

# SINTE GLESKA UNIVERSITY

EST. 1970



## SGU PERSONNEL POLICIES AND PROCEDURES

**Sinte Gleska University**

**Personnel Policies  
&  
Procedures**

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## **INTRODUCTION**

This Policy Handbook contains detailed information concerning the policies, practices and procedures which govern the operation of Sinte Gleska University. It is expected that all staff members will thoroughly acquaint themselves with the provisions contained herein.

In preparing this document, an effort has been made to provide sufficient information for the orderly operation of Sinte Gleska University, while simultaneously permitting the fullest opportunity for staff to exercise their talents and abilities in the development, implementation and fulfillment of the educational program.

The Sinte Gleska University Catalog and other documents cited herein contain additional information that is of vital importance to the functions and responsibilities of all staff members. No attempt has been made to duplicate in this document information found in the catalog or other documents referred to herein.

This Handbook was approved at a Special meeting of the Sinte Gleska University Board of Regents on October 8, 1992, and revised on April 14, 2017. For current information on revisions and additions contact the Human Resources Office or the Board of Regents Secretary.

## **DISCLAIMER**

Sinte Gleska University Policies and Procedures rules, and benefits listed in this manual are subject to change. These policies are provided as a reference of present policies and not a guarantee of employment or specific employment benefits. Sinte Gleska University's Human Resources staff provides support and service to the campus community on a wide array of human resource issues and topics. The Human Resources Office has produced an Employee Handbook which provides employees with information about Sinte Gleska University and its policies. The handbook shall be found in the Human Resources department.

## **CHAPTER 1 ORGANIZATION AND GOVERNANCE**

### **1.1 Institutional History**

In February 1971, Sinte Gleska College, now University, began operation with a tribal mandate to provide higher education programs on the Rosebud Reservation, but with virtually no fiscal base for its operation. The University faced a formidable challenge, especially in terms of funding and facilities which would require the full support of the Sicangu Oyate (People of the Rosebud).

In response to a system of education on the Rosebud Sioux Reservation that did not positively recognize the importance of Lakota language and culture, a feasibility study was done by a group of local persons in 1968 to determine if there was a need for postsecondary education on the Reservation- The study showed an adequate number of interested persons to warrant the establishment of an Indian Junior University. In 1969, the Rosebud Sioux Tribal Council passed a resolution in support of a junior College, the University of South Dakota at Vermillion, Black Hills State University at Spearfish, and the University of Colorado, were contacted to begin arrangements of the accreditation of selected courses.

In 1970, an all Indian Board of Directors was established and the following year, Sinte Gleska College was granted a charter by the Rosebud Sioux Tribe. In 1973, the South Dakota Board of Regents approved the offering of associate degrees at Sinte Gleska College in affiliation with Black Hills State College and the University of South Dakota. The first associate degree was awarded in 1973.

In 1977, Sinte Gleska College was granted status as a recognized candidate for accreditation by the North Central Association of Colleges and Schools. In 1978, two bachelor degree programs in Elementary Education and Human Services were developed in affiliation with Black Hills State College and the University of South Dakota. The first bachelor's degree was granted in 1980.

In January of 1983, Sinte Gleska College received official notification from the North Central Association that it had gained full accreditation status. Thus, Sinte Gleska College became the first tribally chartered College in the nation to become accredited at both the two and four year levels. Sinte Gleska College conferred its first degree under the full accreditation status at the August 1984 graduation.

In the Spring of 1987, Sinte Gleska College received approval from the North Central Association of Colleges and Schools to offer a limited number of courses at the graduate level outside of the two and four-year degree programs.

On June 22, 1989, Sinte Gleska College gained accreditation at the Master's Degree granting level. In August 1989, nine graduate students earned their Master of Education degree in Elementary Education through Sinte Gleska College.

On February 6, 1992, Sinte Gleska College formally changed its name from Sinte Gleska College to Sinte Gleska University. The University continues to recognize its commitment to the people of the Rosebud Reservation and all students who enter its doors.

### **1.2 Mission Statement**

Sinte Gleska University strives to build a healthy tribal nation and sustain cultural identity by developing critical-minded lifelong learners who promote dialogue and analysis,



value diversity and provide leadership.

### **1.3 Board of Regents**

The Sinte Gleska University Board of Regents consists of nine (9) persons, each of whom must be an enrolled member of the Rosebud Sioux Tribe. Of the nine members, five (5) are designated as at-large members and each serves a five-year term. Each serves a staggered term and each year one position becomes vacant.

The remaining four (4) positions are composed of a tribal council representative, a staff representative and two student representatives. The tribal council representative is appointed by the tribal council through the Tribal Education Committee. The staff representative is elected annually by the entire University staff; the representative must be a full-time employee. The student representatives are also elected annually; one must be a full-time student enrolled in at least twelve (12) semester hours of study and one is allowed to be a part-time student.

All members of the Board of Regents are voting members. All prior Board Chairpersons who are no longer members of the board are allowed to sit on the Board as ex-officio members.

### **1.4 Administration**

The operation of Sinte Gleska University is so organized under four major administrative areas: (1) Administration (2) Business Office (3) Academic Affairs (4) Student Services (5). The administration is responsible for the day-to-day operation of Sinte Gleska University under the leadership of the president.

#### **1.4.1 President**

The President is appointed by the Board of Regents with involvement of the faculty in the selection process. As chief executive and administrative officer of Sinte Gleska University, the President serves as liaison officer among members of the Board and is responsible for the supervision, management, and governance of Sinte Gleska University. He/she shall have the right to nominate other members of the staff as his designee or to act in his stead for a stated purpose. He/she shall convene the staff and faculty at stated times and whenever he/she shall deem it expedient and shall preside at all such meetings or shall designate someone else to preside. He/she shall have the power to veto any action of the staff and faculty.

#### **1.4.2 Provost/COO**

The Provost/COO will support the organization through planning, development and administration, and assessment of academic and non-academic programs. This position reports directly to the Sinte Gleska University President and directly supervises the vice presidents of Sinte Gleska University. The Provost/COO is responsible for helping ensure that Sinte Gleska University meets accreditation standards set by the Higher Learning

Commission while also ensuring that the academic programs continue to address the needs of the Sicangu Lakota Oyate.

#### **1.4.3 Vice President of Academic Affairs**

The Vice President of Academic Affairs is, appointed by the President, following consultation with the advice of staff and with consultation and concurrence with the Board of Regents. VP of Academic Affairs is the chief educational officer for Sinte Gleska University and, as such, has the ultimate responsibility for Sinte Gleska University academic programs. VP of Academic Affairs is directly responsible to the Provost/COO for planning, integrating, coordinating and implementing the instructional, faculty development and research programs which will accomplish the objectives of Sinte Gleska University.

The Vice President of Academic Affairs selects and evaluates the Faculty in consultation with the appropriate Department Chairpersons, and recommends hiring to the President. Also, delegates various Chairpersons, directors and/or staff, the responsibility for the quality of individual and departmental programs, for the completion of the day-to-day administrative activities necessary to sustain the academic programs and for completion of all projects on behalf of Sinte Gleska University.

#### **1.4.4 Vice President of Student Services**

The Vice President of Student Services is appointed by the President, following consultation with the advice of staff with consultation and concurrence with the Board of Regents. VP of Student Services is responsible for coordinating the Student Services staff and for providing the resources and services required to meet the developmental needs of students. VP of Student Services assists student groups as they develop programs, recommend policy, make decisions and solve problems; he/she monitors all student policies and campus regulations affecting students and serves as the primary administrative contact between students and other segments of Sinte Gleska University. VP of Student Services is liaison to the Student Association and the President of Sinte Gleska University and is directly responsible to the Provost/COO.

#### **1.4.5 Chief Financial Officer**

The Chief Financial Officer is appointed by the President, following consultation with the advice of staff and with consultation and concurrence with the Board of Regents. The CFO is responsible for managing the overall fiscal affairs of Sinte Gleska University and for the overall management of the Sinte Gleska University business office and the bookstore. The CFO is responsible to the President for budget planning, monitoring and for the implementation of endowment and investment decisions of Sinte Gleska University. Also, is responsible for all accounting decisions and all grant accounting, and financial monitoring and reporting. The CFO is the fiscal liaison to the Board of Regents.

#### **1.4.6 Human Resources Director**

The Human Resource Director is appointed by the President, following consultation with the advice of staff and with consultation and concurrence with the Board of Regents. The director is responsible for the overall management of the Human Resources office for Sinte Gleska University. Also, the Human Resources Director is required to maintain all personnel files for employees, staff, prospective employees and all others employed by Sinte

Gleska University. Sinte Gleska University Property and Supply office is coordinated from Human Resources Office. Most supplies and equipment are purchased through this office. All property inventories are also centralized within this office.

## **1.5 Organizational Chart** (see Appendix A)

### **1.6.1 Board of Regents** (see 1.3)

### **1.6.2 Administrative Committees**

Planning and management decisions concerning major University functions. The Council is composed of upper level staff and administrators as selected by the President.

#### **1.6.2.1 President's Council**

The President's Council is designed to assist the President with planning and management decisions concerning major University functions. The Council is composed of upper level staff and administrators as selected by the President.

### **1.6.3 Self-Study Committee**

The Self-Study Committee is comprised of staff individuals and Board members for the purpose of conducting an ongoing analysis of Sinte Gleska University programming and development to continually evaluate institutional progress and development, a part of which is relevant to institutional accreditation.

#### **1.6.3.1 Faculty Council Committee**

When necessary, committees comprised of faculty and other individuals may be developed for specific standing of ad hoc issues. This includes, but is not limited to instructional, staff, faculty development, and the self-study. A description of such committees shall be maintained by the Academic Affairs Office.

#### **1.6.3.2 Academic Affairs Committee**

The Academic Affairs Committee is the delegate assembly through which the faculty exercises its powers. The Committee has the responsibility for the development of educational programs and to recommend academic policies of Sinte Gleska University, promotes the continued improvement of higher education at Sinte Gleska University and strive to procure the best conditions possible for instruction, research and community services. It reviews and makes recommendations in all curricular matters including new courses, new degree programs, or changes in existing courses to the President and the Board of Regents through the administration. (For further information, please see the Faculty Constitution and By-Laws).

## **1.7 Faculty Governance Structure**

For information on the Faculty Governance Structure, please see the Faculty Handbook and the Academic Affairs Committee Constitution and By-Laws.

## **1.8 Academic Organization of Faculty**

### **1.8.1 Academic Departments**

The Departments are organized into the following areas:

- Human Services
- Lakota Studies
- Applied Science
- Great Plains Art Institution
- Business Administration & Management
- Elementary Education
- Graduate Education
- Arts and Science
- Foundational Studies
- Secondary Education

#### **1.8.1.2 Duties of Department Chairpersons**

Each Department shall have an administrative Chair who shall be appointed by the President after consultation with the Vice President of Academic Affairs. This appointment shall be made a part of the contract for the following academic year. Each Department Chair shall receive a salary augmentation and be allowed a teaching course load reduction of one class. Each chairperson shall be responsible for the coordination and supervision of the academic program within their respective department, including the development and evaluation, in cooperation with other staff members of the department, the curriculum of the department, (see Faculty Handbook for further information.) [Department Chairperson Position Description: Duties & Responsibilities, Approved August 13, 2007. Description Attached in Appendix]

#### **1.8.2 Academic Policy**

For the above, please refer to the Policies of the Faculty Council Committee, the Registrar, the Catalog, and other institutional handbooks.

### **1.9 Service and Instructional Support Departments**

Instructional Support Departments are departments organized to support academic, student and community needs. These include the Registrar, Financial Aid, the Library, Media, ABE/Community Education and other Departments. Service departments are organized to support Plant Management, Institutional Relations, Personnel/Property & Supply, Management Information Systems, and the Business Office.

## **CHAPTER 2 FINANCIAL BUSINESS AND SERVICE MATTERS**

### **2.1 Payroll Regulations**

Sinte Gleska University issues payroll checks on a bi-weekly basis. Checks are issued on Thursday of the payroll week, excluding recognized holidays, whereupon checks shall be issued on the preceding day.

All payroll checks are the property of the employee; therefore, checks will not be given to anyone other than the employee unless prior arrangements are made with the Chief Financial Officer's office. Sinte Gleska University allows for payroll advances,

but only in emergency situations. Payroll advances can be requested because of a death in the family or for medical emergencies. Advance payment can be allowed only where the President or the Provost/COO gives prior approval and which payment must be accounted for prior to any future payroll advance requests. Any amount advances shall be deducted from the employee's payroll check in three pay periods. The limit for an advance is generally \$300.00.

## **2.2 Travel Requests/Policies**

It is the policy of Sinte Gleska University to reimburse University employees for the reasonable travel costs that are allowable in accordance with Federal rules and regulations and Sinte Gleska University policies. All persons desiring to travel are responsible for making their own travel arrangement(s) which will incur a debt to Sinte Gleska University until he/she has received advances approval for such travel arrangements. Travel to and from the job site is not considered an allowable travel expense. Please refer to Sinte Gleska University Travel Policies available from the Business Office for information regarding travel policies.

## **2.3 Memberships**

Institutional memberships are approved administratively and must be directly beneficial to Sinte Gleska University. Memberships in professional organizations and associations are approved administratively and must be directly beneficial to the department or germane to the performance of an individual's job. Multiple memberships (more than one per department) should be avoided.

## **2.4 Long Distance Telephone Charges**

The telephone service at Sinte Gleska University is for official institutional business. Personal telephone calls should be avoided as much as possible. However, all long distance personal telephone calls will be automatically deducted from the appropriate person's salary check. Please see Business Office personnel for more information. Each department or building is responsible for maintaining a long distance telephone log, as each building has a different telephone number. Each person authorized to make long distance calls is required to log each call. One person per building shall receive a copy of the monthly telephone bill to determine if there are any discrepancies with the bill. All discrepancies are to be reported immediately in writing to the Business Office prior to the bill being paid.

## **2.5 Keys and Campus Security**

Campus security shall be the aim of each employee of Sinte Gleska University who carries a key to any University facility. Careful security measures must be taken to safeguard equipment and facilities. Individual staff members, part-time faculty members or other employees using buildings after regular hours are responsible for locking them upon departure. The Property and Supply Office supervises and controls issuance of keys for offices and entry doors to all buildings and maintains a master file of keys.

All pertinent keys are to be returned to the Property and Supply Office when vacating offices and rooms. All loss of keys is to be reported immediately to the employee's supervisor and the Property and Supply Officer.

Employees shall not arbitrarily have keys duplicated or loaned to anyone not associated with Sinte Gleska University. Any key that needs duplication must be routed through the Property and Supply Office.

Upon termination of employment with Sinte Gleska University, any staff member holding keys to University facilities shall return all keys to the Property and Supply Office. Keys must be returned prior to issuance of the last paycheck due.

## **2.6 Lost and Found**

Sinte Gleska University does not have a specific office for lost and found items. Any information concerning lost items should be referred to the main office in Mission. Items found should also be sent to the main office in Mission.

## **2.7 University Equipment**

Upon receipt of newly purchased equipment, employees shall notify the Property and Supply Office to properly inventory and tag the item(s). Every employee shall be entrusted with the use of University equipment and is expected to exercise proper care and treatment at all times. Any equipment needing cleaning, repair or servicing must be reported to the department Chair who shall arrange care through the Property and Supply Office. The Property and Supply Office has forms available to fill out for use of University equipment. These forms must be completed prior to equipment use.

Employees may use University equipment at home for business related purposes. Equipment must be checked out through the Property and Supply Office and notification given thereto upon return.

## **2.8 Facility Use**

Use of facilities shall be arranged through the respective building staff. This is generally the building secretary. Where no secretary is available, the department head of programs housed in a building should be contacted.

## **2.9 Mail Service**

Mail service is provided in Mission for each campus location. Thereafter mail is routed to the appropriate individual through the campus mail box system. Mail to any other Campus is generally handled through the Post Office.

External mail is handled by an appointed individual in each location. Internal mail is routed from office to office, and between the Mission campus and the Administration building. Postage is provided through a meter and stamps by Sinte Gleska University. FAX is available for University use at the Administration Building. There is a \$2.00 per page charge for personal faxes.

Federal Express is available for business use. Employees using Federal Express for personal business should prepay the costs through the Federal Express agent. U.P.S. is available from Sinte Gleska University Bookstore and Library on the Mission campus.

## **2.10 Work Orders for Maintenance/Facilities**

Work orders are submitted on a form provided by the Maintenance Department. Each building, department or program shall complete a form for each work order and

submit the form to the Plant Management Department. Each work order must be approved by the Director of the Plant Management Department before any work is undertaken.

Work orders include moving equipment. When University furniture, equipment or other property is moved from one location to another, a copy of the work order itemizing each piece of inventoried equipment, furniture or other property shall be submitted to the Property and Supply office for proper recording and location of inventoried University property.

Major work orders or needs are pursued different from the above. Work which cannot be undertaken by University maintenance staff may be pursued through administrative action.

### **2.11 Student Affairs**

All employees are encouraged to read the Student Handbook of Sinte Gleska University in addition, employees are expected to be informed through meetings, the campus newsletter and written materials of the following:

Academic Calendar

Advising Service (contact Vice President of Academic Affairs)

Financial Aid (contact Financial Aid Office) Organizations and Activities (contact Vice President of Student Services)

Student Rights and Responsibilities (contact Vice Presidents of Student Services)

Student Association (contact Vice President of Student Services)

Student Assistance Program (contact SAP counselor)

Copies of the Handbook are available online.

## **CHAPTER 3 EXTERNAL RELATIONS AND ADVANCEMENT POLICIES**

### **3.1 Gift Solicitation**

Sinte Gleska University is allowed to receive gifts as a non-profit institution as stated within Sinte Gleska University charter. University personnel are not allowed to solicit off-campus individuals and, organizations for gift support unless specifically authorized to do so through the Provost/COO or President.

### **3.2 Media Relations**

All contacts with any and all media pertaining to Sinte Gleska University activities is to be coordinated through the Office of the President who may delegate staff members to oversee and coordinate the activity.

### **3.3 Logo and Stationery**

Sinte Gleska University personnel are not to use Sinte Gleska University logo or stationery in the representation of personal business or for non-University activities.

Sinte Gleska University approves in principle such laws and regulations and pledges to obey such laws both in terms of the Sinte Gleska University mission and a belief in such public interest and human rights legislation.

## **CHAPTER 4 GOVERNMENTAL REGULATIONS AND INSTITUTIONAL POLICIES**

### **4.1 Affirmative Action Policy Statement**

Sinte Gleska University does not discriminate against qualified employees or applicants for employment on the basis of race, color, creed, sex, national or ethnic origin, physical or mental handicap, veteran status or other factors which cannot lawfully form the basis for an employment decision. Sinte Gleska University admits qualified students regardless of sex, race, color, creed, national or ethnic origin, veteran status, physical or other impermissible factors in the education programs or activities which they operate.

Sinte Gleska University does give Indian preference to otherwise equally qualified applicants as allowed by law.

### **4.2 Anti-Discrimination**

Sinte Gleska University will not discriminate on the basis of race, ethnic background, sex, age, height, weight, veteran status, handicap, or sexual preference. This policy will apply to both prospective employees and present employees at Sinte Gleska University. For proper adherence to this policy, Sinte Gleska University will follow current legislative guidelines.

### **4.3 Equal Employment Opportunity**

Sinte Gleska University provides equal opportunity in the employment to all employees and applicants for employment. No person shall be discriminated against in employment because of race, religion, color, sex, age, national origin, disability, military status, or any other characteristic protected by the applicable federal or tribal law. However, Sinte Gleska University may grant first consideration for employment to Indians pursuant to Native American/Indian Preference in accordance with the spirit of the Indian Preference Act, PL 88-352-Sec. 707(1) July 2, 1972.

#### *Procedure:*

This policy applies to all terms, conditions, and privileges of employment and all policies of Sinte Gleska University.

The following protocol is adopted by Sinte Gleska University for the implementation of Native American preference for selection of posted positions:

- Rosebud Tribal Members
- Spouses of Rosebud Tribal Members
- Native American
- Non-Native American
- Native Americans from other Tribes
- Any other



The President's Office is responsible for formulating, implementing, coordinating, and monitoring all efforts in the area of equal employment opportunity. The President's Office duties include the following if needed:

- Assistant management in collecting and analyzing employment data;
- Developing policy statements, requiring affirmative action programs, and recruitment techniques designed to comply with the equal employment policies of Sinte Gleska University;
- Complying with federal and state statutory record keeping and notice requirements of employment related statues and regulations;
- Preparing, if required by state and federal law, an annual review and summary of Sinte Gleska University's affirmative action programs and submitting the results achieved under these programs;
- Assisting supervisory personnel in arriving at solutions to specific personnel problems;
- Serving as a liaison between Sinte Gleska and government agencies, equal employment opportunity organization, and other community groups; and
- Keeping management informed of eth latest equal employment opportunity developments.

Any communication from the applicant for employment, an employee, a government agency, or an attorney concerning any equal opportunity matter should be referred to the President's office.

While overall authority for implementing this policy is assigned to the President's Office, an effective equal employment opportunity program cannot be achieved without support of the supervisory personnel and employees at all levels. Any employee who believe they have suffered from discrimination should report this concern to their supervisor of the President's Office.

Complaints of discrimination will be handled and investigated under Sinte Gleska University's Anti-discrimination policy, unless special procedures are considered appropriate. All complaints of discrimination will be investigated promptly and in as impartial and confidential manner as possible, and a timely resolution of each complaint should be reached and communicated to the parties involved, Sinte Gleska University prohibits any form of retaliation against employees for bringing bona fide complaints or providing information about discrimination.

#### **4.4 Environmental: Federal and Tribal Regulations**

Sinte Gleska University recognizes its obligation for a safe, healthful worksite. Sinte Gleska University encourages its employees to point out areas of potential hazard to employees. All hazards should be reported for repair to the Plant Management Department. If not corrected within a reasonable time, this matter should be reported to the Vice President of Student Services.

#### **4.5 Gender. Race and Sexual Harassment Policy**

Sinte Gleska University will maintain academic and work environments that are free of discrimination, harassment (including sexual harassment and sexual violence), retaliation, and stalking. Discrimination based on race, color, ethnic or national origin, sex, sexual orientation, gender identity, religion, age, ancestry, disability, genetic information, military status, or veteran status is prohibited. Retaliation against a person for reporting or objecting to discrimination or harassment is a violation of this Policy, whether or not discrimination or harassment occurred. This Policy is not intended for, and will not be used to, infringe on academic freedom or to censor or punish students, faculty, employees, or staff who exercise their legitimate First Amendment rights.

This Policy covers employees, students, applicants for employment or admission, contractors, vendors, visitors, guests, and participants in University-sponsored programs or activities. The academic or work relationship sometimes extends beyond Sinte Gleska University campus and after University work and class hours. Therefore, in some situations, this Policy may apply to allegations of discrimination, harassment or retaliation for behavior that occurs off campus or during after-hours functions sponsored by Sinte Gleska University. Off campus occurrences that are not related to University-sponsored programs or activities are investigated under this Policy only if those occurrences relate to discrimination, harassment, or retaliation alleged on campus.

Sexual harassment is defined as any unwelcome sexual advance, request for sexual favors or other verbal or physical conduct of a sexual nature, when one of the following conditions is met:

Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual, or Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. The key work in this definition is unwelcome.

Sexual harassment, as a form of sex discrimination, violates Title VII of the Civil Rights Act of 1964, as amended. Therefore, a victim of sexual harassment has the right to file a formal complaint through the grievance procedure of Sinte Gleska University. If not satisfied with the findings, the victim may file a suit in Civil court.

#### *Process/Procedure:*

If you have questions or concerns or believe that you or others are being sexually harassed or generally harassed please contact the Human Resources Director in the Human Resource Department on ext. 8561 to schedule an appointment or speak to any supervisor.

#### **4.6 Americans with Disabilities (ADA) Policy**

Sinte Gleska University is committed to complying fully with the Americans with Disabilities Act (ADA) and other applicable federal, state, and tribal laws. Sinte Gleska University is also committed to ensuring equal opportunity in employment for qualified persons with disabilities. Sinte Gleska University makes employment decisions based on the merits of the situation in accordance with defined criteria, not the disability of the individual. Further, Sinte Gleska University is committed to not discriminating against any qualified

employee or applicant because the person is related to or associated with a person with a disability.

Reasonable accommodation is available to an employee with a disability when the disability affects the performance of job functions. Sinte Gleska University will attempt to reasonably accommodate qualified individuals with a temporary or long-term disability so that they can perform the essential functions of the job, unless doing so would create an undue hardship for the operations of Sinte Gleska University.

#### *Confidentiality:*

The Americans with Disabilities Act and Section 504 of the Rehabilitation Act are very clear in stating that disability-related information is to be treated with strict confidentiality. This is extremely important to individuals who may wish to access their right to accommodation while minimizing the risk of stigma sometimes associated with disability. To be eligible for an accommodation, the student or employee must present verification of disability and arrange an appointment with the Coordinator of Disability Services.

It is the policy of Sinte Gleska University, in accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, to ensure that no qualified person shall, solely by reason of disability, be denied access to, participation in, or the benefits of any program or activity operated by Sinte Gleska, University including employment practices.

Any employee who is found to be in violation of this policy will face disciplinary action up to and including the possibility of termination of employment.

The ADA Employment Coordinator for University is the Director of Human Resources. Any employment issue regarding ADA compliance may be brought to the Human Resource Director for resolution in accordance with the procedures contained herein. Any academic issues regarding ADA compliance in the classroom should be brought to the Vice President of Academic Affairs for resolution.

#### *Service Animal Policy*

Sinte Gleska University complies with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 (Section 504). Among other things, the ADA and Section 504 require Sinte Gleska University to make reasonable modifications to its policies, practices, or procedures to permit the use of a Service Animal by a student, faculty, staff or visitor with a disability.

#### *Definition of Service Animal*

The ADA defines a Service Animal as “any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.” Importantly, other species of animals, whether wild or domestic, trained or untrained, are not Service Animals for the purposes of the ADA. However, under certain conditions, Sinte Gleska University will make reasonable modifications for a miniature horse that has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

When assessing whether a dog is a Service Animal individually trained to do work or perform tasks for the benefit of an individual with a disability, the dog must be trained to do work or perform tasks that are directly related to the individual's disability.

Examples of work or tasks include, but are not limited to, the following:

- assisting individuals who are blind or have low vision with navigation and other tasks;
- alerting individuals who are deaf or hard of hearing to the presence of people or sounds;
- providing non-violent protection or rescue work;
- pulling a wheelchair;
- assisting an individual during a seizure;
- alerting individuals to the presence of allergens;
- retrieving items such as medicine or the telephone;
- providing physical support and assistance with balance and stability to individuals with mobility disabilities; and
- assisting persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

The crime deterrent effects of a dog's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for purposes of determining if a dog is a Service Animal under this policy.

The ADA allows service animals that accompany persons with disabilities to be on the campus. A service animal will be permitted to accompany a person with a disability on campus. However, there are some places on campus that are not safe for service animals; these areas are discussed below.

This policy differentiates "service animals" from "pets," describes types of service dogs, denotes campus locations that are off limits to service animals, and sets behavioral guidelines for service animals.

Generally, pets are not allowed on campus grounds or in facilities. Sinte Gleska University seeks to accommodate persons with disabilities who demonstrate the necessity of a service animal.

### *Definitions*

**Partner/handler:** A person with a service or therapy animal. A person with a disability is called a partner; a person without a disability who has some temporary responsibility for the service animal is called a handler.

**Service Animal:** Any animal individually trained to do work or perform tasks for the benefit of a person with a disability.

**Therapy Animal:** These animals are prescribed for some disabilities for their calming influence, affections, stability, or feeling of security. They are not trained and are not afforded the legal protection of service animals.

### *Documentation Requirements for Use of Service Animals on Campus*

Persons using service animals on campus must provide documentary verification that he/she has a disabling condition or impairment, and that a service animal is needed so that the person may use the Universities facilities and/or services. The person's health care provider must submit a signed letter, on professional letterhead, stating:

- The nature of the disabling condition or impairment, with whatever information the Sinte Gleska University may reasonably need to ensure compliance with the law; and
- The provider's professional opinion that the person requires the requested animal in order to use the Universities' facilities and services, the function of the animal, and whatever rationale or further statement Sinte Gleska University may reasonably need to understand the basis for the professional opinion.

**The partner/handler of the service animal must also show proof that the animal has met the all Federal, Tribal, and State regulations.**

*Licensing:*

The animal must meet the licensing and animal control requirements of the City of Mission, South Dakota.

*Health Records:*

The animal must have a health statement, including vaccinations from a licensed veterinarian dated within the past year against diseases common to that type of animal. Dogs must have a current rabies vaccine and wear the rabies vaccination tag. Dogs must also have current distemper and Bordetella shots. The animal must be well groomed, measures should be taken at all times to control external parasites and be regularly bathed to control odor. Consideration of others must be taken into account when providing maintenance and hygiene of animals. A veterinarian's statement as to good health must be provided on an annual basis. Service animals that are ill should not be taken into public areas. A partner/handler with an ill animal may be asked to leave Sinte Gleska University's property, until cleared by a veterinarian.

*Identification:*

In case the animal is accidentally separated from the partner/handler, it should wear, at all times, some type of commonly recognized identification tag with a contact name and phone number in addition to any necessary animal licenses.

*Responsibilities of Persons Who Have Service Animals*

The care and supervision of a service animal is the responsibility of the partner/handler. The partner/handler must maintain control of the animal at all times. The partner/handler is responsible for ensuring the immediate clean-up of all animal waste. Individuals with disabilities, who physically cannot clean up after their own service animal, need to make the necessary arrangements for assistance.

*Control Requirements*

- The animal must be on a leash at all times. It should never be permitted to wander off leash.
- The partner/handler must be in control of the animal at all times.
- The animal must be as unobtrusive as possible.

- The partner/handler is responsible for protecting Sinte Gleska University property from damage from the service animal. Any damage to Sinte Gleska University facilities will be the financial responsibility of the partner.

### *Employment Practices*

Sinte Gleska University, in conjunction with the Board of Regents will take reasonable steps to ensure that:

Applicants are able to make application and take pre-employment tests even if accommodation is needed;

Applicants are not discriminated against on the basis of a disability and hiring practices and interview techniques are consistent with the intent of the ADA;

Where reasonable, accommodation is made for qualified applicants with disabilities who are offered a position with Sinte Gleska University;

Employee retention and promotion decisions will not be based on any real or perceived disability; and

No other benefits or rights of employment will be denied otherwise qualified individuals with disabilities.

The Director of Human Resources will work with employees with disabilities to coordinate reasonable accommodations based on individual needs.

Employees or applicants who feel they have been wrongly discriminated against on the basis of a real or perceived disability must seek redress in accordance with Board of Regents policy 1:18 - Human Rights Complaint Procedures.

### *Human Resources Responsibilities:*

1. Human Resources has a responsibility to collect, evaluate, and securely house disability documentation and determine eligibility for service.
2. Human Resources has a responsibility to treat and protect all disability-related information confidential.
3. Human Resources has a responsibility to meet with employee privately in an accessible location to discuss disability-related needs.
4. Human Resources has a responsibility to provide reasonable and appropriate accommodations in collaboration with employee and their supervisor.

## **4.7 Copyright Policy**

### *Preamble*

In the course of their activities at Sinte Gleska University (“University”), employees and students are continually creating copyrightable works. As a matter of law, copyright will adhere upon creation of any original work of authorship that is reduced to tangible form, including literary works, computer software, data sets, musical works, dramatic works, pantomimes and choreographic works, artistic works (pictorial, graphic, and sculptural), audiovisual works including motion pictures, sound recordings, and architectural works. Ownership of copyright to material gives the owner the exclusive rights to reproduce the material, make derivative works based on it, distribute copies to the public, and perform or display the material publicly. Copyright law is primarily a matter of

federal law, codified in Title 17 of the United States Code, 17 U.S.C. §§ 101 et. seq. (2006).

Under the copyright law, copyrightable works created by employees in the course of employment will be owned by their employers. However, traditionally, universities (including the University) have declined to assert ownership on behalf of the university in works of scholarship created by faculty in the course of traditional academic activities. Exceptions to this practice have always existed in order to locate within the university ownership of certain copyrightable materials in which the university, and/or its sponsors, public or private, also has a demonstrated interest.

As new technologies and media have emerged over the past decade, the processes for creation and distribution of copyrightable materials and the role of such materials in education and research have changed. One example is the area of instructional media where the University and its various constituents have been involved, together and separately, in the creation and distribution of online courses and other forms of instructional content. During this period, the copyright law has also developed. The University's copyright policy, as set out herein, is intended to take these developments into account.

The copyright policy addresses, primarily, the distribution of rights in and to copyrightable materials between the University and its various constituents. It does not address the use by the University or such constituents of copyrightable materials owned by third parties. In the course of educational and research activities at the University, employees and students are likely to make use of materials owned by third parties. To a large extent, those uses may constitute "fair use" under the law, which provides that "use . . . for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright", 17 U.S.C. § 107. Uses that are not "fair uses" may require permission to be granted by the copyright owner. The University is committed to the support of fair use principles. In certain cases, copyrightable materials may be created in conjunction with inventions subject to the University patent policy. Unless otherwise determined by the University Provost/COO in consultation with the Faculty/Staff Welfare Committee, in such situations, the University patent policy shall apply to the whole of such intellectual property.

#### *Scope and applicability*

This copyright policy applies to the following categories of persons:

- Employees (full-time and part-time, including visiting faculty who have a University faculty appointment);
- Students (including visiting students);
- Non-employees who participate in research at the University or research carried out under the auspices of the University, such as visiting faculty and scholars who do not have a faculty appointment, fellows, and consultants.

This copyright policy will apply to employees and others who are on a paid leave from the University and create copyrightable materials during such leave, but shall not ordinarily apply to persons on an unpaid leave of absence or copyrightable materials created during such leave. The provisions of Section III (D) relating to the creation of copyrightable materials in the course of consulting activities shall apply to activities conducted by employees while on an unpaid leave.

It is not unusual for visitors from other institutions (home institutions) to participate in research and other activities at the University or under the University auspices. Such participation might involve joint creation of copyrightable materials. Such visitors are often subject to intellectual property policies of their home institutions. Consideration should be given to the intellectual property policies of the visitor's home institution in order to avoid potential conflicts between this Policy and the policies of the home institution. Obligations of each visitor under this Policy will be assessed and potential conflicts will be resolved through good faith negotiations between the University and the home institution, preferably prior to the start of the visitor's participation in such research or other activities. It is particularly important that such conflicts be resolved prior to the start of a visit when the research at the University is sponsored by a third party.

#### **4.8 Intellectual Property**

##### *Section I: PURPOSE*

Sinte Gleska University is committed to providing an environment that supports the creation and development of works of authorship and inventions by its faculty, staff and students. Sinte Gleska has developed this Intellectual Property Policy in order to identify and protect the intellectual property rights of the University, its faculty, staff and students in such copyrightable works of authorship and patentable inventions. This Policy specifies when the Creator retains ownership of such works and inventions and instances when the University obtains ownership thereof.

##### *Section II: DEFINITIONS*

The following definitions shall apply to the terms used in this Policy.

**"University"** means Sinte Gleska University.

**"University Intellectual Property"** means Intellectual Property owned by the University pursuant to this Policy as set forth below in Section III.

**"University Resources"** means University funds from any source; facilities; classrooms; class time; personnel; offices; labs; studios; equipment, whether owned or leased; production facilities; computer hardware, software, support or resources; funding, grants, contracts and awards; or other University-owned resources.

**"Copyrightable Works"** means original works of authorship fixed in a Tangible Medium of Expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device.

**"Course of Employment"** means where a Creator creates or develops Intellectual Property as part of his/her employment obligations or responsibilities or at the specific direction and/or under the control of the University.

**"Creator"** means any Faculty, Staff, Student, or other person(s) who creates, or substantially assists in the creation of, Intellectual Property subject to this Policy.



**"Employee"** means any person hired by the University, on either a full- or part-time basis, to perform University duties. Employees include faculty, administrative and professional staff, and students who receive salaries or assistantships, work-study funds, stipends, or hourly wages while performing duties at the specific direction of, or assigned by, the University. "Employee" does not include an unpaid Student providing research assistance to Faculty or engaging in collaborative research or creative endeavors with Faculty.

**"Faculty"** means any person hired by the University to conduct instructional and/or teaching activities, whether on a full- or part-time basis. Faculty includes persons hired as adjunct or visiting professors and instructors.

**"Intellectual Property"** means, except to the extent comprising Traditional Works of Scholarship,

- (i) Copyrightable Works, and
- (ii) Inventions

**"Inventions"** means any new and useful process, product, discovery, software, machine or composition of matter, or improvement thereon, whether patentable or otherwise.

**"Policy"** means this Intellectual Property Policy.

**"Sponsor"** means a third-party business or person that finances the creation of Intellectual Property pursuant to a contract or arrangement between the University and that business or person. The federal, state and municipal governments, or any agency of those governments, can be a Sponsor under this Policy.

**"Staff"** means any person hired by the University, on either a full- or part-time basis, to perform University duties other than teaching. Staff includes administrative and professional staff, and students who receive salaries or assistantships, work-study funds, stipends, or hourly wages while performing duties at the specific direction of, or assigned by, the University.

**"Student"** means any person taking one or more courses at the University, either full-time or part-time who is not paid by the University to do work.

**"Substantial Use"** means the significant use of University Resources, whether during or after customary University business hours. The following are examples of Substantial Use, but in no way limit or restrict the meaning:

- (iii) extended use of time and energy by the Creator(s) in the work that results in a reduction in the expected levels of teaching, scholarship, or other activities, so that anticipated performance in these areas is at a level significantly less than normal; (ii) the use of University funds to support the work's creation; (iii) the use of other Employees in the creation of the Intellectual Property;

- (iv) (iv) the use of funding from gifts to the University to support creation of Intellectual Property; (v) the production of Intellectual Property under specific terms of a sponsored research grant or contract; and (vi) the use of specifically designated University funds to support the creation of the Intellectual Property involved. Normal and ordinary use of University provided office space, library resources and computers shall not constitute "Substantial Use."

**"Tangible Means of Expression"** includes, but is not limited to, books, periodicals, manuscripts, films, tapes and other electronic media.

**"Traditional Works of Scholarship"** means Copyrightable Works or Inventions that are created independently and at the Creator's own initiative for traditional academic purposes, such as the development of courses, the teaching of classes, or scholarly research or creative endeavors considered within academia or the University to be evidence of professional accomplishment or advancement. Traditional Works of Scholarship include, but are not limited to, the following: scholarly books and articles, including books in any tangible form; course materials, including course notes, syllabi, examinations and course assignments; literary works, musical works, including any accompanying words; dramatic works, including any accompanying music; pantomimes and choreographic works; pictorial, graphic and sculptural works; photographs, prints, diagrams, models and technical drawings; software; motion pictures and other audiovisual works, including any screenplays, teleplays or other original scripts or texts; sound recordings; and architectural works.

"VPA" means the Vice President for Academic Affairs, the person that directs the overall planning, operation and administration of the general academic program at the University.

### *Section III: OWNERSHIP OF INTELLECTUAL PROPERTY*

Ownership of all Intellectual Property created in whole or in part by Faculty, Staff or Students shall be subject to the following guidelines:

#### A. Employees:

(i) Traditional Works of Scholarship created by a Faculty member, Staff member, or Student employee shall be owned by the Creator; provided, however, that subject to other requirements imposed by a publisher, the University shall retain a royalty-free right to use such Traditional Works of Scholarship for non-commercial, educational purposes only;

(ii) If the University expressly directs an Employee to create or develop the Intellectual Property, or the Intellectual Property is created as a specific requirement of employment or as an assigned institutional duty, then the University shall own the Intellectual Property;

(iii) If the Creator has voluntarily transferred the Intellectual Property, in whole or in part, to the University, with such transfer in the form of a written document signed by the Creator, then the University shall own the Intellectual Property;

(iv) If the Creator has created or developed Intellectual Property in connection with a project funded, in whole or in part, by a Sponsor, then the Intellectual Property shall be owned in accordance with the terms of any applicable contract or agreement between the University and the Sponsor. Such arrangement is to be agreed to in writing, in advance, and in full conformance with other provisions of this Policy; and

(v) Unless otherwise delineated within subsections

(i) - (iv) above and if the Creator made Substantial Use of University Resources in creating or developing the Intellectual Property, then the University shall own the Intellectual Property.

#### B. Students:

(i) Traditional Works of Scholarship created by an unpaid student shall be owned by the Creator; provided, however, that subject to other requirements imposed by a publisher, the University shall retain a royalty-free right to use such Traditional Works of Scholarship for non-commercial, educational purposes only;

(ii) Intellectual Property created or developed by an unpaid Student (a) working with or for an Employee of the University, or (b) at the specific request or direction of the University, shall be owned by the University;

(iii) Intellectual Property created or developed by an unpaid Student in collaboration with an Employee shall be owned in accordance with the provisions set forth above in Section III.A., unless the Student and Employee agree otherwise in writing;

(iv) Intellectual Property created or developed by an unpaid Student in connection with a project funded by a Sponsor shall be owned in accordance with the terms of any applicable contract or agreement between the University and the Sponsor, regardless of whether the Student was acting as a Student or an Employee. In the absence of such an agreement, any Intellectual Property arising from such project shall be owned by the University; and

(v) Unless otherwise delineated within subsections

(i) - (iv) above, Intellectual Property created or developed by an unpaid Student with Substantial Use of University Resources shall be owned by the University.

Ownership of Intellectual Property created by a Faculty member, Staff member or Student that does not fall within the guidelines set forth above, shall vest in the Creator.

#### *Section IV: COMMERCIALIZATION*

The University, in its sole discretion, may commercialize any Intellectual Property that is owned by the University in accordance with Section III and shall have the authority to decide the revenue, if any, that the University will receive as a result of such commercialization. In the absence of a written agreement to the contrary, any revenue received from the commercialization of University Intellectual Property, other than University Intellectual Property resulting from the Course of Employment.

#### *Section V: ASSIGNMENT OF CREATOR*

With respect to University Intellectual Property, the University may, upon request and in its discretion, assign ownership to the Creator subject to a perpetual royalty-free license to the University to use the Intellectual Property for its own purposes. Such requests should be submitted to the VPA who shall decide whether to assign such ownership. The University may also accept property that is voluntarily assigned, and/or required by contract provision to be assigned to the University. The University shall determine whether to accept or reject any and all assignments of any Intellectual Property.

#### *Section VI: RESOLUTION OF DISPUTES*

Disputes arising over the application of this Policy, including the ownership of Intellectual Property or distribution of revenue to Creator(s), shall be brought in writing to

the VPAA. The VPAA will convene a meeting of the Dispute Panel within a reasonable time thereafter to resolve such dispute. The Dispute Panel shall issue their decision in writing, providing reasons for their decision, as a recommendation to the President.

*Section VII: RESPONSIBILITY OF PARTIES*

- A. It is the responsibility of the University and all members of the University community to ensure adherence to this Policy.
- B. Faculty, Employees, and Students and other Creators governed by this Policy shall have the obligation to:
  - 1. Make themselves aware of and adhere to restrictions on rights in Intellectual Property deriving from agreements between the University and Sponsors;
  - 2. Inform the University in a timely manner of any and all material that should be protected pursuant to the provisions of this Policy, and to cooperate with the University to obtain such protection;
  - 3. Obtain written permission from the VPA to publish, in journals or other media, use, or distribute any University Intellectual Property; and
  - 4. Ensure that Students or contractors working collaboratively with or under the Faculty or Staff's direction on projects (whether or not for pay) that may result in Intellectual Property have executed the appropriate agreements concerning the assignment of rights as contemplated by this policy.
  - 5. Any and all requests by any person for a clarification, explanation or determination of any of the rights and/or obligations under this Policy shall be made in writing to the VPA. The VPA shall respond within a reasonable time upon the receipt of such request.

*Section VIII: SEVERANCE/ CHOICE OF LAW*

Any provision of this Policy which is prohibited by law, or unlawful or unenforceable under applicable law, shall be ineffective only to the extent of such prohibition, without invalidating the remaining provisions of this Policy. Where the terms of this Policy are inconsistent with applicable law, and where applicable law controls, this Policy shall be deemed to be amended to comply with applicable law. This Policy shall be construed and interpreted according to the laws of the State of South Dakota.

*Section IX: RESERVATION OF RIGHTS*

The University reserves the right to modify and/or make changes, as it deems advisable at any time to this Policy. Changes shall become effective after approval by the University President, Board of Regent and upon publication of the revised Policy.

**4.9 Email Communication Policy (computer use policy)**

Sinte Gleska University provides access to communication technology, networks, e-mail systems, and other resources to support the instructional, research, service, and administrative missions of the institution. Faculty, staff, and students are encouraged to use these resources to achieve their educational and administrative goals. Use of these

resources is a privilege, not a right. Everyone is expected to use technology in an ethical and responsible manner, respecting the rights of the university, civil and criminal laws, license and contractual obligations, and other users. Failure to use these resources responsibly can lead to loss of access and disciplinary action through existing policies applicable to faculty, exempt, career service, or student status. Privacy: E-mail and other electronic communications are protected by relevant federal laws and local policies which prohibit interception of messages without proper authorization.

As a general policy, SINTE GLESKA will not monitor or intercept e-mail or other electronic communications. Users should recognize, however, that electronic communications are not private in the same sense that a letter in an envelope is private. E-mail messages are more analogous to a postcard. The contents of a message may be read by someone other than the addressee during the transmission process. Messages can be misdirected, stored in a computer or on back-up tapes, printed, forwarded, or otherwise viewed by parties who are not the intended recipients. E-mail messages are subject to discovery during legal proceedings and computer hardware or software can be confiscated as well. Users should assume that e-mail is a public medium and avoid using the system for confidential communications. The University may access and inspect electronic communications, data, and files under the following circumstances:

- To the extent necessary to conduct routine evaluation, maintenance and repair of computing equipment and systems;
- In the course of an investigation into alleged misconduct or impermissible use of equipment or systems;
- To protect the health and safety of members of the University community;
- To prevent interference with the academic and administrative missions of the University;
- In response to legal proceedings.

#### Permissible Uses:

Communication technology systems have been developed and supported at Sinte Gleska University to further the legitimate business interests of the institution. Those business interests include the academic, research, service, and administrative tasks related to the accomplishment of work responsibilities for staff and learning expectations for students. Authorized users of communication resources are expected to use available resources only for those purposes. Prohibited Uses: Personal Communications. Personal communications unrelated to work or educational purposes are not permitted if use of information resources will generate additional direct costs to the university. Occasional personal communications, such as a brief e-mail to a friend, would be permissible, just as it would be permissible if the message was conveyed through a local telephone call since neither approach creates additional costs for the university. Electronic communications of a personal nature which would result in additional costs to the university, such as printing an extensive document, are not permitted. Personal long distance telephone calls are prohibited for the same reason.

Commercial Activity. Use of University communication technology for personal gain through commercial activity is prohibited.

License, Trademark and Copyright. Use which violates license agreements and trademark or copyright laws is prohibited.

Unauthorized Access. Attempting to gain unauthorized access to messages, data, or files is prohibited.

Criminal Activity. Use which violates state or federal criminal statutes is prohibited. Harassment. Using communication technology to intimidate or harass others in violation of University or federal laws is prohibited.

Advertising. Using e-mail for broadcast advertising of organization meetings, club or group events, and campus activities is prohibited. E-mail can be used to invite specific individuals to these types of meetings or events when they are sponsored by the University or by recognized student organizations.

Advertising for events, meetings, or activities which are not officially sponsored by university groups or organizations is prohibited.

Broadcast advertising using e-mail is permitted only to support the legitimate business activities of the University. Examples of such activities could include notices to all staff of personnel policy issues such as benefit enrollment procedures, training programs for staff provided by Computing Services, or notifying staff of meetings with the Board of Regents, the Governor, etc. Advertising for business activities will be narrowly defined to limit use of e-mail for these purposes. Disclaimer: Sinte Gleska University provides access to communication technology resources. The university does not regulate the content of information placed on campus technology systems and networks. The university accepts no responsibility for the content of information placed on the campus systems and networks, except for information placed on the system by the University and its authorized representatives.

#### **4.10 Research**

The Sinte Gleska University Board of Regents hereby endorses the following policy on institutional research and publication: Sinte Gleska University recognizes and supports the cultural and social value of research efforts conducted under the auspices of an educational institution as a tribally controlled institution. Sinte Gleska University strives to maintain its integrity as well as that of the reservation community it serves. Growth of the institution and its increasingly significant impact on education and development locally and nationally brings a further need to promote and support quality research and publication efforts which will enhance the mission and purpose of the institution and promote the preservation and self-sufficiency of native people.

Sinte Gleska University wishes to ensure that the educational and cultural integrity and accomplishments of its students, employees and the reservation community be held in high regard. To insure this the Board of Regents authorized the President and his/her staff in consultation with the Academic Affairs Office and other faculty groups to take whatever measures necessary to provide support and/or respond to research and publications conducted under its auspices. The type of institutional support and/or response shall be dependent upon the nature of the activity and institutional resources.

Researchers are expected to maintain professional and ethical standards at all times. Confidentiality is also expected to be maintained.

Sinte Gleska University Board of Regents recognizes the following priority areas for research and publications:

- Research which meets or enhances the mission and purpose of the University.

- Research which enhances the self-sufficiency of the Lakota people, particularly those of the Rosebud Reservation.
- Research which enhances the self-sufficiency of native people in general.
- Research which meets and or enhances the specific objectives of educational divisions within the institution.
- Research which meets and or enhances specific individual professional development goals which do not fall under any of the priority areas.
- This policy applies to the following:
- Any research or publication sponsored by Sinte Gleska University either through funding or principle direction.
- Any research or publication conducted by or under the direction of any employee or representative of Sinte Gleska University in connection with institutional responsibilities.
- Any research or publication in which the name of the institution is used either for an endorsement, as the origin of research or as the sponsoring institution.
- Any research or publication in which the facilities, resources, students and or staff of the institution are used. This does not preclude persons from normal utilization of such facilities such as the-library.
- Any research or-publication which may reflect on the cultural, social, economic or educational development of the reservation community which may be conducted under the auspices of the University.

#### **COMMITTEE ESTABLISHMENT:**

A special research review committee is hereby established. The composition of such committee shall be determined by the President and the Academic Affairs Committee.

#### Duties of the Committee:

- Establish procedures and deadlines by which research requests are received and processed.
- Establish guidelines for publications pursued under the auspices of this institution.
- Establish procedures by which other aspects of this policy are implemented.
- Make recommendations to the Vice-president concerning research requests and publications. Recommendations may be submitted to the Vice-President for approval. Appeals regarding decisions may be made to the President and may be appealed to the Board of Regents within 10 days after notice of the President's decisions. The Board of Regents decision shall be final.

#### **COLLECTION OF DATA AND PUBLICATIONS**

A repository within the Archives of Sinte Gleska University is hereby established specifically for the collection of research data and publication materials governed by this policy.

Sinte Gleska University Board of Regents hereby requests that copies of all materials and publications of University employees, students and others affiliated with the institution be deposited in the special Archival repository. This may also include activities which occur after an employee or researcher has left this institution. Such materials and

publications represent efforts which Sinte Gleska University would like to recognize and support as valuable contributions to this institution.

Sinte Gleska University claims exclusive ownership of data collected in the following circumstances:

Any research or publication sponsored by Sinte Gleska University either through funding or principle direction.

Any research or publication conducted by or under the direction of any employee or representative of Sinte Gleska University in connection with institutional responsibilities.

Sinte Gleska University reserves the right to maintain and utilize for educational and other purposes all other research and publications done under the auspices of this institution.

## STUDENT RESEARCH

This section applies specifically to student research where human subjects are used or sensitive subject matter is an issue. Students may have the option of retaining ownership of data collected as the result of the coursework. Students who do not wish to retain ownership of data hereby convert that ownership to this institution. The Research Committee in consultation with departments shall insure that students maintain ethical and professional standards in the conduct of their research. Students are particularly expected to maintain confidentiality when conducting such research.

## FAILURE TO ABIDE BY POLICY

Failure to abide by this policy could result in lost research and/or publication support and whatever further action deemed necessary by the University President in consultation with the Board of Regents.

## PROTECTION OF HUMAN SUBJECTS

The Sinte Gleska University Administration through the Research Committee shall be responsible for insuring that guidelines and procedures established to implement this policy will protect human subjects.

## JURISDICTION

Any disputes shall be settled in the Rosebud Sioux Tribal Court. Jurisdiction over any and all matters not covered by Tribal law shall be by Federal law.

### **4.11.1 Employee Wellness**

Sinte Gleska University is committed to promoting all aspects of employee health and wellness. To this end we provide specific policies and activities pertinent to their well-being.

### **4.11.2 Employee Assistance Program Policy**

Sinte Gleska University recognizes that Employee Assistance Programs have met a need in many organizations nationwide. These types of programs are designed to assist troubled employees that have one or more problems with alcohol, drug abuse,



gambling, family and marital problems associated with legal matters, mental health, personal finance and stress.

The EAP is managed by an EAP Coordinator, who is to be selected by the President. The Coordinator shall be responsible for conducting workshops or seminars for employees relative to the EAP. The Coordinator also serves as primary contact for referrals.

The three basic tenets of the program are:

- 1) The health and productivity of each employee is fundamentally the responsibility of the individual employee.
- 2) The EAP'S overriding responsibility is to reinforce and supplement the ability of each University employee independently to protect and enhance his or her own health and productivity.
- 3) The activities of the EAP must be able to demonstrate their effectiveness by meeting the needs of all members of the work force in order to secure and maintain administrative and employees support. The EAP cannot achieve this goal unless it operates in a cost-effective manner.

## GOALS

Prevent problems through employee education; and use a multiple referral network for early identification of the "troubled employee" and provide proper referral to development or remedial rehabilitation.

The Program is designed to assist employees who have experienced problems as stated above, which problems are impacting upon their employment activities at Sinte Gleska University or to assist employees who are experiencing problems that are negatively impacting upon employment duties and activities and to provide referral and counseling services to employees referred or who voluntarily seek assistance through the program.

## PROCEDURE

The EAP's success depends upon employee involvement and participation in the program. It does not prevent employee discipline, including discharge for continued sub-standard performance, rules infractions and other job related deficiencies. Medical or treatment leave will be granted for up to 6 weeks for one time only, should this be requested and needed.

### **4.11.3 Employee Assistance Program Procedure**

Troubled employees shall be referred to the EAP through a multiple referral network or shall voluntarily seek treatment through the program. Supervisors and administrators shall be required to refer employee after consultation with that employee.

A referral is made by setting up an appointment for the employee while the employee is present. Notice in written form is to be provided to the employee. EAP staff shall conduct a client interview, make a problem assessment and evaluation and refer the client to the most appropriate source for treatment.

The EAP staff shall monitor the success of the treatment program. Service providers shall be required to report to the EAP concerning the employee. In this regard, the employee shall sign a written consent document allowing the service provider

to submit information concerning the employee to Sinte Gleska University. This is important where disciplinary action is withheld contingent upon the employee seeking treatment.

EAP staff shall immediately notify the employee supervisor, and the Human Resources Office when the employee fails to meet treatment requirements. The supervisor is responsible for notifying the appropriate administrative staff person.

Ultimately the employee is responsible for seeking and pursuing assistance through the program.

Minimal forms will be kept regarding the employee. (Forms concerning the EAP are attached to the EAP document in the Human Resources Office).

Records are confidential and are kept in a locked file cabinet accessible only to EAP staff.

Any records concerning any employee using or who has utilized the EAP shall not be made available to anyone unless there is written authorization from the employee. Federal confidentiality laws shall be followed in this regard (attached to the full EAP document).

The above information is basic information concerning the EAP. The entire document is available to all staff and is located in the Human Resources Office.

#### **4.11.4 AIDS Education**

Sinte Gleska University recognizes the difficulty in addressing the complex medical, educational and procedural issues raised by the Acquired Immunodeficiency Syndrome (AIDS). The policies relating to AIDS which follow have been adopted by the Board of Regents and Sinte Gleska University.

Definition: Levels of Infection

##### **AIDS:**

Acquired Immune Deficiency Syndrome. Only a qualified health professional can diagnose AIDS, which is the result of infection by the Human Immunodeficiency Virus. AIDS destroys the body's immune (defense) system and allows otherwise controllable infections to invade the body and cause additional diseases. These opportunistic diseases would not otherwise gain a foothold in the body. These opportunistic diseases may eventually cause death.

##### **ARC:**

AIDS-related complex (ARC) is a condition in which the patient tests positive for HIV infection and has a specific set of clinical symptoms. However, ARC patients symptoms are often less severe than those with the disease we call AIDS. Signs and symptoms of ARC may include loss of appetite, weight loss, fever, night sweats, skin rashes, diarrhea, tiredness, lack of resistance of infection, or swollen lymph nodes. These are also signs and symptoms of many other diseases and a physician should be consulted.

##### **ELISA TEST:**

The Elisa test was first developed to protect the blood donation system by screening out contaminated blood which had been the source of some HIV infections. It

is currently used with people who have engaged in high risk behavior to determine if they have been exposed to the HIV. The test is not a test for AIDS, but is an antibody test for HIV. This only tells us if a person has ever been exposed to the HIV testing for antibodies to that virus. The test is performed with a small amount of blood which is taken from the vein in a person's arm and sent to a qualified laboratory.

If the ELISA test of this sample blood is positive, the test is repeated. If the second sample is positive, a confirmation test called the Western blot is performed. Only when all three tests are positive is a person considered to be an HIV carrier. Because there is no specific therapy for AIDS-related conditions, AIDS education is the most important goal in preventing the spread of the disease. The focus of AIDS educational programs and information will be on prevention by informing the communities of the best currently available medical information about AIDS and AIDS transmission. Such information will be disseminated by:

Educational programs offered through workshops or conferences.  
Information distributed or presented to students. Printed information distributed to the community. The American University Health Association Statement on Education Priorities and Methods will be used as a guide in the development of AIDS education programs.

#### **4.11.5 Confidentiality of Information**

Sinte Gleska University recognizes that information in medical, education or employee records concerning the existence of AIDS, ARC, or a positive HTLV-III antibody test in a student, faculty or staff member is currently highly sensitive, commonly misunderstood, and potentially misused. If Sinte Gleska University is to provide effective, up-to-date preventive education and deliver first quality medical psychological services, it must remain a trusted and sought-after source of accurate information and provide consistent guidance on the issues with which AIDS challenges the institution. This can best be accomplished if the information shared by students, employees, faculty, parents, community members and other medical services regarding an individual's concern with AIDS-related issues is absolutely and securely confidential.

In general, no specific or detailed information concerning complaint or diagnosis will be provided to faculty, administrators, students, insurers, agencies or the family of the patient, without the express written permission of the patient in each case.

#### **4.11.6 Recommended Procedure and Policies**

In view of the fact that current medical knowledge indicated that students or employees with AIDS, ARC, or a positive HTLV-III antibody test do not pose a health risk to other students or employees in a residential academic setting.

Sinte Gleska University will adopt the following policies:  
No admission restrictions will apply to students with AIDS, ARC, a positive HTLV-III antibody test or the Elisa test. No restrictions will be applied to a student or employee access to regular classroom attendance or University activities and use of any University facilities. Students with AIDS-related disorders will be requested to inform the Dean of Student Services so that Sinte Gleska University can counsel the student as to Public Health Service recommendations regarding proper health maintenance. Sinte Gleska University will observe all public health reporting requirements for AIDS.

Sinte Gleska University assumes no liability or responsibility for the transmission of AIDS-related disorders.

#### **4.12 Institutional Policy for Drug Free Workplace**

Sinte Gleska University hereby reaffirms its position of serious concern about and opposition to the use of alcohol or controlled substances in this environment. Sinte Gleska University community further denounces and prohibits the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance on University property. Sinte Gleska University is committed to helping individuals who are suffering from a chemical dependency or drug abuse problem and we urge members of the communities to become actively engaged in drug and alcohol education, prevention and treatment programs where appropriate.

Sinte Gleska University invites all students and employees to participate in "alcohol-free activities" the "Alcohol and Drug Awareness Week" and other activities sponsored by Sinte Gleska University or other entities on the Rosebud Reservation. Sinte Gleska University also provides counseling services for employees and students through the Employee Assistance Program and the Student Assistance Program. Sinte Gleska University provides through its health insurance plan coverage for Psychiatric care and Alcoholism and Drug addiction treatment or a combination thereof. Employees of Sinte Gleska University are required to notify their supervisor or administrative personnel of any conviction under any criminal drug statute for a violation occurring on University property no later than five working days after that conviction. Within 30 days of the conviction, the employee will be subject to one or more of the following actions:

- Screening (to include drug testing) or evaluation by a qualified professional:
- Disciplinary action which may result in termination of employment; the level of these disciplinary actions will depend upon the seriousness or frequency of the violations. Whether a pattern of abuse is evident, if the abuse is a cause of accidents or results in excessive absenteeism or has a negative impact on the employee's work.
- Satisfactory participation in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health law enforcement or another appropriate agency.

Termination of employment upon a conviction, where the employee is unable to continue full-time employment.

#### **DRUG FREE SCHOOLS**

Please refer to Sinte Gleska University Handbook on Drug Free Schools available from Human Resources Office or the Student Assistance Program.

#### **4.13 Institutional Policy for Smoking**

Policy:

It is the policy of Sinte Gleska University to comply with all applicable federal and tribal regulations regarding smoking in the workplace and to provide a work environment that promotes productivity and the well-being of its employees.

Procedure:

Sinte Gleska University recognizes that smoking in the workplace can adversely affect employees. Accordingly, smoking is restricted to designated areas. Smoking is prohibited inside all Sinte Gleska University facilities except for areas where it is specifically authorized. Management is responsible for implementing and monitoring smoking regulations, and supervisors are expected to enforce the regulations. The smoking policy applies to employees during working time and to customers and visitors while on Sinte Gleska University's premises.

Employees are expected to exercise common courtesy and to respect the needs and sensitivities of coworkers with regard to the smoking policy. Smokers have a special obligation to keep smoking areas litter-free and not to abuse break and work rules. Complaints about smoking issues should be resolved at the lowest level possible but may be processed through Sinte Gleska University's dispute resolution procedure. Employees who violate the policy will be subject to disciplinary action.

Sinte Gleska University does not discriminate against individuals on the basis of their use of legal products, such as tobacco, if the use occurs during nonworking time and off of Sinte Gleska University's premises.

## **CHAPTER 5 EMPLOYEE POLICIES AND PROCEDURES**

This section contains the approved policies of Sinte Gleska University with respect to the employment conditions of the staff members of Sinte Gleska University. Employee obligations and benefits identified in this section are specifically incorporated by reference into the Letter of Appointment for each staff member, except to the extent modified therein. Should there be any misapplication or misinterpretation of the specific provisions of this section, the staff member involved in such a situation may appeal actions taken by a supervisor under the Grievance and Complaint Procedure found in section 5.11. It should be noted that Parts 1 thru VI of the Handbook (except for Sections 4.2., thru 4.4., 4.6., and 4.7.) do not come under the Grievance and Complaint Procedures in this Handbook.

### **5.1 Staff Classifications and Definitions**

#### **5.1.1. Definitions**

**Probationary employee:** each new staff member is on probationary status during the first 60 days of employment. Work performance, attendance, attitudes and conduct are carefully considered during this period.

**Full-time employee:** Full-time staff members are defined as those who are required by contract to work 2080 hours annually. (52 weeks x 40 hours per week.)

**3/4-time employee:** Generally applicable to faculty. Staff member who can work less than full-time without negative impact on classes or office schedule. Determination of 3/4-time status is made by the Vice President of Academic Affairs for Sinte Gleska University.

**1/2-time employee:** applicable to all staff where there is a demonstrated need for less than full-time employment. These personnel do not receive any benefits other than pre-approved administrative leave.

Part-time employee: Applicable to situations where there is a demonstrated need for less than full-time employment, including instructors and support staff. These personnel do not receive benefits.

### **5.1.2 Staff Classification System**

The classification system used by Sinte Gleska University categorizes staff members by job description. Differing salary scales may exist within classifications, but determination of classification is based upon job description. For faculty classification, see the Faculty Handbook.

Administrative I: A staff member who exercises major responsibilities in a specific administrative area or areas as well as in general institutional management. He/she reports directly to the President or Provost/COO. The President or Provost/COO will determine which individuals are to be designated as Administrative Officers. These staff members are labeled as Exempt in the Grievance Portion of this handbook.

Administrative II: Staff members, mid-management level members with professional or specialized training performing professional level work. This level may include Program Directors, Department Chairpersons, or others considered to function within mid-management level positions. These individuals report directly to a designated position listed on each employees' employment contract.

Administrative III: Staff members with professional or specialized training, performing professional level work. This level may include such positions as assistants to various program directors, secretaries, and clerical staff, etc. These individuals usually report directly to the Administrative II personnel.

Support Services or Maintenance/Custodial: Staff members who are support staff and those who perform technical and nontechnical work for Sinte Gleska University. Generally, these individuals report to an Administrative I or II individual.

### **5.1.3 Employee Funded by Grants**

Persons employed under special grants from private or government sources may have different conditions of employment than non-grant employees. The regulations relating to each respective grant shall apply to those employees working within the grant program. If there are questions regarding this matter, the grant administrator or supervisor shall be contacted.

## **5.2 Recruitment and Employment**

Recruitment and Appointment for all positions within Sinte Gleska University system begins with an advertisement, with the exception of the faculty positions, which procedures are covered within the Faculty Handbook. Advertisement is pursued through various media and applications or resumes and are accepted within a time frame presented for positions advertised. Thereafter a selection committee composed of the requisite supervisor, the Human Resources Director, a representative from the Administration and a representative from the Board of Regents, and the related staff interview individuals for the advertised position. The Committee, by a point system, ranks each prospective employee and submits the list to the President, who makes the selection for the position advertised.

An In-house transfer from one position to another is another method used to fill various positions. Staff are invited to apply for transfer from one position to another and can be selected to fill the position by the President. All administrative staff positions will be subject to consultation and concurrence with the Board of Regents.

### **5.2.1 Employment Contracts**

A completed Personnel Action form and Contract shall be evidence that a person has been selected for and employed in a position with Sinte Gleska University. The Personnel Action and Contract shall be signed by the employee and the President or his designee and other administrative persons and shall be placed within the Personnel file. Generally, all University employment contracts originate from the Provost/COO's office at the President's direction. The exception is part-time faculty contracts which originate in the Vice President of Academic Affairs' office.

Sinte Gleska University uses a 12-month contract term of employment. This term begins on August 1 of the year and ends on July 31. Other employment options such as a 10-month contract is available upon request.

### **5.2.2 (A) Appointment**

Code of Ethics:

Proper operation of Sinte Gleska University requires that employee's service and use the designated organizational channels when seeking decisions and policy determinations.

Employees at Sinte Gleska University are bound to observe, in their official acts, the highest standards of ethics and morality and faithfully discharge the duties of their position regardless of personal considerations.

Employees should not act in any way to breach the law, nor should they ask others to do so.

No employee shall engage in any business or transaction or shall have a financial interest, direct or indirect, which is not compatible with fully independent judgment in the performance of the employee's duties for Sinte Gleska University.

An employee shall not disclose confidential information concerning the business or personnel of Sinte Gleska University.

### **5.2.3 Vacancies**

All job vacancy announcements and applications shall be filed with the Human Resources Office. Responsibility for anticipating the need for personnel resides with the Provost/COO, the Vice Presidents and the respective Department Chairpersons in consultation with the President and in cooperation with the Human Resources Office.

### **5.2.4 Orientation**

Every new employee and Board member will be given an orientation to his/her new job, a tour of the facilities area offices, and will be provided with a packet of informational materials, including a copy of the Faculty Handbook, and Personnel Policies and Procedures. Other activities may be planned in this regard by Sinte Gleska University.

### **5.2.5 Probationary Period**

For all new employees, a period of 60 days will be considered probationary period, which may be extended a period not to exceed 30 days. At the end of such time the supervisor shall pursue an evaluation to determine whether the employee should be hired as full-time permanent staff. During and upon completion of the 60 or 90 day probationary period, a prospective employee may be dismissed with or without cause. Notification shall be in writing and a copy of such document shall be placed within the employee's file. Health, retirement, and other insurance benefits will vest after successful completion of the probationary period as does annual/sick leave; however, leave can only be accumulated during this time, but cannot be used until successful completion of the probationary period.

### **5.2.6 Teaching by Part-Time Faculty**

Please refer to the Faculty Handbook

### **5.2.7 Job Description**

Each staff member will have a current job description. The Human Resources Office will have the responsibility for updating and maintaining job descriptions with concurrence of the appropriate administrative and supervisory staff. Any changes in any job description must be approved by the respective Department and Supervisor by the President.

### **5.2.8 Employment of Relatives**

Relatives of persons currently employed may be hired, but will not be under the direct supervision of a relative. Sinte Gleska University prohibits the direct supervision of relatives. When a relative works within a division supervised by another relative, that supervising relative cannot sign the relative's time sheet, cannot provide direct supervision of that person, cannot reprimand that person, and cannot recommend that person for raises or other form of advancement. For the purposes of this policy on nepotism, relatives are defined as members of the immediate family including spouse, parents, children, brothers, sisters, brothers-in-law, sisters-in-law, fathers-in-law, mothers-in-law, stepparents, step-siblings, step-children, foster children, grandparents, aunts, uncles, nieces, nephews, and first cousins.

## **General Policies Governing Employment**

### **5.3.1 Work Hours**

Work hours for faculty are different than the remaining staff. Please refer to the Faculty Handbook for information.

For all staff other than faculty, normal work hours are 8:00 a.m. to 5:00 p.m. with one-hour lunch break

### **5.3.2 Work Time Reporting**

Time records must be maintained by all employees. Each employee must complete, sign, date and have the supervisor sign each time sheet reporting hours worked during each earnings period. It is the responsibility of each Department Supervisor to ensure that the



time reporting requirements are met timely and accurately and are submitted to the Payroll Office for processing.

### **5.3.3 Flexible Scheduling**

Employees may have some kind of flexible scheduling so long as there is an agreement with their supervisor and the appropriate administrative supervisor; have the full approval of the supervisors involved; and must not adversely impact upon the operation of Sinte Gleska University. Supervisors must insure that offices and facilities are properly staffed during the regular hours of business, 8:00 a.m. to 5:00 p.m., and any other time if necessary for proper operation.

Any and all flexible scheduling must be approved by the supervisor and Provost/COO. A written and approved request shall be filed within all respective personnel files.

### **5.3.4 Breaks and Meal Periods**

Federal law and the State of South Dakota does not require lunch or coffee breaks. However, when employers do offer short breaks, federal law considers the breaks as compensable work hours that would be included in the sum of hours worked during the work week and considered in determining if overtime was worked. Unauthorized extensions of authorized work breaks need not be counted as hours worked when the employer has expressly and unambiguously communicated to the employee that the authorized break may only last for a specific length of time, that any extension of the break is contrary to the employer's rules, and any extension of the break will be subject to disciplinary action.

Bona fide meal periods (typically lasting at minimum of 30 minutes), serve a different purpose than coffee or snack breaks and, thus, are not work time and are not compensable.

Sinte Gleska University offers its employees, two 15-minute rest periods per day and is provided for the staff member's benefit. These breaks shall be scheduled by department supervisor or designated Vice President.

However, if a situation occurs where the employee is not able take the 15-minute break due to work needs; it is not to be taken at another time. It is a use it or lose it break period and cannot be banked or accrued to leave work early or take a longer break later. Offices shall be available to serve students, staff, and public at all times during the normal work day and hours.

### **5.3.5 Rules of Conduct**

- All employees must observe the following basic principles of work:
- Perform a full day's work in an efficient and diligent manner in accordance with accepted methods and standards.
- Be at work on scheduled working days at a proper starting time and remain at assigned work places during normal periods, unless permission to leave has been granted by the supervisor.
- Observe breaks, or rest and lunch periods, without abuse.

- Notify the supervisor, secretary, or receptionist, as quickly as possible if absence from work is necessary.
- Cooperate in keeping the premises, equipment and property clean, in good working order and sanitary.
- Carry out specific work related orders or instructions and follow established safety practices and report all accidents promptly to the Human Resources Director.
- Observe established organizational channels.
- Maintain a positive attitude and address all human relation issues with patience, tact and diplomacy.
- Avoid gossiping and furthering rumors.
- Honor the confidentiality of files, records and documents. In the course of employment with Sinte Gleska University, an employee may come in contact with information which is of a confidential nature. Releasing confidential information to unauthorized persons is cause for dismissal. Employees are required to respond to the confidence entrusted to them.
- Unlawful discrimination or harassment is considered a serious professional misconduct and the employee shall be subject to disciplinary action or discharge.
- Not to compete with Sinte Gleska University or convert business opportunities to personal gain or advantage or the gain or advantage of others.

#### **5.3.6 Outside Employment**

- Employees must recognize that full-time employment by Sinte Gleska University requires that they dedicate such hours and energy as are necessary to efficiently perform their duties.
- No employee of Sinte Gleska University shall engage in any activity, employment, business, professional work, consulting or enterprise which is inconsistent, incompatible, or in conflict with efficient performance of the employee's duties, functions, and responsibilities as an employee. Any questions concerning outside work should be resolved with immediate supervisors and approved by the President or his designee.
- Each employee is allowed 2 days per month with pay to engage in consultant activity outside Sinte Gleska University. This activity cannot be inconsistent with, incompatible with or in conflict with the efficient performance of the employee's regular duties at Sinte Gleska University. Supervisors shall have the responsibility for determining this activity in conjunction with the President or his designee.

#### **5.4 Evaluation and Assessment of Employees**

Employee performance will be evaluated for purposes of retention promotions and transfers. (Note: Evaluation process and form currently being developed).

#### **5.5 Promotion and Transfer**

Promotions and transfers to more responsible and higher paying positions are based primarily on the performance of the individual involved and on the current needs of Sinte Gleska University. A job performance evaluation will be the primary tool for determining job performance. The employee will be evaluated on the basis of this

document and in accord with the goals of the individual set forth in the job description. Individual employees will be given every opportunity to move up the career ladder. Factors affecting such advance will be performance in the currently held position, additional training and newly acquired skills, additional education, and the ability and willingness to take on new responsibilities and the ability to cope with such new responsibilities.

## **5.6 Separation**

At times Sinte Gleska University or individual employees may find it necessary to sever the employment relationship. To protect the interests of both parties, the various types of separation are hereafter defined and the policies and procedures related to each category are set forth.

Types: Resignation, Retirement, Layoff, Discharge

## **5.7 Professional Staff Development**

All employees are encouraged to participate in professional development activities. Faculty have different development activities. Employees are encouraged to contact supervisors or department heads to determine details of currently available opportunities. In some instances, the Sinte Gleska University may require training as a condition of employment, continued employment or for promotions. In this situation, the employee shall be responsible for initiating, maintaining and completing such training.

## **5.8 Working Conditions**

### **5.8.1 Safety**

Safety and prevention of accidents are the responsibility of every employee. Each employee should act to protect self and co-workers from job hazards, to prevent fire and accidents to promote safety at all times. Unsafe conditions shall be reported to the supervisor immediately and then to the Plant Management department.

### **Evacuation and Relocation**

Every individual must quickly become familiar with his or her area by locating exits, stairwells, elevators, fire-fighting equipment, fire alarms, and possible areas of rescue. (For exiting concerns related specifically to tornadoes or bomb threats, please go to the entrance of each building and see the Security Department's Quick Reference Guide to Building Safety Plan.)

Transportation of persons shall be coordinated with appropriate Security and Transportation personnel for the purpose of evacuation and relocation of persons threatened by or displaced by the incident. A temporary shelter or facility will be selected if needed. Coordination for assistance, equipment, and supplies will be determined at the relocation site as needed.

The primary responsibility for the protection of property, assessment of damage, and restoration of normal operations shall be given to the appropriate University Department. These University Departments will include:

Environmental Services: Coordinates all services for the restoration of electrical, plumbing, heating, and other support systems as well as environmental enclosure and structural integrity. Assesses damage and makes a prognosis for occupancy of the structure affected by the disaster.

Information Technology Services: Coordinates support for data-processing resources at the main data center and the designated recovery sites; provides alternate voice and data communications capability in the event normal telecommunication lines and equipment are disrupted by the disaster. Evaluates the requirements and selects appropriate means of backing up the ITS telecommunications network.

Security: Provides safety and security for people and facilities, as well as emergency support to affected areas, and notification mechanisms for problems that are or could be disasters. Extends a security perimeter around the functional area affected by the disaster. Evacuation/rescue plan for persons with disabilities. Even though emergency personnel usually are available to assist with evacuation, this may not always be the case. People with concerns that would make independent evacuation difficult are encouraged to make alternative plans and arrangements in advance which will increase the likelihood that individuals will be able to exit a building safely in the event of an emergency. Check to see if your building has a staff member serving in the role of Core Crisis Team member. Individuals are encouraged to discuss evacuation/rescue needs with the Core Crisis Team member if applicable.

### **5.8.2 Injuries**

All accidents must be reported immediately to the department and if further assistance is needed, to the ambulance service, etc. Accidents requiring application for Worker's Compensation shall be reported to the Office of Human Resources no later than the statutory time for reporting to secure benefits. Worker's Compensation claims must be reviewed by the Provost/COO and Chief Financial Officer.

### **5.8.3 Emergency Closing**

Occasionally it is necessary to cancel classes and close offices for a day or more due to weather or for other reasons. When this decision is made by the President, this decision is immediately provided to the local radio stations for publication. In the President's absence, the Provost/COO shall make this decision. When offices are closed in this fashion, employees are excused from work and are given administrative leave for the period of cancellation. No employee, other than essential staff and those with Supervisor approval, shall report to work for any reason. Generally, Sinte Gleska University follows the practice of the Todd County School District in determining class cancellations due to weather conditions.

### **Essential Staff**

Essential Staff are Sinte Gleska University employees who work in 24-hour operations or whose services may be needed during the closure (e.g. Security, Environmental Services, Grounds Crew, and Payroll staff on payroll week). Essential Staff should check with their supervisor for specific instructions relative to reporting for work. If required to work during the closure, these employees shall receive their regular rate of pay for all hours worked during the closing and administrative pay at the rate of one hour for

each hour of work actually performed during the period that Sinte Gleska University is officially closed.

If an employee is unable to work due to weather conditions and the President and/or Provost/COO didn't officially cancel classes and closes offices, they should follow their own department policy for reporting their absence. Employees not reporting to work, reporting to work late, or leaving early due to weather when a Declaration of Inclement Weather has not been declared will be expected to use vacation leave, accrued compensatory time, accrued holiday compensatory time, their discretionary holiday, or leave without pay. At the discretion of the department, employees may make up missed work time within the workweek. This policy does not affect the requirement that exempt employees must report leave in half- or full-day increments.

#### **5.8.4. Salary Increases**

##### **5.8.4.1 Salary**

Salary is considered in relation to other benefits, such as provision for retirement, medical aid, assistance given to obtain further education and a reasonable assurance of continued employment. Basic pay grade depends upon position filled, length of employment, performance, education, etc.

##### **5.8.4.2 Pay Increase**

Increases in pay are two types. The First is the "Cost of Living" increase and is applied to all of the staff. This is determined by the President and the Board of Regents pursuant to economic factors and on the financial condition of Sinte Gleska University.

The Second type is "Merit" pay increases. These pay increases are based upon the employee's actual job performance as indicated on performance evaluation forms and any increased responsibility.

The amount of merit increase will depend on several factors as well. These factors include amount of pay currently receiving, overall job performance, and the ability of Sinte Gleska University to provide such increase. Merit pay increases are recommended by supervisory personnel. These recommendations proceed to the President.

##### **5.8.4.3 Overtime Service**

Overtime is all time worked by an employee that is in excess of forty (40) work hours per work week. The work week begins on Sunday and ends on Saturday. In compliance with the Fair Labor Standards Act, overtime will be paid at an hourly rate equal to one and one-half times the base hourly rate.

All overtime must have prior supervisory approval and should be for work over and above that normally expected of the employee.

No employee shall receive overtime for work which normally should be performed during regular working hours. All questions/clarifications regarding overtime should be addressed to the Vice-President.

#### **POLICY**

Sinte Gleska University will follow the standards for overtime pay as set forth in the U.S. Fair Labor Standards Act.

Compensatory time off will not be given. An exchange of hours within a pay period may be allowed, with the prior permission of the supervisor and the administrative supervisor.

Overtime shall be approved on the basis of emergency circumstances only and when it is impractical to maintain a full-time work force to dispose of peak workloads during regular work hours.

Paid overtime shall be approved and certified by the supervisor and the Provost/COO with consultation from the Business Office only when work cannot be accomplished by currently assigned personnel within normal working hours. Supervisors at all levels are responsible for examining workload and manpower resources before requesting paid overtime. Overtime work is to be considered the last alternative and depends upon the financial ability of Sinte Gleska University to meet this demand.

#### **5.8.4.4 Salaries, benefits, and mileage for employees working under grants**

Personnel working under the auspices of grants will be subject to the same guidelines for salary, mileage reimbursement, and benefits as all other employees employed by Sinte Gleska University. In the event a grant has been submitted and approved with salaries or benefits in excess of Sinte Gleska University standards, Sinte Gleska University standards take precedence. If personnel under grants are slated to have salaries or benefits that are less than standard Sinte Gleska University salaries or benefits, Sinte Gleska University may, but is not obliged, to make up the difference.

### **5.9. Personnel Records**

Each employee shall have an individual personnel file maintained by the Human Resource Office which shall contain all personnel actions and pertinent information. An employee's personnel file shall be available upon their request, with reasonable notice, except for letters of reference obtained upon the request that they remain confidential. Inspection of these records by other persons except supervisors, the appropriate administrative staff or the Human Resource's staff must be authorized by the President. Requests to Sinte Gleska University for Employment Information is referred directly to the Human Resources Office. Unless written permission is obtained, only the dates of employment and positions held will be released. References are handled at the discretion of the person to whom the request is directed. Copies of all applications for professional positions with Sinte Gleska University shall be retained for a period of one year; copies of all applications for classified positions shall be retained for six months along with all related correspondence.

The Human Resources Office has the responsibility for maintaining up-to-date records on all personnel actions for both full and part-time employees and all temporary, probationary and regular employees. Resumes of staff may be included as an addition to various funding proposals for program development at Sinte Gleska University.

#### **5.9.1 Confidentiality of Personnel Records**

All personnel records are confidential and shall be carefully protected against review or use by unauthorized persons as determined by Sinte Gleska University.

### **5.9.2 Change of Employee Status**

Employees shall be responsible whenever there is a change in any of the following and shall notify the Human Resources Office of such change:

- address
- telephone
- emergency notification
- name, marriage or otherwise number of dependents insurance beneficiary other pertinent matters relating to status change

### **5.10 Grievance Procedure for Sinte Gleska University**

#### **Purpose**

To provide for the fair and equitable treatment of all employees of Sinte Gleska University and to promote good working relationship among employees, supervisors and administrators. This grievance procedure affords an employee an opportunity to express his/her dissatisfaction and to seek action based upon an impartial consideration of the merits of the grievance.

#### **Definition of Grievance**

A "grievance" is an alleged violation, misapplication or misinterpretation of a policy or procedure contained within this document. The policies define the relationship or rules that exist between the employee and employer and a grievance exists only if there is a claim that an existing rule has been violated, misapplied or misinterpreted. The role of the Mediator is to review the facts and the appropriate policy action of this document to make this determination. The Mediator does not support or override administrative decisions. A complaint over a matter outside the policies cannot be taken through a grievance process. Grievances must be in writing and must state the Section of this document in dispute, the supervisor involved and a remedy which is requested. Such a remedy should be in keeping with the policies and procedures in this document.

#### **Policy**

##### **Scope**

It is the policy of Sinte Gleska University that the grievance procedure covers all full-time and three-quarter time employees. However, where a claim of discrimination is made, probationary, part-time and temporary employees shall also be entitled to coverage.

#### **Objective of Grievance**

The objectives of this grievance procedure are to:

- Encourage resolution of grievances between employees and supervisors before formal grievance proceedings are undertaken.
- Provide an orderly process for the handling of grievances once they have entered the formal stage.
- Resolve grievances as quickly as possible before they become unduly exaggerated and disruptive to the organization or to the individuals involved.
- Encourage correction of the cause of the grievance through impartial consideration of the facts and free expression of views from both sides of the dispute.

Employees presenting a grievance under this policy shall be free from coercion, restraint, interference, discrimination or reprisal.

#### **5.10.4 Procedures of Settling Grievances**

##### **5.10.4.1 Organization for Grievance Procedure**

There shall be three parties in Sinte Gleska University grievance procedure:

- 1) The Aggrieved—the non-exempt employee or exempt employee who has a grievance.
- 2) Exempt Employee (Administrative I as explained in sec. 5.1.2)-Executives, professionals, and administrative staff
- 3) Non-exempt staff-Full time employees working 40 hour weeks

The Respondent(s) the employee or supervisor who engaged in the alleged action or failure to act, out of which the grievance arises.

Trier of the facts

#### **The Grievance Procedure**

#### **Employee Grievance Procedure**

**Last Updated 02/2017**

#### **Applies to Staff**

Corrective Action Procedures – Staff

Discriminatory Harassment

Performance Reviews

Sexual Harassment

Procedures

It is important that employees are treated fairly and receive prompt responses to problems and concerns. For this reason, the Sinte Gleska University provides a grievance procedure to promote prompt and responsible resolution of issues raised by staff and administrators. This procedure may be used freely without fear of retaliation, and the Office of Human Resources is available to assist throughout the procedure. The process outlined below should be used if an individual disagrees with a supervisor's action including any disciplinary action. If the problem involves Discriminatory Harassment, Sexual Harassment and/or Discrimination, reference to those policies should be made to initiate a complaint. When unsure which policy applies, contact should be made with Human Resources.

#### **Step One:**

#### **Discuss Complaint with Immediate Supervisor.**

Sinte Gleska University encourages informal resolution of complaints. Employees should first discuss the complaint with their immediate supervisor within three (3) business days of the situation whenever possible. If the complaint is not resolved as a result of this discussion, or such a discussion is not appropriate under the circumstances, proceed to Step Two. If the action in dispute involves suspension or termination of employment, Steps One and Two should be bypassed. Note: If the immediate supervisor is an administrator of Sinte Gleska University, Steps Two, Three and Four should be bypassed and the complaint submitted directly to Human



Resources who will send a copy to the Provost/COO of Sinte Gleska University and schedule a meeting for employee.

**Step Two:**

**Prepare and Submit Complaint Procedure Form to HR for Review by Second-Level Supervisor.**

If the employee feels the complaint was not resolved in discussions with his/her immediate supervisor, they may prepare and submit a formal written complaint for review by the person to whom the employee's immediate supervisor reports ("second-level supervisor"). To do so, the employee should prepare a Complaint Procedure Form and submit it to Human Resources within seven (7) business days of the Step One discussion with the immediate supervisor (or within seven (7) days of the event being grieved if Step One is bypassed). The HR will then review the complaint, send a copy to the second-level supervisor and the immediate supervisor (if appropriate), and schedule a meeting for the employee, the second-level supervisor, and HR to discuss the complaint. The meeting will ordinarily be held within five (5) business days of HR's receipt of the Complaint Procedure Form. The second-level supervisor will issue a written decision, generally within five (5) business days of the meeting. If the complaint is not resolved to the employee's satisfaction, they may proceed to Step Three.

Note: If an employee's second-level supervisor is the Provost/COO of Sinte Gleska University, the Employee Grievance procedure is complete at the conclusion of Step Two. If the employee's second-level supervisor is Vice President, the employee should proceed to Step Four (Vice President-level review) at the conclusion of Step Two.

**Step Three:**

**Submit Complaint Procedure Form to Human Resource Director for Review by Third-Level Manager.**

If the employee is not satisfied with the Step Two decision, they may proceed with the complaint within five (5) business days of receipt of the Step Two decision by submitting it to the Human Resources Director for review by the director in charge of their department or Vice President of the department if in an academic unit. A meeting between the employee, the Director of HR and the director or the appropriate level Vice President will generally be held within five (5) business days. The director or appropriate level Vice President will issue a written decision, generally within five (5) business days of the meeting.

**Step Four:**

**Submit Complaint Procedure Form for Final Appeal to the Appropriate-Level Vice President or Provost/COO.**

If the employee is not satisfied with the Step Three decision, they may submit the complaint to the appropriate level Vice President with administrative responsibility for their department or, for academic units, the Office of the Provost/COO, within seven (7) business days of receipt of the Step Three decision. The appropriate level Vice President or the Provost/COO will provide Sinte Gleska University's final written response, generally within fourteen (14) business days. The employee's department management will be notified as well.

**General Information**

The time limits above are subject to modification on a case-by-case basis due to operational requirements, travel away from campus, in-depth investigations, etc. The Provost/COO of Sinte Gleska University shall have final authority to resolve any disputes regarding the implementation of this Complaint Procedure, including determination of the appropriate decision makers.

### **Corrective Action Procedures - Non-Exempt Staff**

**Last updated 02/2017**

**Applies to Non-Exempt Staff**

**Related Policies:**

**Coaching and Counseling Procedures**

**Corrective Action Procedures – Exempt Staff**

**Employee Assistance Program**

**Performance Management Policy**

**Performance Reviews**

**Procedures**

**Corrective Action Steps**

Sinte Gleska University policy of corrective action consists of four steps which are generally administered in progressive order. However, in some cases, the seriousness of the infraction or performance issue may warrant skipping one or more steps in the process. To assist supervisors in determining the appropriate level of corrective action in a particular situation, and to promote consistency in the application of the corrective action process, a chart at the end of this section provides examples of infractions and appropriate action steps.

### **Documented Conversation**

The supervisor will provide a warning to the employee through a documented conversation with the employee in order to improve the performance and/or attendance concerns and put the employee on notice that additional performance and/or attendance issues will result in corrective action. If performance and/or attendance does not improve, corrective action will be taken. The supervisor should notify Director of Human Resources to determine when and to what extent corrective action should be taken, up to and including possible termination.

### **First Level Warning**

The first level warning is a formal method of informing an employee of a relatively minor violation of University or department rules or of failure to perform job duties in an acceptable manner. Generally a first level warning occurs after an employee has received counseling from their supervisor related to the issue(s), and it is intended to encourage the employee to change the behavior.

### **Second Level Warning**

The second level warning is used when performance and/or attendance problems persist or when action more severe than a first level warning is warranted.

### **Suspension Without Pay**

A suspension without pay of three or more scheduled working days is issued when performance and/or attendance problems persist or when the offense is so serious that a first

and/or second level warning is not appropriate. The supervisor should consult with Human Resources Director before an employee is suspended. Human Resources Director can be reached by calling 856-8100.

### **Termination**

If all prior disciplinary actions do not resolve the situation, or if the nature of the violation is so serious that a first or second level warning or a suspension is not appropriate, the employee is subject to termination. The supervisor must consult with HR before an employee may be terminated. HR can be reached via e-mail at Stephanie.WhiteEyes@sintegleska.edu or by calling 856-8100.

### **Corrective Action Track**

Performance and/or attendance issues are addressed as a single track in the corrective action process. For example, an employee who has been issued a first level warning for a performance issue would receive a second level warning for an attendance issue that warrants corrective action.

### **Length of Time Corrective Action Remains Active**

Corrective action is active for a period of two years. Therefore, if there is cause for further corrective action within two years, the next level of corrective action normally will be taken. If it is more than two years, but less than five years, from the last similar corrective action, the same level of corrective action generally should be applied. If it has been five or more years since the last corrective action, no reference should be made to the previous corrective action.

### **Corrective Action Memo Contents**

Any corrective action taken must be supported by appropriate documentation. When corrective action is initiated it should be documented in a written memo from the supervisor to the employee. The employee and the supervisor receive and retain a copy of the corrective action memo for their records while the original is forwarded to the Office of Human Resources, ATTN: HR Officer, 101 Antelope Lake Circle for placement in the employee's personnel file. The corrective action memo should include the following:  
The action being taken (i.e., first level warning, second level warning, suspension, or termination.)

- The specific violation or problem for which the action is being issued. (e.g., performance, behavioral issues, or attendance)
- Specific instances of problem behavior or violations including dates and times.
- Review of past counseling discussions or corrective action steps, if any.
- Description of the impact of employee's behavior on organization or work group.
- Statement of expectations and established time frame to be achieved.
- Description of consequences (e.g., if this step fails, you may be subject to further corrective action up to and including termination of employment.)
- Reference to the Complaint Procedure for Staff (Non-exempt) and to the Employee Assistance Program (EAP), if appropriate, and how to access each.
- Supervisor's signature.

- Employee’s signature (including the following statement: “Employee signature does not necessarily indicate their agreement, but only that they have received this memo.”) If the employee declines to sign it, this should be noted on the memo.
- The corrective action memo should include vocabulary which can be easily understood by the employee and be stated in a factual and objective manner.

## **Planning for the Corrective Action Meeting Before the Meeting**

Conduct a thorough investigation of the incident or issue including interviewing the employee or any individuals who witnessed the incident or have first-hand knowledge of the performance problem.

Review any notes you have made regarding the problem, including supporting documents such as copies of previous Corrective Action memos, if applicable, memos, attendance records, or informal notes on counseling sessions.

If suspending or terminating the employee, review your plans with your supervisor and a HR Consultant from the Office of Human Resources.

Prepare a draft of the corrective action or termination memo and an outline of the points you need to cover during the meeting.

Anticipate questions that the employee will likely ask and be prepared with answers or a commitment to get back to the employee if the answer is not known.

Arrange with the employee to meet with you in your office or other private area. Time the meeting when the employee is least likely to be confronted by co-workers, especially if a suspension or termination is being done. Most often, the end of a work day and end of a work cycle are preferred.

## **During the Meeting**

- State the specific problem in terms of desired job performance as compared to actual job performance.
- Review previous counseling sessions or corrective action steps that have been taken.
- Give the employee a chance to respond and explain.
- Describe for the employee the specific change in job performance you expect.
- Ask the employee to confirm his/her understanding of your expectations.
- Tell the employee the corrective action step you are taking (i.e., First Level Warning, Second Level Warning, Suspension without Pay, or Termination).
- Indicate your confidence in the employee’s ability to perform properly in the future, if appropriate.
- Review the corrective action procedure and the consequences if stated expectations are not met.
- Refer to the Complaint Procedure for Staff (Non-exempt) and the Employee Assistance Program, if appropriate, and how to access.
- Give a copy of the signed corrective action memo to the employee.

## **After the Meeting**

Briefly summarize the meeting in writing for your files with factual comments and examples of what occurred. Forward the original corrective action memo to the Office of Human Resources, ATTN: Stephanie White Eyes, 101 Antelope Lake Circle.

Monitor the employee's performance and maintain open communication to provide the employee with the opportunity and support for correcting the problem.

**Role of the Employee Assistance Program**

The Employee Assistance Program is an available resource to employees who may be experiencing problems outside of work that are impacting performance or attendance. Supervisors should feel free to remind employees of this service at any time during the supervisor/employee relationship. At the second level warning or suspension step, the supervisor may choose to make a mandatory EAP referral if appropriate.

**Terminations**

Termination of employment is the final action when all other appropriate steps have failed to achieve desired improvements. In addition to the guidelines previously stated in this document, there are additional considerations when the termination of an employee becomes necessary. For example: It may be advisable to have a management witness present and/or security personnel on standby during the termination meeting. Obtain information from the Office of Human Resources in advance concerning such issues as benefits, insurance, and final pay. Remember to confirm the employee's current address and telephone number. Collect all University property in the employee's possession (keys, ID Card, parking decal and access card, gate opener, pagers, cell phones, tools, manuals, etc.) Most importantly, take advantage of the support network that exists to assist in the various stages of Corrective Action. This includes management in your department, the HR, and the Employee Assistance Program.

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**Sample Infraction Guidelines**

The following list is intended as a general guideline. Individual circumstances are evaluated in consultation with the Office of Human Resources when considering corrective action. Therefore, a fully inclusive listing of all the reasons that will justify corrective action and/or termination is not possible. The infractions listed are merely examples of the types of unacceptable conduct that could result in corrective action or discharge.

| <b>Example Infraction</b>   | <b>Action Steps</b> |                      |                    |                    |
|---|---------------------|----------------------|--------------------|--------------------|
|   | <b>1st Offense</b>  | <b>2nd Offense</b>   | <b>3rd Offense</b> | <b>4th Offense</b> |
| Loitering or loafing during working hours   | first level warning | second level warning | 3-day suspension   | termination        |
| Failure to report absence in a timely manner as required by department procedures | first level warning | second level warning | 3-day suspension   | termination        |
| Excessive tardiness   | first level warning | second level warning | 3-day suspension   | termination        |
| Excessive absenteeism   | first level warning | second level warning | 3-day suspension   | termination        |

|   |                        |                            |                     |             |
|---|------------------------|----------------------------|---------------------|-------------|
| Failure to meet job standards   | first level<br>warning | second<br>level<br>warning | 3-day<br>suspension | termination |
| Failure to meet department dress code   | first level<br>warning | second<br>level<br>warning | 3-day<br>suspension | termination |
| Failure to work scheduled hours (leaving early or working overtime without permission)  |                        | second<br>level<br>warning | 3-day<br>suspension | termination |
| Failure to punch in/out   |                        | second<br>level<br>warning | 3-day<br>suspension | termination |
| Posting, removal or defacing of notices, signs, or writing of any form on any bulletin boards or University property without permission |                        | second<br>level<br>warning | 3-day<br>suspension | termination |
| Willful violations of safety rules or University safety practices   |                        | second<br>level<br>warning | 3-day<br>suspension | termination |
| Obscene or abusive language   |                        | second<br>level<br>warning | 3-day<br>suspension | termination |
| Failure to report on-the-job accident or injury to supervisor   |                        | second<br>level<br>warning | 3-day<br>suspension | termination |
| Inappropriate conduct towards other employees, students, visitors (e.g. Sexual/Discriminatory Harassment, Fighting, or obscenity)       |                        | second<br>level<br>warning | 3-day<br>suspension | termination |
| Uncooperative or unprofessional behavior in the workplace   |                        | second<br>level<br>warning | 3-day<br>suspension | termination |
| Improper use of University property and resources   |                        | second<br>level<br>warning | 3-day<br>suspension | termination |
| Sexual/Discriminatory Harassment  |                        | second<br>level<br>warning | 3-day<br>suspension | termination |
| Failure to report absence for 1 to 2 days   |                        |                            | 3-day<br>suspension | termination |
| *Threatening, intimidating, or coercing employees, students, or visitors on University property at any time                             |                        |                            | 3-day<br>suspension | termination |

|  |                           |             |
|--|---------------------------|-------------|
| Misrepresentation of paid/unpaid leave benefits (sick, jury, funeral, FMLA)  | 3-day suspension          | termination |
| Challenge, criticize, obstruct, abuse or interfere with supervisor; willful failure to do an assigned job or follow a supervisor directive | 3-day suspension          | termination |
| Sleeping on the job  | 3-day suspension          | termination |
| Possession of firearms or weapons on University property   | 3-day suspension          | termination |
| Unauthorized release of confidential, sensitive, or highly sensitive data  | 3-day suspension          | termination |
| Being in areas outside of assigned responsibilities without approval   | 3-day suspension          | termination |
| *Reporting to work under the influence of alcohol or drugs   | 3-day suspension          | termination |
| *Possession of unauthorized alcohol/drugs or use of alcohol/drugs on the job   | 3-day or more suspension  | termination |
| Theft of University, other employee's, visitor's or student's property   | minimum 30 day suspension | termination |
| Insubordination – direct refusal to do an assigned job or obey an order  | 3-day suspension          | termination |
| Sale or trafficking alcohol or illegal drugs/controlled substances on University property or during work time                              |                           | termination |
| Fighting (aggressor & victim if participant)   |                           | termination |
| Falsifying time cards  |                           | termination |
| Failure to report to work for three consecutively scheduled workdays without notifying immediate supervisor                                |                           | termination |
| Falsification of Employment Application or other necessary data requested during the employment process                                    |                           | termination |
| Immoral conduct or indecency during working time   |                           | termination |
| Deliberate destruction or damage to University property or property of fellow employees in any manner                                      |                           | termination |

### **Coaching and Counseling - Procedures**

**Last Updated 02/2017**

**Applies to Administrators and Staff**

**Related Policies:**

Performance Management Policy

Corrective Action Procedures – Administrators

Corrective Action Procedures – Staff

### **Procedures**

Sinte Gleska University encourages open communication between employees and supervisors. It is the role of the supervisor to communicate job performance expectations to the employee. This communication exchange starts with the initial orientation and training of the new employee. As the employee performs the various job functions, it is essential for the supervisor to provide verbal feedback concerning the quality of work.

Coaching is the ongoing process whereby the supervisor directs the development of the employee through regular performance feedback. If the employee is meeting the supervisor's expectations, positive feedback can be used to reinforce performance and further motivate the employee to even higher levels of performance.

Counseling occurs when there are performance problems and may be used to assist the employee in achieving a satisfactory level of performance prior to initiating any more formal resolution for administrators or any Corrective Action for staff. In such cases, the supervisor should meet with the employee to clarify performance expectations and determine what obstacles are impeding the employee's ability to perform to standard. The problem could be a lack of clear instructions, a need for training, the lack of tools/resources, or the impact of another employee's behavior. Whatever the cause, it is supervisor's role is to minimize the barriers to acceptable performance and provide clear expectations for the employee. The position description can be a valuable tool for this purpose.

The following may be helpful in preparing for a counseling meeting:

Before the meeting – Review relevant documentation.

During the meeting – State the problem in terms of expected performance vs. actual performance; allow the employee to respond; and jointly develop a solution.

After the meeting – Document the meeting, and, most importantly, follow-up.

The counseling meeting should be viewed as developmental rather than punitive. For staff, the supervisor should stress that counseling is not part of the corrective action procedure, but that corrective action may result if the employee does not change the job behavior. Written documentation pertaining to the counseling meeting is not kept in the employee's personnel file, but it should be kept in the departmental file or a management working file.

### **Corrective Action Procedures - Exempt Staff**

**Last Updated 02/2017**

**Applies to Exempt Staff**

**Related Policies:**

**Coaching and Counseling Procedures**

**Corrective Action Procedures – Non-Exempt Staff**

**Employee Assistance Program**

**Performance Management Policy**

**Performance Reviews**



## **Procedures**

Sinte Gleska University expects a high level of performance, professionalism, and accountability from each administrator. Exempt staff are expected to maintain a routine work schedule, however, due to the nature of the work being performed hours and work schedules may vary. Communication regarding performance and attendance/punctuality issues should occur on a regular basis between an administrator and exempt staff member who reports to them. There is a formal, annual performance review process that is designed to reinforce success and address specific areas for improvement.

While communication of performance and attendance/punctuality problems may be done verbally, it also should be documented in writing as a resource for future reference if needed. Failure to meet communicated standards and expectations, or any kind of gross misconduct by an exempt staff member, may result in discipline up to and including termination of employment. Depending on the particular circumstances, termination may occur for a first offense. Exempt staff should discuss issues and concerns that arise throughout the year with their immediate supervisor and, if unresolved, with the next level of management and upward, as appropriate. The appropriate supervisor responsible for the functional unit where the employee works will provide Sinte Gleska University's final response to any issue involving an exempt staff member. The Corrective Action Procedure – Non-Exempt Staff and the Complaint Procedure for Non-Exempt Staff do not apply to exempt staff.

## **Performance Management**

**Last Updated 02/2017**

**Applies to Administrators and Staff**

### **Related Policies:**

Employment Separations

Performance Reviews

## **Policy**

Sinte Gleska University values the contributions of all employees and strives to provide an environment where those contributions can be acknowledged. To that end, regular and open communication between employees and supervisors is necessary to provide the necessary information and tools to ensure that each employee has the opportunity for success on the job.

## **Performance Expectations**

Sinte Gleska University expects a high level of performance, professionalism, and accountability from staff and administrators. Communication between a manager and employee regarding performance-related issues should occur on a regular basis and a formal performance review, including a plan for employee development, should be conducted annually.

## **Coaching and Counseling**

Employees are encouraged to ask questions and request guidance from their supervisors whenever needed, and, through coaching, supervisors are encouraged to provide regular feedback to employees on their performance and on their continued development.

When performance falls below expectations, supervisors may use a more formal counseling approach to address the performance issue. Counseling should be documented in writing and kept in the supervisor's files for future reference.

#### Coaching and Counseling Procedures

#### **Corrective Action – Administrators**

When an administrator fails to meet communicated expectations and coaching, counseling, and development plans fail to assist the administrator in achieving the expected level of performance, resolutions up to and including termination of employment may occur.

Supervisors should consult with the Human Resources Director for assistance in such cases.

#### Corrective Action Procedures – Administrators

#### **Corrective Action – Staff**

When coaching, counseling, and development plans fail to assist a staff employee in achieving the expected level of performance, or when behavior or conduct is severe enough to require immediate corrective action, Sinte Gleska University follows a policy of progressive discipline for staff employees consisting of a four-step process:

First Level Warning

Second Level Warning

Suspension without Pay

Termination

Supervisors should consult with a HR Consultant for guidance when pursuing a course of corrective action. Supervisors must contact your HR Consultant before any termination of employment occurs.

#### Corrective Action Procedures – Staff

#### **Employment Separations**

**Last Updated 02/2017**

**Applies to Administrators and Staff**

**Related Policies:**

**Performance Management**

**Policy**

**Layoff**

The Office of Human Resources should be contacted when the need to eliminate an administrative or staff position is identified, whether due to lack of funding, department restructuring, or other operational reasons. In determining positions to be eliminated and incumbents affected, consideration should be given to the:

- Specific skills or qualifications necessary for department operations
- Demonstration of superior performance by incumbents
- Seniority of incumbents

Specific skills and/or superior performance must be clearly documented to ensure that Sinte Gleska University does not discriminate, intentionally or unintentionally, based on race, color, sex, age, national origin, disability, or veteran status.

Advance notice of layoff should be given as early as possible to provide ample time for employees to seek other employment on or off campus. Generally, at least a 60-day notice is preferred, and may be required in some cases.

Departments should provide written notification to affected employees indicating the specific reason for the layoff, effective date of the layoff, last day to be worked, and contact information for the employee regarding possible placement elsewhere on campus and the status of their benefit programs. Employees who are laid off are entitled to all accumulated vacation time up to the point of separation.

### **Involuntary Termination**

Involuntary termination generally refers to those based on an employee's unsatisfactory performance or behavior on the job. Terminations are most often the final step when previous attempts to correct the performance or behaviors have failed to produce the desired improvements. Sinte Gleska University provides guidance to managers on how to handle and document unsatisfactory performance through coaching, counseling, the Corrective Action Process for staff employees, and the Performance Management Process for administrators. Information on these policies is available at:

Performance Management Policy

When an involuntary termination of an administrator or staff member is considered, managers should contact the Office of Human Resources before such action is taken.

### **Voluntary Resignation or Transfer**

A 2-week written notice of resignation for staff and 4 weeks for administrators is generally expected when an employee voluntarily ends employment with Sinte Gleska University or transfers to a different department within Sinte Gleska University. This notice period may be modified by mutual agreement between the affected parties.

### **Grievance Records**

Grievance records shall be kept in a separate file under the control of the Human Resources Director. Grievance records shall be maintained until three years (or as required by law) after an employee leaves Sinte Gleska University employment, after which the records shall be destroyed.

## **Chapter 6 LEAVE AND FRINGE POLICY**

### **Disclosure of Benefits**

#### *Policy:*

It is the policy of Sinte Gleska University to provide its employees with benefits. Information and summaries intended to explain these benefit plans will be furnished to all plan participants and beneficiaries on a timely and continuing basis. Sinte Gleska reserves the right to modify, amend or terminate its pension benefits as they apply to all current, former and retired employees. Benefits under each benefit plan will be paid only if the Human Resources Director decides in his/her discretion that the applicant is entitled to them.

#### *Procedure:*

Sinte Gleska offers certain benefits to eligible employees, including health, life, short and long term disabilities, and pension plans. Eligibility will depend upon the specific

requirements of each benefit plan. Sinte Gleska also provides a number of other benefits such as leave of absences and paid vacation, holidays and sick days.

All benefits provided by Sinte Gleska are described in official documents that are kept in the Human Resources Office. These documents are available for examination by any plan participant or beneficiary. In addition, these documents are the only official and binding materials concerning Sinte Gleska benefits. All summaries and communications, both written and verbal, must refer to these documents as binding in cases of question or disputes.

The Human Resources Office is responsible for all communications and disclosures concerning Sinte Gleska benefits and for compliance with all applicable laws and regulations. In addition, the Human Resources Director is available to answer question concerning the benefit plans.

Under certain of Sinte Gleska insurance and retirement plans, each employee must be designated a beneficiary for the employee's death benefits. The designation must be in writing and in a form acceptable to the Human Resources Director. It is the employee's responsibility to maintain the proper beneficiary designation and to alert the Human Resources Director to any changes in status affecting eligibility or designations.

If the plan participants or beneficiaries make a written request for information concerning Sinte Gleska University's plans, the Human Resources Director will provide them the following information: (a) complete copies of the latest updated plan description, contract or other document under which the plan is established or operated. The Human Resources Director may make a reasonable charge to cover the cost of copies. In addition, the notice should provide an explanation of the special income averaging and capital gains provision that may apply to the distribution.

Participant contribution to benefit plans normally will be deducted from employee's paycheck if the employee has authorized the deduction in writing. Contribution to benefit plans are not included in the employee's gross wages for income tax purposes.

The Human Resources Director will provide written notice to any participant or beneficiary whose claim for benefits under an employee benefit plan has been wholly or partially denied, no later than 90 days after the plan receives the claim. The notice should contain the reason for denial, specific reference to plan provisions on which the denial is based and appropriate information about the steps to be taken if the participant or beneficiary wants to submit the claim for review. A by review should be completed promptly and a decision provided to the claimant.

Employees, spouses and dependents covered by Sinte Gleska University's health plan will be notified, when appropriate, of the opportunity to continue their health care coverage, at their own expense, in certain specific situations including layoff, termination, reducing hours of employment and separation or divorce. In addition, they will be provided, when required, with a certificate of prior health coverage when they lose coverage under the health benefit plan.

## **6.1 Definitions**

### **6.1.1 Dependents**

Dependents: dependents eligible for fringe benefits are your spouse, provided you are not legally separated and your unmarried dependent children. Children shall be deemed to include any child for whom you are the natural parent or for whom you stand, by law, in

place of a natural parent, including adoption. The requirements for dependent children are (1) the children are your natural or adopted children. (2) the children are financially dependent as demonstrated by tax or other legal records.

## **6.2 Holiday and Holiday Pay**

### **Holidays**

Sinte Gleska University observes the following regular holidays for all employees:

- New Year's Day
- Martin Luther King Day
- President's Day
- Good Friday
- Memorial Day
- Lakota Victory Day
- Independence Day
- Labor Day
- Native American Day (Columbus Day)
- Veteran's Day
- Thanksgiving Day
- Christmas break

When a holiday falls on a weekend it is customary to take either the preceding Friday or the following Monday off. Which day is taken depends upon which day the holiday falls. If on Saturday, Friday is taken: if on Sunday, Monday is taken.

Additional holidays may be declared from time to time on a non-recurring basis by the President. All other days are considered regular working days irrespective of the academic schedule.

### **6.2.2 Administrative Leave**

Administrative leave, which is time off with pay, may be allowed to employees. Such leave shall be approved by the President or his designee. Administrative leave is generally for such use as funerals, special community events and the like.

### **6.2.3 Annual Leave**

All regular full-time staff employees are entitled to annual leave with pay. The purpose of each leave is to enable each eligible employee to return to his/her duties mentally and physically refreshed. Employees can only utilize available leave.

Accumulation of annual/ sick leave will begin with the first day of employment but which cannot be used until after the probationary period has concluded. Each employee receives four (4) hours of annual leave per pay period. However, employees who have served continuously for seven (7) years will accrue annual leave at the rate of five (5) hours per pay period.

Carry over of 40 hours of leave each contract year is allowed. Anyone with more than 40 hours of unused leave who desires to carry over into the next contract year is required to obtain special permission from the President to do so. The President has the final decision. No more than 320 hours of Annual Leave can be carried over.

Annual leave use is to be arranged as far in advance as possible and approved by the employees' supervisor. Supervisors should make every effort to ensure that employees have ample opportunity to use accumulated leave, and that they have a reasonable opportunity to use it when they desire.

Annual leave is paid to the employee at the current salary level and is paid only upon termination or resignation. There is no reimbursement for accumulated sick leave. If a holiday occurs during an employee's annual leave, it is not counted as leave.

#### **6.2.4 Family & Medical Leave Policy (FMLA)**

##### ***ELIGIBILITY***

An employee will be eligible to seek unpaid leave under the Family and Medical Leave Act (FMLA) if (1) the employee has worked for Sinte Gleska University for at least 12 months, (2) the employee has worked for Sinte Gleska University for at least 1,250 hours during the 12 months before the leave and (3) at least 50 employees work at the same worksite or otherwise work within a 75-mile traveling distance from the employer's worksite. In certain circumstances, separate periods of employment are aggregated for purposes of the 12-month requirement. Additionally, any time that the employee would have worked for Sinte Gleska University but for his/her National Guard or Reserve obligations is counted toward the 1,250-hour requirement for FLMA Leave.

##### ***TYPES OF FAMILY AND MEDICAL LEAVES***

For purposes of this policy, the term "FMLA leave" refers to the leaves of absence under the Family and Medical Leave Act. Employees may qualify for various types of FLMA leave. Throughout this policy, the term "FMLA leave" refers to any of the following types of leaves:

- **Pregnancy Leave:** An employee may take a Pregnancy Leave due to incapacity due to pregnancy, prenatal medical care or childbirth.
- **Birth, Adoption and Bonding Leave:** An employee may take leave for the birth, adoption and bonding for his/her child after birth, or for placement with the employee of a child for adoption or foster care. The leave must be completed within 12 months of the child's birth, adoption or foster care placement.
- **Family Illness Leave:** An employee may take leave for a family illness to care for a seriously ill or injured spouse, parent or child. The illness or injury must be a "serious health condition" within the definition of the FMLA, a term which is defined below. If the leave is for care of a child, the child must either be under age 18 or unable to care for himself/herself due to a mental or physical disability.
- **Employee Illness Leave:** An employee may take leave because of his/her own serious health condition that makes the employee unable to perform his/her job.
- **Qualifying Exigency Leave:** An employee may take a qualifying exigency leave for certain "qualifying exigencies" arising out of the fact that the employee's spouse, child of any age, or parent is on active duty (or has been notified of an impending call to active duty) in support of certain types of military operations, known as "contingency operations." The family member must be a member of the National Guard or one of the military's reserve units or a retired member of the regular armed forces or the Reserves. Qualifying exigencies may include attending certain military

events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, attending post-deployment reintegration briefings and any other circumstance that Sinte Gleska University and the employee agree should be a qualifying exigency and as to which they agree about the timing of the leave for that event.

- **Military Caregiver Leave:** An employee may take a military caregiver leave to care for a spouse, child of any age, parent or next of kin who is a current member of the Armed Forces (including a member of the National Guard or the Reserves) and incurs a serious illness or injury in the line of duty or active duty that may render the service member medically unable to perform his or her duties, if the illness or injury is one for which the service member (1) is undergoing medical treatment, recuperation or therapy, (2) is in outpatient status, or (3) is on the temporary disability retired list. If a military caregiver leave also qualifies as a leave for family illness, the leave will be designated as a military caregiver leave.

### ***SERIOUS HEALTH CONDITION***

A “serious health condition” is an illness, injury, impairment or physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

### **NOTICE AND SCHEDULING OF LEAVE AND RELATED EMPLOYEE RESPONSIBILITIES**

#### ***Required Information***

Employees who seek FMLA leave must provide sufficient information for Sinte Gleska University to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider or circumstances supporting the need for a leave for a qualifying exigency or to serve as a military caregiver. Employees must also inform Sinte Gleska University if the requested leave is for a reason for which a FMLA leave was previously taken or certified. Employees may also be required to provide a certification and periodic recertification supporting the need for leave. Unless a longer period is specified, a medical certification or recertification must be completed and returned to Sinte Gleska University within 15 days of Sinte Gleska University’s request. Moreover, employees on leave may be contacted periodically for updates concerning their status and intent to return. Employees are expected to be fully responsive to such requests for updates.

### *Advance Notice of Foreseeable Leave*

Except as otherwise provided below, employees must provide 30 days' advance notice of the need to take FLMA leave when the need for the leave is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable.

### *Scheduling of Foreseeable Leaves*

If an employee plans to take FMLA leave for his/her own illness, a family illness, or to serve as a military caregiver because of planned medical treatment, the employee must make an effort to schedule the treatment to reduce the disruption to Sinte Gleska University, subject to the health care provider's approval. An employee should generally consult with his/her supervisor to explore alternatives to reduce the disruption to Sinte Gleska University.

### *Notice of Unforeseeable Leave*

When a Family and Medical Leave for employee illness, a family illness, as a military caregiver, or for a qualifying exigency is needed due to a reason that was not foreseeable, an employee should give his/her supervisor and the Office of Human Resources and Affirmative Action verbal or written notice as soon as he/she reasonably can do so.

### *Effect of Insufficient Notice*

An employee's failure to give adequate notice may delay, or may result in the denial of the employee's right to receive the protection of FMLA leave.

### **CONFIRMATION OF LEAVE**

Sinte Gleska University shall inform employees who request FMLA leave whether they are eligible for a leave that is covered by the FMLA. If the employee is eligible, the notice shall specify any additional information that Sinte Gleska University requires as well as the employee's rights and responsibilities. If the employee is not eligible, Sinte Gleska University shall provide at least one reason of the ineligibility determination. Sinte Gleska University shall determine if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If Sinte Gleska University determines that the leave is not FMLA-protected, Sinte Gleska University shall inform the employee.

### **LENGTH OF LEAVE AND RESTORATION RIGHTS**

#### *General*

In general, except for those employees taking leave to serve as a military caregiver, an employee will be entitled to a maximum of 12 weeks of FMLA leave (for any type of FMLA leave or a combination thereof) during any 12-month period. The 12-month period is a rolling period measured backward from the date an employee uses any leave under this policy. Each time an employee takes any FMLA leave, the remaining leave entitlement will be any balance of the 12 weeks that has not been used during the immediately preceding 12 months.



In the case of a military caregiver leave, an employee is entitled to a maximum of 26 weeks of leave in the 12-month period beginning on the first day that the employee takes this form of leave and ending 12 months later.

#### *Nature of the Leave*

FMLA leave for the birth, adoption and bonding must be taken at one time and before the end of the 12-month period beginning on the date of the child's birth or placement.

Other types of FMLA leave may be taken through either a reduced working schedule or intermittently if such an arrangement is medically necessary (or if Sinte Gleska University approves such an arrangement in its discretion). If an employee is entitled to FMLA leave for his/her own illness, a family illness, or to serve as a military caregiver leave, or if the employee is permitted to work on a reduced work schedule or intermittent basis, Sinte Gleska University may transfer the employee temporarily to a position for which he/she is qualified and which has equivalent pay and benefits if the alternative position would better accommodate the recurring leaves than the employee's regular position. Use of intermittent or reduced schedule leave is measured in increments of one hour. Leave for a qualifying exigency may also be taken on an intermittent basis.

#### *Special Rule Applicable to Spouses who are Both Employed by Sinte Gleska University*

If Sinte Gleska University employs both spouses, the combined total Family and Medical Leave to which they will be entitled together will be 12 weeks in any 12-month period if the leave is taken for birth, adoption and bonding.

### **RESTORATION RIGHTS**

#### *General*

At the end of FMLA leave, an employee will generally have the right to return to his/her last position before the leave or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment. In returning from any of these leaves, the employee will not lose any benefit rights, such as sick or annual leave, to the extent that those benefit rights accrued before the leave period.

#### *Certification before Return*

Before an employee may return from FLMA leave for his/her own illness that has continued for at least 5 calendar days, the employee's health care provider may be required to certify that the employee is able to resume his/her job. The employee will be required to bear the out-of-pocket costs of such a certification, if any.

### **PAY AND BENEFITS**

#### *Pay*

FMLA leaves are not paid leaves. However, an employee may substitute a paid leave for which the employee is eligible for otherwise unpaid leave. In this case, the FMLA leave and the paid leave would run concurrently and would remain subject to all protections that would apply if the leave were taken on an unpaid basis. Employees who seek paid leave will need to meet the notice and qualification requirements under the respective leave policies.

### *Other Benefits*

During FMLA leave, the Sinte Gleska University will continue the employee's health/vision and dental insurance coverage. Likewise, the employee is entitled to continue said coverage for his/her family provided that he/she pays the regular premium on a timely basis. In addition, employees may elect to continue any supplemental insurance policies by timely payment of premiums. During any paid leave, the employee's share of the premiums will be deducted from the employee's pay. Group life insurance and long-term disability insurance will also be maintained during FMLA leave as if the employee was actively employed.

### *Medical Records*

Documents relating to medical certifications, recertification's or medical histories of employees or employees' family members will be maintained separately and treated as confidential medical records, except that in some legally recognized circumstances, the records (or information in them) may be disclosed to supervisors and managers, first aid and safety personnel, or government officials.

## **FMLA VIOLATIONS AND ENFORCEMENT**

### *Unlawful Actions by Employers*

The FMLA makes it unlawful for any employer to:  
Interfere with, restrain, or deny the exercise of any right provided under the FMLA; or  
Discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or related to the FMLA.

### *Enforcement*

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. The FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

### **6.2.5 Sick Leave**

Sick leave will be granted to all full-time employees unable to render service because of sickness, disability or severe illness of the employee or the employee's immediate family. Any sick leave taken in excess of three (3) days shall be supported by a doctor's statement. Sick leave is accrued at the rate of three (3) hours per pay period from the date of employment and at the rate of four (4) hours per pay period after seven (7) years of continuous employment. No sick leave will be earned during a pay period in which the employee has taken leave without pay.

Unused sick leave is forfeited upon date of termination or resignation.

Procedures for using sick leave are:

An employee using sick leave must notify their supervisor by the first hour of their shift;  
When an employee's sick leave is exhausted, the next step is to use annual leave;  
In cases of short-term disability, section 6.2.5 of this policy manual, "short Term Disability," may apply;

- A. In cases of catastrophic illness, employees can apply to use hours from the sick leave pool per section 6.2.6 of this policy manual.

#### **6.2.6 Short Term Disability**

Sinte Gleska University will self-insure a short-term disability program for all eligible full-time employees who have completed a minimum of one (1) year of employment. This shall be available to any employee only once during the employment history.

This short term disability will compensate at 100% of the employee's salary. Short term disability coverage will begin after all paid leave has been exhausted and will continue for no longer than six (6) working weeks, at which point the employee will be required to be placed on leave without pay status.

The employee shall provide the Human Resources Office with a medical verification of the illness or disability that precludes the employee from working. This medical verification must be provided by a medical doctor knowledgeable in the area of illness or disability affecting the employee.

In the event that the employee owns a personal disability insurance policy, it shall provide primary coverage and the Universities' short term disability policy shall only be used if personal coverage does not provide benefits equal to the employee personal policy. In that event, only the difference shall be made up from the employee salary.

#### **6.2.7 Sick Leave Pool**

This policy establishes a sick leave pool to provide a source of additional sick leave for those full-time employees who have exhausted their sick leave and annual leave and who would otherwise experience a loss of pay because of catastrophic illness or injury.

To be vested in the sick leave pool, employees must donate eight (8) hours to enroll. Contributions thereafter are voluntary.

Withdrawals from the sick leave pool are permitted only for serious, catastrophic illness, injury, or impairment of the employee. The employee must have exhausted all annual and sick leave and meet the following requirements: a) the employee would otherwise have to take leave without pay, and b) the employee requires continuing treatment or supervision by a licensed health care provider, and c) the employee's illness or injury requires absence from work of at least ten days.

An employee who desires to contribute to the pool may do so by submitting a written request to the Human Resources Director; Employees can contribute as many hours as they wish to the pool but they must maintain a balance of no less than 32 hours to be eligible to contribute to the pool; the Human Resources Director shall credit the sick leave pool with the sick leave contributed by an employee and direct the payroll department to deduct a corresponding amount from the employee's accrued sick leave; sick leave contributed to the pool may not be designated for the use of a particular person; applications to withdraw sick leave from the pool can be submitted in writing to the Human Resources Director; employees wishing to withdraw hours from the sick leave pool must accompany their requests with a statement from a

licensed practitioner who treated the illness or injury that resulted in the exhaustion of the accrued sick leave of the employee making the application.

The amount of sick leave that employees are eligible to withdraw from the pool is dependent on years of continuous employment at SGU according to the following formula:

- A. 1-10years: 1040 hours (1/2 year, 13 pay periods)
- B. 11-20years: 2080 hours (1 year, 26 pay periods)
- C. 20+ years: 3120 hours (1 ½ years, 39 pay periods)

#### **6.2.8 Bereavement Leave**

Sinte Gleska University allows leaves of absences with pay, up to three (3) days, due to death in the family of an employee. Family of an employee shall include:

- a. Grandmother, grandfather, grandchildren, father-in-law, mother-in-law, brother-in-law, sister-in-law, uncle, aunt, nephew or niece.

In the case of a death of an employee's immediate family member, the leave of absence with pay for five (5) days shall be granted. Immediate family includes:

- b. Spouse/significant-other, mother, father, brother, sister, step siblings and step children.

The employee's Supervisor shall be responsible for all leave taken to ensure that the official record within the Payroll Office is correct.

#### **6.2.9 Jury Duty**

Sinte Gleska University recognizes that from time to time, employees will be called for jury duty and shall be given Administrative leave.

Jury duty leave serves to maintain the employment relationship and to continue coverage under all fringe benefits in which the employee is participating prior to the leave of absence.

The request for jury duty leave should be made as soon as the employee receives notice of jury duty, which notice shall be attached to the employee's request for leave. An employee may remain on jury duty leave for the duration of his/her service as a juror, as required by the court.

The employee shall be allowed to retain expenses paid involved in jury duty leave. The employee shall return to work as soon as possible following completion of his/her service as a juror or witness, but no later than the next regular scheduled day of work and if excused early on a given day should return to duties as soon as possible.

#### **6.2.10 Maternity/Paternity Leave**

Sinte Gleska University shall treat Maternity and Paternity leave as similar leave, treating pregnancy and temporary disability resulting therefrom as any other short-term disability for all job-related purposes including commencement, duration, extension of leave and payment of disability income, and any other benefit of service and reinstatement, and under any fringe benefit offered to employees by virtue of employment.

Accordingly, maternity/paternity leave will be granted under the same terms and conditions that sick leave is provided to the employee. Normal paid Maternity/Paternity leave is for a two (2) week period. Annual and/or Sick leave may be utilized after maternity/paternity leave has been exhausted with approval from the employee's supervisor and the President.

#### **6.2.11 Short Term Disability Leave**

Sinte Gleska University will self-insure a Short-Term Disability program for eligible employees at a term of a total of six (6) weeks should there be a medical condition. The Human Resources Office shall request medical verification of the disability by a medical doctor. Approval for this leave is granted by the president or his/her designee upon written request by the employee. The Short-Term Disability program shall be a one-time only method to be used for any short-term disability/treatment program. All arrangements for leave and extensions thereof with respect to date of effect and return shall be coordinated between the employee, employee's supervisor and the Human Resources Office. Thereafter a memorandum of agreement shall be drawn by the employee's supervisor for filing in the employee personnel file with a copy to all parties.

#### **6.2.12 Adoption Leave**

Employees are eligible for up to two (2) working weeks of adoption leave beyond the use of annual or sick leave. All arrangements for leave with respect to date of effect and return shall be coordinated between the employee, employee's supervisor and the Human Resources Office. Thereafter a memorandum of understanding shall be drawn by the employee's supervisor for filing in the employee personal file with a copy to all parties.

#### **6.2.13 Sabbatical Leave**

Sabbatical leave is a totally discretionary program with Sinte Gleska University. It is generally an unpaid leave of absence for any employee who has been employed by Sinte Gleska University continuously for at least five (5) years. An employee may be allowed up to one (1) year of Sabbatical leave based upon a written plan of study. The plan must include detailed information concerning a program of study, location of the program, expected date of completion and any awards associated therewith. Application for sabbatical leave shall be pursued through the employee's supervisor.

The President shall approve all requests for unpaid or paid sabbatical leave, which must appear to be proper and in the best interest of Sinte Gleska University. After the employee completes a paid sabbatical leave program, the employee shall provide Sinte Gleska University with at least three (3) additional years of continued service. On occasion, a paid sabbatical leave may be granted.

The paid sabbatical leave program shall depend upon the financial resources of Sinte Gleska University and the employee shall be required to execute a contract relating all information concerning the sabbatical leave.

Should the employee not fulfill all duties of the paid sabbatical leave, the employee shall be required to repay the amount paid as salary.

#### **6.2.14 Leave without Pay**

Leave of absence without pay may be granted for reasons which in the opinion of the President, appear to be proper and in the best interest of Sinte Gleska University. The President has final approval in this matter. These may include, but are not limited to:

- A. To permit the employee to receive additional education of such nature that will improve the employee's job performance and increase his/her value to Sinte Gleska University.
- B. To permit the employee, because of particular abilities or outstanding competence, to assist another educational institution and which in a direct way will enhance the prestige or mission of the Sinte Gleska University.
- C. To permit the employee to care for important personal business which cannot feasibly be accomplished by someone else.
- D. Employees who reach leave without pay status within the normal course of work are considered at-risk employees and should be referred to the Employee Assistance Program by their supervisor. Continued abuse of leave without pay may be cause for disciplinary action.

#### **6.2.15 Military Leave**

##### *Leave for Military Service*

Any employee who is inducted into, or called to active duty in the armed forces of the United States, the organized militia, the National Guard, or a reserve component of the armed forces of the United States for training and service and who leaves a position (other than a temporary position) with Sinte Gleska University in order to perform such training and service is eligible for military leave. This person must (1) receive a certificate for satisfactory completion of military service, and (2) make application for reemployment with Sinte Gleska University within ninety (90) days after such employee is relieved from such service or from hospitalization continuing after discharge for a period of not more than 365 days.

##### *Such employee shall:*

- A. If still qualified to perform the duties of the position left, be restored to such position or to a position of like seniority, status, and to such pay: or
- B. If not qualified to perform the duties of such position by reason of disability sustained during such service, or qualified to perform the duties of any other position in the employment of Sinte Gleska University will be offered employment.

- c. If the employee requests to be employed by Sinte Gleska University in such other position, the duties which the employee is qualified to perform will be of like seniority, status, and pay or the nearest approximation thereof consistent with the circumstances in each employee's case.

The foregoing entitlement shall be allowed to each qualified employee provided that Sinte Gleska University's circumstances have not so changed as to make it impossible or unreasonable to do so, including the financial condition of Sinte Gleska University.

Employees who are restored to employment at Sinte Gleska University in accordance with the provisions of this section shall be considered as having been on leave of absence during such period of training and service in the armed forces and shall be entitled to participate in insurance and other benefits offered by Sinte Gleska University at the time the employee was inducted into the armed forces. After reemployment, the employee shall be subject to all of the policies within this document.

- i. Annual Military Reserve Training Leave: Those full-time employees who are in the military reserve will be granted administrative leave with pay to attend annual military training hours in state or national military reserve units. No more than one month per year of administrative leave will be granted to any one full-time employee for Sinte Gleska University.
- ii. Annual National Guard Training Leave: Those full-time employees who are in the National Guard will be granted administrative leave with pay to attend annual summer military training duties. No more than one month per year of administrative leave will be granted to any one full-time employee. Administrative leave requested beyond the 30 days shall be negotiated with the President. The President shall make the final decision.

#### **6.2.16 Cultural Leave**

Sinte Gleska University recognizes 4 days of administrative leave for Cultural Participation. The employee may take more than the granted administrative leave; however, the employee will utilize their Annual Leave or Leave Without Pay. This does not just pertain to Sun Dancing but to other cultural practices as well.

#### **6.3 Fringe Benefits**

These fringe benefits may be modified from time to time and are applicable as modified.

### **6.3.1 Payroll Deductions**

Sinte Gleska University must withhold income taxes, social security taxes and Medicaid payments. At the beginning of employment, a W-4 form shall be completed by all prospective employees. At any time when there is a change in the number of dependents, the Human Resources Office must be notified and a new certificate completed prior to the next payroll date.

Group insurance and other fringe benefits in which the employee shares the cost with Sinte Gleska University are handled on a payroll deduction basis. In addition, donations to Sinte Gleska University may be made on a payroll deduction plan. (Contact the CFO for more information). Other deductions may be arranged at the discretion of the Business Office. There is a two-limit deduction for each individual employee.

### **6.3.2 Medical and Dental Insurance**

Sinte Gleska University provides a comprehensive major medical health insurance program to all eligible full-time employees. Details of the coverage, claim forms, and other information about this program can be obtained at the Payroll Office.

New employees are included in the plan from the first day following completion of their probationary period, providing the employee has signed an enrollment card or document. Employees desiring to cover their families may do so by authorizing a deduction from their paycheck to cover the additional cost. Eligibility rules are determined by the insurance carrier and are available at the Payroll Office.

### **6.3.3 Short Term Disability**

Sinte Gleska University will self-insure a short-term disability program for all eligible full-time employees who have completed a minimum of one (1) year of employment. This shall be available to any employee only once during the employment history.

This short-term disability will compensate at 100% of the employee salary. Short term disability coverage will begin after all paid leave has been exhausted and will continue for no longer than six (6) working weeks, at which point the employee will be required to be placed on leave without pay status.

The employee shall provide the Human Resources Office with a medical verification of the illness or disability that precludes the employee from working. This medical verification must be provided by a medical doctor knowledgeable in the area of illness or disability affecting the employee.

In the event that the employee owns a personal disability insurance policy, it shall provide primary coverage and Sinte Gleska University's short term disability policy shall only be used if personal coverage does not provide benefits equal to the employee's personal policy. In that event, only the difference shall be made up from the employee salary.



#### **6.3.4 Life Insurance**

Sinte Gleska University will provide a \$10,000 double indemnity life insurance for full-time employees. Sinte Gleska University will contribute \$25.00 toward the purchase of an insurance program under an approved University program for cancer, accident, or life insurance for the employee or immediate family; the employee shall pay the difference depending upon the amount of life insurance desired by that employee, which amount shall be automatically deducted from the employee's paycheck. The employee shall sign any document to affect this deduction. An accidental death and dismemberment benefit is included in addition to the life insurance.

#### **6.3.5 Annuity Plan**

Sinte Gleska University currently has an annuity plan whereby it contributes an amount equaling two percent (2%) of the gross salary of each full and three-fourths time employee to a fund. The employee may contribute up to 14.66% to this annuity voluntarily.

#### **6.3.6 Tuition and Registration Fee Waiver Policy**

Permanent employees who meet the necessary admissions requirements may enroll in courses offered by Sinte Gleska University under the following circumstances:

- A. Cost of tuition and registration fees shall be waived for full-time employees, their spouses and dependents if not eligible for Pell and other federal student aid to include Pell and SEOG. The employee shall be responsible for any fees associated with labs, book, and supplies.
- B. Cost of tuition and registration fees shall be waived for members of the Board of Regents, their spouses and dependents. The member of the Board of Regents shall be responsible for any fees associated with labs, books, and supplies.
- C. Part-time employees who have been employed for more than one (1) year will be eligible for the tuition and fees waiver as stated in this section.
- D. Dependents are defined as those that the employee of Board of Regent member supports, with approved documentation which may include, but are not limited to, birth certificates, income tax documents, or verification of common law marriages, etc.
- E. Any student receiving a waiver who does not maintain a 2.0 grade point average will not be eligible to receive a waiver until his/her grade point average meets this minimum requirement. The waiver will not be granted until a staff waiver request form, transcripts, and any other requested documentation is approved.

- F. Staff, who have received a tuition waiver under this policy, and who leaves Sinte Gleska University within one (1) year, must reimburse Sinte Gleska University in money received or by an in-kind contribution approved by the President or his designee. [Amended July 8, 2008]

### **6.3.7 Worker's Compensation Insurance**

Worker's compensation insurance is required by law. Sinte Gleska University pays the premiums for all full-time employees of Sinte Gleska University. This insurance compensates workers who are injured on the job. The injury must be work-related for the employee to be compensated.

Should any full-time employee become injured on the job, it is mandatory that the injury be reported to the supervisor and to the Human Resources Office and Business Office for proper processing of claims. All forms for Worker's Compensation must be completed within 48 hours of the injury. There is a statutory time limit for reporting;

Please contact the Human Resources Office or Business Office for further information. Employees receiving Worker's Compensation benefits may elect to accept their regular salary or the benefits. This decision must be made and provided to the Business office prior to the receipt of the benefits.

### **6.3.8 Unemployment Insurance**

Sinte Gleska University carries unemployment compensation insurance which is payable through the State of South Dakota. Information concerning this matter should be sought from the Business Office.

### **6.3.9 Social Security**

Sinte Gleska University participates in the Social Security program for all employees. It is handled on a payroll deduction system; the amount deducted is required by law.

### **6.3.10 Campus Facilities**

Employees are encouraged to use Sinte Gleska University facilities, including the library, the bookstore, and the Student Center to become more familiar with the Sinte Gleska University setting.

**Revised: 4/14/17**