



UNITED TRIBES
TECHNICAL COLLEGE

EMPLOYEE HANDBOOK



UNITED TRIBES
TECHNICAL COLLEGE

Campus Map 2023-2024

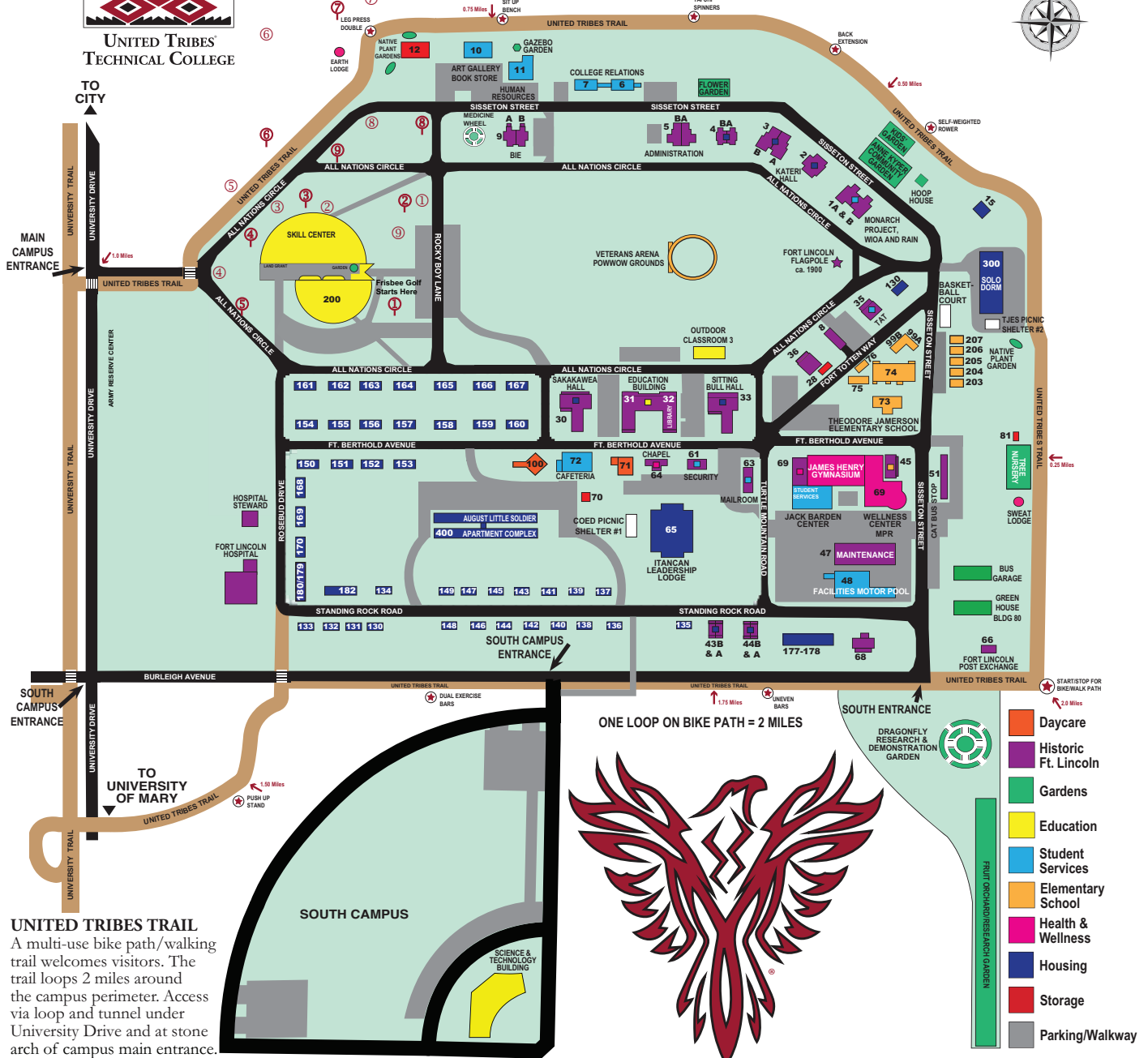


Table of Contents

Foreword, Mission, Vision, and Value Statements	2
Part 1 - Diversity	
1-1 Equal Employment Opportunity, Indian Preference and Veteran Preference.....	3
1-2 Anti-harassment	3
1-3 Americans with Disabilities Act (ADA)	4
1-4 Title IX Policy and Procedures	5
Part 2 - Employment	
2-1 Employee Classification Categories	18
2-2 Background Checks	18
2-3 Probationary Period.....	19
2-4 Performance Evaluation	19
2-5 Internal Transfers or Promotions	19
2-6 Nepotism, Employment of Relatives, Personal Relationships, and Fraternization.....	20
2-7 Corrective Action	20
2-8 Termination of Employment	21
2-9 Grievance Procedure.....	21
Part 3 - Workplace Safety	
3-1 Drug-Free Workplace	22
3-2 Tobacco Free Campus	24
3-3 Violence in the Workplace	24
3-4 Banning	25
3-5 Workforce Safety and Insurance	25
3-6 Motor Vehicle Regulations.....	26
3-7 Use of UTTC Equipment and Vehicles	26
3-8 Key Policy and Procedure	27
Part 4 - Workplace Expectations	
4-1 Confidentiality	27
4-2 Conflict of Interest.....	28
4-3 Outside Employment	28
4-4 Electronic Communication and Internet Usage	29
4-5 Social Media	29
4-6 Solicitation, Distributions, and Posting of Materials.....	30
4-7 Employee Personnel Files.....	30
4-8 Employee Medical Files.....	30
4-9 Committees	30
4-10 Chain of Command.....	30
4-11 Dress Code Policy	31
4-12 Use of Electronic Signatures	31
4-13 Employment Agreement	32
Part 5 - Compensation	
5-1 Work Schedules	32
5-2 Timekeeping	32
5-3 Payment of Wages	32
5-4 9-12 Conversion Program	33
5-5 Pay Deductions,	33
5-6 Wage and Work Conditions	33
5-7 Honoraria, Stipends, and Human Subjects Research Incentives.....	34
5-8 Salary Scale	35
5-9 Remote Telework Policy	40
5-10 Employee Service on Outside Boards.....	40
Part 6 - Benefits	
6-1 Holidays and Holiday Leave	42
6-2 Administrative Leave	43
6-3 Annual Leave.....	44
6-4 Personal Leave.....	44
6-5 Sick Leave	45
6-6 Family and Medical Leave.....	45
6-7 Bereavement Leave	46
6-8 Witness Duty	46
6-9 Jury Duty	46
6-10 Wellness	46
6-11 Education Assistance Program.....	46
6-12 Lactation/Breastfeeding.....	48
6-13 Special Events.....	49
6-14 Insurance Plans and Retirement	49
6-15 Military Leave	50
6-16 Employee Assistance Program (EAP).....	50

Foreword

Welcome to United Tribes Technical College! United Tribes Technical College (UTTC) is committed to providing individuals and families with educational services that enhance the success of all people. UTTC continues to provide a multicultural environment that promotes educational and economic opportunities aimed at self-sufficiency and self-determination.

UTTC is an at-will employer. This manual is not intended to and does not constitute a contract between UTTC and UTTC employees. None of the provisions contained herein are interpreted as contractually binding upon UTTC. UTTC retains the right to alter any or all of the terms of this manual whenever electing to do so.

The Handbook is provided for informational purposes and gives employees a general description of UTTC personnel policies, procedures, and employee benefits. UTTC has the right to change, delete, or add policies and procedures as needed. This Handbook implemented July 2023 and any revisions supersede any previous Handbook. An up-to-date version of this Handbook will be maintained in the Human Resources Department and an electronic version will be available on the share drive.

Each employee is responsible for reading this Handbook. Please contact your supervisor or the Human Resources Department for further clarification or interpretation.

Mission, Vision, and Value Statements

Mission Statement

United Tribes Technical College provides quality post-secondary education and training to enhance knowledge, diversity, and leadership for all indigenous nations.

Vision Statement

Striving to build cultural, educated, and healthy leaders who empower their communities.

Value Statement

United Tribes Technical College Board of Director, Administration, Staff, Faculty, and Students are guided in their actions by the following values:

U	-	Unity	T	-	Traditions
N	-	Native Americans	R	-	Respect
I	-	Integrity	I	-	Independence
T	-	Trust	B	-	Bravery
E	-	Education	E	-	Environment
D	-	Diversity	S	-	Spirituality

UTTC affirms these values as being representative of the tribal medicine wheel concept. This takes into consideration an individual's physical, intellectual, cultural, and emotional wellness. When these ideals are practiced, the UTTC community will flourish.

1-1 Equal Employment Opportunity, Indian Preference and Veteran Preference

UTTC provides equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, sex, national origin, age, physical or mental disability, sexual orientation, or status with regard to marriage, public assistance, or as a disabled veteran in accordance with applicable federal laws, except where specific age, sex or physical requirements are a bona fide occupational qualification, or where Indian preference or veteran's preference are appropriately claimed. Must be authorized to work in the U.S. is a precondition of employment.

This policy applies to all terms and conditions of employment, including but not limited to, hiring, placement, promotion, dismissal, layoff, recall, transfer, restructuring, leaves of absence, compensation, and training.

The applicant is responsible for providing proof of enrollment in a federally recognized tribe if Indian preference is claimed. The applicant is responsible for providing a copy of his or her United States government form DD214 or his or her honorable discharge certificate from any branch of the military service if veteran's preference is claimed. Failure to provide proof will result in loss of Indian or veteran preference in employment.

Preference will be given in filling a vacant position as follows:

- Qualified Indian veteran over a qualified Indian non-veteran
- Qualified Indian over a qualified non-Indian veteran
- Qualified Indian over a qualified non-Indian
- Qualified veteran non-Indian over a qualified non-Indian, who is not a veteran

To the extent permitted by federal law, a qualified Indian is deemed to include a person who can be trained, at a reasonable cost to UTTC, to meet the qualifications of the position.

1-2 Anti-harassment

UTTC is committed to a work environment where all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, UTTC expects that all relationships among persons covered under this policy will be professional and free of bias, prejudice and harassment.

UTTC seeks to provide an environment without discrimination or harassment on the basis of race, color, religion, gender, sexual orientation, gender identity,

national origin, age, disability, genetic information, marital status, amnesty or status as a covered veteran. UTTC prohibits any such discrimination or harassment.

UTTC encourages reporting of incidents of discrimination or harassment. UTTC will thoroughly investigate reported incidents in a timely manner, and prohibits retaliation against any individual who reports discrimination or harassment, or anyone who participates in the investigation.

Definitions of Harassment

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, citizenship, genetic information or any other characteristic protected by law or that of his or her relatives, friends or associates, and that:

- Has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- Has the purpose or effect of unreasonably interfering with an individual's work performance; or
- Adversely affects an individual's employment opportunities.

Harassing conduct includes:

- Epithets, slurs or negative stereotyping;
- Threatening, intimidating or hostile acts;
- Demeaning jokes; or
- Written or graphic material that demeans, degrades or belittles or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on UTTC time or using UTTC equipment via e-mail, phone (including voice messages), text messages, tweets, blogs, social networking sites or other means.

Sexual harassment constitutes discrimination and is illegal under federal and state law. For the purposes of this policy, sexual harassment is defined as an unwelcome sexual advance, a request for sexual favors, or other verbal or physical conduct of a sexual nature.

For example:

- 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 such individual; or
- Conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and

not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include:

- Unwanted sexual advances or requests for sexual favors;
- Sexual jokes and innuendo;
- Verbal abuse of a sexual nature;
- Commentary about an individual's body, sexual prowess or sexual deficiencies;
- Leering, whistling, or touching;
- Insulting or obscene comments or gestures;
- Display in the workplace of sexually suggestive objects or pictures; or
- Any other physical, verbal or visual conduct of a sexual nature.

Individuals and Conduct Covered

These policies apply to all applicants, employees, or anyone directly or indirectly associated with or otherwise contracted with UTTC (e.g., An outside vendor, consultant or customer).

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

Complaint Process

Individuals who believe they have been the victim of conduct prohibited by this policy statement or who believe they have witnessed such conduct should discuss their concerns with their supervisor, the Human Resources (HR) Department, or any member of management.

When possible, UTTC encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and request that the behavior be discontinued. UTTC recognizes, however, that an individual may prefer to pursue the matter through complaint procedures.

UTTC encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. UTTC requests that the employee files their complaint within 180 days of the last incident; however, the Human Resources Department will investigate all incidents even if the earlier incidents happened more than 180 days earlier.

The Human Resources Department will investigate any written allegations of harassment, discrimination, or retaliation within five (5) working days. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

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

Retaliation against an individual that, in good faith, reports harassment or discrimination is a serious violation of this policy and is strictly prohibited. Likewise, false and malicious complaints of harassment or discrimination are not authorized.

Employees that violate this policy are subject to corrective action and/or discipline, including and up to termination.

1-3 Americans with Disabilities Act (ADA)

The Americans with Disabilities Act (ADA) is a law that prohibits employers with 15 or more employees from discriminating against applicants and individuals with disabilities and that when needed provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

UTTC complies with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, UTTC does not discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, dismissal, compensation, training or other terms, conditions and privileges of employment.

UTTC will provide reasonable accommodations to qualified individuals with a disability so that they can perform the essential functions of a job, unless doing so causes a direct threat to these individuals or others in the workplace, and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to UTTC. Contact the Human Resources Department with any questions or requests for accommodation.



1-4 Title IX Policy and Procedures

United Tribes Technical College ("UTTC") will address all incidents of sex discrimination and sexual harassment reported to the UTTC Title IX Coordinator in compliance with the Higher Education Opportunity Act, the Clery Act, and Title IX of the Education Amendments of 1972, as amended.

Purpose:

This policy informs all prospective students, current students, and all UTTC employees of college policies and procedures regarding sex discrimination and sexual harassment to which all students, members of the faculty, and non-faculty personnel are expected to adhere during their time at UTTC. In addition, comprehensive information is provided regarding the reporting of sex discrimination and sexual harassment and avenues to seek immediate assistance.

Procedure:

UTTC seeks to create a positive educational environment on and off campus through our academic programs, services, activities, policies and procedures aimed at providing protection against sex discrimination and harassment. To that end, UTTC condemns discrimination in its education programs and activities based on sex or gender, sexual orientation, gender identity or expression, sexual harassment, sexual violence, domestic violence, dating violence, and stalking. Notice of a sex discrimination or sexual harassment incident to the UTTC Title IX Coordinator, or an UTTC employee with authority to institute corrective measures on a recipient's behalf, charges UTTC with actual knowledge and triggers UTTC's response obligations as described in the institutional action section of this policy.

Scope of the Policy

UTTC must respond when: Sex discrimination and harassment occurs in UTTC's education program or activities; and it is against a person in the United States. Education program or activity includes locations, events, or circumstances over which UTTC exercised substantial control over both the respondent and the context in which the discrimination or harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution. Title IX applies to all of a school's education programs or activities, whether such programs or activities occur on-campus or off-campus, including online instruction.

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a

report may be made at any time, including during non-business hours, by using the telephone number or e-mail address, or by mail to the office address, listed for the Title IX Coordinator.

UTTC encourages victims of sexual harassment to talk with a counselor. Different employees within the scope of UTTC's resources (The Health and Wellness Department) have different abilities to maintain a victim's confidentiality.

- **UTTC Wellness Counselors** are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication."
- **UTTC Chemical Health Coordinator/Domestic Violence Coordinator** may talk to a victim in confidence, and generally only report to the Health and Wellness Director that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger a College investigation into an incident against the complainant's wishes
- **UTTC Employees** are required to report all the details of an incident (including the identities of both the complainant and respondent) to the Title IX Coordinator. A report to UTTC employees (called "responsible employees") constitutes a report to UTTC and places UTTC on notice to take appropriate steps to address the situation

Compliance with this policy does not constitute a violation of the Family Educational Rights and Privacy Act (FERPA). For the purpose of this policy, the outcome of a disciplinary proceeding means only the institution's final determination with respect to the alleged sex discrimination or sexual harassment offense and any sanction that is imposed against the respondent. This policy also applies to retaliation by UTTC or any person against any other person when for the purpose of interfering with Title IX rights, or because the person has participated or refused to participate in any manner in a proceeding under Title IX that is prohibited.

Assistance Following an Incident of Sexual Harassment

- **Immediate Assistance:**

Persons who have complaints of sexual harassment may file their complaints with the Title IX Coordinator (Francine McDonald) located at United Tribes Technical College, 3315 University Drive – Building _11, Bismarck, ND 58504, phone number 701- 221-1721, or email fmcDonald@uttc.edu.

Victims of sexual violence should get to a place of safety and call the Burleigh County Sheriff's Department at 701-222-6651 or, if it is an emergency, immediately dial 911. You may also contact UTTC Campus Security for assistance at 701- 221-1700.

COMPLAINANT OR WITNESS: CALL BURLEIGH COUNTY SHERIFF'S DEPARTMENT (701-222-6651) FOR IMMEDIATE ASSISTANCE. IN CASE

OF EMERGENCY, DIAL 911. TO REACH UTTC CAMPUS SECURITY, CALL 701- 221-1700.

- **Ongoing Assistance:**

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

UTTC does offer internal counseling through its Lewis Goodhouse Wellness Center which is free for current UTTC students and which can also be utilized by employees and any other individuals to which this policy applies. The Lewis Goodhouse Wellness Center is located at 3315 University Drive, Bldg 69, and they can be reached at 701-221-1764. Additionally, law enforcement officials and college representatives are available to facilitate access to support services, which may be obtained through the Health and Wellness Center at 701- 221-1764.

- UTTC Wellness Center – 701-221-1764
- UTTC Security – 701-221-1700
- Burleigh County Sheriff’s Department (701) 222-6651
- Firstlink 2-1-1 Helpline. Dial 2 1 1



Title IX Coordinator and Staff

- **Title IX Coordinator** has primary responsibility for overseeing the process of coordinating UTTC’s compliance efforts, receiving complaints, investigations, hearing, sanctions, appeals, and education and training associated with this policy. To file a complaint or submit questions concerning actions governed by this policy contact the Title IX Coordinator (Francine McDonald) located at United Tribes Technical College, 3315 University Drive Building 11, Bismarck, ND 58504, phone number 701-221-1721, or email fmcDonald@uttc.edu.
- **Deputy Title IX Officers** have the secondary responsibility and assist in the duties of the Title IX Coordinator. Title IX Delegates include the HR Benefits Administrator (Gayle Klopp) located in the HR Building 11, Bismarck, ND 58504, phone: 701-221-1321, or email gklopp@uttc.edu and the HR Administrative Assistant (Vera Patterson) located in the HR Building 11, Bismarck, ND 58504, phone: 701-221-1591 or email vpatterson@uttc.edu.
- **Title IX Investigators** may include but not be limited to UTTC security officers and staff. The primary responsibility of the investigator is to collect statements and any evidence directly related to any allegations of a Title IX policy violation as directed by the Title IX Coordinator. Investigators will receive appropriate Title IX and trauma informed training.
- **Title IX Hearing Officer** will be made up of three (3) members selected from a pool of vice presidents and directors.. The hearing officers are the main decision makers in the event allegations of a Title IX policy violation are directed to a hearing by the Title IX Coordinator. Primary responsibilities of the hearing officer include, but are not limited to: Presiding over hearing; ensuring both parties receive due process; determining relevance; explaining relevance decisions and exceptions to relevance; to listen to both sides of the complaint; evaluate information; to render and issue a written opinion as to whether or not a Title IX policy violation took place; and if the hearing officer determines that a Title IX policy violation has been proven to have occurred, the Hearing Officer and Title IX Hearing Members will jointly determine disciplinary sanctions to be imposed on the respondent and whether remedies will be provided to the complainant. Sanction and remedy determinations will be included in the hearing officer’s written determination following hearing.
- **Title IX Hearing Member** may include UTTC faculty or staff members. The primary responsibility of the hearing member is to listen to both sides of the complaint; record the proceedings; and upon the hearing officer finding that a Title IX policy violation has occurred, jointly determine with each other and the hearing officer the disciplinary sanctions to be imposed on the respondent and whether remedies will be provided to the complainant.

Definitions

UTTC defines sex discrimination and sexual harassment broadly to include any of three types of misconduct on the basis of sex (or gender), all of which jeopardize the equal access to education that Title IX is designed to protect: Any instance of quid pro quo harassment by a school's employee; any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; any instance of sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

Offenses prohibited under UTTC's policy include, but are not limited to sex discrimination (including sexual orientation discrimination and gender identity or gender expression discrimination), sexual harassment, sexual violence to include non-consensual sexual contact, non-consensual sexual intercourse, sexual coercion, domestic/dating violence, stalking, and sexual exploitation.

- A. Sex Discrimination includes sexual harassment and is defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education, or institutional benefits, on account of sex or gender (including sexual orientation, gender identity, and gender expression discrimination). It may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature
- B. Sexual Harassment is unwelcome and discriminatory speech or conduct undertaken because of an individual's gender or is sexual in nature and is so severe, pervasive, or persistent, objectively and subjectively offensive that it has the systematic effect of unreasonably interfering with or depriving someone of educational, institutional, or employment access, benefits, activities, or opportunities. Students and visitors who are subject to or who witness unwelcome conduct of a sexual nature are encouraged to report the incident(s) to the Title IX Coordinator or any UTTC employee. Employees who are subject to unwelcome conduct of a sexual nature are encouraged to report the incident(s) to the Title IX Coordinator or any UTTC employee. Employees who witness or receive reports of unwelcome conduct of a sexual nature are required to report the incident(s) or reports received to the Title IX Coordinator
1. Hostile Environment: Sexual Harassment includes conduct that is sufficiently severe, pervasive, or persistent, objectively and subjectively offensive that it alters the conditions of education or employment or institutional benefits of a reasonable person with the same characteristics of the victim of the harassing conduct. Whether

conduct is harassing is based upon examining a totality of circumstances, including but not limited to:

- The frequency of the conduct;
- The nature and severity of the conduct;
- Whether the conduct was physically threatening;
- Whether the conduct was deliberate, repeated humiliation based upon sex;
- The effect of the conduct on the alleged victim's mental or emotional state from the perspective of a reasonable person;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;
- Continued or repeated verbal abuse of a sexual nature, such as gratuitous suggestive comments and sexually explicit jokes; and
- Whether the speech or conduct deserves constitutional protections

2. Quid Pro Quo Sexual Harassment exists when individuals in positions of authority over the complainant:

- Make unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
- Indicate, explicitly or implicitly, that failure to submit to or the rejection of such conduct will result in adverse educational or employment action or where participation in an educational program or institutional activity or benefit is conditioned upon the complainant's submission to such activity

- C. Sexual Violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by school employees, other students, or third parties
1. Non-Consensual Sexual Contact is any intentional touching, however slight, whether clothed or unclothed, of the victim's intimate body parts (primarily genital area, groin, inner thigh, buttock or breast) with any object or body part, without consent and/or by force. It also includes the touching of any part of a victim's body using the perpetrator's genitalia and/or forcing the victim to touch the intimate areas of the perpetrator or any contact in a sexual manner even if not involving contact of or by breasts, buttocks, groin, genitals, mouth or other orifice. This definition includes sexual battery and sexual misconduct

2. Non-Consensual Sexual Intercourse is defined as any sexual intercourse or penetration of the anal, oral, vaginal, genital opening of the victim, including sexual intercourse or penetration by any part of a person's body or by the use of an object, however slight, by one person to another without consent or against the victim's will. This definition includes rape and sexual assault, sexual misconduct, and sexual violence

a) Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator. Sexual penetration means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent

3. Sexual Coercion is the act of using pressure (including physical pressure, verbal pressure or emotional pressure), alcohol, medications, drugs, or force to have sexual contact against someone's will or with someone who has already refused. This includes rape, sexual assault, sexual exploitation and sexual misconduct

4. Dating violence is violence between individuals in the following circumstances: The party is or has been in a social relationship of a romantic or intimate nature with the victim; and

- The existence of such a relationship shall be determined based on a consideration of the following factors:
- Length of the relationship
- Type of relationship
- Frequency of interaction between the persons involved in the relationship

5. Domestic Violence under UTTC policy means violence committed by a current or former spouse of the victim;

- A person with whom the victim shares a child in common;
- A person who is cohabitating with or has cohabitated with the victim as a spouse;
- A person similarly situated to a spouse of the victim under North Dakota domestic or family violence laws;
- Any other person against an adult or youth victim who is protected from that person's acts under North Dakota domestic or family violence laws.

D. Advisor: A person who has agreed to assist a complainant or respondent during the Title IX

process. The advisor may be a person of the student's choosing, including but not limited to a UTTC's faculty or staff member, a friend or an attorney. If a party does not choose an advisor, UTTC may select an individual to serve in this role for the limited purpose of conducting cross-examination at a hearing.

- E. Complainant: an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- F. Respondent: an individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination or sexual harassment.
- G. Formal complaint: a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment and stating the date, time, place, name(s) of person(s) involved (e.g. the accused, witnesses) and sufficient detail to make a determination regarding basic elements of the formal complaint process.
- H. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the school with which the formal complaint is filed.
- I. Supportive measures - individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.



Consent

Consent is the act of willingly agreeing to engage in sexual contact or conduct. Individuals who consent to sex must be able to understand what they are doing. Under this policy, "No" always means "No," and the absence of "No" may not mean "Yes".

- A. Consent is informed, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity.

- B. Consent to one form of sexual activity cannot imply consent to other forms of sexual activity.
- C. Previous relationships or consent does not imply consent to future sexual acts.
- D. Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity.
- E. In order to give effective consent, one must be of legal age and have the capacity to consent. Incapacity may result from mental disability, intellectual disability, unconsciousness/sleep, age, or use of alcohol, drugs, medication, and/or other substances. Consent given by someone who one should know to be, or based on the circumstances, reasonably should have known to be, mentally or physically incapacitated, is a policy violation. Incapacitation is a state where someone cannot make rational, reasonable decisions because he or she lacks capacity to give knowing consent. Note: indications of consent are irrelevant if the initiator knows or should reasonably have known of the incapacity of the other person.
- F. Use of alcohol, medications, or other drugs will not excuse behavior that violates this policy.



Reporting

A. Mandatory Reporting

All UTTC employees are responsible for taking all appropriate action to prevent sex discrimination or sexual harassment, to correct it when it occurs, and must promptly report it to the Title IX Coordinator. Failure to do so may result in disciplinary action up to and including termination. All UTTC employees are considered responsible employees with a duty to report any incident to the Title IX Coordinator.

B. Confidential Reporting

Resources are available through the Chemical Health Coordinator/Domestic Violence Coordinator. Family Violence Prevention staff, counselors, victims' advocates are available to speak with any person who wishes to report an incident and remain anonymous. All forms of sexual harassment should be reported, no matter the severity. In addition, UTTC should be made aware of possible threats to the campus community in order to issue timely warnings.

C. Reporting to the Police

UTTC strongly encourages anyone to report sexual violence and any other criminal offenses to law enforcement.

- If the incident happened on campus, it can be reported to the Burleigh County Sheriff's Department 701-222-6651. If the incident happened anywhere else, it can be reported to the local law enforcement with jurisdiction in the location where it occurred.
- Reporting for Faculty and Staff (Non-Student) Instances: Faculty and staff shall report any instances of sexual harassment by another faculty or staff member to the Title IX Coordinator. As stated above, UTTC also strongly encourages reporting any instances to law enforcement.
- Employee Obligation to Report (Student Instances): In compliance with Title IX, employees who become aware of a student instance of sexual harassment shall immediately report such instance to the Title IX Coordinator, including the name of the persons involved.

D. Reporting of Student Instances

Students shall report any instances of sex discrimination or sexual harassment to any UTTC employee and/or the Title IX Coordinator. A complaint should be filed as soon as possible. If either the complainant or the respondent is a student, the incident will be addressed through the Title IX process. The report can be made in person, by phone, mail, or email using the contact information listed for the Title IX Coordinator or by any other means that results in the Coordinator receiving the report. The report can be made any time, even during non-business hours.

After receiving a report or notice of an incident, the Title IX Coordinator will promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. A complainant's wishes with respect to whether UTTC investigates should be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable based on the circumstances.

UTTC will promptly take necessary steps to offer Complainant individualized services, reasonably available, offered without fee or charge, designed to restore or preserve a complainant's equal access to the recipient's education program or activity without unreasonably burdening the other party, and/or designed to protect the complainant's safety or deter sexual harassment. The Title IX Coordinator is responsible for effective implementation of supportive measures.



Written Notice of Complaint

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

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

Once a formal complaint has been filed, UTTC must follow its grievance procedure while abiding by the following principles:

- a. The complainant's wishes regarding an investigation should be respected unless the Title IX Coordinator signs a formal complaint to initiate an investigation in light of the known circumstances.
- b. Individuals' rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment, must not be restricted.
- c. UTTC must dismiss any allegations that do not meet the definition of sexual harassment under Title IX's regulation, that did not occur in the school's education program or activity, or that did not occur in the United States. UTTC may, however, still address such allegations in any manner UTTC deems appropriate under its own policies, manuals, handbooks, and/or codes of conduct.

- d. Both parties must be treated equitably; each receiving written notice of the allegations, each given an equal opportunity to select an advisor of the party's choice, and each given an opportunity to submit and review evidence throughout the investigation.
- e. The Title IX Coordinator and investigator(s), the decision-maker, and the decision-maker of any appeal must each: (1) be independent of one another, (2) receive training, and (3) serve without any conflict of interest in a particular matter.
- f. The respondent is presumed to be not responsible during the grievance process to ensure the school bears the burden of proof and the standard of evidence is applied correctly.
- g. All evidence, inculpatory and exculpatory, must be evaluated objectively.
- h. The grievance procedures must state up front: (1) the possible disciplinary outcomes and remedies; (2) that the school will use a "preponderance of evidence" standard to determine responsibility (which means more likely than not); (3) the range of supportive measures available to each party; and (4) the appeal process. Additionally, the grievance procedures must not require, allow, or use evidence or questions that constitute or seek legally privileged information without a waiver of the privilege.
- i. Retaliation for participating or refusing to participate in an investigation is prohibited; charging an individual with making a materially false statement in bad faith during an investigation is permissible and not deemed to be retaliation.

Investigation

The Title IX Coordinator will make a determination to begin a formal investigation of sex discrimination or a sexual harassment incident which will lead to an institutional action. The coordinator will be available to explain to both parties the process and to notify in writing of the receipt of a complaint and the actions UTTC will take. The burden of gathering evidence and burden of proof must remain on UTTC, not on the parties.

An investigation will be conducted by a UTTC Title IX official. This investigation will include:

- Meeting personally with the complainant, (unless extraordinary circumstances prevent a personal meeting),
- Meeting personally with the respondent, (unless extraordinary circumstances prevent a personal meeting),
- Presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made,
- Collecting any physical evidence,
- Meeting personally with any witnesses, (unless extraordinary circumstances prevent a personal meeting with one or more witnesses), and
- Reviewing any documentary evidence

The investigation of complaints will be adequate,

reliable and impartial. The investigation process can take up to 60 days. Additionally, UTTC reserves the right to temporarily delay Title IX investigations if there is an ongoing criminal investigation. When investigating a complaint and throughout the complaint process, UTTC must: (1) ensure that the burden of proof and of gathering evidence rests on UTTC rather than the parties; (2) provide an equal opportunity for the parties to present witnesses and evidence (3) not restrict either party's ability to discuss the allegations or gather and present evidence; (4) provide the parties with the same opportunities to have others present during interviews or related proceedings, including an advisor; (5) provide, to a party who is invited or expected to attend, written notice of the date, time, participants, purpose, and location of any investigative interview, hearing or other meeting with enough time to allow the party to prepare and participate; (6) provide both parties and their advisors an equal opportunity to review all evidence directly related to the allegations in the formal complaint (both exculpatory and inculpatory) at least 10 days prior to the completion of the final investigation; and (7) prepare a written investigation report that fairly summarizes the relevant evidence and provide the report to both parties and their advisors for review and written response at least 10 days before a hearing or determination of responsibility. UTTC's Title IX Coordinator will determine if a Title IX hearing is necessary.

If it is determined that UTTC will proceed with a hearing, the complainant and the respondent will be notified in writing of the hearing date.

Mandatory or Permissive Dismissal

Mandatory dismissal must occur when determined in the course of the investigation that allegation in a formal complaint: (1) did not occur in UTTC's program or activity; (2) did not constitute sexual harassment as defined herein, even if proved; or (3) did not occur against a person within the US. Both parties must receive written notice of a mandatory dismissal and reasons.

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

UTTC may still address allegations of misconduct under the Student Code of Conduct, Employee Handbook or other applicable internal policies.

Institutional Action

A. Informal Resolution:

UTTC may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual

harassment. Similarly, UTTC may not require the parties to participate in informal resolution and may not offer an informal resolution as an option unless a formal complaint has been filed. However, at any time prior to reaching a determination regarding responsibility, UTTC may facilitate an informal resolution process, such as mediation with a trained Title IX Officer, that does not involve a full investigation and adjudication provided that UTTC:

1. Provides to the parties a written notice disclosing: the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
2. Obtains the parties' voluntarily and written consent to the informal resolution process; and
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student or claims involving sexual violence

Because the outcomes of voluntary resolution conversations are mutually developed and agreed upon by parties involved, an appeal of the process and its result is not permitted. However, either the Complainant or the Respondent may terminate mediation at any time prior to the entry of a voluntary resolution and proceed with the Title IX hearing. If the parties are unable to agree on a voluntary resolution, the matter will be referred by the Title IX Coordinator to a Title IX Hearing. No offers to resolve the conflict that were made or discussed during the informal voluntary resolution process may be introduced during the Title IX Hearing.





B. Title IX Hearing:

The Title IX Coordinator will determine if a hearing is necessary; mediation is never appropriate in sexual violence cases. If it is determined that UTTC will proceed with a hearing, the complainant and the respondent will be notified in writing of the hearing date, the alleged policy violation and issued a notice to appear at the hearing. The written notice will be hand delivered directly to the student(s) or mailed to the local address as filed in the Registrar's Office. Students are responsible for providing and maintaining a current local address in the Registrar's Office.

A Hearing Officer shall preside over the hearing and hearing members and at least two (2) Title IX Hearing Members, which shall be UTTC faculty or staff members, shall be present to observe the proceedings. The selection of the Title IX Hearing Members will be made by the Title IX Coordinator. Criteria for the hearing members will include: 1) have received all appropriate training, 2) not a current instructor of either party involved, 3) have no previous substantive or direct knowledge of the incident, and 4) have no other perceived conflict of interest as determined by interview process with the Title IX Coordinator.

Description of the duties of the Title IX Hearing Officer will include but not limited to the following:

- The hearing officer is the main, or initial, decision maker in the event allegations of a Title IX policy violation are directed to a hearing by the Title IX Coordinator
- To preside over the hearing and maintain sole discretion as to admissibility of evidence and testimony;
- Will ensure both parties receive due process;
- Serve as a neutral decision maker;
- Determining relevance, explain relevance decisions and exceptions to relevance;
- Listen to both sides of the complaint;

- Read and understand the Title IX Policy and Procedures, which include the hearing process
- Read and understand all of the information of the Title IX case provided by the Coordinator prior to the hearing as part of a hearing packet
- Read and understand the procedures of the Title IX hearing provided by the Coordinator prior to the hearing as part of a hearing packet
- Have a clear understanding of the incident in question before going into deliberations for a decision
- Evaluate information;
- To make determination based on the preponderance of evidence standard of proof
- To render and issue a written opinion as to whether or not a Title IX policy violation took place; and
- If the hearing officer determines that a Title IX policy violation has been proven to have occurred, the hearing officer and Title IX Hearing Members will jointly determine disciplinary sanctions to be imposed on the respondent and whether remedies will be provided to the complainant. Sanction and remedy determinations will be included in the hearing officer's written determination following hearing

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

- Read and understand the Title IX Policy and Procedures, which include the hearing process
- Read and understand all of the information of the Title IX case provided by the Coordinator prior to the hearing as part of a hearing packet
- Read and understand the procedures of the Title IX hearing provided by the Coordinator prior to the hearing as part of a hearing packet
- Have a clear understanding of the incident in question before going into deliberations for a decision
- Attend the hearing and listen to both sides of the complaint;
- Record the proceedings; and
- Upon the hearing officer finding that a Title IX policy violation has occurred, jointly determine with each other and the hearing officer the disciplinary sanctions to be imposed on the respondent and whether remedies will be provided to the complainant

Complainant's Rights:

- Be given a written explanation of the allegations and the hearing process;
- Have access to evidentiary material in advance of the hearing;
- Be present during the entire hearing;
- Be accompanied by an advisor during the hearing. The advisor is limited to advising the student and may not present the case, or make

statements during the proceedings. Students must provide UTTC with the name and contact information for the student's advisor as soon as practical but at least three (3) days prior to the hearing;

- Be given a timely hearing;
- Exclude evidence of the victim's past sexual history from discussion during the hearing. The past sexual history of the victim with persons other than the respondent shall be presumed irrelevant;
- Clarifying that evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of sexual harassment;
- Written notification of the outcome of the hearing including any sanctions; remedies/ accommodations for the complainant; additional remedies for the school community;
- Written notification of any external counseling services that may be available;
- Written notification of options for changing academic, living, transportation, and work site situations if reasonable;
- Written notification of an avenue for appeal

Respondent's Rights:

- Be given written notice of the allegations and the hearing process;
- Have access to evidentiary material in advance of the hearing;
- Be present during the entire hearing;
- Have no violation presumed until found responsible;
- Be given a timely hearing;
- Be accompanied by an advisor during the hearing. The advisor is limited to advising the student and may not present the case, or make statements during the proceedings. Students must provide UTTC with the name and contact information for the student's advisor as soon as practical but at least three (3) days prior to the hearing;
- Written notification of the outcome of the hearing including any sanctions; remedies/ accommodations for the complainant; additional remedies for the school community;
- Written notification of any external counseling services that may be available;
- Written notification of options for changing academic, living, transportation, and work site situations, if reasonable;
- Written notification of an avenue for appeal

The hearing will include opening statements, unless waived by the parties, each party's evidence and witnesses, and closing statements, unless waived by the parties. The hearing officer, at the hearing officer's discretion, is authorized to require the

parties to submit simultaneous closing argument briefs, in lieu of oral arguments, by a deadline to be set by the hearing officer.

At the hearing, the hearing officer must permit each party's advisor to ask the other party and any witness all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.

At the request of either party, UTTC must provide for the live hearing to occur with the parties in separate rooms with technology enabling the parties to simultaneously see and hear the party or witness answering questions.

Before a complainant, respondent or witness answers a cross-examination or other question, the hearing officer must first determine if the question is relevant and explain any decision to exclude a question as not relevant.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

If a witness does not submit to cross-examination at the live hearing, the hearing officer must not rely on any statement of that witness when reaching a determination; provided however that the hearing officer cannot draw an inference about the determination regarding responsibility based solely on a party's or a witness's absence from live hearing or refusal to answer cross-examination questions.

Live hearings may be conducted with all parties physically present in the same geographic location or, at the discretion of the hearing officer, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. The parties have a right to be present at hearing. The standard of proof used in UTTC Title IX Hearings is the preponderance of the evidence, which means the determination to be made, is whether it is more likely than not a violation occurred.

UTTC must create an audio or audiovisual recording, or transcript, of any live hearing and make it available for the parties for inspection and review.

UTTC shall be authorized to have representatives present, including legal counsel, to observe the hearing.

Outcome

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

If it is determined under the preponderance of evidence standard (more likely than not to have occurred) that the respondent is responsible for a Sexual Harassment policy violation the following sanctions will be considered. The listing of sanctions below is not intended to be exclusive; in addition, sanctions may be imposed singularly or in combination when a violation of this policy is found.

Sexual Discrimination (includes gender discrimination) may include the following sanctions of the respondent(s) found responsible

- Restriction – A limitation on a student's privileges for a period of time and may include but not be limited to the denial of the use of facilities or access to parts of campus, denial of the right to represent UTTC, or denial of participation in extracurricular activities
- Service Project – Community service or an education class or project beneficial to the individual and campus or community
- Probation Level I – A specified period of time during which the student is placed on formal notice that he/she is not in good social standing with UTTC and that further violations of regulations will subject him/her to suspension or expulsion from the UTTC
- Housing Suspension – If applicable and warranted by the severity of the incident, separation of a student from the student housing for a specified period of time, after which the student is eligible to return. Conditions for returning may be specified
- Suspension – If warranted by the severity of the incident, exclusion from enrollment in classes and other privileges or activities for a definite period of time not to exceed three years and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended from UTTC are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise approved in writing by President McDonald. Conditions to conclude a suspension and reinstatement process will be stated in the written notification. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record. Any refund of tuition or fees will be subject to UTTC's normal withdrawal policy
- Expulsion – Termination of student status for an indefinite period. The conditions for readmission, if any, shall be stated in the hearing outcome letter. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record. Any refund of tuition or fees will be subject to UTTC's normal withdrawal policy. Expulsion should be reserved and used only in cases involving the most severe instances of misconduct
- If the Respondent is an employee, employee shall be subject to corrective action and/or discipline, including and up to termination



Sexual Harassment may include the following sanctions on the respondent(s) found responsible

- Restriction – A limitation on a student's privileges for a period of time and may include but not be limited to the denial of the use of facilities or access to parts of campus, denial of the right to represent UTTC
- Service Project – Community service or an education class or project beneficial to the individual and campus or community
- Behavioral Change Requirement – Required activities including but not limited to, seeking academic counseling, substance abuse assessment, decision making class, writing a reflection paper, etc
- Housing Suspension – If applicable, separation of a student from the student housing for a specified period of time, after which the student is eligible to return. Conditions for returning may be specified
- Probation Level II – Adds to Level I the stipulation that students are prohibited from participating in any extracurricular activities not directly associated with academics (e.g., intramural sports, attending athletic events, student organizations/clubs/associations, leadership positions within housing or other organizations). Students must apply to get off Conduct Probation Level II by submitting documentation of their significant proactive efforts to become good citizens of the community and engage in responsible, productive behavior
- Suspension – If warranted by the severity of the incident, exclusion from enrollment in classes and other privileges or activities for a definite period of time not to exceed three years and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended from UTTC are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension,

unless otherwise directed by the Dean of Student Affairs. Conditions to conclude a suspension and reinstatement process will be stated in the written notification. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record. Any refund of tuition or fees will be subject to UTTC's normal withdrawal policy

- Expulsion – Termination of student status for an indefinite period. The conditions for readmission, if any, shall be stated in the hearing outcome letter. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record. Any refund of tuition or fees will be subject to UTTC's normal withdrawal policy. Expulsion should be reserved and used only in cases involving the most severe instances of misconduct
- If the Respondent is an employee, employee shall be subject to corrective action and/or discipline, including and up to termination

Sexual Violence may include the following sanction on the respondent(s) found responsible

- Expulsion – Termination of student status for an indefinite period. The conditions for readmission, if any, shall be stated in the hearing outcome letter. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record. Any refund of tuition or fees will be subject to UTTC's normal withdrawal policy. Expulsion should be reserved and used only in cases involving the most severe instances of misconduct.
- If the Respondent is an employee, employment shall be terminated

Both parties will be notified at the same time of the outcome in writing by certified mail or other agreed upon form of notice within ten (10) days after the conclusion of hearing or submission of written closing argument, whichever is later. Both parties have the right to appeal the decision reached through the hearing proceedings within five days after the hearing.

Appeal Procedures

Each party has the right to appeal the written decision issued by the hearing officer. However, appeals may only be filed on one or more of the following grounds:

1. Procedural irregularity that affected the outcome;
2. New evidence not reasonably available at the time of hearing;
3. Title IX coordinator, investigator, or decision maker had a bias or conflict of interest; or
4. The sanction is not appropriate for the violation. This provision is intended to be utilized when a determined sanction is inherently inconsistent with UTTC procedures or precedent. Simple dissatisfaction with a sanction is not grounds for overturning a sanction under this provision

An appeal is not a new hearing, but is a review of the record for error. The burden of proof shifts from UTTC to the party filing the appeal.

Appeals must be submitted in writing to the Chair of Administrative Council, that is without bias or conflict of interest, delegated by the Chair of Administrative Council to preside over the appeal, within seven (7) days of receiving the decision. Failure to file an appeal within the prescribed time constitutes a waiver of any right to an appeal.

Three members of Administrative Council will serve on an appeals committee of either party, will review the record of the original hearing, including documentary evidence. It is the Administrative Council's discretion to convert any sanction imposed to a lesser sanction, to rescind any previous sanction, or to return a recommended sanction to the hearing officer and Title IX Officers for review/or reconsideration.

If there is new evidence (unavailable at the time of the hearing through no fault of the parties) which is believed to substantially affect the outcome, or a finding that a substantial procedural error resulting in prejudice occurred, the matter may be remanded to either a rehearing of the entire matter or reconsideration of specific issues.

If remanded to the original hearing committee, either or both parties may appeal the hearing officer's decision in the same manner, and under the same conditions, as set forth for an original appeal.

If the hearing officer's decision is properly and timely appealed, the Administrative Council, shall issue an opinion to the complainant and respondent within twenty (20) days after the time to appeal the hearing officer's decision closed. The decision of the Administrative Council, on appeal shall be final.

UTTC's Officers and Designees

The designation of a UTTC official responsible for prescribed actions shall automatically include the official's designee in instances where an official is unable, unavailable or has concluded that the official may have a conflict of interest that causes the official to recuse from involvement in the matter. The official's designee shall have the same authority as the official in matters involving this policy.

Recordkeeping Protocol

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

or hearing). The confidential reporting of the number of incidents and types will be sent to UTTC Security for the preparation of the Annual Crimes Report

Prevention and Education

A. Education

UTTC requires all employees to take the following educational- training courses on an annual basis:

Mandatory annual Discrimination, Harassment, and Diversity online training.

Employees may be required to be recertified on demand. Failure to have a certification of this required training may result in appropriate disciplinary action. Additional in-person trainings are also offered periodically and on request.

B. Bystander Intervention

If you witness a policy violation, or behaviors that may lead to a policy violation, there are a variety of things you can do as a bystander:

- Divert the intended victim (e.g. "help me out of here; I don't feel well")
- Distract the perpetrator (e.g. "looks like your car is being towed")
- Delegate to a person of authority (e.g. if at a nightclub let the bartender/bouncer know of the situation)
- Direct, confront the perpetrator (e.g. "don't speak to him/her in that manner; you are going to get yourself into trouble")

C. Risk Reduction Tips

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to blame victims, and with recognition that only those who commit sexual violence are responsible for those actions, these suggestions may nevertheless help you reduce your risk of experiencing a non-consensual sexual act

- Make your limits known as early as possible
- Be aware of your alcohol intake. Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity
- Take care of your friends or colleagues and ask that they take care of you

D. Potential Aggressor

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you
- Understand and respect personal boundaries

- DON'T MAKE ASSUMPTIONS about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go; or about whether they are physically and/or mentally able to consent
- If there are any questions or ambiguity, then you DO NOT have consent

Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. You must respect the timeline for sexual behaviors with which they are comfortable.

- Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size
- Don't abuse that power. Understand that consent to one form of sexual behavior does not automatically imply consent to other forms of sexual behavior
- Silence and passivity cannot be interpreted as an indication of consent
- Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language



Training

Training on sexual misconduct: discrimination, harassment, and violence is included in UTTC's education program.

In-person training for student groups and students will be conducted through a variety of presentations, student orientation, and other meetings. In-person training for Active Bystander Intervention skills may include: On-going campus campaigns and information at a variety of events concerning the policy and appropriate behaviors, including Bystander Intervention. Informational website and brochures devoted to educating students will be presented at prevention workshops. When in-person

training is neither practical nor safe, alternative modes of training shall be utilized.

Mandatory training for employees will be provided through virtual and in-person training on sexual misconduct: discrimination, harassment, and violence and mandatory reporting through new employee orientations and other periodic training opportunities and upon request. In-person training for Active Bystander Intervention skills may include: ongoing campus campaigns and information at a variety of events, concerning the policy and appropriate behaviors, including Bystander Intervention. Informational website and brochures devoted to educating employees.

Available Resources to all of the UTTC community:

- Human Resource Department 701-221-1591
- The Lewis Goodhouse Center 701-221-1764
- Security and Safety Department 701-221-1700

Retaliation

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

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

If it is determined under the preponderance of evidentiary standard (more likely than not to have occurred) that a student or employee is responsible for retaliation the following sanction will be imposed.

- Suspension – Exclusion from enrollment in classes and other privileges or activities for a definite period of time not to exceed three years and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended

from UTTC are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise directed by the Dean of Student Affairs. Conditions to conclude a suspension and reinstatement process will be stated in the written notification. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record. Any refund of tuition or fees will be subject to UTTC's normal withdrawal policy

- If the incident of retaliation is severe then, UTTC's discretion, the student may be expelled
- If the violator is an employee, employee shall be subject to corrective action and/or discipline, including and up to termination

Free Speech and Academic Freedom

Members of the UTTC community enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution. This policy is intended to protect members of the UTTC community from discrimination and is not designed to regulate protected speech.

No provision of this policy shall be interpreted to prohibit conduct that is legitimately related to course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic or literary expression of students in classrooms and public forums. However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or state anti-discrimination laws.

Availability of other Complaint Procedures

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

Office for Civil Rights

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

Program Civil Rights

North Dakota of Human Services
Legal Advisory Unit
600 E. Boulevard Ave., Dept. 325
Bismarck, ND 58505-0250

Equal Employment Opportunity Commission:

North Dakota Department of Labor and Human Rights
600 E. Boulevard Ave., Dept. 406, Room 107
Bismarck, ND 58505-0250
701-328-2660

2-1 Employee Classification Categories

All employees are designated as either nonexempt or exempt under state and federal wage and hour laws. The following is intended to help employees understand employment classifications and employees' employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. The right to terminate the employment-at-will relationship at any time is retained by both the employee and UTTC.

Nonexempt employees are employees whose work is covered by the Fair Labor Standards Act (FLSA). They are not exempt from the law's requirements concerning minimum wage and overtime.

Exempt employees are generally managers or professional, administrative or technical staff who are exempt from the minimum wage and overtime provisions of the FLSA. Exempt employees hold jobs that meet the standards and criteria established under the FLSA by the U.S. Department of Labor.

UTTC has established the following categories for both nonexempt and exempt employees:

- **Full-time regular:** Employees hired to work a 40 hour workweek on a regular basis. These employees are classified as "exempt" or "nonexempt". These employees are eligible for UTTC's full benefit package, subject to the terms, conditions, and limitations of each benefit program.
 - **9-month:** Employees hired to work only during the academic year.
 - **10-month:** Employees hired to work two weeks before and four weeks after the academic year (subject to the same benefits as the 9-month employee classification).
 - **11-month:** Employees hired to work the academic year and summer session (subject to the same benefits as the 9-month employee classification).
 - **12-month:** Employees hired to work all year.
- **Part-time Regular:** Employees hired to work less than 30 hours per week on a regular basis. These employees are classified as "exempt" or "nonexempt". These employees are not eligible for UTTC's benefit package.
- **Part-time Temporary:** Employees hired to work less than 30 hours per week on a temporary basis for no more than 120 days. These employees remain temporary until the project is completed, the position is filled, or the period of employment ends; whichever comes first. These employees are not eligible for UTTC's benefit package.
- **Volunteers:** Individuals who perform services for UTTC on a voluntary basis. These individuals are required to complete a volunteer packet with the

Human Resources Department before they are allowed to volunteer.

- **Community Service Worker:** Individuals who perform work for UTTC on a community service basis. These individuals are required to complete a community service packet with the Human Resources Department before they are allowed to work.

2-2 Background Checks

All offers of employment at United Tribes Technical College ("UTTC") are contingent upon clear results (whether results are "clear" shall be determined by UTTC at UTTC's discretion) of a thorough background check. Background checks will be conducted on all final candidates, all employees who are promoted, and all employees reported for misconduct, as deemed necessary.

Background checks will include:

- **Social Security Verification:** validates the applicant's Social Security number, date of birth and former addresses.
- **Personal and Professional References:** calls will be placed to individuals listed as references by the applicant.
- **Educational Verification:** confirms the applicant's claimed educational institution(s), including the years attended and the degree/diploma received.
- **Criminal History:** includes review of criminal convictions and probation. The following factors will be considered for applicants with a criminal history:
 - The nature of the crime and its relationship to the position.
 - The time since the conviction.
 - The number of convictions.
 - Whether hiring, transferring or promoting the applicant would, at the discretion of UTTC, pose an unreasonable risk to the business, its employees or its customers and vendors.

The following additional background searches will be required if applicable to the position:

- **Motor Vehicle Records:** provides a report on an individual's driving history in the state requested. This search will be conducted when driving is an essential requirement of the position.

UTTC will conduct a complete standard background check on all current staff every five years. UTTC will stagger their approach to completing checks for current employees beginning September 30, 2022, so that the financial obligation associated with such checks is dispersed more evenly from year to year.

All Theodore Jamerson Elementary School (TJES) staff require the passing of the internal standard background

check process prior to the completion of the Federal Bureau of Investigations (FBI) background check. TJES programs will obtain a complete background check for contractors, or individuals on a contract, whose activities involve contact with and/or direct services to children and families or anyone who could have unsupervised access to children and families. UTTC will conduct the FBI background check for each TJES employee, consultant, or contractor at least once every five years.

Child Development Centers require a criminal background check/fingerprinting through North Dakota Department of Human Services for all staff upon hire and at least once every 5 years according to the North Dakota State Childcare Services Regulations.

Provisional Hiring

Excluding positions requiring Federal Bureaus of Investigations background check and the North Dakota of Human Services background check, UTTC may hire a staff person provisionally who has completed a standard background check while awaiting tribal court(s) background check results, and which such final hiring decision shall be contingent upon said background check results.

2-3 Probationary Period

All new and rehired employees are required to serve a ninety (90) day probationary period. The purpose of this probationary period is to provide the employee an opportunity to demonstrate his or her knowledge, skills, and ability to perform the duties and responsibilities of his or her position and conform to UTTC's policies and procedures. In addition, the probationary period provides the supervisor an opportunity to evaluate the performance and conduct of the employee.

2-4 Performance Evaluation

Performance evaluations shall be conducted prior to the end of an employee's initial probationary period (90 days) in any new position and on an annual basis. Annual performance evaluations for 12-month employees will be done on the anniversary of the employee's date of hire. Annual performance evaluations for 9, 10 and 11 month employees will be conducted during the seventh month of the Academic Year or every March. Performance evaluations provide both supervisors and employees the opportunity to review job descriptions, job responsibilities, strengths, weaknesses, goals and objectives.

A Performance Improvement Plan (PIP) may be developed between the supervisor and employee to facilitate constructive discussion and to clarify and outline the desired level of performance for the position. Supervisors must submit the original performance evaluation forms to the Human Resources Department and

provide a copy to the employee. Supervisors who fail to conduct performance evaluations are subject to corrective action and/or discipline, including and up to termination.

The employee may be eligible for a merit increase based on the results of the annual performance evaluation and budget availability. Twelve-month employees who due to promotion, salary scale adjustments, or other reasons, receive more than a 200% increase over the approved merit increase percentage, are not eligible for an increase during their annual performance evaluation if the increase falls within a one year time period of the increase.

2-5 Internal Transfers or Promotions

Internal Transfers

Employees may request consideration to transfer to other jobs as vacancies become available. The employee will be considered along with other applicants for the position. UTTC may initiate transfers of employees between departments and facilities at any time to meet specified work requirements and reassignment of work requirements.

To be considered for an internal transfer, full-time employees must have held their current position for at least six (6) months, have a satisfactory performance record, and have no disciplinary actions during the last six (6) months. Part-time employees are encouraged to apply for full-time positions at any time. Transfer eligibility does not guarantee you a job offer.

If the employee decides to seek a transfer to a new position, the employee must submit a letter of interest and their resume to the Human Resources Department for the new position and notify their current supervisor. Human Resources will determine the employee's eligibility for the new position and notify the hiring supervisor of the position of all qualified applicants. Upon selection, the hiring supervisor will complete an Employee Selection Form. If selected, it will be the employee's responsibility to notify their current supervisor of the selection for the new position and work with both supervisors to determine a date of transfer. The outgoing supervisor will complete a Supervisor's Employee Out-Processing Form for the employee upon the date of the transfer.

Promotions

UTTC offers employees promotion to higher-level positions when appropriate. Management prefers to promote from within and may first consider current employees with the necessary qualifications and skills to fill vacancies above entry level positions, unless outside recruitment is in UTTC's best interest.

To be considered for a promotion full-time employees must have held their current position for at least six (6) months, have a satisfactory performance record, and have no disciplinary actions during the last six (6) months. Part-time employees will not be considered for promotions.

In the event a promoted employee does not satisfactorily complete their 90-day probationary period in the new position, the employee may be transferred back to their previous position, if available, or similar position at the rate of pay they were making prior to the promotion.



2-6 Nepotism, Employment of Relatives, Personal Relationships, and Fraternization

UTTC wants to ensure that institutional practices do not create situations such as conflict of interest or favoritism. This extends to practices that involve employee hiring, promotion and transfer. Close relatives, partners, those in a dating relationship or members of the same household are not permitted to be in positions that have a reporting responsibility to each other. Close relatives are defined as husband, wife, domestic partner, father, mother, father-in-law, mother-in-law, grandfather, grandmother, great grand father, great grand mother, son, son-in-law, daughter, daughter-in-law, uncle, aunt, nephew, niece, brother, sister, brother-in-law, sister-in-law, first cousin, step parents, step brother, and step sister.

If employees begin a dating relationship, or become relatives, partners or members of the same household, and one party is in a supervisory position, that person is required to inform management and the Human Resources Department of the relationship.

UTTC reserves the right to apply this policy to situations where there is a conflict or the potential for conflict because of the relationship between employees, even if there is no direct-reporting relationship or authority involved.

Except as provided for herein, sexual or intimate relationships between the following individuals shall be strictly prohibited:

- Romantic, dating, and/or sexual relationships between an instructor (meaning all who teach at the College--faculty members, other instructional personnel), and a current student unless the parties involved were married or involved in an existing intimate relationship prior to the creation of the otherwise prohibited instructor/student, supervisor/employee or employee/student relationship. However, all such relationships qualifying under this exception shall promptly be disclosed in advance to Human Resource.;
- Romantic, dating, and/or sexual relationships between a supervisor (meaning a UTTC staff member in a position of authority over another to hire and fire, to direct tasks and performance, to grant raises and oversee tasks) and an employee under the supervision of the supervisor;
- Romantic, dating, and/or sexual relationships between an employee and student where there is an instructional, advisory or employment relationship between the two parties.

Personal relationships between a UTTC staff or faculty member and a UTTC student are generally discouraged. A personal relationship includes, but is not limited to: lending students money; employing students for personal services, such as babysitting, unless there is a specifically approved UTTC program for such services; hosting or allowing parties to take place at which students are present, unless specifically approved in advance by UTTC; and similar situations where the staff or faculty member and students are present in a potentially compromising situation.

If an individual has any questions about whether prospective relationships will be in violation of this policy, said individual may submit their inquiry to HR and HR will provide guidance as to whether or not the relationship is authorized under policy.

Employees who violate the nepotism, employment of relatives, personal relationships, and fraternization policy are subject to discipline including and up to termination.

2-7 Corrective Action

Every employee has the duty and the responsibility to be aware of and abide by existing rules and policies. Employees also have the responsibility to perform his or her duties to the best of his or her ability and to the standards as set forth in his or her job description or as otherwise established.

UTTC reserves the right to use corrective action to address issues such as poor work performance, misconduct or other violations of UTTC policy. The corrective action policy is designed to provide a corrective action process to improve and prevent a recurrence

of undesirable behavior or performance issues. The corrective action policy has been designed consistent with the organizational values, the Human Resources Department best practices, and employment laws.

Outlined below are the steps of the corrective action policy and procedure. UTTC reserves the right to combine or skip steps in this process, or forego corrective action all together and proceed with suspension, demotion or termination, depending on the facts of each situation and the severity of the offense. The level of disciplinary intervention may also vary. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling or training; the employee's work record; and the impact the conduct and performance issues have on our organization.

The following outlines UTTC's corrective action process:

- **Oral Warning:** A supervisor verbally counsels an employee about an issue of concern and a written record of the discussion is placed in the employee's file for future reference.
- **Written Warning:** Written warnings are used for behavior or violations that a supervisor considers serious or in situations when a verbal warning has not helped change unacceptable behavior. Employees should recognize the grave nature of the written warning. Written warnings are placed in an employee's personnel file.
- **Performance Improvement Plan:** When an employee has been involved in an unresolved disciplinary situation, or demonstrated an inability to perform work responsibilities efficiently, the employee may be given a final warning or placed on a Performance Improvement Plan (PIP). The PIP will last for a predetermined amount of time not to exceed 90 days. Within this time period, the employee must demonstrate a willingness and ability to meet and maintain the conduct or work requirements as specified by the supervisor and the organization. At the end of the performance improvement period, the performance improvement plan may be closed, or if established goals are not met, dismissal may occur.

UTTC reserves the right to determine the level of discipline for an employee in regards to inappropriate conduct, including oral and written warnings, suspension with or without pay, demotion and dismissal.

Violations of UTTC Policies and Procedures, and other deficiencies or issues related to employment, may result in corrective action being taken by UTTC.

Supervisors need to address performance issues with employees within 10 working days of becoming aware of the incident. If a Supervisor who fails to address an employee's performance issues within 10 working days after becoming aware of such an incident, the Supervisor may be subject to corrective action and/or discipline, including and up to termination under this section. A Supervisor's failure to address an employee's performance issue within 10 working days after becoming aware of the incident in no way prohibits UTTC from

addressing the employee's performance issues through corrective action.

2-8 Termination of Employment

Termination of employment within UTTC can occur for several different reasons.

- **Resignation:** Resigning employees are encouraged to provide two weeks' notice in writing to their supervisor and the Human Resources Department. UTTC reserves the right to provide an employee with two weeks' pay in lieu of notice in situations where job or business needs warrant such action. The employee will not be eligible for rehire for a period of ninety (90) days from date of resignation. UTTC will not accept a resignation submitted by anyone other than the employee – unless a valid Power of Attorney accompanies said resignation.
- **Job abandonment:** Employees who fail to report to work or contact their supervisor prior to the beginning of their normal shift for three (3) consecutive workdays shall be considered to have abandoned their job. The supervisor will notify the Human Resources Department and initiate the paperwork to dismiss the employee. The employee will not be eligible for rehire for a period of 12 months from date of dismissal.
- **Dismissal:** Employees of UTTC are employed on an at-will basis, and UTTC retains the right to dismiss an employee at any time. The employee will not be eligible for rehire for a period of 12 months from date of dismissal.
- **Reductions in force:** A Reduction in Force (RIF) occurs when budgetary constraints, reorganization, or a position changes so significantly that the employee is no longer able to perform the required duties and require UTTC to abolish positions.

Supervisors must complete the out-processing checklist form with the employee. Employees who fail to complete the out-processing checklist form with their supervisor or return issued property, materials, or written information belonging to UTTC, within 14 days of the separation, will authorize UTTC to deduct the reasonable replacement value of the property, materials, or written information from their final pay.

An employee who resigns or is dismissed will be paid through the last day of work, plus any available annual leave, less outstanding pay deductions, advances, or other agreements the employee may have with UTTC.

Actions that will be considered cause for dismissal include, but are not limited to:

- Violation of UTTC policies or procedures
- Being absent for three or more days without notification or permission (job abandonment)
- Violence in the workplace
- Deception, fraud, or theft

Part 2

EMPLOYMENT

- Falsifying UTTC records (e.g. Employment applications or time cards)
- Engaging in indecent behavior
- Possessing or consuming drugs or alcohol in the workplace
- Disclosing confidential records or information
- Accepting gifts from UTTC business-related contracts for personal gain
- Failing to comply with licensure and certification requirements
- Bringing dangerous weapons on campus

2-9 Grievance Procedure

A grievance is an employee's formal expression of disagreement or dissatisfaction with an adverse personnel action involving alleged discrimination under the law, a decrease in salary, demotion, suspension without pay, discharge, or any written disciplinary action. Employees that have completed their 90 day probationary period may file a grievance. Temporary and probationary employees cannot file a grievance. An employee cannot file a grievance in a matter that does not involve themselves. Not being selected

for a position is not a grievance.

The following Employees procedure should be used to file a grievance:

1. Employee must submit the grievance in writing to the Human Resources Director within five (5) business days (Monday-Friday) of the written notice of the adverse personnel action. Employee must state which policy was violated when filing the grievance. In the event there is a grievance filed on the Human Resources Director, the employee shall submit the grievance to the President.
2. Upon receipt of the grievance, the Human Resources Director will notify the employee within five (5) business days (Monday-Friday) as to the date, time, and place for a grievance committee hearing.
3. The Grievance Committee will be made up of three (3) members selected from a pool of vice presidents and directors. The Human Resources Director will be in attendance at the hearing for observation and procedural purposes.
4. Results or decisions and the basis of the decisions of the Grievance Committee will be issued by certified mail the same day or the following business day of the Grievance Committee hearing.
5. The decision of the Grievance Committee is final.

Part 3

WORKPLACE SAFETY



3-1 Alcohol and Drug-Free Workplace

UTTC is committed to providing a safe and productive work environment. Alcohol and drug abuse pose a threat to the health and safety of employees and to the security of our equipment and facilities. For these reasons, UTTC is committed to the elimination of alcohol or drug use and abuse in the workplace.

This policy outlines the practice and procedure designed to correct instances of identified alcohol or drug use in the workplace. This policy applies to all employees and all applicants for UTTC employment.

Employee Assistance Program (EAP)

Illegal drug use and alcohol misuse have a number of adverse health and safety consequences. The Human Resources Department will provide information about those consequences and resources for help with alcohol or drug problems through the EAP.

UTTC will assist and support employees who voluntarily seek help for such problems before becoming subject to corrective action and/or discipline, including and up to termination or dismissal under this or other policies. Such employees may be allowed to use available paid leave, referred to treatment providers, and otherwise accommodated as required by law. Such employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they are employed in positions that are safety sensitive, require driving, or if they have previously violated this policy.

Employees must report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely and promptly disclose any work restrictions to their supervisor. Employees should not, however, disclose underlying medical conditions unless directed to do so.



Work Rules

The following work rules apply to all employees or contractors:

- Whenever employees or contractors are working, are operating any UTTC vehicle, are present on UTTC premises, or are conducting related work off-site, they are prohibited from:
 - a. Consuming, using, possessing, buying, selling, manufacturing or dispensing alcohol and/or an illegal drug (to include possession of drug paraphernalia).
 - b. Possessing or consuming usable medical or non-medical marijuana.
 - c. Being under the influence of alcohol or an illegal drug as defined in this policy.
 - d. Being under the influence of medical or non-medical marijuana.
- The presence of any detectable amount of any illegal drug or illegal controlled substance in an employee's or contractor's body while performing UTTC business or while in a UTTC facility is prohibited.
- Employees or contractors taking a prescribed medication and/or using medical marijuana based on a doctor's recommendation and have a registration card are encouraged to submit supporting documentation to the Human Resources Department.
- Employees or contractors taking a prescription and/or medical marijuana may be asked to present supporting documentation.
- UTTC will not allow any employee or contractor to perform their duties while taking a prescription and/or medical marijuana that adversely affect the employee's or contractor's ability to safely and effectively perform their job duties.
- Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

Consequences

Employees who consume, use, possess, buy, sell, manufacture or dispense alcohol, illegal drugs, or drugs

not prescribed for the employee on UTTC property or while conducting UTTC business will be immediately dismissed.

Required Testing

UTTC retains the right to require the following tests:

- **Pre-employment:** Applicants are required to pass a drug test before beginning work or receiving an offer of employment. Refusal to submit to testing will result in disqualification of employment consideration for a period of 12 months from the date of refusal.
- **Random:** All employees are subject to random testing to ensure compliance with the UTTC Drug-Free Workplace Policy. Those employees in safety sensitive positions, such as bus drivers, security officers, childcare providers, or other similar positions, are subject to more frequent testing. Random testing is defined as a selection of employees for testing performed by an outside party. The selection will result in an equal probability that any employee from a group of employees will be tested.
- **Reasonable suspicion:** All employees are subject to testing based on observations that are specific and made at the time of the observation of the suspected impairment. Suspected impairment must be based on the appearance, behavior, speech, or body odors of the employee. The report of the impairment will be made to the supervisor or a college administrator, who will notify the Human Resources Department. The Human Resources Department will schedule the testing and notify the employee.
- **Post-accident:** All employees are subject to testing when they cause or contribute to accidents that damages a UTTC vehicle, machinery, equipment, or property, or results in an injury to themselves or another individual requiring off-site medical attention. In any of these instances, the investigation and subsequent testing must take place within two (2) hours following the accident, if not sooner.

Confidentiality

Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the Medical Review Officer (MRO) shall be kept confidential to the extent required by law and maintained in secure files separate from personnel files.

Inspections

UTTC reserves the right to inspect any or all UTTC property for drugs, alcohol, or other contraband. All employees, contract employees, and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate corrective action.

Crimes Involving Drugs

UTTC prohibits all employees from manufacturing, distributing, dispensing, possessing or using an illegal

drug in or on UTTC property or while conducting UTTC business. Employees are also prohibited from misusing legally prescribed or over-the-counter (OTC) drugs. Law enforcement personnel shall be notified, as appropriate, when criminal activity is suspected.

Consequences

Employees who use, possess, buy, sell, manufacture or dispense alcohol, illegal drugs, or drugs not prescribed to the employee on UTTC property or while conducting UTTC business will be immediately dismissed.

A Full-time regular employee who tests positive for alcohol, illegal drugs, or drugs not prescribed to the employee will be suspended without pay and referred to the EAP and must follow any recommendations of the EAP and Counselor. The employee will be allowed to return to work when the EAP confirms and notifies the Human Resources Department of the successful completion of the mandatory appointments and will be subject to random testing for a period of 12 months. If an employee does not successfully complete the mandatory EAP it will result in dismissal.

Part-time regular, temporary, and probationary employees who test positive for alcohol, illegal drugs, or drugs not prescribed to the employee will be immediately dismissed. Full-time regular employees who test positive for alcohol, illegal drugs, or drugs not prescribed to the employee a second time will be immediately dismissed. Any employee that refuses to submit to testing will be immediately dismissed.



3-2 Tobacco Free Campus

Tobacco Definition

“Commercial tobacco” is defined to include any product that contains tobacco, is manufactured from tobacco, or contains nicotine. This excludes any FDA approved nicotine replacement therapy. “Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. Smoking also includes the use of

an E-cigarette which creates a vapor, in any manner or any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.

Tobacco Free Policy

- Commercial tobacco is defined above as all tobacco-derived products sold commercially, including, but not limited to cigarettes, cigars, hookah-smoked products, spit and smokeless tobacco, chew, snuff, snus, clove cigarettes, bidis, kreteks, cigarillos, e-cigarettes, hookahs and dissolvable products.
- Tobacco use is prohibited on all campus grounds, in all campus-owned properties, and in all campus-owned vehicles.
- Tobacco use is also prohibited at all institution sponsored off-campus functions.
- Tobacco sales, industry promotions, advertising, marketing, and distribution are prohibited.
- Tobacco industry and related company sponsorship of campus groups, events, individuals, and departments is prohibited. This includes scholarships, sponsorship of faculty positions, and recruiting for employment.
- The tobacco policy is clearly posted in employee and student handbooks, on the campus website, and in other relevant publications.
- UTTC will not own tobacco company stocks and holdings.
- UTTC does not accept any direct funding from tobacco companies.

Tobacco Cessation Services

Employees seeking assistance to deal with their tobacco addiction are urged to contact EAP. In addition, the state of North Dakota provides an online program referred to as NDQuits. To contact ndquits, call 1.800.784.8669 Or view: www.ndhealth.gov/ndquits. All ndquits services are free of charge.

Enforcement

All individuals on campus property or at an off-campus, school-sponsored event share in the responsibility for adhering to and enforcing this policy. All members of the United Tribes Technical College campus community are expected to support this policy and cooperate in its implementation and enforcement. Students, staff and visitors violating this policy should be reminded of the policy and asked to comply.

Employees who violate the Tobacco Free Campus policy are subject to corrective action and/or discipline, including and up to termination.

3-3 Violence in the Workplace

All employees, customers, vendors and business associates must be treated with courtesy and respect at all times. Employees are expected to refrain from conduct

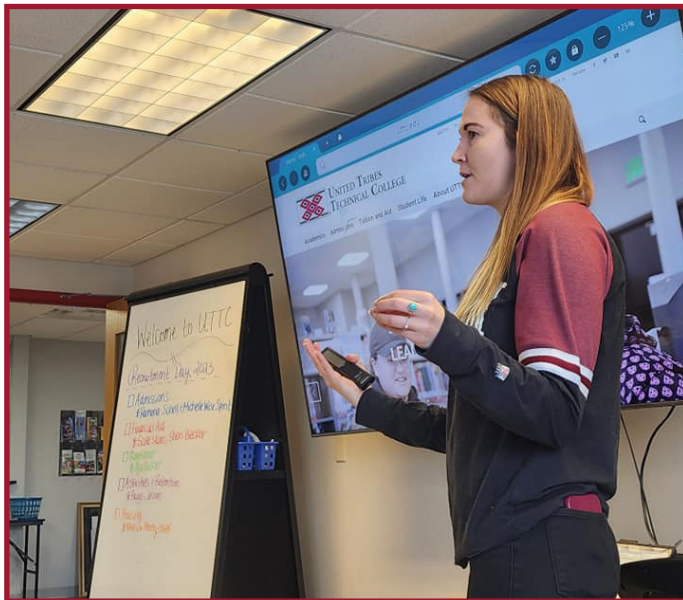
that may be dangerous to others.

Conduct that threatens, intimidates or coerces another employee, customer, vendor or business associate will not be tolerated. UTTC resources may not be used to threaten, stalk or harass anyone at the workplace or outside the workplace. UTTC treats threats coming from an abusive personal relationship the same as other forms of violence.

Indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities should be reported as soon as possible to a supervisor, the Human Resources Department, security personnel, and safety personnel. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident.

Employees should promptly inform the Human Resources Department of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are encouraged to report safety concerns with regard to intimate partner violence. UTTC will not retaliate against employees making good-faith reports. UTTC will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities.

Employees who violate the violence in the workplace policy are subject to corrective action and/or discipline, including and up to termination.



3-4 Banning

For the protection of persons and property, an individual may be banned from the UTTC campus. If it is determined there is a reason to ban a person from entering campus, the requesting individual or department should submit a written request with appropriate documentation to the

President for review and determination of whether a ban will be issued. The ban from the UTTC campus may be for a limited time, or indefinite. Only the President may ban individuals from campus.

The President will send the person being banned a notice stating the reason for the ban. The Safety and Security Department will enforce the ban and keep a list of those banned, along with the President's office. If a person is to be taken off the list, the President will send a written notice to the individual previously banned of the lifting of the ban.

The following are examples of reasons for prohibiting a person from entering the campus:

- The person is a sex offender who by law is restricted from coming within 1000 feet of a school;
- The person has recently been convicted of a crime of violence that occurred on the campus;
- The person has been engaged in recent behavior on campus, or has made a credible threat of behavior on campus that is violent, disruptive, or disrespectful, and that is either against student rules of conduct, UTTC personnel policies, normal rules of behavior, or a violation of law; or
- A lawful court order is in place, of which UTTC is aware, such as a domestic violence order that restricts an individual from coming near a student, employee, volunteer or other party who is frequently on campus.

3-5 Workforce Safety and Insurance

All UTTC employees are covered by Workforce Safety and Insurance (WSI), which manages and regulates an exclusive employer-financed, no-fault insurance system covering workplace injuries, illnesses, and death.

When you are injured on the job:

1. Notify your supervisor or the benefits administrator in the Human Resources Department immediately of the accident and your injury. Contact the safety and security director in the absence of the benefits administrator. By law, you must give written or oral notice to your employer within seven (7) days of an accident or after the general nature of your injury becomes apparent. If you fail to notify your employer, Workforce Safety and Insurance (WSI) may consider that failure when deciding whether your claim will be accepted. Note: even if you feel your injury is not serious enough to need medical treatment, it is important you report your accident to your employer so they are informed of the potential hazard.
2. Seek first aid or medical attention promptly after a workplace injury. Currently, UTTC does not have a Designated Medical Provider (DMP), so you may go to a doctor of your choice. Inform the doctor that your injury is a workers' compensation injury. Also, inform the doctor of your work duties and ask if you can return to

work within any work restrictions the doctor may impose. Follow restrictions, both on and off the job.

3. File a claim with WSI immediately after a work-related injury occurs (within 24 hours of occurrence). Use one of three methods: 1) online at www.workforcesafety.com, available 24 hours/weekends/holidays (follow online instructions); 2) by hand by completing the First Report of Injury (FROI) form, or 3) telephonically by calling 1-800-777-5033, 8 A.M. - 5 P.M. On business days.
4. Whichever claim filing method is used, complete the FROI form with the benefits administrator, if possible. Answer all questions fully and honestly on the form. Be sure to have the benefits administrator complete the employer's portion of the FROI form. If you have received benefits for an injury and are now off work again for that same injury, you must reapply for benefits in writing. Contact WSI and request a Worker's Notice of Reapplication (C4) form.
5. WSI will inform you of your claim number, in writing, upon registering your claim. Be sure to always inform the pharmacy and medical provider of your claim number.
6. Keep in touch with the benefits administrator and provide them with periodic updates on your condition.
7. Notify WSI immediately: 1) when you perform any type of work activity, whether you receive pay for it or not; 2) if you change your address or telephone number; or 3) if you apply for either Social Security Disability or retirement benefits or are found to be eligible for these benefits.

Types of benefits available:

- Medical benefits
- Pharmacy benefits
- Wage replacement benefits
- Permanent partial impairment (ppi) benefits
- Return-to-work services
- Reimbursement for personal expenses
- Death benefits

UTTC prohibits an employee from receiving concurrently both WSI wage replacement benefits and any UTTC paid leave benefits. The employee will be required to submit the WSI wage replacement benefits check(s) to the benefits administrator, in order to receive credit back for any UTTC paid leave benefits during the medical leave. Failure to report WSI wage replacement benefits is subject to corrective action and/or discipline, including and up to termination.

3-6 Motor Vehicle Regulations

Employees are required to abide by ND state law and all UTTC motor vehicle regulations to ensure the safety and well-being of all children, students, staff, faculty, and visitors on or off UTTC property.

UTTC motor vehicle regulations include, but are not limited to:

- Upon demand, employees must provide a valid ND driver's license, registration, and proof of insurance
- All UTTC employees in driving positions must have a ND Driver's License and be insurable by UTTC's insurance carrier.
- Seatbelts must be worn and children must be buckled in an appropriate car seat
- Use of cellphones while driving is prohibited
- Speed limit as posted on UTTC property must be obeyed
- Use turn signals in accordance with ND law
- Park in the direction of traffic
- There are no assigned parking spots on campus except for handicap parking
- State issued handicap tag is required to park in handicap parking
- Parking is prohibited in areas marked "NO PARKING", cross walks, school bus drop off zones, or in front of any fire hydrants

Tickets and fines will be issued for any violations of UTTC Motor Vehicle Regulations. Unpaid fines may be deducted from the employee's pay check without notice.

Employees who violate the Motor Vehicle Regulations policy are subject to corrective action and/or discipline, including and up to termination.



3-7 Use of UTTC Equipment and Vehicles

Usage of UTTC motor vehicles requires a ND Driver's License and an acceptable motor vehicle record, as defined

by UTTC's Comprehensive Liability Insurance Carrier.

Employees who need to use a UTTC vehicle for work-related travel must contact the Transportation Department and follow all Transportation Department policies and procedures, as well as any state law(s) when and where traveling.

Employees will exercise care and follow all operating instructions, safety standards, and guidelines when using UTTC equipment and vehicles.

Employees must notify their supervisors if any equipment or vehicle appears to be damaged, defective, in need of repair, or requires maintenance. Local law enforcement are mandated to report any accidents involving moving violations to the NDDOT Motor Vehicle Department which will affect the employee's personal driving record. The employee is subject to drug and alcohol testing immediately after an accident has been reported. As a driver (ND Driver's License) we are accountable for how we operate any vehicle; regardless of who owns the vehicle being operated.

Employees are subject to corrective action and/or discipline, including and up to termination for the improper, careless, negligent, destructive, or unsafe operation of equipment or vehicles.

3-8 Key Policy and Procedure

Purpose

The United Tribes Technical College (UTTC) Safety and Security Department provides key control for all faculty, staff and students.

General Provisions

All keys are issued by the Safety and Security Department and will remain the property of UTTC. Each building will have a separate building master key with as many sub-masters as necessary to accommodate the different departments within.

All mechanical, equipment and custodial rooms will be keyed separately from the building master.

The Safety and Security Department has the authority to confiscate any duplicated key(s). Any person in violation of this policy may have their key issuance privileges revoked and may be subjected to further Discipline in accordance with UTTC policies and procedures.

It is a violation of this policy to tamper with, change, add to, or alter any UTTC installed locking system by anyone other than the Safety and Security Department; this includes the installation of any locking devices or hardware. Unauthorized devices and hardware will be removed by Safety and Security or responsible party for the room will be charged for all costs incurred.

Non Master Keyed Locks

Under special circumstances individual rooms may be

keyed separate from a building master key system when approved by the Safety and Security Director or UTTC President.

Key Requests and Issuance

Faculty and staff may be issued keys to a UTTC building upon the recommendation of a Supervisor via Key Request Form submitted to the Safety and Security Director. No level of master key may be issued to students, and only when necessary to full-time faculty or staff.

In order to receive keys, faculty or staff must bring their UTTC ID card when they pick up the key(s) from the Safety and Security Department.

Records of all keys issued will be kept in a log and will be maintained by the Safety and Security Department, with the exception of Housing and the Mailroom.

Lost Keys

The loss or theft of any key must be reported immediately to the key holder's supervisor, and the Safety and Security Department.

Repined key cylinder (lost, stolen, or damaged) requests will be accessed a charge of \$25.

Transfer of Keys

The transfer of keys between employees or between departments is not permitted.

Worn Keys

Individuals holding properly authorized keys may exchange damaged or worn keys at the Safety and Security Department. If a key is broken in the lock, please notify the Safety and Security Department immediately.

Return of Keys

It is the responsibility of the Supervisor to assure that all keys are returned to the Safety and Security Department upon the key holder's:

- Transfer to another department;
- Termination of employment; or
- Change of assignment.

Supervisors will be notified of missing keys upon return to the Safety and Security Department. The Safety and Security Director will determine when re-keying of locks or space is required

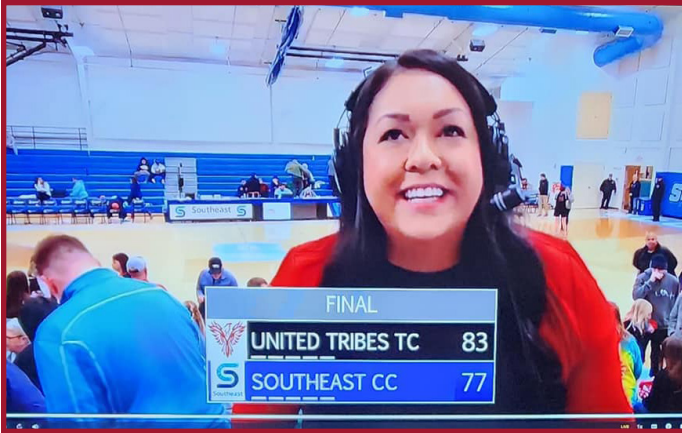
Contractor Access

A staff member of the Facilities or Safety and Security Department will open doors when a contractor needs access. Contractors will not be issued key(s) at any time.

Lock Out Procedure

The Safety and Security Department will provide after-hour emergency access for faculty and staff members. Access will be limited to UTTC assigned offices and scheduled classrooms only. Faculty and staff should first contact their Vice President or Director for approval.

After hours' calls should be directed to the UTTC Safety and Security Department at (701) 221-1700.



commercial company or organization.

- Owning or having a substantial interest in a competitor, supplier or contractor.
- Accepting gifts, discounts, favors or services from a customer or potential customer, competitor or supplier, unless equally available to all UTTC employees.

An employee with a potential conflict of interest question must seek advice from management. An employee must seek review from the President before engaging in any activity, transaction or relationship that might give rise to a conflict of interest.

Employees who violate the Conflict of Interest policy are subject to corrective action and/or discipline, including and up to termination.

4-1 Confidentiality

All information considered confidential will not be disclosed to external parties or to employees without a “need to know.” The employee should contact the supervisor to determine if certain information is considered confidential.

All information received by the employee in the course of employment is considered confidential unless otherwise stated. This policy is intended to alert employees to the need for discretion at all times and is not intended to inhibit normal business communications.

All inquiries from the media must be referred to the Office of the President.

Employees who violate the Confidentiality policy are subject to corrective action and/or discipline, including and up to termination.



4-2 Conflict of Interest

Employees must avoid any relationship or activity that might impair, or even appear to impair, their ability to make objective and fair decisions when performing their jobs. At times, an employee may be faced with situations in which business actions taken on behalf of UTTC may conflict with the employee’s own personal interests. UTTC property, information or business opportunities may not be used for personal gain.

A conflict of interest could arise in the following circumstances:

- Being employed by, or acting as a consultant to, a competitor or potential competitor, supplier or contractor, regardless of the nature of the employment, while employed with UTTC.
- Hiring or supervising family members or closely related persons.
- Serving as a board member for an outside

4-3 Outside Employment

Employees are permitted to engage in outside work or to hold other jobs, subject to certain restrictions as outlined below.

Activities and conduct away from the job must not compete with, conflict with or compromise the UTTC interests or adversely affect job performance and the ability to fulfill all job responsibilities. Employees are prohibited from performing any services for customers on nonworking time that are normally performed by UTTC. This prohibition also extends to the unauthorized use of any UTTC tools or equipment and the unauthorized use or application of any confidential information. In addition, employees are not to solicit or conduct any outside business during paid working time.

Employees are cautioned to carefully consider the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance,

absenteeism, tardiness, leaving early, refusal to travel or refusal to work overtime or different hours. The employee may be asked to terminate the outside employment or may be dismissed if UTTC determines that an employee's outside work interferes with performance.

Employees who violate the outside employment policy are subject to corrective action and/or discipline, including and up to termination.

4-4 Electronic Communication and Internet Usage

The following guidelines have been established for using the internet, UTTC provided cell phones and e-mail in an appropriate, ethical and professional manner:

- Internet, UTTC-provided equipment (e.g., Cell phone, laptops, and computers) and services must not be used for transmitting, retrieving or storing any communications of a defamatory, discriminatory, harassing or pornographic nature.
- The following actions are forbidden: using disparaging, abusive, profane or offensive language; creating, viewing or displaying materials that might adversely or negatively reflect upon UTTC or be contrary to UTTC's best interests; and engaging in any illegal activities, including piracy, cracking, extortion, blackmail, copyright infringement, and unauthorized access of any computers and UTTC provided equipment such as cell phones and laptops.
- Employees must not copy, retrieve, modify or forward copyrighted materials, except with permission of the copyright holder, or as allowed by the "fair use" exception to copyright law.
- Employees must not use the system in a way that disrupts the system used by others. Employees must not send or receive large files that could be saved or transferred via thumb drives. Employees are prohibited from sending or receiving files that are not related to work.
- Employees must not open suspicious e-mails, pop-ups or downloads. Contact the Information Technology (IT) Department with any questions or concerns to reduce the introduction of viruses or other unwanted software into UTTC's information system.
- Internal and external e-mails are considered business records and may be subject to discovery in the event of litigation. Be aware of this possibility when sending e-mail within and outside UTTC.

All UTTC supplied technology and UTTC related work records belong to UTTC. UTTC routinely monitors use of UTTC supplied technology.

Employees who violate the Electronic Communication and Internet Usage policy are subject to corrective action and/or discipline, including and up to termination.

4-5 Social Media

This policy would allow for UTTC Departments, Instructors, and Student Clubs/Groups to create PRIVATE Facebook groups for communication within their respective departments.

The following rules would apply to creation of a private Facebook Group.

1. A request would be made to the UTTC College Relations Department for approval
2. Admins and Moderators would include the person(s) managing the Private group, UTTC College Relations Staff, and Department Supervisors/Advisors.
3. Policy 4-5 from the UTTC Policy Handbook "Social Media" applies to content posted on all private Facebook Groups. UTTC may monitor content on the Internet. Employees who violate the Social Media policy are subject to corrective action and/or discipline, including and up to termination.
4. The UTTC branding manual needs to be followed for all page headings and content.

RULES FOR GROUP MEMBERS

- Be kind. Insulting or bullying other members or non-members will get you banned from the group without prior warning.
- Be civil. We do not condone foul language. Breaking this rule once will land you a warning. Doing it repeatedly will get you banned.
- No advertising. Don't use the group to advertise yours or someone else's business, page, fundraiser or website. These posts will be immediately removed and you might get banned.
- Use the search option. To avoid cluttering the group, please search the feed before asking a question. Someone might have already asked the same thing before.
- Stick to the topic. We only allow posts and comments related to the group's activity. Off-topic content will be removed and you will get a warning.
- No spamming. Asking the same question or posting the same comment repeatedly after it has been removed by admins due to rule violation will result in a ban.
- Report rule-breaking. If you see a post/comment that violates our rules, report it to the admins — DO NOT verbally attack the author of said post/comment.
- Think before you report. Don't report posts or comments that aren't breaking any rules just because you don't like or agree with their content.
- Talk to the admin team. If you have any questions or concerns or are experiencing issues in the group, please turn to one of the admins for help. That's what we're here for!

4-6 Solicitation, Distributions, and Posting of Materials

UTTC prohibits the solicitation, distribution, and posting of materials on or at UTTC property by any employee or non-employee, except as may be permitted by this policy. The sole exceptions to this policy are charitable and community activities supported by UTTC management and UTTC sponsored programs related to UTTC's products and services.

Provisions:

- Non-employees may not solicit employees or distribute literature of any kind on UTTC premises at any time.
- Employees may only admit non-employees to work areas with management approval or as part of a UTTC sponsored program. These visits should not disrupt workflow. An employee must accompany the non-employee at all times.
- Employees may not solicit other employees during work times, except in connection with a UTTC approved or sponsored event.
- Employees may not distribute literature of any kind during work times or in any work area at any time, except in connection with a UTTC sponsored event.
- The posting of materials or electronic announcements are permitted with approval from the Office of the President.

Violations of this policy should be reported to the Human Resources Department. Employees who violate the Solicitation, Distribution, and Posting of Materials Policy are subject to corrective action and/or discipline, including and up to termination.



4-7 Employee Personnel Files

Employee personnel files are the property of UTTC. Personnel files are maintained by the Human Resources Department and are considered confidential.

Managers and supervisors may only have access to

personnel file information on a "need to know" basis. A manager or supervisor considering the hire of a former employee or transfer of a current employee may be granted access to the file, or limited parts of the file, in accordance with anti-discrimination laws.

Personnel file access by current employees and former employees will be permitted upon written request within three (3) business days of the receipt of the request unless otherwise required under state law. Personnel files are to be reviewed only in the Human Resources Department in the presence of a Human Resources Representative. During a review of an employee file no materials may be copied, added, altered or removed.

Representatives of government or law enforcement agencies, in the course of their duties, may be allowed access to file information.

4-8 Employee Medical Files

Employee medical files are the property of UTTC. Medical files are maintained by the Human Resources Department and are considered confidential.

Managers and supervisors may only have access to medical file information on a "need to know" basis.

Medical file access by current employees will be permitted upon written request within three (3) business days of the receipt of the request unless otherwise required under state law. Medical files are to be reviewed only in the Human Resources Department.

4-9 Committees

UTTC's governance structure is comprised of the Board of Directors, Administrative Council, standing committees, and sub-committees. Ad hoc committees and task forces may also be established for specific purposes and for limited periods.

There are eight committees: 1) Institutional Effectiveness; 2) Curriculum; 3) Assessment of Student Learning; 4) Healthy Coalition; 5) Facilities; 6) Diversity; 7) Extended Learning; and 8) the Institution Review Board. Committee membership is comprised of UTTC employees with each committee having its own approved set of by-laws.

4-10 Chain of Command

I. Generally:

There shall be clear defined lines of authority that decisions can be made efficiently on behalf of the organization. The chain of command shall be strictly adhered to in regard to communication between

employees and their supervisors. The United Tribes Technical College (UTTC) organizational chart is one example of the chain of command for UTTC. Employees should communicate their concerns with their immediate supervisors to achieve a remedy before attempting to bring their concern to a higher authority within their chain of command. Notification shall be given to your immediate supervisor notifying him/her of that action in the event communication with your immediate supervisor is not possible or an issue is unresolved by the supervisor and communication with the next higher authority is made.

II. Human Resources (HR):

The HR department is the organization's official voice regarding personnel policies, benefits and employment. HR has no authority over any employees or departments outside of the HR departmental boundaries. The HR department exists to provide advice, guidance, referral, and assistance, deemed appropriate in accordance with the organizational mission and department need.

III. Temporary Supervisors:

Instances may arise where an employee may be assigned to a temporary supervisor to complete a project or activity deemed necessary to the benefit of UTTC. In these instances, a directive will be provided in writing by the employee's permanent supervisor to the employee and temporary supervisor, identifying who the temporary supervisor will be and the duration of the assignment. During the period of temporary supervision, the temporary supervisor will have supervisory duties over the employee in accordance with UTTC policies and procedures. At the end of the project, the temporary supervisor will surrender supervisory authority back to the permanent supervisor in writing and normal activities will resume.



4-11 Dress Code Policy

United Tribes Technical College (UTTC) expects employees to dress appropriately in business attire of a casual nature. Office personnel are expected to demonstrate good judgment and professional taste.

Courtesy to coworkers and your professional image to coworkers should be the factors that are used to assess that you are dressing in business casual attire that is appropriate. Personnel in Athletics, Maintenance, Transportation, Groundskeepers, and Security are subject to wear appropriate clothing pertaining to their position which will vary from office personnel.

Our goal is to provide a workplace environment that is comfortable and inclusive for all employees. We expect that your business attire, although casual, will exhibit common sense and professionalism.

Most of this dress code is left to the employee's personal discretion but supervisors have the right to determine the appropriateness of clothing. Generally, if an employee has any doubt about something, the employee should either not wear the clothing, or should speak to a supervisor before wearing it. Employees who violate the dress code policy are subject to corrective action and/or discipline, including and up to termination.

Fridays will be designated as "Casual Blue Jeans Day". Employees can wear blue jeans by donating \$1 to the UTTC Scholarship Fund. Supervisors will collect and submit money to appropriate department.

4-12 Use of Electronic Signatures

Purpose and scope

Federal and state laws authorize the acceptance of electronic signatures as legal and enforceable for most transactions. UTTC recognizes this general standard as well as the increased operational efficiency gained from conducting many business transactions by computer, over the internet, and by e-mail.

This policy does not mandate the use of an electronic signature or otherwise limit the right of a party to conduct a transaction on paper, nor does it apply to any situation where a written signature is required by law. The policy does not require a specific method for acceptance of an electronic signature, but authorizes each department or administrative office to implement the method that provides an appropriate level of authentication assurance to address the identified degree of risk in each transaction.

Definitions

- Authentication means to identify the person providing the electronic signature and establishing that said individual is authorized to provide the electronic signature and has the intent to provide the electronic signature so to confirm that the signature is genuine, authentic and intentional.
- Electronic signature, or "e-signature," is an electronic sound, symbol, or process, attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the record. Examples can include a digitized image of a handwritten signature, a code or personal identification number (PIN), and a mouse click on an "I accept" or

Part 4

WORKPLACE EXPECTATIONS

"I approve" button. An electronic signature must be attributable (or traceable) to a person who has the intent and authority to sign the record with the use of adequate security and authentication measures that are contained in the method of capturing the electronic transaction (e.g., use of PIN or unique log-in username and password), and the recipient of the transaction must be able to permanently retain an electronic record of the transaction at the time of receipt.

- Electronic record is any record created, used, or stored in a medium other than paper, including information processing systems, computer equipment and programs, electronic data interchanger, electronic mail, voice mail, text messages, and similar technologies. To the extent that facsimile, telex, and/or telecopying, and/or former hard copy documents are retained in electronic form, through a scanning process, they are also considered electronic records.
- Electronic transaction, or "e-transaction," is a transaction conducted or performed, in whole or in part, by electronic means or electronic records. The information provided, sent, or delivered, in an electronic record must be capable of retention by the recipient at the time of receipt to qualify as an electronic transaction.

Individuals are expected to take all precautions to safeguard their password and files to prevent

unauthorized use. Sharing of passwords or other access tokens is prohibited. Individuals who falsify e-records, e-transactions or e-signatures are subject to corrective action, up to and including termination of employment. Further, violations of criminal law will be reported to the appropriate authorities for prosecution. Individuals are required to report any suspicious or fraudulent activities related to e-transactions, e-records or e-signatures immediately to the Human Resources Department.

4-13 Employment Agreements

Employment Agreements will be issued to 9, 10 and 11 month Academic Affairs Faculty, and Theodore Jamerson Elementary School Staff before the end of the second week in May of an academic year.

Employment Agreements identify start date, end date, category, classification, term of employment, position title, department, and compensation for the next Academic Year.

Employment Agreements must be signed and returned to the Human Resources Department no later than 5:00 p.m. every June 1. If June 1 falls on a weekend, the deadline will be on the closest work day. Failure to meet the deadline will result in voluntary resignation.

PART 5

COMPENSATION

5-1 Work Schedules

Normal working hours are from 8:00 a.m. until 5:00 p.m., Monday through Friday, with a one hour unpaid lunch break. Employees are encouraged to ask their supervisor upon hire what the department policies and procedures are for their position.

Work schedules for employees vary throughout the organization. Supervisors will advise employees of their individual work schedules. UTTC reserves the right to alter or amend any individual's work schedule depending upon UTTC needs and availability of funds.

5-2 Timekeeping

A work hour is any hour of the day that is worked and should be recorded to the nearest quarter of an hour. The workday is defined as the 24-hour period starting at 12:00 a.m. And ending at 11:59 p.m. The workweek covers seven consecutive days beginning on Monday and ending on Sunday. The workweek period is 40 hours.

Overtime is defined as hours worked by an hourly or nonexempt employee in excess of 40 hours in a work week and should be recorded to the nearest quarter of an hour. Overtime must be approved in advance by the employee's supervisor.

Time cards and time clocks are available throughout the UTTC campus to assist employees to track the number of hours worked. Each employee and supervisor must maintain an accurate daily record of his or her hours worked. All absences from work schedules should be appropriately recorded on an application for leave.

Time sheets are submitted bi-weekly. The employee is responsible for signing his or her time sheet to certify the accuracy of all time recorded. The supervisor is responsible for ensuring the accuracy of the time sheet and signing the time sheet before submitting to payroll for processing. In the event of an error in reporting time, immediately report the problem to the supervisor.

Altering, falsifying, tampering with time cards and time sheets or clocking in or out for another employee will result in dismissal.

5-3 Payment of Wages

All employees are paid biweekly on Friday. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

Employees will receive their payroll check on the last day of work (whenever possible), before the holiday in the event that a regularly scheduled payday falls on a holiday.

Employees are paid by check or through direct deposit of funds to either a savings or checking account at the financial institution of their choice. In the event of a lost paycheck, the finance department must be notified in writing as soon as possible before a replacement check will be issued. The lost paycheck will be voided.

A new Form W-4 must be submitted to the Human Resources Department if an employee's marital status changes or the number of exemptions previously claimed increases or decreases.

Employees may receive earned wages before a regular payday twice in any twelve month period in exceptional circumstances; such as death in the employee's immediate family, a life threatening illness in the immediate family, or emergency car repairs needed to get to work.



5-4⁹⁻¹² Conversion Program

A Salaried/Exempt 9, 10 or 11 month employee has the option to have their salary paid over a 12-month period, which will be at the rate of 1/26th of their academic year salary. Insurance premiums will also be converted.

To participate, the employee must notify the Human Resources Department in writing before the end of the first pay period of the academic year. Employees hired after the first pay period of the academic year will not be eligible to participate. Participating employees will need to re-enroll each academic year.

Employees will not be allowed to drop from the program until the following Academic Year. However, in the event an employee must take excused leave without pay, e.g. FMLA or LWOP; the individual may be dropped from the program at the employee's request. Once dropped from the program the employee cannot re-enter the program until the next academic year.

5-5 Pay Deductions

The law requires that UTTC make certain deductions from every employee's compensation, such as; required state and federal withholdings, documented payroll advances, and court ordered deductions.

UTTC offers programs, benefits, and contributions beyond those required by law, as described in this handbook. All other deductions from pay must be specifically authorized in writing by the employee.

5-6 Wage and Work Conditions

Overtime

A supervisor may need to assign some non-exempt employees to work overtime hours when operating requirements cannot be met during regular working hours. When possible, a supervisor will provide advance notification of these mandatory assignments. Overtime assignments will be distributed as fairly as possible to all employees qualified to perform the required work. Before assigning any overtime, a supervisor must be certain that the additional costs of overtime are within the budget. All overtime work for non-exempt employees must be pre-approved by the supervisor.

Overtime worked without prior authorization from the supervisor may result in corrective action.

As required by law:

- Overtime pay must be paid at one and one-half times the employee's regular rate of pay for hours worked over 40 in any workweek.
- A workweek is a seven consecutive-day period, defined by UTTC as Monday through Sunday.
- Overtime is computed on a weekly basis, regardless of the length of the pay period.
- Overtime is based only on hours worked; paid holidays, paid time off, or sick leave need not be counted in computing overtime hours.
- Employees working more than one job under the control of the same employer must have all hours worked counted toward overtime.

Meal periods

- Employees working a normal 8 hour day will have, at the discretion of the department, up to a 60 minute break for a meal period.
- A minimum 30 minute meal period must be provided in shifts exceeding 5 hours when there are two or more employees on duty.
- Nonexempt employees are to be completely relieved of all job duties while on meal breaks and must clock out for the meal period.
- Employees may waive their right to a meal period upon agreement with the employee's supervisor.

- Employees do not have to be paid for meal periods if they are completely relieved of their duties and the meal period is at least thirty minutes in length. Employees are not completely relieved if they are required to perform any duties during the meal period.
- Other breaks (such as 15 minute “coffee” breaks) are not required by law, but must be paid breaks if they are offered by the employee’s supervisor.

Travel time

The following types of travel time are not considered work time for which an employee must be compensated:

- Ordinary travel from home to work
- Time spent as a passenger on an airplane, train, bus, or automobile outside of regular working hours
- Activities that are merely incidental use of an employer-provided vehicle for commuting home to work

The following types of travel time are considered work time for which an employee must be compensated:

- Travel during regular work hours
- Travel on non-work days during regular work hours (regular work hours are those typically worked by an employee on work days)
- Travel time from job site to job site or from office to job site
- The driver of a vehicle is working at any time when required to travel by the employer
- One-day assignments performed at the employer’s request (regardless of driver or passenger status)

On-call

- When employees are required to remain on-call on the employer’s premises or so close thereto that they cannot use the time effectively for their own purposes, they are considered to be working and must be compensated.
- When employees are on-call and are not required to remain on the employer’s premises but are required to respond to a beeper or leave word at home or the employer’s business where they may be reached, they are not considered to be working and need not be compensated.

5-7 Honoraria, Stipends, and Human Subjects Research Incentives

A UTTC employee may not receive honoraria for providing services associated with, or compensated by, UTTC employment, other than as specified below. An honorarium is normally a one-time payment granted in recognition of a special service such as a special lecture, panel discussion, grant review, or similar activity. A stipend for providing ceremonial or traditional services, such as a drum group, singer, military escort, or similar service is not considered an honorarium.

A UTTC employee may receive an honorarium for non-UTTC sponsored activities if:

1. The activity is performed during non-working hours or while on annual leave; and
2. All expenses such as travel, per diem, and taxes are the total responsibility of the employee or the non-UTTC sponsor of the activity in which the employee is participating.

Honoraria may be made to non-UTTC individuals in certain situations. These payments could include a payment to a person made in situations where UTTC has no legal obligation to the person for their services, such as volunteers, or for services for which fees are not traditionally required. For example, an honorarium may be used to pay a guest speaker at a conference to cover their travel, accommodation, and/or preparation time. However, if the fee is prescribed by the individual providing the service, or if the fee is negotiated between UTTC and the individual, an honorarium situation does not exist, instead, the situation is a contract for services. The individual is responsible for all taxes regarding the honorarium.

Honorarium payments to anyone are generally not allowable charges to federal funds unless a contract or grant specifically authorizes such payments. As a general rule, stipends, human research subject incentives, and honorarium payments in excess of \$600.00 will be considered to be taxable income to the recipient(s) as governed by current Internal Revenue (IRS) law and regulations.

All stipend and human research subject payments must be in conformity with an active documented research grant, current MOU, or other executed official documentation, authorizing the payment. Sufficient funds in an approved budget must be available to fund the payment. Requests for stipends and human subject research payments from Federal Grants must be forwarded and approved by the respective Principal Investigator (PI), Vice President of Academic Affairs, Finance Director, and President.

Honorarium payments should be submitted to the appropriate Vice-President or President with the following documents attached.

Completed W-9, request for Taxpayer Information for the payee receiving the Honorarium payment;

Letter of explanation justifying the payment of the Honorarium Award; and

Written approval of the Honorarium payment by the respective Vice President or President (or designee).

A request from a Principal Investigator to obtain funds for a payment or stipend to a subject in a human subject research project must be presented to the appropriate Vice-President and have the following documents attached:

- Completed W-9 “Request for Taxpayer Identification and Certification” form, for the payee receiving the stipend payment.

- Copy of the page(s) of the Grant Award or MOU that authorizes the payment from the program and shows a clear indication of the purpose of the payment and the payment period of the Grant Award or MOU.
- Available budget in the respective Fund and Account where payment is charged; and
- Written approval for the project by the appropriate IRB (Institutional Review Board)

Other Considerations

Types of payment requests that are not considered as stipends, payments for human subject research, or honorarium payments, include, but are not limited to:

- Payments made to students for teaching, instructing or tutoring other students (wages).
- Payments to students to offset the cost of tuition, room and board costs as part of a non-credit, work related agreement (Scholarships).
- Payments to students for Fellowship or teaching activities.
- Prizes won in a contest, or awards are not stipends and are taxable income to the payee if the amount of the award/prize exceeds \$500.00.
- Request for payments where a contract has been executed with the Payee for "Services Rendered."



5-8 Salary Scale

The UTTC Salary Scale is designed to recognize individual levels of education, training, experience, and responsibility in regard to the duties defined in the position description. The labor market and availability of funds are additional factors for the salaries set forth in the Salary Scale. UTTC intends to revise the Salary Scale annually or as funds permit. The proposed Salary Scale will be published in the UTTC Employee Handbook and will be used for determining starting salary, salary increases, and annual budget formulation.

Employees who fall within the salary range will be eligible for a merit increase based on their annual performance evaluation and the approved fiscal year budget. Current employees earning more than the maximum amount for their position will be grandfathered in at that amount and will be provided a lump sum payment based on their annual performance evaluation and the approved fiscal year budget. All other employees will be capped at the maximum amount and will be provided a lump sum payment based on their annual performance evaluation and the approved fiscal year budget. A combination of salary increase and lump sum payment may be necessary, as not all employees' salaries will fall exactly on the maximum amount.

Changes are effective upon Board of Director approval for the first year of implementation. For subsequent years, changes are effective at the beginning of the first pay period of each fiscal year.



PART 5

COMPENSATION

Table 1. Administration

Position Title	Status	Minimum	Midpoint	Maximum
President	NEGOTIABLE			
Executive Assistant to the President	Exempt	\$45,000	\$51,857	\$58,715
Administrative Assistant	Non-Exempt	\$16.00	\$18.00	\$20.87
Campus Planner	Exempt	\$55,000	\$63,381	\$71,763
College Relations Director	Exempt	\$55,000	\$63,381	\$71,763
Communications Specialist	Exempt	\$41,600	\$47,939	\$54,279
Content Developer	Non-Exempt	\$16.00	\$18.00	\$20.87
Information Technology Supervisor	Exempt	\$55,000	\$63,381	\$71,763
Information Technology Technician	Non-Exempt	\$15.00	\$16.88	\$19.57
Information Technology Communications Administrator	Non-Exempt	\$18.00	\$20.74	\$23.49
Computer Support/Administrative Assistant	Non-Exempt	\$15.00	\$16.88	\$19.57
Information Technology Systems Coordinator	Exempt	\$50,000	\$57,619	\$65,239
Chief Financial Officer	Exempt	\$70,000	\$80,667	\$91,334
Accounts Receivable Administrator	Non-Exempt	\$18.00	\$20.74	\$23.49
Accounts Payable Administrator	Non-Exempt	\$18.00	\$20.74	\$23.49
Payroll Administrator	Non-Exempt	\$18.00	\$20.74	\$23.49
Contracts and Grants Director	Exempt	\$55,000	\$63,381	\$71,763
Contracts and Grants Coordinator	Exempt	\$50,000	\$57,619	\$65,239
Property and Procurement Supervisor	Exempt	\$45,000	\$51,857	\$58,715
Property and Supply Technician	Non-Exempt	\$15.00	\$16.88	\$19.57
Bookstore Manager	Exempt	\$45,000	\$51,857	\$58,715
Mailroom Specialist	Non-Exempt	\$16.00	\$18.00	\$20.87
Part-Time Mailroom Clerk	Non-Exempt	\$14.00	\$16.13	\$18.27
Safety & Security Director	Exempt	\$55,000	\$63,381	\$71,763
Safety & Security Administrator	Non-Exempt	\$18.00	\$20.74	\$23.49
Security Specialist	Non-Exempt	\$15.00	\$16.88	\$19.57
Security Officer I	Non-Exempt	\$16.00	\$18.00	\$20.87
Security Officer II	Non-Exempt	\$17.00	\$19.13	\$22.18
Human Resources Director	Exempt	\$55,000	\$63,381	\$71,763
Human Resources Benefit Administrator	Non-Exempt	\$18.00	\$20.74	\$23.49
Human Resources Administrator	Non-Exempt	\$18.00	\$20.74	\$23.49

Table 2. Academic Affairs

Position Title	Status	Minimum	Midpoint	Maximum
Vice President of Academic Affairs	Exempt	\$80,000	\$92,191	\$104,382
Academic Affairs Administrative Assistant	Non-Exempt	\$16.00	\$18.00	\$20.87
Dean of Enrollment Management	Exempt	\$65,000	\$74,905	\$84,810
Career Services Director (10 mo.)	Exempt	\$48,125	\$54,165	\$62,792
Student Activities & Retention Coordinator	Exempt	\$50,000	\$57,619	\$65,239
Admissions and Recruitment Administrator	Non-Exempt	\$18.00	\$20.74	\$23.49
Admissions Advisor	Non-Exempt	\$16.50	\$19.01	\$21.53
Financial Aid Director	Exempt	\$55,000	\$63,381	\$71,763
Assistant Financial Aid Director	Non-Exempt	\$21.63	\$24.93	\$28.22
Enrollment Services Specialist	Non-Exempt	\$16.50	\$19.01	\$21.53

PART 5

COMPENSATION

Registrar	Exempt	\$55,000	\$63,381	\$71,763
Assistant Registrar	Non-Exempt	\$16.00	\$18.00	\$20.87
Faculty Instructor I (Voc Cert, AA/AAS, BA/BS)	Exempt	\$38,000	\$43,791	\$49,581
Faculty Instructor II (BS w/5 TW, MS w/0 TW)	Exempt	\$41,250	\$47,536	\$53,822
Faculty Instructor III (BS w/10 TW, MS w/5 TW, PhD w/0yrs)	Exempt	\$44,750	\$51,569	\$58,389
Faculty Instructor IV (BS w/15 TW, MS w/10 TW, PhD w/5yrs)	Exempt	\$48,500	\$55,891	\$63,281
Faculty Instructor V (BS w/20 TW, MS w/15 TW, PhD w/10yrs)	Exempt	\$52,500	\$60,500	\$68,501
Faculty Instructor VI (BS w/25 TW, MS w/20 TW, PhD w/15yrs)	Exempt	\$56,750	\$65,398	\$74,046
Faculty Instructor VII (BS w/30 TW, MS w/25 TW, PhD w/20yrs)	Exempt	\$61,250	\$70,584	\$79,917
Faculty Instructor VIII (BS w/35 TW, MS w/30 TW, PhD w/26yrs)	Exempt	\$66,000	\$76,058	\$86,115
Intertribal Research & Resource Center Director	Exempt	\$65,000	\$74,905	\$84,810
Tribal Science Outreach Coordinator	Exempt	\$50,000	\$57,619	\$65,239
Dean of Instruction	Exempt	\$65,000	\$74,905	\$84,810
Librarian (9 mo.)	Exempt	\$40,000	\$46,095	\$52,191
Assistant Librarian (11 mo.)	Exempt	\$39,936	\$46,022	\$52,107
Institutional Research Director	Exempt	\$65,000	\$74,905	\$84,810
Institutional Research Analyst	Exempt	\$60,000	\$69,143	\$78,286
Project Development Coordinator	Exempt	\$50,000	\$57,619	\$65,239
Monarch Project Director	Exempt	\$55,000	\$63,381	\$71,763
Monarch Project Evaluation Administrator	Exempt	\$45,000	\$51,857	\$58,715
Monarch Project Coordinator	Exempt	\$50,000	\$57,619	\$65,239
High School Student Success Coach	Exempt	\$41,600	\$47,939	\$54,279
School Engagement Liaison	Exempt	\$41,600	\$47,939	\$54,279
High School Parent Liaison	Exempt	\$41,600	\$47,939	\$54,279
Career and Technical Education Director	Exempt	\$55,000	\$63,381	\$71,763
Career and Technical Education Administrative Assistant	Non-Exempt	\$14.00	\$16.13	\$18.27
Land Grant Director	Exempt	\$55,000	\$63,381	\$71,763
Land Grant Agroecology Extension Educator	Exempt	\$45,000	\$51,857	\$58,715
Land Grant Nutrition Extension Educator	Exempt	\$45,000	\$51,857	\$58,715
Food Sovereignty Coordinator	Exempt	\$50,000	\$57,619	\$65,239
Workforce Innovation and Opportunity Director	Exempt	\$55,000	\$63,381	\$71,763
Workforce Innovation and Opportunity Case Manager	Non-Exempt	\$14.00	\$16.13	\$18.27

Table 3. Campus Services

Position Title	Status	Minimum	Midpoint	Maximum
Vice President of Campus Services	Exempt	\$70,000	\$80,667	\$91,334
Administrative Assistant	Non-Exempt	\$16.00	\$18.00	\$20.87
Maintenance Coordinator	Exempt	\$50,000	\$57,619	\$65,239
Maintenance HVAC Technician	Non-Exempt	\$23.50	\$27.08	\$30.66
Maintenance Custodian Supervisor	Exempt	\$45,000	\$51,857	\$58,715
Maintenance Custodian I	Non-Exempt	\$14.00	\$16.13	\$18.27
Maintenance Custodian II	Non-Exempt	\$14.50	\$16.71	\$18.92
Maintenance Construction Supervisor	Exempt	\$45,000	\$51,857	\$58,715
Maintenance Carpenter I	Non-Exempt	\$16.00	\$18.00	\$20.87
Maintenance Carpenter II	Non-Exempt	\$20.00	\$23.05	\$26.10
Maintenance Laborer	Non-Exempt	\$14.00	\$16.13	\$18.27

PART 5

COMPENSATION

Maintenance Painter	Non-Exempt	\$15.00	\$16.88	\$19.57
Motor Pool Supervisor	Exempt	\$45,000	\$51,857	\$58,715
Maintenance Groundskeeper I	Non-Exempt	\$14.00	\$16.13	\$18.27
Maintenance Groundskeeper II	Non-Exempt	\$14.50	\$16.71	\$18.92
Maintenance Driver/Service Technician	Non-Exempt	\$17.25	\$19.88	\$22.51
Athletic Director/Head Men's Coach	Exempt	\$60,000	\$69,143	\$78,286
Café Manager	Exempt	\$45,000	\$51,857	\$58,715
Café Assistant	Non-Exempt	\$14.00	\$16.13	\$18.27
Housing Director	Exempt	\$55,000	\$63,381	\$71,763
Housing Administrator	Non-Exempt	\$18.00	\$20.74	\$23.49
Resident Service Administrator	Non-Exempt	\$18.00	\$20.74	\$23.49
Resident Assistant (9 and 12 mo.)	Non-Exempt	\$14.00	\$16.13	\$18.27
Housing Custodian I	Non-Exempt	\$14.00	\$16.13	\$18.27
Housing Custodian II	Non-Exempt	\$14.50	\$16.71	\$18.92
Child Development Center Dir. w/ BS & ND teacher licensure (12 mo.)	Exempt	\$55,000	\$63,381	\$71,763
Child Development Center Billing Technician (12 mo.)	Non-Exempt	\$16.00	\$18.00	\$20.87
Child Development Center Preschool Teacher (9 and 11 mo.)	Non-Exempt	\$16.00	\$18.00	\$20.87
Child Development Center CDC Aide (9 and 11 mo.)	Non-Exempt	\$15.00	\$16.88	\$19.57
Health & Wellness Director	Exempt	\$55,000	\$63,381	\$71,763
Disabilities Services Coordinator	Exempt	\$50,000	\$57,619	\$65,239
Chemical Health Administrator/Domestic Violence Coordinator	Exempt	\$45,760	\$52,733	\$59,706
Wellness Counselor (LSW - 11 mo.)	Exempt	\$45,620	\$52,571	\$59,523
Student Health Center Coordinator (RN Required)	Exempt	\$55,000	\$63,381	\$71,763
Student Health Center LPN (9 mo.)	Non-Exempt	\$18.00	\$20.74	\$23.49
Health Promotion Center Coordinator/Head Women's Coach	Exempt	\$60,000	\$69,143	\$78,286
Health Promotion Custodian	Non-Exempt	\$14.00	\$16.13	\$18.27
Activities Specialist	Non-Exempt	\$14.00	\$16.13	\$18.27
Exercise and Fitness Specialist	Non-Exempt	\$14.00	\$16.13	\$18.27
Cultural Wellness Specialist	Non-Exempt	\$14.00	\$16.13	\$18.27
Elem. School Principal (12 mo.)	Exempt	\$70,000	\$80,667	\$91,334
Elem. School Bus Driver and Custodian (12 mo.)	Non-Exempt	\$17.25	\$19.88	\$22.51
Elem. School Parent Liaison	Non-Exempt	\$20.00	\$23.05	\$26.10
Elem. School Para (AA/AAS)*	Non-Exempt	\$15.00	\$16.88	\$19.57
Elem. School Para (BS)*	Non-Exempt	\$21.28	\$24.52	\$27.77
Elem. School SPED Coordinator (MA/MS)*	Exempt	\$50,000	\$57,619	\$65,239
Elem. School Counselor (MA/MS)*	Exempt	\$38,392	\$44,242	\$50,093
Elem. School Social Worker (LSW)	Exempt	\$38,392	\$44,242	\$50,093
Elem. School Instructional Coach*	Exempt	\$38,392	\$44,242	\$50,093
Elem. School Special Education Teacher*	Exempt	\$44,780	\$51,604	\$58,428
Elem. School Speech Language Pathologist (MA/MS)*	Exempt	\$44,780	\$51,604	\$58,428
FACE Adult Educator (DOI/Certified)*	Exempt	\$38,392	\$44,242	\$50,093
FACE Parent Educator	Exempt	\$38,392	\$44,242	\$50,093
FACE Early Childhood Educator	Exempt	\$38,392	\$44,242	\$50,093

*Educational Standards and Practices Board (ESPB) Professional Licensure Required.

PART 5

COMPENSATION

THEODORE JAMERSON ELEMENTARY SCHOOL 2021-2022 SALARY SCHEDULE

	BA	BA+15*	BA+30*	MA	MA+15*	MA+30*	MA+45*	EdD/PhD
STEP	Degree	Degree	Degree	Degree	Degree	Degree	Degree	Degree
0	43,392	44,694	46,035	47,416	48,838	50,303	51,812	53,367
1	44,043	45,364	46,725	48,127	49,571	51,058	52,590	54,167
2	44,704	46,045	47,426	48,849	50,314	51,824	53,378	54,980
3	45,374	46,735	48,137	49,581	51,069	52,601	54,179	55,804
4	46,055	47,436	48,859	50,325	51,835	53,390	54,992	56,641
5	46,746	48,148	49,592	51,080	52,612	54,191	55,817	57,491
6	47,447	48,870	50,336	51,846	53,402	55,004	56,654	58,353
7	48,158	49,603	51,091	52,624	54,203	55,829	57,504	59,229
8	48,881	50,347	51,858	53,413	55,016	56,666	58,366	60,117
9	49,614	51,102	52,635	54,215	55,841	57,516	59,242	61,019
10	THESE STEPS WOULD CAP, BUT WOULD ALLOW FOR A LUMP SUM MERIT INCREASE	51,869	53,425	55,028	56,679	58,379	60,130	61,934
11		52,647	54,226	55,853	57,529	59,255	61,032	62,863
12		53,437	55,040	56,691	58,392	60,143	61,948	63,806
13		54,238	55,865	57,541	59,268	61,046	62,877	64,763
14		55,052	56,703	58,404	60,157	61,961	63,820	65,735
15		55,878	57,554	59,281	61,059	62,891	64,777	66,721
16		THESE STEPS WOULD CAP, BUT WOULD ALLOW FOR A LUMP SUM MERIT INCREASE	58,417	60,170	61,975	63,834	65,749	67,722
17			59,293	61,072	62,904	64,792	66,735	68,737
18			60,183	61,988	63,848	65,763	67,736	69,768
19			61,086	62,918	64,806	66,750	68,752	70,815
20			62,002	63,862	65,778	67,751	69,784	71,877
21			THESE STEPS WOULD CAP, BUT WOULD ALLOW FOR A LUMP SUM MERIT INCREASE	64,820	66,764	68,767	70,830	72,955
22				65,792	67,766	69,799	71,893	74,050
23				66,779	68,782	70,846	72,971	75,160
24				67,781	69,814	71,909	74,066	76,288
25				68,797	70,861	72,987	75,177	77,432

*Denotes semester credits earned beyond the bachelor's degree

In addition to the above amounts:

Teachers who have achieved National Board Certification will receive an additional \$1000 per school year.



5-9 Telework Policy

Purpose

Teleworking allows employees to work off campus for a designated period of time. UTTC considers teleworking to be a viable, flexible work option when both the employee and the job are suited to such an arrangement. Teleworking is appropriate for some employees and positions but not for all. Teleworking does not change the terms and conditions of employment with UTTC, and therefore all Personnel Policies remain in effect if the employee is working on campus or off.

Eligibility

The UTTC President and VPs may approve the requests for their respective areas for up to and including three consecutive days of teleworking. If an employee requests more than three consecutive days of teleworking per pay period, the VPs will forward the request to the UTTC President with their recommendation.

Procedures

The employee must submit their request for teleworking to their immediate supervisor. The immediate supervisor shall then forward the request to the President or VP, depending on the area. Any teleworking arrangement will be determined on a case-by-case basis, focusing first on the business needs of UTTC. The job responsibilities for each position will be evaluated to determine if the job is appropriate for teleworking. Requests may be granted or denied at the discretion of UTTC.

Teleworking will include the following:

- Timely response to emails and phone calls within 24 hours.
- No overtime while teleworking without prior written approval by the supervisor and President or VP.
- Daily work hours must be established. If there is a change in the regular schedule, this must be identified in the request.
- Meetings should continue virtually as scheduled.

Equipment

- Employees need to have available and necessary equipment for teleworking.
- UTTC may, but is not required to, provide equipment if needed and available.
- All UTTC work, whether on personal or company provided equipment, is the property of UTTC and must be treated as such regarding confidentiality.

Safety

Employees are expected to maintain their home workspace in an ergonomically, friendly and safe manner. Injuries sustained by the employee in a home office location and in conjunction with his or her regular work duties are normally covered by the company workers' compensation policy. Teleworking employees are responsible for notifying the employer of such injuries

as soon as practicable. The employee is liable for any injuries sustained by visitors to his or her home worksite.



5-10 Employee Service on Outside Boards

This policy explains the process for obtaining permission to serve on boards of directors, boards of trustees, advisory, and other boards for both for-profit and non-profit entities that are not affiliated with United Tribes Technical College (UTTC) (the "Outside Board"). This policy applies to all employees. Excluding the UTTC President.

General Guidelines

"Professionals of institutions of higher education are expected to serve the communities where they reside. UTTC should serve our campus community as well as the surrounding BisMan communities. One way to do this is to serve on boards and committees and provide input as well as representation and recognition of our College." Dr. Leander McDonald President of UTTC.

UTTC is committed to supporting the professional development of its employees.

UTTC considers board service on an Outside Board to be a significant way for employees to gain professional experience, learning, and networking opportunities, particularly in areas of corporate governance, business, and community service. UTTC recognizes that employees with diverse experiences and active commitment to the greater business and charitable communities at large are a benefit to UTTC. UTTC also recognizes that Outside Board service offers a wealth of opportunities for employees to gain knowledge and experience that will enhance their respective careers and their work at UTTC, including:

1. **Networking Opportunities:** by providing the opportunity to meet, work with and make business connections with, new contacts and develop synergistic relationships;
2. **Learning Opportunities:** by providing the opportunity to gain knowledge and understanding about businesses and organizations, board duties and responsibilities, corporate governance, processes and trends, and succession planning;

3. Experience Opportunities: by providing opportunities to learn new skill sets through, for example, participation on board committees;
4. Visibility Opportunities: by providing opportunities to enhance and expand the employee's and UTTC's reputation and profile both internally and externally in different communities and circles;
5. Communication and Leadership Opportunities: by providing employees with the opportunity to develop and improve leadership, business, and board communication skills;
6. Career Growth Opportunities: providing increased internal visibility and increased skills that will lead to improved morale, career growth, and employee retention.

UTTC requires employees to obtain permission before accepting any Outside Board position. If UTTC determines that an employee's proposed board service may adversely impact the employee's job performance, constitute an actual or perceived conflict of interest, or breach the employee's duty of loyalty to UTTC, then, UTTC, in its sole and absolute discretion, may require that the employee reject the offered Board position. In addition, if UTTC subsequently determines that circumstances so warrant, UTTC may require that the employee cease or limit participation on an Outside Board.

Service on Boards for Non-Profit and For-Profit Entities

UTTC encourages its employees to actively support charitable and community activities, including service as board members for such entities.

All employees, including executives and executive officers, must obtain permission before accepting a position on an Outside Board of either a for-profit or non-profit entity.

Procedure for Obtaining Permission to Accept Membership on an Outside Board

This policy applies to all employees, including those currently serving on an Outside Board, before the effective date of this policy.

Before accepting a position on an Outside Board, the employee must first submit a written request to their immediate supervisor. The request should include:

- (i) The name and address of the outside entity,
- (ii) A description of the outside entity's business,
- (iii) A description of businesses and organizations with which the outside entity is likely to interact,
- (iv) A description of the board position the employee has been offered or, is currently serving if board participation predates the effective date of this policy,
- (v) A description of the anticipated obligations of the board position, including anticipated time commitment (both during and outside UTTC business hours),
- (vi) A description of any anticipated obligation of UTTC associated with the employee's participation on the Board (for example, provision of meeting rooms, use of support staff or other resources, and contributions).
- (vii) Whether the position is a volunteer or paid.,
- (viii) The names and affiliations of other current board members, and
- (viii) A short statement as to why the employee wishes to serve on Outside Board.

UTTC will promptly consider each employee's request to serve on an Outside Board on a case-by-case basis and will respond in writing. Factors UTTC will take into consideration in reviewing requests to serve on an Outside Board include whether service on the Outside Board would:

- Promote, or have the potential to promote, the interests of UTTC;
- Provide positive professional development opportunities for the employee;
- Be inconsistent with UTTC's mission, values, or policies, including policies governing employee investments in other companies;
- Constitute a conflict of interest or undue appearance of conflict or breach of the employee's duty of loyalty;
- Materially interfere with the employee's duties at UTTC;

Entail the use of UTTC resources or other support.

Requirements of Employees Serving on Outside Boards

UTTC requires employees to be vigilant about avoiding conflicts of interest and protecting UTTC's confidential and proprietary information. Employees must recuse themselves from any involvement in matters which may adversely impact, conflict with, or create an appearance of conflict with UTTC, and in appropriate circumstances, resign from the Outside Board. UTTC requires employees to avoid any Outside Board activities, including Outside Board financial and investment activities, which may adversely impact, or reflect negatively upon UTTC. Further, except with express written permission, employees may not use UTTC resources, including the time of any UTTC employee (such as an administrative assistant) in any capacity relating to the Outside Board position, except for basic administrative matters such as making travel and scheduling arrangements. Employees must notify their supervisor promptly of any significant changes in the Outside Board position, including time commitment and compensation. UTTC expects employees to consult and cooperate with UTTC management, Human Resources, and the Legal representative, about any questions or issues regarding this policy or the employee's participation on an Outside Board. UTTC will endeavor to resolve any questions and issues that may arise equitably and expeditiously.

Retrieved from <https://studylib.net/doc/6783846/model-company-policy-for-outside-board-service>

6-1 Holidays and Holiday Leave

Full-time regular 12-month employees will be granted time off for the holidays listed below:

- New Year's Day
- Martin Luther King, Jr. Day
- President's Day
- Good Friday
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Founders Day (Monday following the UTTC powwow)
- Indigenous Day (formerly Columbus Day)
- Veteran's Day
- Thanksgiving Day
- Christmas Day

Full-time regular 9, 10 and 11 month employees will be granted time off for the holidays listed below:

- New Year's Day
- Martin Luther King, Jr. Day

- President's Day
- Spring Break (Except for designated positions by the VP)
- Good Friday
- Memorial Day (10 and 11 Mo. Employees Only)
- Juneteenth (10 and 11 Mo. Employees Only)
- Independence Day (11 Mo. Employees Only)
- Labor Day
- Founders Day (Monday following the UTTC powwow)
- Indigenous Day (formerly Columbus Day)
- Veteran's Day
- Thanksgiving Break (Thursday and Friday)
- Winter Break (Except for designated positions by the VP)

A holiday that falls on a weekend will be observed on the work day closest to the holiday. An employee must have worked or be on paid leave the work day before and after the holiday to be eligible for holiday leave. Employees receive ordinary pay for the holidays listed above. Non-exempt employees who work on a recognized holiday will be paid for holiday leave and for hours physically worked (double time). Paid time off for holidays will not be counted as hours worked for the purposes of determining overtime.





6-2 Administrative Leave

Full-time regular employees shall receive paid administrative leave while attending approved activities held off campus on behalf of UTTC during normal working hours. Full-time regular essential personnel (RAs, Security and Maintenance), part-time regular and temporary employees are not eligible for Administrative Leave. All other paid leaves supersede Administrative Leave.

Except as otherwise provided for herein, full-time regular employees shall receive paid administrative leave when the President closes the campus, for reasons including but not limited to, inclement or dangerous weather conditions, and during said closure the employees are not expected to be at their workstations.

Part-time regular and temporary employees are not eligible for Administrative Leave; therefore, they should be given the opportunity to make up their hours during the course of the rest of the week when reasonable time permits.

Inclement Weather:

For the purposes of this Administrative Leave Policy, RAs, Security and Maintenance shall be considered “full-time regular essential personnel”. So long as they are able to do so safely, full-time regular essential personnel shall report to work when the campus has been closed by the President for weather related reasons. Full-time regular essential personnel shall not be eligible for paid administrative leave for campus closures due to inclement weather because their presence and duties during said closures is an essential function of their position(s). This notwithstanding, full-time regular essential personnel must decide and determine for themselves if they can safely arrive at work under the conditions. If full-time regular essential personnel are unable to report to work when the campus is closed due to weather conditions, the employee can elect to

(1) use any accrued paid time off for the missed day or (2) the employee will not be paid for the day. This policy is not to be construed to require any employee to place themselves in peril, danger or other risk and said employee shall assume all risk of property damage, injury, including death, to himself and other, which may result from transporting to and from UTTC during periods of inclement weather. Said employee does, by accepting employment at UTTC, indemnify UTTC from such liability.

Regardless of whether campus remains open or is closed on a day of inclement weather, it is each employee’s decision to determine if they can safely arrive at work under the conditions.



Emergency Administrative Leave

1. In response to national, tribal or local emergency declared by the City of Bismarck, State of North Dakota and the U.S. government, the President of United Tribes Technical College (“College”) is authorized to grant Emergency Administrative Leave, including Paid Administrative Leave, to College Employees when:

- A. The President has determined such Leave is necessary to protect:
 - i. the health and safety of College employees;
 - ii. the health and safety of College students; or
 - iii. the public health and safety of the communities served by the College; and
- B. The period for which the Emergency Administrative Leave is granted is the minimum amount of time necessary to achieve the interests set forth in this policy, based upon the facts known at the time the leave is authorized; and
- C. There are no other effective alternatives available such as authorizing work from home or altering the location of work for the employees who are granted Emergency Administrative Leave.

2. Prior to making a determination under subsection 1, the President shall ensure that:
 - A. The College has in place an established written leave policy that allows for Paid Emergency Administrative Leave (e.g., this section)
 - B. The costs of such leave are equitably allocated to all related activities, including Federal awards; and
 - C. The accounting basis (cash or accrual) selected for costing each type of leave is consistently followed by the non-Federal entity or specified grouping of employees
3. The President will issue written notification to affected employees specifying:
 - A. The employees granted Emergency Administrative Leave by class or title;
 - B. The basis for granting Emergency Administrative Leave under this Policy;
 - C. The duration of the Emergency Administrative Leave.
4. The President has the authority to enact intermittent or ongoing, as relevant, Emergency Administrative Leave to all or classes of employees in response to any pandemic that requires social distancing as a mechanism to prevent the spread of a virus.

According to federal regulation, when a non-Federal entity uses the cash basis of accounting, the cost of leave is recognized in the period that the leave is taken and paid for. Payments for unused leave when an employee retires or terminates employment are allowable in the year of payment. Further, the accrual basis may be only used for those types of leave for which a liability as defined by GAAP exists when the leave is earned. When a non-Federal entity uses the accrual basis of accounting, allowable leave costs are the lesser of the amount accrued or funded.

5. The President shall notify the United Tribes Technical College Board of Directors in writing within 48 hours when any Emergency Administrative Leave has been granted. Such notification shall include assurances that the College is in compliance with subsection B, above.
6. This policy is based on and consistent with the following federal regulation: 2 CFR 200.431(a).

- Less than 2 years of employment – 104 hours
- More than 2 years but less than 10 years of employment – 156 hours
- More than 10 years of employment – 208 hours

Annual Leave will not accrue during a pay period when the Employee does not have 80 hours. UTTC defines 80 hours as any regular hours worked plus any approved administrative, annual, personal, sick, bereavement, witness, and jury duty. Leave without pay (LWOP) will not be considered toward your 80 hours.

An employee who wishes to use annual leave must receive approval from his or her supervisor prior to using requested leave to allow coverage of duties while on leave. Application for Leave forms are due no later than the end of the pay period in which the approved leave is taken. Failure to do so may result in the absence being treated as leave without pay.

Available annual leave may be cashed out once every year. An Annual Leave Cash-out Request Form must be completed and approved by the employee's supervisor and submitted to payroll. Annual leave may be cashed out at a minimum of 20 hours and up to a maximum of 80 hours per calendar year. Employees must maintain at least 24 hours of available annual leave after cash out.

Employees will be paid for available annual leave upon termination of employment.



6-3 Annual Leave

Full-time regular 12-month employees commence to earn and accrue annual leave from the first day of employment, but are not entitled to use their accrued leave until completion of the initial 90 day probationary period.

Annual leave will accrue, per pay period (80 hours), according to the following schedule:

- Less than 2 years of employment – 4 hours
- More than 2 years but less than 10 years of employment – 6 hours
- More than 10 years of employment – 8 hours

The maximum carryover, per calendar year, is in accordance with the following schedule:

6-4 Personal Leave

Full-time regular 9, 10 and 11 month employees receive 24 hours of personal leave each academic year. The leave is on a use or lose basis. Full-time regular 9, 10 and 11 month employees are not entitled to use their personal leave until completion of the initial 90 day probationary period. Full-time regular 12-month employees do not receive personal leave.

An employee who wishes to use personal leave must receive approval from his or her supervisor at least one week before using requested leave to allow coverage of duties while on leave. Failure to do so may result in the absence being treated as leave without pay.

Employees are not paid for unused personal leave upon termination of employment.

6-5 Sick Leave

Full-time regular employees commence to earn and accrue sick leave from the first day of employment, but are not entitled to use their accrued leave until completion of the initial 90 day probationary period.

Sick leave shall be accrued at the rate of 4 hours per pay period. Employees will not be permitted to accrue more than 520 hours of sick leave.

Sick leave is a privilege and may be used for:

- Illness or injury of an employee or an employee's immediate family, i.e. spouse, child, or dependent
- Medical, well-care (prenatal), dental, or vision appointments

Sick Leave will not accrue during a pay period when the Employee does not have 80 hours. UTTC defines 80 hours as any regular hours worked plus any approved administrative, annual, personal, sick, bereavement, witness, and jury duty. Leave without pay (LWOP) will not be considered toward your 80 hours.

Employees must notify the supervisor at the beginning of their shift that he or she will be absent due to illness or injury. An employee may be asked to present medical documentation, which supports sick leave periods of three (3) or more consecutive working days. Medical documentation may be necessary for sick leave exceeding one (1) working day at the discretion of the supervisor.

Medical documentation need not state the nature of illness or injury, but employer/supervisor can require that medical documentation provide information, including but not limited to: The date the employee was seen by the physician or qualified medical practitioner; confirmation that the absence was medically necessary; and the date that the individual will be medically cleared to return to work.

Employees are expected to schedule planned appointments in a manner that minimizes disruption of work flow. Failure to do so may result in the absence being treated as leave without pay.

Extended use of sick leave will be reviewed for possible eligibility of the Family Medical Leave Act (FMLA) provisions.



6-6 Family and Medical Leave

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following qualifying events:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies (demands, emergencies). Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is: (1) a current member of the armed forces, including a member of the National guard or reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered

veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

*The FMLA definitions of “serious injury or illness” for current service members and veterans are distinct from the FMLA definition of “serious health condition”.

Benefits and Protections

During FMLA leave, the employer must maintain the employee’s health coverage under any “group health plan” on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

Use of Leave

During an FMLA qualifying event, UTTC requires employees to use FMLA leave concurrently with their accrued paid leave. An employee’s ability to use accrued paid leave is determined by the terms and conditions of the normal leave policy.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Annual Certification

If the employee’s need for FMLA leave lasts beyond a single FMLA leave year, UTTC requires the employee to provide a new medical certification in each new FMLA leave year.

6-7 Bereavement Leave

Full-time regular employees will be granted 24 hours of paid bereavement leave after the loss of a close relative. Close relatives are defined as husband, wife, domestic partner, father, mother, father-in-law, mother-in-law, grandfather, grandmother, great grand father, great grand mother, son, son-in-law, daughter, daughter-in-law, uncle, aunt, nephew, niece, brother, sister, brother-in-law, sister-in-law, first cousin, step parents, step brother, and step sister. The employee may use available personal or annual leave if additional leave is required.

6-8 Witness Duty

Full-time regular employees will receive paid leave upon receipt of notification to appear in court as a witness. Employees must notify and provide a copy of the witness summons or subpoena to their supervisor.

6-9 Jury Duty

Full-time regular employees will receive paid leave upon receipt of notification to serve on a jury. Employees must notify and provide a copy of the jury summons or subpoena to their supervisor.

6-10 Wellness

UTTC understands the importance of and is committed to the health and well-being of all employees. All employees have the opportunity to use 30 minutes per day for campus based wellness activities at appropriate times during working hours with their supervisors’ approval.

The college will actively communicate nutrition education, physical activities, prevention methods and various ways to provide physical, mental, spiritual and emotional well-being.

UTTC Land Grant Extension has registered dietitians on staff to assist with your nutrition needs. See all the resources available at <http://www.uttcc.edu/landgrant>.

The Health Promotion Center and Certified Personal Trainers, located in the Lewis Goodhouse Wellness Center, offers a variety of classes, training programs, and group activities. The Health Promotion Center has a calendar for each month. Please see the UTTC website at <http://uttcc.edu>.



6-11 Education Assistance Program

United Tribes Technical College (UTTC) is committed to recruitment, employment, and retention of quality faculty, staff, and administration. UTTC established the following educational assistance programs to foster UTTC’s eligible employees’ professional growth and development: I. Tuition Waiver Program; II. Advanced Degree Tuition Support; III. Fellowship and Grant Support; and IV. Advanced Degree Incentive Program.

I. Tuition Waiver Program

Full-time employees may attend classes at UTTC tuition free. The employee must coordinate release hours with their supervisor to ensure hours spent on coursework will not interfere with their normal job duties.

Employees enrolled in the Tuition Waiver Program will be allowed up to six (6) credit hours of release time per week per semester during the regular academic year, and three (3) credit hours during the summer session, to complete their coursework if the course falls within working hours. Employees must be on campus for these hours and will not be required to clock out or use annual leave.

The employee must be continuously employed for a period of one year by the last day to add/drop for the semester that the tuition waiver is submitted to be eligible for the Tuition Waiver Program. An employee's spouse or children living in the household are eligible to attend tuition free; however, they will be responsible for books and other fees designated by UTTC. The tuition waiver will only be valid for a terminated employee, their spouse, and/or any children living in the household for the semester that the voluntary or involuntary termination occurs.

The tuition waiver will cover only one program of study (certificates, associates, or bachelor's) at each level for eligible employees, their spouse, or dependents. The tuition waiver applies only to UTTC courses and programs. UTTC will not reimburse an employee for costs associated with earning a certificate, associate degree, or bachelor's degree from another institution.

The tuition waiver will cover tuition, books, and fees, for the employee for all passed credits in all semesters that a tuition waiver has been submitted if the tuition is paid directly to UTTC. A 'C' or above grade must be maintained to be eligible for the tuition waiver. Courses taken on a pass or fail basis must be completed with a "passed" grade. Non-graded courses graded satisfactory or unsatisfactory must be completed with a "satisfactory" grade. The tuition waiver will not cover failed, dropped, or withdrawn credits, which may result in a bill to the employee.

The tuition waiver form needs to be completed and submitted to the Financial Aid office by 5:00 p.m. on the last day to add/drop courses for the semester. Please contact the Financial Aid department for further details or to obtain the Tuition Waiver Form.

II. Advanced Degree Tuition Support (ADTS)

For this policy, Advanced Degrees apply to baccalaureate, masters, and doctoral degrees not offered by UTTC but necessary to meet accreditation, program, or department specific requirements of the institution.

A. Unmet Financial Need.

UTTC regular full-time employees enrolled in undergraduate or graduate schools offered through a regionally-accredited institution are eligible for ADTS

to assist with covering unmet financial need. Unmet financial need is defined as outstanding balances for tuition, books, and fees, not covered by all other financial assistance options such as assistance from an Indian tribe, tuition waivers, diversity waivers, scholarships, fellowship grants, GI benefits, but excluding subsidized and unsubsidized student loans. Employees must make use of all funding opportunities available to them before UTTC can determine an unmet financial need.

B. Eligibility.

Employees who receive tuition support from UTTC to offset the costs of enrolling in one bachelor's, master's or PhD program will not be eligible to offset the costs of enrolling in a second degree of the same level. A "C" or higher for undergraduate and a "B" or higher for graduate school is the minimum grade requirement for eligibility to participate. Employees that receive specific credential focused funding such as the Mellon Faculty Development fellowships or similar grant opportunities will not be eligible to participate in the ADTS program (See III, C. Fellowship and Grant Support).

C. Funding Availability.

Academic terms are defined as fall, spring, and summer semesters. The amount of support will be based on the number of faculty and staff participating in the ADTS program and funding availability for tuition support. Employees may receive only a partial support of their total unmet financial need up to a maximum of \$1,000 per semester. Tuition support provided to each employee will be calculated based on funding availability for the academic year and the number of participants in the tuition support program. For example: if a total of \$6,700 is available and there are ten (10) employees participating in the ADTS program, then each employee would receive \$670 in tuition support. The ADTS program will be suspended in the event funding becomes unavailable. UTTC reserves the right to modify or terminate the ADTS Policy at any time and for any reason.

D. Advanced Degree Tuition Support Application.

Employees must complete and submit an ADTS application to the Human Resources office prior to the established semester deadlines. The tuition support application must include a statement of account summary showing the cost of the course(s), books, and fees, and amount of aid, if any received to assist with covering these costs. Subsidized and unsubsidized federal loan information does not need to be included. An unofficial transcript or grade report indicating the grade(s) earned must also be included. An employee will only receive tuition support from UTTC after providing proof of successfully completing each semester. Falsification or misrepresentation of academic or financial information will result in the denial of tuition support and will be grounds for disciplinary action in accordance with UTTC policies and procedures, up to and including termination.

E. Application Deadlines.

The Advanced Degree Tuition Support Request Form

and supporting documentation must be received at the Human Resources Department by the following dates each Semester/Quarter:

- Fall semester: January 10th
- Fall Quarter: January 10th
- Spring semester: May 19th
- Winter and Spring Quarters: May 19th
- Summer Quarter: September 10th

Applications received after the due dates for each semester will not be accepted. The employee may submit their late application at the next deadline.

F. Separation of Employment.

Faculty and staff who discontinue employment at UTTC for any reason will not be eligible for ADTS for courses in which he or she is currently enrolled.

G. Taxability of Support. ADTS is subject to federal tax regulations.

The employee is responsible to discuss tax liability with their tax advisor. UTTC does not offer tax advice and any communications with UTTC shall not be construed as tax advice regardless of the nature and content of such communications.

H. Release Time.

Employees enrolled in an Advanced Degree program of study are allowed up to six (6) hours of release time per week to attend classes if the course is offered during working hours. Employees are not required to clock out or use annual leave. The employee must have supervisor approval to ensure classes will not interfere with their normal job duties.

III. Fellowship and Grant Support

UTTC is aware and supportive of a variety of fellowships and grant funding specific to enhancement of employee credentials:

- Funds may be paid directly to the employee outside of UTTC; thus, UTTC has no authority over the administration of those funds although UTTC may have provided a letter of support and payback may be required of the employee to the Institution.
- The employee may also receive a grant that requires UTTC to administer the funds to the employee per the guidelines of the grant, which again, are specific to the recipient's education enhancement. In both these cases, full education costs are allowed.
- Employees that receive specific credential focused funding such as the Mellon Faculty Development fellowships or similar grant opportunities will not be eligible to participate in the ADTS program.
- Institutional support type grants and contracts focused on operations and allow for professional development, but not credential building (tuition and other associated costs) will follow the \$1,000

maximum amount. In these cases, and if allowed by the funding source, the employee will submit an Electronic Purchase Requisition (EPR) from the funding source for \$1,000 to the institution they are attending.

IV. Advanced Degree Incentive

Full-time regular employees who have been employed for 12 months after receiving their degree are eligible for a one-time per degree level advanced degree incentive. Employees who have earned an advanced degree from a regionally accredited institution of higher education while employed with UTTC in the area for which they are currently employed must complete and submit the Advanced Degree Incentive Request Form with supporting documentation to their supervisor 30 days after completing 12 months of employment. The Advanced Degree Incentive is subject to federal tax regulations. The employee is responsible for discussing tax liability with their tax advisor. UTTC does not offer tax advice and any communications with UTTC shall not be construed as tax advice regardless of the nature and content of such communications.

The incentives for each degree level are as follows:

- Associate degree ... \$1,000
- Bachelor degree \$2,000
- Master's degree \$3,000
- Doctorate degree ... \$4,000



6-12 Lactation/Breastfeeding

Work can be an inhibiting factor in the duration that a mother will breastfeed a child. When employees and students are able to nurse or pump while at work or school, less absences are recorded and there is less job turnover.

A designated room (with working outlets, lights, and a usable lock) will be available to all staff, faculty, and students for purposes of nursing or pumping breast milk.

- The space will allow for privacy, safety, and cleanliness. The space will not be a restroom or toilet stall.
- A source of clean running water will be available near the designated room to allow for washing hands and equipment.
- Employees and students will provide their own cooler or storage containers for appropriate storage of expressed milk.
- Flexible break times will be allowed for expression of milk.

On UTTC campus the designated areas are: Lewis Goodhouse Wellness Center and Skills Center. Please see Director for available rooms.

Full-time regular employees may be allowed to bring their infants to work until three months of age if:

- The mother is providing her infant breast milk
- The supervisor deems the policy fits the needs of the department
- The work area is assessed as safe for the infant
- Presence of the infant does not interfere with the mother's job duties
- Infant diapers are removed from the work site daily
- The situation is re-evaluated monthly to ensure appropriateness for UTTC, the mother, and the infant

This policy will remain flexible and interpreted on an individual basis.

6-13 Special Events

UTTC International Powwow, Tribal Leaders Summit, Legends Softball Tournament, Golf Tournament, Thunderbird Run, and other Cultural Activities

- The United Tribes International Powwow, Tribal Leaders Summit, Legends Softball Tournament, Golf Tournament, Thunderbird Run, and other Cultural Activities are established institutional events of UTTC.
- Employees are asked to work during these events to make them a success.
- The work time required is a minimum of 8 hours. If an employee wishes to work more than 8 hours up to a maximum of 24 hours, the additional time must be approved in advance by the employee's supervisor and the appropriate event coordinator. Overtime pay is appropriate for non-exempt employees and should be a budget consideration by the supervisor when approving additional time.
- Non-exempt employees that work more than 40 hours will be compensated at one and one-half times their regular pay rate. See Section 5-6 Wage and Work Conditions for information on overtime.

- Non-exempt employees who work beyond the approved time by the supervisor will be considered volunteers and will not be compensated for any additional time
- Exempt employees that work before or after their normal work hours will receive *special events leave*, up to 24 hours by recording their name and time(s) with the appropriate event coordinator.
- Exempt and non-exempt employees that work during their normal working hours will track those hours as "regular hours worked" and will not receive *special events leave*, but may meet the 8 hour work requirement.
- *Special events leave* must be used by December 31st of each year for 12-month employees and by the end of the academic year for 9, 10, and 11-month employees.

Graduation

- All faculty and appropriate administrative personnel are expected to participate in the Fall and Spring semester graduations.
- Cap, gown, and appropriate vestments should be worn by faculty and appropriate administrative personnel.
- Arrangements for rental or purchase of cap, gown, and appropriate vestments may be made at the UTTC bookstore.



6-14 Insurance Plans and Retirement

Full-time regular employees are eligible to participate in the following insurance plans:

- Basic term life insurance
- Basic accidental death and dismemberment
- Health insurance

- Dental insurance
- Vision insurance
- Voluntary term life insurance
- Voluntary accidental death and dismemberment
- Short term disability
- Long term disability
- AFLAC

New hired employees are eligible to participate in the various insurance plans, which will be effective the first of the month following the employee's date of hire. Employees have 30 days from their date of hire to make their elections.

Newly hired employees that decline to participate in the various insurance plans during the initial election period will be eligible to participate at a later date, e.g. qualifying event or open enrollment. The open enrollment effective date is January 1st of each year. Participation or the decision to waive the various insurance plans will need to be verified each year during open enrollment.

Insurance plans will terminate the end of the month from the last day of employment with UTTC or December 31st if dropped during open enrollment.

Insurance Premiums are deducted from the first payroll check of each calendar month for that month's Premiums; with the exception of Health Insurance which is deducted semi-monthly. During the second payroll check of February, March, and April, Insurance Premiums will be deducted to cover the summer months of June, July, and August for 9, 10 and 11 month Employees.

The Consolidated Omnibus Budget Reconciliation act (COBRA) gives workers and their families who lose their Health, Dental, or Vision insurance the right to choose to continue insurance(s) for limited periods of time under certain circumstances such as voluntary or involuntary job loss, reduction in the hours, transition between jobs, death, divorce, and other life events. Individuals that choose to participate in COBRA will need to contact the COBRA Administrator for details and will be required to pay 102% of the Insurance Plan(s) premium.

Retirement

UTTC has established a 403b retirement program that provides full-time regular employees the opportunity to save for retirement on a tax-advantaged basis. UTTC will match the employee's contributions as follows:

- At the beginning of the second (2nd) year of continuous employment, UTTC will match the employee's contribution up to a maximum rate of five percent (5%) of the employee's bi-weekly salary.
- At the beginning of the fifth (5th) year of continuous employment, UTTC will match the employee's contribution up to a maximum rate of six percent (6%) of the employee's bi-weekly salary.
- At the beginning of the seventh (7th) year of continuous employment, UTTC will match the employee's contribution up to a maximum rate of

seven percent (7%) of the employee's bi-weekly salary.

For full details of Insurance and Retirement Plans contact the Human Resources Department.

6-15 Military Leave

The Uniform Services Employment and Reemployment Act of 1994 (USERRA), 38 U.S.C. §§ 4301-4333, provides employment and reemployment rights for members of the uniformed services, including veterans and members of the Reserve and National Guard. Under USERRA, service members who leave their civilian jobs for military service can perform their duties with the knowledge that they will be able to return to their jobs with the same pay, benefits, and status they would have attained had they not been away on duty. USERRA also prohibits employers from discriminating against these individuals in employment because of their military service.



6-16 Employee Assistance Program (EAP)

Full-time regular employees and their dependents can utilize the EAP at no cost. The EAP is designed to provide short-term counseling, training, and resources for employees and their dependents who may be experiencing emotional, financial, drug, alcohol, marital, legal, or family problems. The EAP is available twenty-four hours per day, 365 days a year.

Employee participation in the program is voluntary and completely confidential. An employee or dependent may get contact information through their Supervisor or the Human Resources Department.

An employee may be referred to the EAP by his or her Supervisor, particularly if the problem(s) are affecting the employee's job performance. A Supervisor may mandate an employee to use the EAP as a condition of corrective action.



UNITED TRIBES®
TECHNICAL COLLEGE