedies that will sustain that employee at a productive level.

3. GRIEVANCE

I. Policy Statement

Should any employee have a grievance because he/she believes he/she has been discharged or disciplined without just cause, the employee will adhere to the following procedures:

II Procedure (Informal)

1. If an employee believes he/she is, or has been treated unfairly or that he/she has a justifiable complaint, he/she shall first discuss the matter with his/her immediate supervisor. It may be a case of misunderstanding which can be resolved by fair and frank discussion.
2. Each employee has the right to present a complaint to his/her supervisors and is assured freedom from discrimination, coercion, restraint or reprisal from doing so. Most grievances are the result of misunderstanding and good, tactful discussion can minimize the hurt and prevent the escalation of more grievances.

III Procedure (Formal)

1. This procedure shall be construed as encompassing all situations for which an employee feels aggrieved for which informal discussions have not been satisfactory.
 - a. The employee shall submit in writing a memo to next highest level of authority stating the reason for the grievance. This level of authority has two (2) working days to respond in writing as to the decision reached at this step.
 - b. If the grievance is not settled at step (a), the employee shall submit a written appeal to the President of the College requesting a grievance hearing. If the grievance is against the President, the written appeal shall be presented jointly to the Vice President of Academic Affairs and the Chief Administrative Officer.
 - c. The President of the College shall call for the election of a grievance committee upon receiving the request of the employee. The election process shall take no longer than three (3) working days and shall consist of the following:

- one (1) faculty member
- one (1) administrative member
- one (1) support staff member
- one (1) student member

Any elected member (s) may withdraw from the committee membership if that person feels that they cannot serve in an unbiased manner. Another person will be appointed to fill the vacancy to ensure a hearing is held within the specified time frame.

- d. The grievance committee shall convene within two days following the election and shall perform the following functions:
- Elect a chairperson and recorder of the hearing.
 - Set a date to hear the grievance.
 - Hear the facts of both sides involved in the grievance.
 - Submit a written recommendation to the President of the College concerning their findings no later than two (2) working days after the committee's last meeting. If the grievance involved the President, the written recommendation shall be submitted jointly to the Vice President of Academic Affairs and the Chief Administrative Officer.

The President of the College shall make the final decision notify the aggrieved employee in writing as to the decision. The Vice President of Academic Affairs and Chief Administrative Officer will make the final decision and notify the aggrieved employee when the grievance is against the President. This shall be done no later than two (2) working days after receiving the committee's report.

Section 1.09. Sovereign Immunity.

Nothing in this grievance appeal procedure constitutes, or should be construed to constitute, a waiver of the SWC's sovereign immunity from suit, and SWC expressly retains its sovereign immunity from suit.

4. EMPLOYER INFORMATION AND PROPERTY

The protection of SWC business information, property and all other College assets are vital to the interests and success of SWC. No SWC related information or property, including without limitation, documents, files, records, computer files, equipment, office supplies or similar materials (except in the ordinary course of performing duties on behalf of SWC) may, therefore, be removed from the College's premises. In addition, when an employee leaves SWC, the employee must return to the College all SWC related information and property that the employee has in his/her possession, including without limitation, documents, files, records, manuals, information stored on a personal computer or on a computer disc, supplies, and equipment or office supplies. Violation of this policy is a serious offense and will result in appropriate disciplinary action, up to and including discharge, as well as possible criminal prosecution.

5. VOICE MAIL POLICY

Every SWC employee is responsible for using the Voice Mail system properly and in accordance with this policy. Any questions about this policy should be addressed to the Human Resources Department.

The Voice Mail system is the property of SWC. It has been provided by SWC for use in conducting company business. All communications and information transmitted by, received from, or stored in this system are company records and property of SWC. The Voice Mail system is to be used for company purposes only. Use of the Voice Mail system for personal purposes is prohibited.

Employees have no right of personal privacy in any matter stored in, created, received, or sent over the SWC Voice Mail system.

SWC, in its discretion as owner of the Voice Mail system, reserves and may exercise the right to monitor, access, retrieve, and delete any matter stored in, created, received, or sent over the Voice Mail system, for any reason without the permission of any employee and without notice.

Even if employees use a password to access the Voice Mail system, the confidentiality of any message stored in, created, received, or sent from the SWC Voice Mail system still cannot be assured. Use of passwords or other security measures does not in any way diminish SWC's rights to access materials on its system, or create any privacy rights of employees in the messages and files on the system. Any password used by employees must be revealed to SWC as Voice Mail messages may need to be accessed by the College in an employee's absence.

Even though SWC reserve's the right to retrieve and read any Voice Mail messages, those messages should still be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or listen to any Voice Mail messages that are not sent to them. Any exception to this policy must receive the prior approval of SWC management.

SWC's policies against sexual or other harassment apply fully to the Voice Mail system, and any violation of those policies is grounds for discipline up to and including discharge. Therefore, no Voice Mail messages should be created, sent, or received if they contain intimidating, hostile, or offensive material concerning race, color, religion, sex, age, national origin, disability or any other classification protected by law.

The Voice Mail system may not be used to solicit for religious or political causes, commercial enterprises, outside organizations, or other non-job related solicitations.

Users should routinely delete outdated or otherwise unnecessary Voice Mails. These deletions will help keep the system running smoothly and effectively, as well as minimize maintenance costs.

Because of the storage space required for Voice Mail messages, employees should not send a Voice Mail message to a large number of recipients without prior approval from their supervisor.

Employees are reminded to be courteous to other users of the system and always to conduct themselves in a professional manner. Voice Mails are sometimes misdirected or forwarded and may be heard by persons other than the intended recipient. Users should create Voice Mail communications with no less care, judgment and responsibility than they would use for letters or internal memoranda written on SWC letterhead.

Employees should also use professional and courteous greetings on their Voice Mail boxes so as to properly represent SWC to outside callers.

Because Voice Mail records and messages may be subject to discovery in litigation, SWC employees are expected to avoid making statements in Voice Mail that would not reflect favorably on the employee or SWC if disclosed in litigation or otherwise.

In order to avoid accidentally disclosing message contents to unauthorized listeners, employees should not listen to Voice Mail messages while using the speaker phone feature.

Any employee who discovers misuse of the Voice Mail system should immediately contact the Human Resources Department.

Violations of SWC's Voice Mail policy may result in disciplinary action up to and including discharge.

SWC reserves the right to modify this policy at any time, with or without notice.

Employees are required to sign a Voice Mail Policy Acknowledgment Form as a condition of employment. The form is to be signed on acceptance of an employment offer by SWC.

6. Use Of College Equipment and Computer Systems

The College provides any supplies, uniforms, equipment, automobiles and materials necessary for you to perform your job. These items are to be used solely for the College's purposes. Employees are expected to exercise care in the use of College equipment and property and use such property only for authorized purposes. Loss, damages or theft of College property should be reported at once. Negligence in the care and use of College property may be considered grounds for discipline, up to and including termination.

The College's equipment, such as telephone, postage, facsimile and copier machine, is intended to be used for business purposes. An employee may only use this equipment for non-business purposes in an emergency and only with the permission of his or her supervisor. Personal usage, in an emergency, of these or other equipment that results in a charge to the College should be reported immediately to your supervisor or accounting so that reimbursement can be made.

Upon termination of employment, the employee must return all College property, equipment, work product and documents in his or her possession or control.

Use of the College Computer System

It is the policy of SWC that the use of its computers and software is limited solely to appropriate business use. Employees are not allowed to use the computer system for their personal benefit. Employees are strictly forbidden from installing software on the system. Further, this policy reaffirms that the College's employees have no reasonable expectation of privacy with respect to any computer hardware, software, electronic mail or other computer or electronic means of communication or storage, whether or not employees have private access or an entry code into the computer system. The College reserves the right to monitor the use of its computer system.

Exception

An employee's occasional use of SWC's computer facilities to type a term paper for an educational course or prepare an announcement for a charitable event is acceptable. However, in order to keep these uses to a reasonable level, approval to use the system in such a manner must be given by the employee's supervisor. Moreover, please be aware that SWC may purge files on its computer at any time, without notice.

The use of the system for such personal efforts must occur outside of business hours, and any files created are to be deleted at the end of the project. Also, because of the normal heavy load on the system, these outside projects will not receive priority over late evening operational requirements, system maintenance, or file back-up.

7. Use of College Vehicles

Only employees with an unrestricted, current driver's license may operate SWC vehicles or use a vehicle to conduct SWC business. An employee operating a College vehicle or a vehicle to conduct College business must provide a copy of their tribal and state driver's license to the Human Resources Department. *College vehicles may only be used for authorized College business.* Any employee operating a College vehicle must do so in a safe manner. Any employee operating a College vehicle under the influence of drugs or alcohol or in an unsafe or negligent manner will be

immediately terminated. The College has the right to search any College vehicle at any time. Employees have no reasonable expectation of privacy with respect to College vehicles.

8. KEY CONTROL POLICY

Sisseton Wahpeton College has assigned the responsibility for the control of all keys and locks on the campus to the Facilities Manager. Keys will be maintained in a locked box in the Facilities Department. The following policy will be strictly adhered to.

- a) The assignment of keys will be carefully controlled to protect the security interest of the College while providing for the legitimate access requirements of employees.
 - Keys are issued for the sole purpose of conducting College business. ALL employees (including the Facilities Manager) are restricted from using their keys for entry after hours except in the case of official College business or emergency.
 - An authorized individual shall not use the key to permit other unauthorized individuals access.
 - An individual entering or leaving a secured area shall be responsible for re-securing the area and may be held responsible for any lost or damaged property resulting from failure to do so.
- b) Upon appropriate authorization, an employee will be assigned a key to his/her office or work area. Keys to exterior doors and to classified or high security areas will be authorized only to key personnel. They may be issued to other staff when the need is well documented and approved by the President.
- c) Keys must not be duplicated by employees or loaned to unauthorized personnel.
 - Under no circumstances is a key to be transferred from one individual to another or to be obtained from any other source than the Facilities Manager.
- d) An employee may be charged the full cost of replacing a lost or stolen key and any locks opened by that key.
- e) An employee who terminates employment at the College will not receive the final paycheck until his/her key is turned in and the return is verified.
- f) Keys to cabinets and drawers will not be covered in this policy except in the replacement of lost keys.
- g) Master keys will only be issued to key personnel with the approval of the President (if necessary).
- h) Keys will only be issued to an individual when a key request form is completed. The original completed form will be kept in the individual's personnel file and a copy will be kept in the Facilities Department.
- i) A key control log will be maintained by the Facilities Manager. This log will contain the key number, the name of the individual it was issued to, the date of issuance, and the date of return.

9. REFERENCE CHECKS

All inquiries regarding a current or former SWC employee must be referred to the Human Resources Department.

Under no circumstances should any SWC employee release any information about any current or former SWC employee over the telephone. All telephone inquiries regarding any current or former employee of SWC must be referred to the Human Resources Department.

In response to an outside request for information regarding a current or former SWC employee, the Human Resources Department will furnish or verify only an employee's name, dates of employment, job title and department. No other data or information regarding any current or former SWC employee, or his/her employment with SWC, will be furnished unless the employee authorizes SWC to furnish this information in writing that also releases SWC from liability in

connection with the furnishing of this information or SWC is required by law to furnish any information.

H. LEAVING SWC

1. RESIGNATION

When an employee decides to terminate their employment with the college for any reason, his/her supervisor and the Human Resources Department would like the opportunity to discuss the resignation before final action is taken. SWC often finds during this conversation that another alternative may be better. If, however, after full consideration the employee decides to leave, it is requested that the employee provide the College with a written two-week advance notice period (bear in mind that vacation days or personal days may not be included in the two-week notice period). The College will only compensate employees for unused vacation when the employee works throughout the notice period, and is not terminated for gross misconduct or cause; otherwise, unused vacation will be forfeited. If, as sometimes happens, the employee's supervisor wishes for the employee to leave prior to the end of the employee's two-weeks notice, the employee may be paid for the remainder of that period.

Accrued vacation time will be paid at the employee's current rate of pay only after the employee has returned all College property. Compensatory time and sick leave will not be paid. Any funds owed to the College will be deducted from the employee's final paycheck and/or vacation pay.

2. DISMISSALS

With the exception of employees who receive an employment contract, SWC employees have the status of "employee-at-will," meaning that there is no contractual right, express or implied, to remain in SWC's employ. SWC may terminate an employee's employment, or an employee may terminate his/her employment, without cause, and with or without notice, at any time for any reason. No supervisor or other representative of the College (except the President) has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above.

3. POST RESIGNATION/TERMINATION PROCEDURES

Exit Interview

Human Resources is responsible for scheduling an exit interview with a terminating employee on the employee's last day of employment and for arranging the return of College property including:

- College Security/Key Card
- Office keys
- College-issued credit cards
- College manuals
- Any additional College-owned or issued property

In order to receive a disbursement of any amounts due from the Retirement Plan, the employee is required to complete and sign a distribution form and submit it to the CFO. Specific information will be provided at the exit interview.

Employees may choose the continuation or waiver of comprehensive medical coverage and dental coverage under COBRA. Specific information will be provided at the exit interview.

Benefits

Benefits (Life, Medical and Dental) end on your last day of employment, [or, last day of the month in which your last day of employment falls]. An employee, unless dismissed for gross misconduct, has the option to convert to individual life insurance, and/or to continue Medical/Dental Benefits in accordance with the Consolidated Omnibus Budget Reconciliation Act ("COBRA") regulations.

Final Paycheck

Employees leaving the College must return office keys, corporate credit cards, etc., before their final paycheck can be issued. This final paycheck will be mailed during the next normal pay period. If there are unpaid obligations to the College, the final paycheck will reflect the appropriate deductions.

APPENDIX A – Business Travel Policy

STATEMENT OF PURPOSE

The following Travel and Business Expense Policy has been established to provide guidelines on College travel and for reimbursement of those expenses incurred by College employees on business arrangements.

GENERAL GUIDELINES

The college appreciates the efforts of those that travel and would like them to feel safe, wants them to know the college's expectations, and help them to obtain reimbursements quickly. Travel should be used to accomplish College business objectives in a cost-efficient manner. Reimbursed expenses must be reasonable, necessary, documented, and properly authorized. Employees should neither gain nor lose personal funds as a result of college business travel.

The college realized that because of the unique extended nature of relationships in Indian Country, travel may serve the dual purpose of meeting the primary business objective and enhancing social and tribal/intertribal relationships. This said, the only reimbursable expenses are those directly related to business objectives. Additional expenses will be entirely the responsibility of the employee and additional time taken must be approved in advance and

charged to annual leave. These activities also must not impact the price of an airline ticket, hotel stay, mileage reimbursement, or other expense in a way that increases costs to the College.

All employees are expected to travel coach or economy class and stay and eat in moderately priced establishments. Airline reservation upgrades utilizing Frequent Flyer miles are acceptable.

The intent of the College Travel and Business Expense Policy is that person incurring expenses during travel on behalf of the College will be reimbursed for their out-of-pocket expenses upon completion of a travel expense report. This form must be completed in its entirety. Dates, place, and business purpose must be stated in order for the travel to be considered not-taxable income. The expense report must be accompanied by original documentation (receipts) of expenses, signed by the supervisor, and turned into the Accounts Payable office within five business days after travel.

TRAVEL EXPENSE REPORT

Use the Travel Expense Report/Employee Reimbursement form for reimbursements to any SWC employee or student. Your supervisor must sign this form (this is just good standard accounting practice). Attach detailed receipts (itemized). Forms must include the grant or fund paying for the travel. Invoices and requests for payment must reach the Business Office at least by Monday in order ensure inclusion in the weekly check run.

CASH ADVANCES

You will be expected to complete an expense report detailing how the cash was spent, attaching all receipts, and returning cash received for hotel expense, airline travel, parking, and shuttle/taxi charges that has not been used (if applicable). Reports are due to the Business Office within five working days of the completion of travel. The IRS requires the College to report cash advances not accounted for within a reasonable time as compensation or that the amount in question is deducted from the employee's salary.

GUIDELINES FOR APPROVAL

Airlines: The travel clerk will search for the lowest priced commercial fares available. On occasion, the travel clerk may know of consolidators or other agencies with access to special fares. However, be aware that additional fees may be added by travel agencies – again, the lower fare is preferred. **THE USE OF FIRST CLASS OR OTHER HIGH COST TICKETS WILL SELDOM BE APPROVED.** Be flexible whenever possible, plan trips to stay over a Saturday night or choose alternative airports or different times if the savings are greater than the additional cost of per diem and lodging.

- ◆ **Cancellations:** When a trip is cancelled after the ticket is issued, the traveler is expected to inquire about using it for future travel.
- ◆ **Advance Purchase:** The College expects its employees to purchase airline tickets as far in advance as possible (at least 14 to 21 days for domestic travel and 30 for international). It is the responsibility of the employee requesting travel to get the request approved and submitted to the travel clerk as far in advance as possible. The college will not be responsible for failures of planning and last minute travel from pre-scheduled events will usually be denied.
- ◆ **Frequent Flyer Miles:** These may be used by the employee for personal trips or upgrades, but attaining extra miles should never be done at the cost of higher fares.
- ◆ **Fly Coach:** The College expects employees to fly coach whenever possible, and federal regulations require persons using federal grant funds for travel to utilize coach or equivalent

airfare. Airfare costs in excess of the lowest available commercial discount airfare are not allowable except when it causes undue hardship.

- ◆ **Insurance:** Flight insurance premiums will not be reimbursed.

Hotels: Travelers are expected to use prudent judgment when selecting hotels and restaurants. Reservation should be made in advance whenever possible. When attending conference/meetings, lodging arrangements may be provided on site and the traveler may make reservations through the hosting organization/group. If it is necessary to cancel a reservation, inform the hotel or travel agency immediately. Charges for unused reservations are the employee's responsibility unless it is the result of an official business reason with prior approval. Always advise the hotel about early departures to avoid penalties. Costs that are not reimbursed include charges for room mini-bar, movies, personal telephone calls, and alcohol/liquor. Only the single rate is reimbursed if the employee is accompanied by a spouse, family member, or a friend. Employees are required to inquire about federal or state rates at the time of booking. As a tribal college, SWC is eligible for both state and federal discounts.

Ground Transportation: Ground transportation, especially to and from airports, should be by the least expensive mode of transportation. Hotel shuttles are recommended over taxis.

Personal Vehicle Reimbursement: The College reimburses mileage at the IRS approved rate.

College Owned Vehicles: College owned vehicles may be reserved through the Facilities Department. *See the Use of College Vehicle Policy on page 42.*

Car Rentals:

- ◆ The college recommends that travelers use economy or compact model rental cars when other transportation is not available.
- ◆ Return the rental car to the agency (same location) with a full tank of gas.
- ◆ Attach a copy of the rental agreement as well as the receipt to your Travel Expense Report.

Meals: The College uses the General Services Administration per diem rates for meals. When tipping, be sure the gratuity or service charge has not already been added to the bill.

Fund Raising: The College recognizes the unique nature of certain travel and entertainment expenses incurred for fundraising and development activities; if these activities necessitate a deviation from stated travel policies, the traveler should attach a brief explanation to the completed expense report.

Miscellaneous Expenses: The College will pay for expenses associated with registering for conferences. Certain entertainment expensed during business engagements or fund raising activities are reimbursable but must be fully explained. Other expenditures associated with travel including, business telephone calls, facsimiles, telexes, seminar/conference fees, currency rates, baggage service, parking fees, tips and gratuities, and other travel expenses clearly related to the purpose of travel must be itemized on the travel expense report. Recognizing the unique Dakota centered nature of SWC; gifts to the individuals in lieu of payments for lodging may at times be appropriate but at no time can exceed the cost of a moderate local hotel. Such gifts just always be pre-approved and are generally unallowable under most grant supported travel.

Expenses Not Covered by SWC: Spouses, dependents, and/or guests travel, alcohol, personal expenses, valet parking, dry cleaning/laundry for trips less than 7 business days, traffic violations, airline club memberships, health spa fees, sundries/toiletries, theft or loss of personal belongings or money, non-business meals, and/or transportation, or undocumented expenses are the responsibility of the traveler.

RESPONSIBILITY OF THOSE APPROVING TRAVEL EXPENSES

- ◆ Expenses must follow the SWC Travel and Business Expense Policy and must also meet guidelines of the sponsoring agency.
- ◆ Expenses were incurred in the conduct of College business.
- ◆ Travel Expense Report has been properly prepared and adequately documented.
- ◆ Policy exceptions are documented and approved.
- ◆ Expenses are coded to the proper accounts.
- ◆ Expenses are within budgeted amounts.

APPENDIX B – EDUCATION BENEFITS POLICY**EMPLOYEE EDUCATIONAL BENEFITS****I Policy Statement**

This policy stems from the view that professional development and continuous learning are necessary to maintain the quality of the College staff and their continued readiness and ability to contribute effectively to the mission and goals of the College. This policy is further informed by the understanding that education is a primary cultural value of the Dakota people. As a Dakota centered organization, all education attained is considered to strengthen the Sisseton Wahpeton Oyate and enhance the development of the Lake Traverse Reservation.

Sisseton Wahpeton College Course Option: The Sisseton Wahpeton Employee Educational Benefit (EEB) was initiated to promote our main institutional mission of “education” and to enhance and to promote employee benefits, recruitment, and retention. It is intended to allow employee’s to attempt to complete degrees that would allow them upward mobility within the college.

Any current benefits eligible employee is eligible for this option; however, the employee must have completed their probationary period and cannot currently be subject to any disciplinary

action. A performance evaluation must be completed by his/her supervisor prior to this benefit being in effect. To remain in the program you must continue to be eligible to enroll in classes by meeting SWC academic standards and must maintain a Grade Point Average (GPA) of 2.0 on a numerical scale or above or a "c" on an alphabetical scale (a - f).

EEB will apply for up to 6 hours per fiscal year. Tuition and standard fees will be paid out of available professional development grants or other resources for the 6 hours. The qualified employee will be required to pay for all books, materials, and ancillary fees associated with the class. The qualified employee will also pay the entire costs of any credit hours taken over the 6 credit hour limit. Course enrollment is on a space available basis only and employees will never have priority over a student enrolled in a regular program of study. EEB will only pay for an employee to attempt a particular course one time. Subsequent attempts to complete the same course will be paid for entirely by the employee.

The coursework does not have to be job related but employees must have completed their cultural competency requirements (3 credit hours in Dakota Studies or prior demonstration of Native American cultural competency) prior to taking courses in other areas. Supervisor's prior approval is required unless the employee wants to take course work outside of the employee's normal workday.

Professional Development Benefit

It is the policy of the College to provide assistance and support to staff employees in order to increase the effectiveness of their performance in their present College positions, as well as to encourage employees to obtain skills, knowledge, and abilities which may improve their opportunities for career advancement within the College.

The employee has the primary responsibility for individual professional development; however, the employee and supervisor may jointly discuss the employee's professional development goals at any time. To participate in a professional development program the employee will make a development interest known to the supervisor, or based on discussions of professional development goals with the supervisor, will initiate the request to participate in a relevant program(s). The supervisor and employee may collectively review the employee's request or proposal.

The supervisor and the department head, when appropriate, shall review the employee's proposal, discuss it with the employee, determine the feasibility of the request, and provide support and assistance to the employee in accordance with the following sections of this policy.

The department head and supervisor, in consultation with the President as appropriate, shall assess employee professional development needs, consider employee professional development in their budgetary planning, and assure that performance appraisals of employees include educational and development objectives, when appropriate.

The supervisor and department head are encouraged to maintain an environment which facilitates employee professional development, and to consider future staffing requirements and the professional development needs of employees who may be able to fill these future positions.

The President's Office and the Executive Committee shall assess College wide development needs, and based on availability of resources, shall sponsor appropriate development programs. The President shall also give due consideration to tribal and community development needs and shall invite personnel from relevant tribal programs to participate on a space available basis.

For purposes of this policy, professional development programs include on-the-job training, internships, courses, seminars, conferences, institutes, lectures, meetings, workshops, and participation in professional and technical associations.

The amount of time spent on professional development programs will vary with the individual employee. For example, a new employee may require a greater amount of time spent on professional development than an employee who has a longer tenure in a position. As a guideline, 3% of the total working hours available for each employee are suggested for professional development. For a full time employee this will be approximately five hours per month.

Programs shall be classified as either position related, career related, or educational enrichment based on the judgment of the department head in consultation with the President or Vice President of Academic Affairs.

Position or job related programs are directly related to the work assignments or conditions of the employee's current position. For example, training in quality service skills is a career related program for an employee whose current position includes student service responsibilities.

Career related programs are related to the development of skills, knowledge, and other qualifications which prepare an employee for additional assignments of positions within the College for which the employee, in the judgment of the department head, has some reasonable chance of attainment. For example, training in quality service skills is a career related program for an employee whose current position does not include customer service responsibilities but who is interested in competing for future College job openings which require those particular skills and knowledge.

Educational enrichment programs are related to an employee's avocation or career talents outside the College and are not related to College positions, for which an employee might, in the judgment of the department head, be an effective competitor.

Any employee is eligible for the benefits provided by this policy for position related programs.

A full time employee in a career position is eligible for the benefits provided by this policy for career related and educational enrichment programs.

The department head, in consultation with the President or Vice President of Academic Affairs, as appropriate, shall determine whether, and the degree to which an employee's participation in a professional development program shall be supported by the department. In making this determination, the department head shall consider the employee's need for development and the employee's career goals, the needs and resources of the department, the advantages one type of development program has over the other types available, the professional development needs of other department employees, and the effect of the determination on workload and other employees. When participation in a professional development program requires attendance during the employee's normal work schedule, prior approval by the department head is required.

When time in attendance is not approved as time worked and the program is unavailable outside normal working hours, the department head is encouraged to provide the employee the opportunity to participate by arranging an alternate work schedule to make up the time in attendance.

The department head may approve an employee's attendance at position related or career related programs as time worked. When a department head requires an employee to attend a position related program, the time spent in attendance shall be counted as time worked. However, when an individual is hired with the understanding that specific additional training is to be obtained or completed, that individual may be required to participate in such training on off-duty time.

An employee's participation in educational enrichment programs shall not be counted as time worked and an employee will generally need to utilize leave time for these programs. Courses in Dakota Studies are generally considered career related, thus participation in these courses will be considered as time worked.

Time spent by an employee on the employee's own initiative to take any development program is not counted as "hours worked" even if the program is position related. However, if the employee is required to take a development program, the hours must be considered "hours worked."

Courses and programs designed to meet the diverse knowledge and skill or competency needs of employees are offered during work time by the President's Office. As a general policy, such courses and programs are considered as actual hours of work and attendance is usually required of all regular employees unless other arrangements have been made.

If the professional development program or activity is related to the employee's existing position or one to which the employee is to be promoted, and the College requires the employee to attend because of departmental needs, the benefits are:

- The College may waive tuition for courses taken at the college beyond the 6 hours allowed in the Sisseton Wahpeton Course Option at the discretion of the President.
- The college may reimburse up to 100% of course costs at another college or university. (This option is primarily made available through grants and external funding sources and may be curtailed or eliminated without notice if those sources become unavailable to the College).
- Out of city travel expenses paid in accordance with College travel regulations, if applicable.
- All time in the course is considered time worked and subject to the provisions of the SWC Employee Handbook but is not considered work time for the purposes of accruing leave.
- An alternate work schedule may be developed subject to meeting critical College needs.
- If the professional development program or activity is position related or career related and there is mutual agreement that the employee attends, the possible benefits are:
 - Absence of up to 6 hours per week with pay may be authorized but the time is not to be used in computing compensatory time or accruing leave or other benefits.
 - Up to 100% reimbursement of fees including those other than the Sisseton Wahpeton College, upon evidence of satisfactory completion of courses or a minimum grade of C and;
 - An alternative work schedule may be developed.

For courses which may be required to obtain an undergraduate or graduate degree, but **are not position related or career related**, or for courses which may broaden perspective, the possible benefits are:

- SWC tuition waiver benefit for courses, if applicable, and
- An alternate work schedule may be developed
- Other Public or Private Educational facilities

Courses offered by other approved public or private educational facilities may be taken by employees and the expenses may be reimbursable. The President's Office will not however, approve courses for which the cost exceeds other available courses unless fully justified by the requesting department or individual.

Procedures

- D. The employee and supervisor should jointly discuss professional development goals, review available opportunities, and determine applicable benefits identified by this policy.
- E. The discussion of professional development goals may occur at any time during the performance review cycle and should occur as part of the annual performance appraisal. The supervisor and employee may jointly formulate performance development plan to work collaboratively to build on the employee's effectiveness in performing the current College position.
- F. When an employee initiates a request for professional development leave, the employee will provide the supervisor and the President's Office with the completed Employee Educational Benefits Request Form.

Student Loan Repayment

The purpose of the student loan repayment benefit is to help the College recruit skilled workers and retain highly skilled workers in positions that are mission critical or difficult to fill. It is a discretionary recruitment and retention tool available to the college. Thus the College will use the student loan repayment as needed to:

- Recruit candidates for mission critical positions when in absence of that benefit, the College would encounter difficulty in filling the position with a highly qualified candidate, and;
- Retain current mission critical employees when the high or unique qualifications of the employee or a special need of the College for the employee's services make it essential to retain the employee.

Determination

Determinations relating to the payment of this benefit will be made independently of one another on a case-by-case basis. The amount of the repayment should be the minimum need to recruit a candidate for employment or retain the concerned employee or to achieve regional market rate compensation. Decisions of whether to offer the repayment and the amount to be paid are discretionary. These determinations are final. Employees have no appeal or grievance rights under the Education Benefits Policy. Payments may be made up to a total of not more than 12% of an employee's gross salary per year and this benefit is available no more than one time per fiscal year. For recruitment purposes, determinations must be made before the employee enters into duty.

Coverage

Exempt employees in mission critical positions are eligible for repayment. Non-exempt and temporary employees are not.

Termination/Resignation

If an employee resigns or is terminated within twelve (12) months after receiving these benefits, the employee may be required repay the College partially or in full.

APPENDIX C – I.T. INTERNET USE POLICY

NETWORK ACCESS

All staff, faculty, and students of SWC are required to sign an Internet/network/email use agreement. All visitors using computers on campus are required to sign the appropriate use agreement. In special cases such as a one-day workshop, the sponsor of the event, with the consent of the Director, may take personal responsibility for the participants, in which case each individual will not be required to sign the agreement. This agreement will describe the acceptable use policies of SWC and will be a binding agreement between the user and SWC. ***See Form IT-D.***

Some examples of unacceptable use (but not limited to) are:

- A. Using the network for illegal activity, including violation of copyright or other contracts.
- B. Using the network for financial or commercial gain.
- C. Degrading or disrupting equipment, software or system performance.
- D. Vandalizing the data of another user.
- E. Wastefully using finite resources.
- F. Gaining unauthorized access to resources or entities.
- G. Invading the privacy of individuals.
- H. Using an account owned by another user.
- I. Posting personal communications without the original author's consent.

- J. Posting anonymous messages.
- K. Downloading, storing, or printing files or messages that are profane, obscene, or that use language or images that offends or tends to degrade others.

Dependent upon the nature of the violation and the frequency of the offenses sanctions may be enforced by the SWC administration according to college policy. All illegal activities will be immediately reported to the President, or designated representative. Sanctions for violations by the IT Department may include:

- A verbal warning
- A written reprimand (copy placed in the employee's personnel file)
- Restriction of user privileges on the college's network
- Suspension of SWC network privileges

All authorized users will be given a unique user ID and an initial password. The Director will assign and IT personnel will implement user-rights. The user/password combination will give each user access to individual drives, folders, or files accessible only by the logged in user. Access will be allowed regardless of workstation used. SWC maintains the ownership of all user accounts along with rights to monitor and access the information therein.

Passwords will be changed every semester, minimum, for security reasons. Users with access to sensitive data are required to change passwords more often.

Additional detail concerning user name, rights, access, and passwords is located in the ***IT Operational Procedures***, under subheading ***Network Access***.

NETWORK SECURITY

In order to obtain the highest degree of security for the systems and data on the SWC network while maintaining appropriate levels of usability and cost efficiency, the adherence to the following policies are mandated. The MDF and all servers will be located in secure areas with access restricted to the Director and authorized personnel. All individuals or groups must follow the policies and procedures listed in the ***Network Access*** section of this manual in order to use any system owned by or connected to the SWC LAN. The default level of access to the SWC systems will be that of a restricted user.

Due to the requirements and access allotted by their position all IT personnel are required to sign the ***SWC Confidentiality Agreement***.

All individuals utilizing SWC equipment or network resources agree not to cause intentional (or through gross negligence) damage or breach/bypass security measures established by the IT Department. Any violation of this policy will be reported to the Director of Technology and/or the President of SWC. Sanctions could include suspension of privileges, termination, or even legal action.

The IT Department will maintain an appropriate level of protection from outside intrusions, viruses, and internal security breaches. At a minimum this will include a network proxy server and/or firewall, an up-to-date virus protection, and the use of reasonable password procedures.

Additional detail is located in the ***IT Operational Procedures***, under subheading ***Network Security***.

INTERNET USE

The Director, within the guidelines established by the President of SWC, must approve all access levels for Internet accounts. Any user requesting higher than the basic level of access must submit a request to the Director. This request will state the date, name and department of the

individual requesting access, as well as the reason for the request and how it will benefit the college. The level of Internet access will determine the ability of the user to download certain files and their ability to use streaming media. The Director will use this information and the criteria established in the ***IT Operational Procedures*** to determine the level of access for each account. See ***Form IT-E***.

Faculty, staff, and students may not download any programs, software, or obscene files on any computers owned by SWC without the prior consent of the Director or an authorized representative. Visitors will under no circumstances be allowed to download any files on to the college's computers. All files approved for download will be documented and dated. See ***Form IT-F***.

The IT Department will monitor and log all Internet (including Email) activity on all computers under SWC jurisdiction, as stated in the Internet Acceptable Use agreement. The log will be reviewed and questionable items will be brought to the attention of the Director and President (or properly designated representatives). Violations of SWC policy or relevant laws will result in sanctions that may include restricted access, probation, suspension, or other actions as decided by the President (or properly designated representative). Notification of this policy will be issued to SWC users every semester.

Additional detail is located in the ***IT Operational Procedures***, under subheading ***Internet Use***.

E-MAIL USE

E-mail users will be required to sign an Internet/network/email use agreement before their accounts are activated. Legally SWC retains its ownership of the e-mail system employed at the college and the right to monitor its use. However, unless a violation of the Internet/network/email use agreement is alleged, or if directed otherwise by the President, electronic mail will be treated with the same privacy and professionalism as physical mail.

Spam e-mail will not be tolerated. Spam e-mail originating from SWC's e-mail server may result in the sender's account being deactivated. Individual users are also responsible for using good judgment in regards to content and virus issues when sending and receive e-mail while using the college's e-mail server.

Limitations may be assigned by the Director, using guidelines established by the President, on the storage size of individual accounts on the server and on individual message size.

Additional detail is located in the ***IT Operational Procedures***, under subheading ***E-Mail Use***.

REQUESTS FOR SERVICE

A Work Order form will be available for faculty and staff requiring assistance. Work Order forms will include the date of request, name and department of requester, work to be done, and justification. See ***Form IT-B***. The requests will be filed with and reviewed by personnel of the IT staff. The IT staff will make recommendations to the Director. The Director, within the guidelines established by the President, will review all work requests. Work requests that require the purchase of equipment or materials will need to follow the policies established by the ***Purchasing Procedure***.

Any qualified IT staff can do basic trouble-shooting, without prior approval by the Director. The staff member completing the work must complete ***Form IT-C*** (if applicable) and submit it to the Director.

Additional detail is located in the ***IT Operational Procedures***, under subheading ***Requests for Service***.

PURCHASING PROCEDURE

All faculty and staff wishing to purchase computer systems, hardware, software, network devices, or consumables must fill out an Acquisition Request; see ***Form IT-G***, for new acquisitions. The Director will review the requests for procurements and if approved, will make recommendations to the President or administrative representative for purchase.

Additional detail is located in the ***IT Operational Procedures***, under subheading ***Purchasing Procedure***.

E-MAIL AND INTERNET POLICY ACKNOWLEDGMENT FORM

I acknowledge that I have received a copy of SWC's Company's E-Mail and Internet Policy. I have read it thoroughly, and agree that if there is any policy or provision in the policy I do not understand, I will seek clarification from the IT Department.

I understand that my use of SWC's E-mail system and signature below constitutes my consent to all the terms and conditions of that policy.

In particular, I understand that (1) the E-mail system and all information transmitted by, received from, or stored in that system are the property of SWC, (2) the system is to be used only for business purposes and not for personal purposes, and (3) I have no expectation of privacy in connection with the use of the E-mail system or the Internet or with the transmission, receipt, or storage of information in that system.

I agree not to use a code, access a file, or retrieve stored communications unless authorized. I acknowledge and consent to SWC's monitoring my use of the E-mail system and the Internet at any time at its discretion, including printing and reading all E-mails entering, leaving, or stored in the system.

Date: _____

Signature: _____

Print Name: _____

VOICE MAIL POLICY ACKNOWLEDGMENT FORM

I acknowledge that I have received a copy of SWC's Voice Mail Policy. I agree to read it thoroughly, and agree that if there is any policy or provision in the policy I do not understand, I will seek clarification from the Human Resources Department.

I understand that my use of SWC's Voice Mail System and my signature below constitutes my consent to all the terms and conditions of that policy.

In particular, I understand that (1) the Voice Mail system and all information transmitted by, received from, or stored in that system are the property of SWC, (2) the system is to be used only for business purposes and not for personal purposes, and (3) I have no expectation of privacy in connection with the use of the Voice Mail system or with the transmission, receipt, or storage of information in that system.

I agree not to use a code, access a file, or retrieve stored communications unless authorized. I acknowledge and consent to SWC monitoring my use of the Voice Mail system at any time at its discretion, including listening to all Voice Mail entering, leaving, or stored in the system.

Date: _____

Signature: _____

Print Name: _____

Key Request Form

Date _____

Name _____

Reason for Request _____

Signature of Person Requesting Key

Date

Approved _____

Denied _____

President

To be completed by Facilities Manager:

Date issued: _____

Key number: _____

Room: _____

Master: Yes _____ No _____

Signature of Facilities Manager

RECEIPT FOR EMPLOYEE HANDBOOK

I acknowledge that I have received a copy of SWC's Employee Handbook. I agree to read it thoroughly, including the statements in the foreword describing the purpose and effect of the Handbook. I agree that if there is any policy or provision in the Handbook that I do not understand, I will seek clarification from the Human Resources Department. I understand that SWC is an "at will" employer and as such employment with SWC is not for a fixed term or definite period and may be terminated at the will of either party, with or without cause, and without prior notice. (Exception: *Employees and Consultants who receive an employee contract are subject to the terms of the contract*). No supervisor or other representative of the company (except the President) has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above. In addition, I understand that this Handbook states SWC's policies and practices in effect on the date of publication. I understand that nothing contained in the Handbook may be construed as creating a promise of future benefits or a binding contract with SWC for benefits or for any other purpose. I also understand that these policies and procedures are continually evaluated and may be amended, modified or terminated at any time.

I understand that SWC is governed by the laws of the Sisseton Wahpeton Oyate of the Lake Traverse Reservation. I agree to submit to the laws of the SWO during my employment with the Sisseton Wahpeton College.

Please sign and date this receipt and return it to the Human Resources Department.

Date: _____

Signature: _____

Print Name: _____