

OGLALA LAKOTA COLLEGE



FACULTY & STAFF HANDBOOK

Oglala Lakota College
490 Piya Wiconi Road
Kyle, SD 57752

Faculty Acknowledgement of Institutional Responsibility Form

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

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

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

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

Printed Name

Signature of Faculty Member

Date

Oglala Lakota College
490 Piya Wiconi Road
Kyle, SD 57752

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

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

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

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

Printed Name

Signature of Staff Member

Date

President's Message

Thomas Shortbull
OLC President

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



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

From its initial status as a community college, Oglala Lakota has grown to now offer Baccalaureate degrees and a Master's degree in Lakota Leadership along with certificates and A.A. degrees. This last semester we saw a large increase in enrollment from 1,100-1,400 students to 1,400 students with a full-time equivalency of 900 students per semester.

Oglala Lakota College is a North Central Accredited college and its credits transfer to any college depending on each institution's particular method of how it accepts transfer credit.

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

Thomas Shortbull
President
Oglala Lakota College

Statement of Vision, Mission and Purposes

Vision Statement

Rebuilding the Lakota Nation through Education

Mission Statement

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

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

Tribal

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

Cultural

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

Academic

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

Community

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

Lakota Perspective and Values

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

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

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

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

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

(statement from the 2003 Oglala Lakota Self Study Report)

OLC BOARD OF TRUSTEES

December, 2014-16

Mailing Address **Home/Business** **Mailing Address** **Home Address**

FIANCE COMMITTEE

BOT PRESIDENT

Newton Cummings (h) 685-6490
P.O. Box 642
Martin, SD 57551

BOT SECRETARY

Denise Red Owl (H) 455-2505
PO Box 381 (C) 441-1957
Kyle, SD 57752 (W) 455-2000
deniseredowl@yahoo.com

BOT TREASURER

Anthony Wounded Head (C) 454-2966
PO Box 248 (W) 867-5236
Porcupine, SD 57772
tonywh@ogllala.org

Bennett "Tuffy" Sierra (h) 867-5965
P.O. Box 486 (c) 407-0701
Pine Ridge, SD 57770
tsierra@gwtc.net

PROGRAM POLICY

Joe American Horse (h) 867-1227
PO Box 941
Oglala, SD 57764

Donovan Young Man (C) 454-3890
PO Box 213
Oglala, SD 57764

BOT VICE PRESIDENT

Dennis Brewer (h) 867-5403
PO Box 368 (c) 899-1220
Pine Ridge, SD 57770
brewers@gwtc.net

Alice Perkins (H) 867-2069
PO Box 5073 (C) 407-7993
Pine Ridge, SD 57770 (W) 867-1841

Rebecca Lone Elk (c) 441-9827
PO Box 257
Oglala, SD 57764
rlone18149@olc.edu

PERSONNEL COMMITTEE

Gloria Coats-Kitsopoulos (C) 455-1681
PO Box 385 (W)455-1209
Martin, SD 57551 (C) 685-8409
Gloria.kitsopoulos@bie.edu

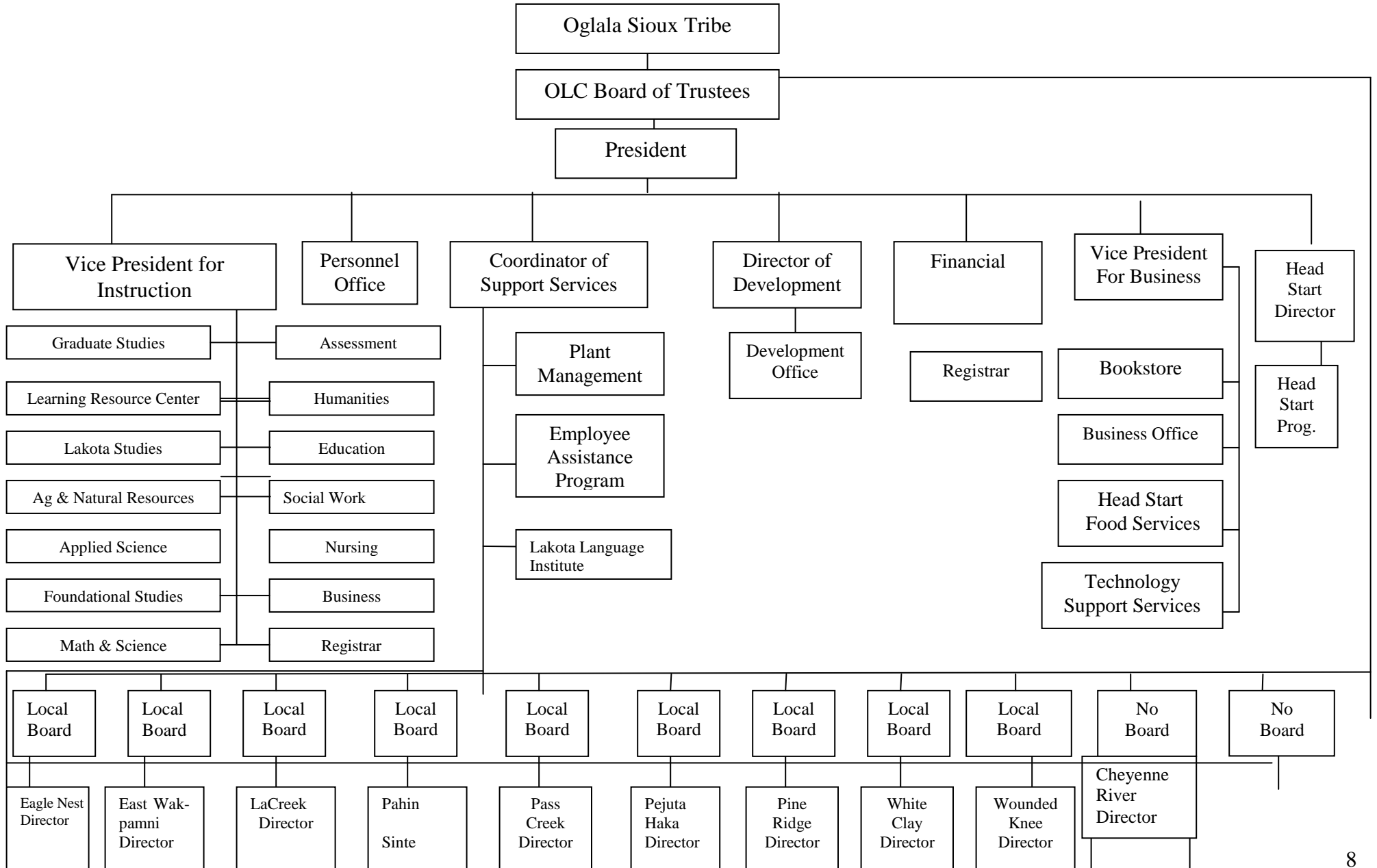
Pete Red Willow (C) 441-7674
PO Box 148 (H) 462-6556
Wanblee, SD 57577

Pheobe Tallman (h) 455-2498
PO Box 524 (w) 455-1209
Allen, SD 57714

Garfield Apple (C) 454-1426
PO Box 226 (H) 867-1169
Manderson, SD 57756

Revised 1-13-15

Oglala Lakota College ORGANIZATION CHART



62-400

PERSONNEL ORIENTATION AND SUPERVISION (POLICY)

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

FACULTY

FULL-TIME FACULTY - JOB DUTIES

- A. Full-time faculty salaries cover 20 pay periods per annum. Faculty may be awarded contracts from 1 to 3 years.

Terms of duty per annum begin two weeks before the fall semester begins until one week after spring semester ends. The term of duty ends at the end of make-up week if final grades are in, arrangements have been made for incompletes, and other required duties have been completed.

B. Standard Load:

1. Teaching: The standard load for full-time faculty at OLC will be: Five courses (15 credits) per semester with one preparation, or four courses (12 credits) per semester with two but not more than three preparations.
The nine-hour class, Ed 489 - Student Teaching, counts towards six (6) hours of a faculty load.
2. Preparation: faculty are expected to prepare 1-2 hours for every hour taught.
3. Faculty are expected to serve on a least one OLC standing committee
4. Faculty are expected to attend at Piya Wiconi on Fridays from 8:30 a.m. to 5:00 p.m. unless the chairperson of each department has approved a specific office schedule for full-time and adjunct faculty in their department.
5. Faculty are expected to keep office hours for all classes taught with a minimum of one hour per week per course in the district where the course is taught. Adjunct faculty, within the limits of their personal schedules, shall maintain one (1) office hour per week in the center where they teach for each class they teach.
6. Faculty are expected to serve as academic advisors during registration week. Academic advising which is connected with the registration process shall be handled as follows:
 - a. full-time faculty are assigned either to a specific district or to specific advising duties by the department chair each semester.
 - b. full-time faculty will work as academic advisors during the whole registration week on an 8:30 to 5:00 p.m. schedule.
 - c. full-time faculty will serve in an academic advisor role during such registration oriented activities as pre-registration and midterm grade counseling when scheduled

by the centers and registrar's office.

- d. All full-time faculty shall schedule at least three (3) hours of academic advising time in the center to which they are assigned. This is exclusive of advising time during registration. Exception may be made in the case of an overload.
7. Faculty are expected to research community service, to further the goals of OLC. In the event of an under load, as defined in B. 1. above, the instructor and department chair will negotiate a specific research or community service project to be completed by the end of the semester. An evaluation will be done on the project. A schedule for all faculty will be published early in each semester.
8. Time Keeping:
Fridays and non-class periods at the beginning and end of each semester, faculty will work from 8:30 to 5:00 p.m. with 1/2 hour for lunch.
9. Instructors' Office Scheduling (Policy from 73-012)
The Chairperson of each department shall determine the office schedule of instructors in their department according to the needs of that department except that:
 - a. All full-time instructors shall be scheduled in a college office site or sites as negotiated with the department chairperson.
 - b. The instructor shall be present for all scheduled meetings, of the department and college, including attendance at assigned committee meetings.

C. Overload:

If a faculty member teaches courses over and above the standard load, (see above) the full-time faculty member will receive associate faculty pay per credit hour. Full-time faculty will be limited to one three credit overload per semester.

D. Summer School:

The standard load for a summer session will be determined as follows: Instructors will be paid at the hourly rate stated in their contract using the following formula:

Hourly rate x (total contract hours + total preparation hours)

Preparation Hours: two hours of preparation time for each contract hour taught.

Example: A faculty member who earns \$12 per hour (contract rate) would be paid the following for a three-credit hour course:

$\$12 \times (45 \text{ contract hours} + 90 \text{ preparation hours})$

$\$12 \times (135 \text{ hours}) = \$1,620.00$

Scheduling for summer school must consider preparation hours as well as contract hours when determining total class length.

64-800

STAFF/FACULTY CONSULTING (POLICY)

- A. Oglala Lakota College recognizes that professional growth of its staff members includes performing in consulting roles for the college, for the Pine Ridge Reservation agencies, and for organizations external to the college or the reservation.
- B. In order to ensure that the best interests of the college are protected, the administration shall develop a set of guidelines to be followed by employees in performing consultative work.
- C. Full time faculty are allowed up to 5 days a semester for consulting, provided:
 - a. The Department chair has been notified and approves.
 - b. All classes and other duties are covered.
 - c. The consulting will benefit the professional development of the individual and OLC.

64-800-1

STAFF/FACULTY CONSULTING (PROCEDURE)

Guidelines

1. OLC faculty and administrators may be compensated above base salary for consulting work under the following conditions:
 - a. consultation is across departmental lines;
 - b. work performed is in addition to his/her regular departmental workload;
 - c. the vice-president from who division the consultant is drawn indicates permission based on (a) and (b) above and that consulting will not interfere in scheduled duties.
2. OLC faculty and administrators may be assigned to consulting activities as part of their duties in which case no additional compensation will be provided but the consultant's workload will be reduced to permit the consulting duties.
3. Consulting for Oglala Sioux agencies or organizations is encouraged and administrative leave may be granted to OLC members in which case any compensation provided to the employee must be given to the college as dual compensation is not permitted.
4. Administrators or faculty members may consult for agencies or organizations not affiliated with the Oglala Sioux Reservation up to __ days per annum with administrative leave being granted. It is understood that per diem and other expenses associated with the consulting duties are not the responsibility of the college.
5. Any OLC employee agreeing to perform consulting work or being assigned to consulting

duties by the college must file a report on the duties performed, compensation and nature of time involved with the appropriate vice-president.

6. Any OLC employee wishing to perform consulting duties must receive permission from his/her immediate supervisor and divisional head. Requests should include detailed descriptions of the work to be performed and a description of how the consulting can be done while normal duties are being performed.

62-450

HOURS OF DUTY (POLICY)

A. Support Staff

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

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

LEAVE

64-100

BOT 12-02, 8-21-03, 11-24-03, 12-20-03, 12-25-05

SICK LEAVE (POLICY)

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

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

1. Notification of Illness

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

2. Advanced Sick Leave

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

3. Limit Per Contract Year on Advanced Sick Leave

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

4. Donated Sick Leave

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

- a. Request must have doctor's statement attached for the period employee will be off work due to an illness.
- b. Employees must use up their annual and sick leave before they can request donated sick leave.
- c. Donated sick leave is for sick leave in excess of 10 days only.

- d. Donated sick leave is restricted to 40 days per contract year. After the forty days, the employee must apply for OLC disability insurance plan.
- e. Only OLC employees who have excess of 80 hours of sick leave can donate

64-140

LEAVE WITHOUT PAY (POLICY)

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

64-160

ABSENCES WITHOUT LEAVE (AWOL) (POLICY)

Unauthorized absence shall be charged as absence without leave (AWOL). No salary will be paid for unauthorized absences. Absence without leave will be cause for disciplinary action by the President upon initiation by the supervisor.

64-320

FAMILY LEAVE (POLICY)

A. Maternity Leave:

Employees will report pregnancy as soon as possible so health can be safeguarded and plans can be made for temporary replacements. Maternity Leave shall not exceed 40 working days (8 weeks). Maternity leave must be taken immediately following pregnancy. Maternity Leave is separate from annual and sick leave and will be compensated at the employee's regular salary. To be eligible for maternity leave, an employee must successfully pass the probationary period.

B. Paternity Leave:

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

64-330

SUN DANCE LEAVE (POLICY)

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

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

Employees wishing to apply for Sun dance leave must submit to their supervisor a request for a specific number of days, at least two weeks in advance, along with an explanation of the

degree of participation. The supervisor and employee will determine that the duties of the employee will be fulfilled, and that notification has been made in sufficient time for those duties to be fulfilled.

64-340

BEREAVEMENT LEAVE (POLICY)

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

64-350

JURY LEAVE (POLICY)

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

64-400

Revised BOT 1-20-05, BOT 9-20-07

ANNUAL LEAVE (POLICY)

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

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

1. Honorable military service of at least twenty-four (24) continuous months, properly supported and documented, shall be creditable as employment by Oglala Lakota College for the purpose of computing annual leave earned. Annual Leave is earned from the date of appointment.

2. This policy of accrual of annual leave will not affect those employees on staff upgrade.
3. No employee shall earn annual leave on the basis of employment at any agency other than the College.
4. Temporary and intermittent employees shall not earn annual leave nor part-time employees working less than half-time.
5. In the first ninety (90) days of the probationary period, a new employee may not use accrued annual leave. When a current employee is hired for a new position within the college, he or she is placed on probationary status related to the new position. During this probationary period, however, the employee will not lose the right to use annual leave already accumulated during employment in the previous college position.
6. Contract employees may carry forty (40) hours of unused annual leave over into the next contract year. Career employees may carry annual leave accrued into the next fiscal year. A career employee terminated or released may receive his annual leave as a lump sum payment.
7. Full-time faculty do not earn annual leave. However, full-time faculty will be allowed 5 days of personal leave per semester. This leave must be approved by the department chair of the faculty member before the leave is taken. If classes are missed, they must be made up. Classes missed and not covered will cause a deduction in pay at an approved rate. Faculty members who move to a staff position may carry over a maximum of 40 hours of their personal leave to annual leave.
8. Annual Leave and personal leave must be approved in advance by the supervisor and may be denied if working conditions do not permit the absence of the employee without jeopardizing the work.
9. When an employee leaves a staff position to accept a faculty position, sick leave can be carried forward to a new contract but annual leave not used prior to the end of a staff contract cannot be carried forward and is lost.

64-600

Revised 12-17-05

HOLIDAYS (POLICY)

- A. Except faculty members, student interns/part-time employees and work study, Oglala Lakota College permanent full time employees, janitors and employees who are in a temporary appointment in a permanent position shall be entitled to take time off without decrease in compensation on:

New Year's Day (January 1)

Martin Luther King Day (3rd Monday in January)
President's Day (February)
Good Friday
Memorial Day (May)
Battle of Little Big Horn (June 25)
Independence Day (July 4)
Labor Day (1st Monday in September)
Veterans Day (November 11)
Thanksgiving Day and the Friday following (November)
Christmas Eve Day (December 24)
Christmas Day (December 25)
Day after Christmas (December 26)
New Year's Eve Day (December 31)

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

64-700

COMPENSATORY TIME (POLICY)

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

- E. Compensatory Time policy does not apply to the President, Vice-Presidents, Faculty, Director of Centers or Programs, the Registrar, or Financial Aid Director.

64-500

SABBATICAL LEAVE (POLICY)

A. Definition

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

B. Compensation

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

C. Requirements

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

64-500-1

SABBATICAL LEAVE (PROCEDURE)

- A. The employee must submit a formal plan detailing the research, course of study or other experience to the employees' immediate supervisor no later than the end of the fall

semester of the academic year preceding the year for which sabbatical leave is requested.

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

EMPLOYEE BENEFITS

62-220

BOT 12-21-02, 5-22-03, 6-29-06, 09-04-08

EMPLOYEE BENEFITS (POLICY)

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

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

Current Benefits

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

Current fringe benefits are 30% of the gross salary and include Social Security and Medicare as a required federal deduction, along with unemployment insurance as required by state law. OLC requires 4.5% from the 30% go into an insurance pool to support an employee health plan. Employee life insurance and disability are OLC mandated coverage for employees from their fringe. You are eligible for life insurance and disability when all the completed paperwork is received by the Personnel Office.

The following are optional benefits: Health Insurance, Vision Care, Prescription Drugs, Family Life Insurance, Dental, and Retirement Plan. You are eligible for employee health insurance, vision, dental and family life insurance when all the completed paperwork is received by the Personnel Office. Employees are not eligible for retirement or annuity plans until they have completed and passed their probationary period and all the properly completed paperwork is received by the personnel office. For the retirement and annuity plans, it is the employee's responsibility to return all forms to the personnel office before the end of their probationary period. Failure to return the documentation will mean a loss of the benefits until the open enrollment period except for retirement and annuity plans. The optional benefits will take effect the month following receipt of the properly filled out required forms.

Benefits for existing employees can only be change/added/deleted during the open season in September with the exception of the TIAA Retirement accounts. An employee may begin contributions at any time. The matching contribution will not begin until an employee has been employed with OLC for one contract year. After the year OLC will match the employee contribution 100% Employees are able to contribute in accordance with approved BOT scale

for retirement matching.

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

The employee's years of service must be verified through personnel before contributions will begin.

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

67-300

BOT 12-21-02

PERSONNEL DEVELOPMENT (POLICY)

Administrative Professional Staff

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

Staff Development

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

67-300-1

BOT 06-29-2006

PERSONNEL DEVELOPMENT (PROCEDURE)

A. Definition

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

1. Tuition Waivers

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

If any other financial aid is awarded to the student for the semester, including scholarships, it will first be applied to non-tuition costs (other fees). Any remaining financial aid will be applied to tuition cost with the balance being waived.

(BOT 6-26-03)

2. In-Service

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

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

4. Educational Leave

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

necessitate leave.

B. Purpose

The purpose of staff development is threefold:

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

C. Priorities

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

D. Eligibility

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

E. Contractual Agreements

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

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

F. Authority and Responsibility

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

G. Remuneration

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

67-400

STAFF AWARDS (POLICY)

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

67-600

EMPLOYEE GIVING (POLICY)

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

EMPLOYEE ASSISTANCE

69-100

EMPLOYEE ASSISTANCE PROGRAM (POLICY)

PHILOSOPHY

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

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

69-100-1

EMPLOYEE ASSISTANCE PROGRAM (PROCEDURES)

A. Employee Assistance Program

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

B. Procedures for Dealing with Troubled Employees

1. Employee Assistance Program Responsibility

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

- i. Provide counseling or referral of employees to appropriate course of intervention.
- ii. Maintain documentation of all contacts, contracts, assessments, and referrals.
- iii. Train supervisory staff and update all personnel concerning Employee Assistance Program services.
- iv. Mediation of inter-personal conflicts that interfere with work performance.

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

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

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

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

d. Work performance monitoring and referral.

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

e. Referral to in-patient treatment

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

2. Other Considerations.

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

EMPLOYEE ACTIVITIES

68-500

PROFESSIONAL PUBLISHING (POLICY)

A. Professional Publishing

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

68-600

PROFESSIONAL PUBLISHING - COPYRIGHTS (POLICY)

A. Professional Publishing - Copyrights

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

67-200

POLITICAL ACTIVITIES (POLICY)

1. A college employee shall not be obliged, by reason of their employment to contribute to any political fund, or collections or to render such political services and may not be removed or otherwise disciplined or prejudiced for such refusal. A college employee shall not use his/her official authority or influence to coerce the political action of a person or group.
2. Employees, when exercising their First Amendment freedoms, must be sure to separate themselves from association with the college.
3. Oglala Lakota College does not take positions on political issues involving the tribal government or United States government but it does encourage debate on issues.

GOVERNANCE

35-000

PIYA WICONI OKOLAKICIYE / COLLEGE LEGISLATURE (POLICY)

A. Purpose of PWO

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

B. Specific Functions of PWO

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

GRIEVANCE POLICY & PROCEDURES

65-500

EMPLOYEE COMPLAINTS AND GRIEVANCES POLICY

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

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

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

65-500-1

04-27-2006

EMPLOYEE COMPLAINTS AND GRIEVANCES (PROCEDURE)

A. Definitions

1. Grievance: Any written claim alleging a violation, misrepresentation or inequitable application of any college policy, procedure or established practice regarding terms and conditions of employment

The grievance shall contain the following information:

1. Reference to the section or sections of the Personnel Policies alleged to be violated, if any;
 2. A statement describing the circumstances surrounding the alleged violation;
 3. The remedy requested; and
 4. The signature of the grievant and the date the grievance was filed.
2. Grievant: An employee of the college allegedly aggrieved and making a claim for redress (similar grievances or complaints may be consolidated and processed together as a single issue as appropriate).
 3. Hearing Officer: A professional hearing officer who will be the final arbitrator of the employee grievance. A Hearing Officer is contracted through a solicitation of attorneys and college and school administrators who have had experience with

employee grievances. If the college has a pool of hearing officers, the Hearing Officer shall be selected through a random process. A format for the hearing before the Hearing Officer will be provided to the grievant.

4. Hearing Committee: Five (5) employees selected by the President to formally hear complaints and grievances brought by an employee that have not been resolved through informal procedures. Members selected by the President to serve on the Hearing Committee shall be from different programs or departments and shall include 2 picked by the grievant, 2 picked by the respondent and 1 mutually agreed on by the previous 4 appointees. Conduct of the hearing shall be governed by rules established by the President and members of the Hearing Committee prior to the hearing.
5. Personal Relief: A decision from the Hearing Committee to the President regarding a specific remedy directly benefiting the grievant. Personal relief may include a request for back pay if the employee has been suspended or terminated and is requesting reinstatement, but will not include a request for damages.
6. Respondent: Any person or persons named in the grievance as having caused or contributed to the grievance.
7. Party in Interest: Any person or persons who may be required to take action in order to resolve the grievance.
8. Representative: Any individual selected by the grievant to act for, on behalf of, or to assist the grievant.

B. Stage One – Informal Grievance Procedure

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

<u>Responsibility</u>	<u>Action</u>	<u>Time Limit *</u>
Grievant	Must notify immediate supervisor of grievance in writing.	5 business days * from occurrence
Supervisor	Provide a private conference with appropriate parties of interest	3 business days * from notification
Supervisor	Document decision and provide to grievant and respondent and	2 business days * from private conference

advise them of formal grievance procedures if they feel the issue is not resolved.

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

C. Stage Two - Formal Grievance Procedure

If the decision of the immediate supervisor is deemed unsatisfactory by the grievant or the grievant waived stage one with supervisor concurrence, the grievant may request a hearing by committee.

To request a hearing the following apply:

Step 1 - Hearing Committee – If the grievant and administration both agree, the grievant may waive Step One of Stage Two and go directly to the Hearing Officer.

<u>Responsibility</u>	<u>Action</u>	<u>Time Limit</u> *
Grievant	File a written grievance for Hearing Committee Review with the President or President Staff	5 business days * from decision of stage one or incident if stage one waived.
President	Provide a hearing with the Hearing Committee	10 business days * from receipt of written grievance
Hearing Committee	File a written decision with the President	2 business days * from hearing
President	May veto for good cause or approve and issue appropriate memo to grievant and parties of interest	5 business days * from receipt of decision

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

Step 2 – Hearing by Hearing Officer

If grievant/respondent is not satisfied with the decision from Step 1 they may appeal for a final hearing before a Hearing Officer.

<u>Responsibility</u>	<u>Action</u>	<u>Time Limit</u> *
Grievant/Respondent	File written appeal to the President or President's Staff requesting a hearing before a Hearing Officer shall be accompanied by a short and specific statement giving the reason for the appeal.	5 business days * from receipt of memo from the president.
President	Select Hearing Officer and set up hearing with Hearing Officer	10 business days * from written receipt of request before Hearing Office
Hearing Officer	Hold Hearing	Earliest time available not to exceed 15 business * days.
Hearing Officer	Written decision of the Hearing Officer	7 business days * from Hearing

The decision of the Hearing Officer is final and is binding upon the administration and the grievant. If the employee was suspended without pay and is subsequently reinstated, the Hearing Officer may determine if any back pay will be paid for the period of the suspension.

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

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

Conduct of Hearings: The conduct and procedure followed by the Hearing Committee and

the Hearing Officer shall be initiated by the college. Sufficient records should be kept to back up decisions and be passed on to the next level if appealed.

67-100

EMPLOYEE PROTECTION (POLICY)

A. Employee Protection

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

EMPLOYMENT

61-250

HIRING OF PERSONNEL (POLICY)

A. Responsibility for Personnel Action

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

B. Employment of Qualified Personnel by OLC

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

61-250-1

10-05-2005, 3-22-07

HIRING OF PERSONNEL (PROCEDURE)
(SEARCH AND SCREEN)

- A. Applicability: The search and screen procedures, as defined in this section, are applicable to those major positions of the college, namely: the Executive Vice-President for Community Services and Student Development; the Vice-President for Instructional Programs; the Vice-President for Business Affairs; the Director of Institutional Development, and the President. In addition, the Board may feel that the filling of another position other than that described above is crucial enough to warrant the application of search and screen procedures. The board, in this case, may direct that search and screen procedures be applied to that particular position.
- B. Deadlines: Immediately upon the vacancy of one of the above positions, that President or other executive officer shall initiate search and screen procedures as defined in this section. Vacancy announcements shall be distributed according to guidelines as defined in this handbook. The Personnel/Grievance Committee shall be called together for the purpose of appointing a Search and Screen Committee. Due to the difficulty sometimes encountered in filling key positions, reasonable time shall be allowed the Search and Screen Committee to submit a list of potential candidates. For those positions for which other executive office shall recommend to the Board at their next regular meeting, that search and screen procedures be initiated for the position in question. Along with the recommendation for search and screen procedures be initiated for the position in question. President or other executive officer shall submit a list of potential search and screen committee members from which the Board will appoint a search screen committee if they decide to initiate such procedures.
- C. Search and Screen Committee:
1. Membership: The committee shall be comprised of six (6) members chosen in the following way: two program directors or supervisors; two teaching faculty; one center director; one student; both of the major divisions of the college must be represented; the program directors or supervisors may not be from the same division; the teaching faculty may not be from the same department; the student shall be an active student enrolled either part-time or full-time. As soon as possible after appointment, the committee shall convene for the purpose of initiating search and screen procedures. A chairman will be appointed from among and by the members. The responsibility of the chairman shall be to facilitate the meetings and coordinate the functions and responsibilities of the committee.
 2. Responsibilities: The major responsibility of the committee shall be to complete a list of potential candidates for the position candidates for the position in question. The committee may utilize those means of recruiting applicants that it deems essential to accomplishing the task. Care should be exercised, however, to insure that such means are within policies and guidelines of the college and within the limits of availability of financial resources.

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

3. **Candidates:** Potential candidates shall be those who have responded to the vacancy announcement and those who have been recruited by the committee by whatever means they may have devised. Candidates shall be considered based solely upon the requirements and responsibilities of the position in question. Sincere efforts shall be made to recruit Indian people, preferable local, who meet the requirements. The committee shall utilize as a guideline in recruiting candidates, the vacancy announcement and job descriptions specifically related to the position in question. In addition, the committee may enumerate other criteria which it deems essential to the position and which are not listed on the vacancy announcement or job descriptions. Those candidates or applicants who do not meet minimum requirements of the position shall not be considered. The committee shall, upon recruiting and interviewing candidates and applicants, submit recommendations to the appropriate supervisor and personnel/grievance committee. The committee shall list all applicants and candidates (providing all meet minimum requirements) in order of preference enumerating specifically (utilizing the criteria of the position) why the individuals are ranked where they are.

4. **Background Check:** An applicant for employment with Oglala Lakota College may have a federal background check completed prior to a search and screen committee considering the applicant.
Applicants for the Oglala Lakota College Head Start Program must have a tribal records check and a National Criminal History Check completed. The Oglala Lakota College Head Start Program will pay for the cost of the Background investigation for the selected applicant only. The search and screen committee has the discretion to not forward a recommendation to the President based on an applicant's background check.
An applicant for the Head Start Program shall not be considered for employment if the applicant has a felony conviction for theft, any conviction for child abuse and neglect, or any violent felony conviction.

5. **Substance/Alcohol Abuse:** When an applicant is selected by the Board of Trustees, they will receive a temporary appointment until the drug test results come back to the OLC Personnel Office. If an applicant fails the drug test, their employment with Oglala Lakota College ends immediately. If an applicant passes the drug test, their employment with Oglala Lakota College becomes permanent and retroactive back to the date of the temporary appointment. Current employees applying for different positions within OLC are subject to pre-Employment testing. For the applicant who fails the drug test, they may reapply after 45 days for unfilled vacant positions within the college. Those applicants who have failed an initial drug test and then are hired after the forty five days waiting period will again take a pre-employment drug test and then be randomly drug tested every month for one year. Thereafter, they drug test twice each year. An employee who fails the initial drug test and then fails a second time during their permanent employment shall be immediately terminated.

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

61-420

06-01-2006

NEPOTISM (POLICY)

A. Relatives of Board Members Applying for College Positions

1. The college recognizes that on the Pine Ridge Reservation a majority of the Indian people are related to each other. This poses a problem to the college because a number of qualified applicants are denied a job opportunity if the college does not allow a Board relative to apply.
2. Therefore, the Oglala Lakota College hereby makes it an official policy to allow relatives of the Board of Trustees to apply for college positions with the following provisions:
 - a. If a relative of a Board member applies for a college position, the Board member must remove himself from the deliberation on the selection of a relative applying for a college position.
 - b. In the event more than one Local Board member has a relative applying for a position, selection should be deferred to a committee at Piya Wiconi.** The voting on the selection will be by secret ballot.
3. For purposes of this part a relative means **first degree relatives:** father, mother, husband, wife, brother, sister, son and daughter, **father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, step-father, step-mother, step-son, step-daughter, step- brother, step-sister, half-brother, half-sister, niece, nephew, grandmother, grandfather, and first degree cousins.**
4. Realizing that there are other relationships that are important in the Indian culture, Board members are encouraged to remove themselves from the

selection procedure at any time they feel they cannot be objective.

5. Oglala Lakota College shall allow relatives of staff members to apply for college positions with the following exception:
 - a. No person/employee shall be hired, promoted or transferred within any department of the College in which his/her relative is a staff member.

B. Board Members Applying for College for College Positions.

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

61-500

REASSIGNMENT (POLICY)

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

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

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

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

61-600

BOT 5-29-02, 6-27-02, 3-22-07

PERSONNEL PROBATION (POLICY)

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

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

probationary period if an evaluation has not been completed. Dismissal during the probationary period can not be grieved prior to the mid point and after the midpoint it can not be grieved if the evaluation has been completed.

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

62-100

6-29-06 thru 7-29-13

EMPLOYMENT CONTRACTS (POLICY)

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

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

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

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

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

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

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

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

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

62-100-1

BOT 03-31-11

EMPLOYMENT CONTRACTS (PROCEDURE)

The following procedures are in effect regarding staff contracts:

1. Staff recommendations are approved by the Board of Trustees beginning in March for the following contract year.
2. Contracts and work schedules are negotiated and executed by July 1, the beginning of the new contract year. Headstart/Early Headstart contracts will include the following in their contract: Your pay will be spread over 26 pay periods. If you are on a 21 pay period contract, 10% of your wage will be set aside for payments to you while you are off contract. If you are on a 24 pay period contract, 5% of your wage will be set aside for payment to you while you are off contract.
3. Copies of the executed contracts and work schedules are to be filed with the appropriate supervisors and staff.
4. Copies of the executed contract form excluding work schedule are to be filed with the Business Office to authorize payment.
5. Copies of the executed contract form and work schedule are to be filed with the Personnel Director. The main functions being to coordinate personnel recruitment and to act as a central file for personnel information (to address external audit concerns in addition to meeting our own needs). The Institutional Development Office also needs access to this type of information for human resource planning and other institutional development purposes.
6. Evaluations and subsequent personnel decisions, e.g. termination, contract renewals and salary raises will be based upon these fully executed forms.
7. Work Expectation Form (WEF):
Before the commencement of each contract year, the employee and supervisor will negotiate a Work Expectations Form (WEF) containing the following elements:
 - a. knowledge and support of OLC mission
 - b. knowledge and support of OLC goals
 - c. division objectives

- d. program/department/center objectives
- e. specific job/position/objectives
- f. specific performance/policy expectations, e.g. punctuality, attitude, etc.
- g. professional development
- h. individual objectives (personal interests)

8. At mid-year (January) and end of the year (June), employees' work performance will be evaluated according to the negotiated work schedule. Work Expectation Forms (WEFs) are available from the Personnel Director.

65-200

Revised 5-11-05

BOT 6-29-06

SEPARATION POLICY

A. Policy.

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

B. Scope.

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

C. Definitions.

1. Forced Reductions. Forced reductions result from the elimination of positions or programs due to major budget constraints. Forced reductions do not constitute negative personnel action, and recall privileges are provided if adequate funding support becomes available. A recall privilege is the privilege of an employee subject to a forced reduction to return to the position held at the time of the forced reduction. CROSS REFERENCE: 65-250
2. Elimination of Positions. Positions may be eliminated due to budget constraints, or programmatic needs.

3. Dismissals. Dismissals are adverse personnel actions taken for staff improprieties and/or personal misconduct. Dismissal means the termination of all pay and benefits from a given date and forward. CROSS REFERENCE: 65-200
4. Non-Renewals. Non-Renewals of employment contract may be taken for either: 1) inappropriate personal behavior or misconduct; 2) forced reductions stemming from inadequate budgetary support; 3) unsatisfactory performance; or 4) elimination of positions.
5. Suspension. Forced leave without pay.

D. Authority.

With the exception of Oglala Lakota College's President, it is the responsibility of the Administration to initiate action on dismissals, non-renewals, suspensions, and reductions in force by giving proper notification to the employee.

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

E. Grounds for Disciplinary Action and Dismissal

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

Table of Offenses

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

Kind of Offense	1st Occurrence	2nd Occurrence	3rd Occurrence
1. Malicious Damage of OLC Property	Removal		
2. Willful Falsification of Records Involving Funds	Removal		

3. Willful Theft of OLC Property	Removal		
4. Misappropriation of Fund	Removal		
5. Acceptance or Solicitation of Bribes	Removal		
6. Fraud	Removal		
7. Deliberately concealing, Removing, Mutilating, Obliterating, or Destroying Records	Removal		
8. Unauthorized Absence 4 or More Consecutive Days	Removal		
9. Solicitation and Accepting of a Gift More Than \$100	Removal		
10. Deliberately Falsifying, Counterfeiting or Forging Any Form of Transportation Request Or Expense Report	Written Reprimand or Removal	Removal	
Kind of Offense	1st Occurrence	2nd Occurrence	3rd Occurrence
11. Performing Personal Service During Official Hours for Financial Gain	Written Reprimand or Removal	Removal	
12. Misstatement of Material Fact in Application for Employment	Written Reprimand or Removal	Removal	

13. Disclosing Confidential Information	Written Reprimand or Removal	Removal
14. Unduly Disrupts the Operations of a Department or the College	Written Reprimand or Removal	Removal
15. Violations of Generally Accepted Safety Practices Endangering Self or Others	Written Reprimand or Removal	Removal
16. Unauthorized Absence more Than 8 hrs. & Less than 4 Consecutive Days	Written Reprimand	Removal
17. Solicitation and Accepting a Gift Less Than \$100	Written Reprimand	Removal
18. Insubordination or Failure to Follow Direction	Written Reprimand	Removal
19. Misuse of College Property	Written Reprimand	Removal

Kind of Offense	1st Occurrence	2nd Occurrence	3rd Occurrence
20. Violating Traffic Law While Operating College Vehicle	Written Reprimand	Removal	
21. Perjury	Written Reprimand	Removal	
22. Violation of any College, Department or Division Regulation	Written Reprimand	Removal	

or Order

23. The Threat, Attempt, or Use of Personal or Political Influence in Securing Promotion, Leave of Absence, Transfer, Change of Pay Rate, or Character in Work	Written Reprimand	Removal		
24. The Inducement or Attempt to Induce an Officer or Employee of the College to Commit an Unlawful Act or To Act in Violation of Any College, Department, Division Regulation or Order.	Written Reprimand	Removal		
25. Serious Personal Misconduct Which Brings the Organization Into Disrepute	Corrective Interview or Written Reprimand	Written Reprimand or Removal	Removal	
26. Unauthorized Absence 8 hrs. Or Less	Corrective Interview	Written Reprimand	Removal	
27. Fraudulent Use of Sick Leave.	Corrective Interview	Written Reprimand	Removal	

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

28. Incompetence, Inefficiency in Performing Job Duties	Corrective Interview	Written Reprimand	Removal
29. Neglect of Duty	Corrective Interview	Written Reprimand	Removal
30. Tardiness	Corrective Interview	Written Reprimand	Removal

31. Damage to OLC Property through Negligence	Corrective Interview	Written Reprimand	Removal
32. Drug and Alcohol Offenses	See Substance Abuse Policy		

F. Provisions Concerning Reduction in Forces.

The Board recognizes that the college, within these factors, may have no alternative but to curtail or delete certain programs at the same time that other programs are being retained, expanded, or added, depending upon the legitimate educational needs of the community. Programs and services most necessary to meet the needs of community, consistent with the philosophy and mission of the college, are to be of highest priority when reduction in force is being considered.

As soon as it becomes apparent that a reduction in force may be necessary, all staff of the college will be notified. Following this, the executive officers shall estimate the number of reductions that can be accommodated by attrition.

Additionally, priority will be given to full-time over part-time personnel in those programs affected. Furthermore, staff shall be given the opportunity to move into other areas in the college where there may be vacancies in which they are qualified. Also, staff persons shall be given the opportunity to upgrade themselves into vacant positions, providing that such persons are reasonably qualified to do so, and the college can accommodate such a move.

When staff reduction cannot be satisfied by the above methods and the qualifications and abilities of staff in the programs affected are relatively equal, seniority shall be the determining factor, in considering who shall be reduced. The most recently employed staff shall be reduced first and additional reductions shall proceed in that order.

G. Employee Requirement

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

H. Temporary Appointments.

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

65-200-1

SEPARATION (TERMINATION) (PROCEDURE)

Dismissals, Non-Renewals, Suspensions Reductions in Forces, Notices

1. Notice

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

- a. Time of Notice: Notice of dismissal may be given at any reasonable time. Notice of non-renewal shall be given no later than ninety (90) days prior to expiration of the contract or academic year. Notice of termination due to reduction in force shall be given as early as practicable.
- b. Service of Notice: Notice shall be given in writing and shall be either given to the staff person in person or sent by registered mail to the address of the staff person. If notice is mailed, it is deemed given upon the date of the mailing. In any case the notice shall be contained in a sealed envelope addressed to the staff person and marked confidential. A signed and dated receipt shall be requested of the staff person in the case of personal delivery and a return receipt shall be requested in the case of mail delivery.
- c. Source of Notice: The notice shall be the responsibility and signed by the appropriate Vice President and President.
- d. Contents of Notice: The notice shall describe, specifically each ground or reason claimed as justification for the dismissal, non-renewal, suspension, reduction in force, elimination of positions in detail sufficient for the staff person to commence such procedures for review as provided in Section 65-500 of the Oglala Lakota College's Personnel Policies.

2. Effective Dates of Action

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

65-300

EMPLOYEE RESIGNATION (POLICY)

1. Proper Notice. A college employee under contract who desires to terminate his/her employment shall submit a written resignation to his/her supervisor stating the reasons for which she/he seeks to terminate the contract. Members of the instructional staff must give notice at least 30 days prior to the end of the current semester, effective at the end of that

semester. All other staff must give two (2) weeks' notice.

2. Acceptance of Resignation. A resignation is recognized when accepted by the College President. Employees are entitled to the salary earned up to the last day of work excluding any debts remaining with the college. Any annual leave accrued by the resigning employee shall be paid to the employee. Instructors who have resigned without completing the contract year, cannot claim any remaining personal or consulting days for the semester in which they resigned.

65-250

REDUCTION IN FORCE (POLICY)

A. Reasons

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

B. Provisions Concerning Reductions in Force

1. Staff employed by a college may be subject to reduction in forces for any or a combination of any of the reasons previously stated. The Board recognized that the college, within these factors, may have no alternative but to curtail or delete certain programs, or portions of programs at the same time that other programs are being retained, expanded or added depending upon the legitimate educational needs of the community. Programs and services most necessary to meet the needs of the students and community, consistent with in philosophy and mission of the college, are to be of highest priority when reduction in forces is being considered.
2. As soon as it becomes apparent that a reduction in forces may be necessary, all staff of the college will be notified. Following this, the executive officers shall accommodate by retirements, resignations, transfers, leave and other type of normal attrition.
3. In addition, priority will be given to full-time over part-time personnel in those programs affected. Furthermore, staff persons shall be given the opportunity to move into other areas in the college where there may be vacancies for which they are qualified. Also, staff persons shall be given the opportunity to upgrade themselves into vacant positions providing that such persona are reasonably qualified to do so, and the college can

accommodate such a move.

4. When staff reduction cannot be satisfied by the above methods and the qualifications and abilities of staff in the affected area are relatively equal, seniority shall be the determining factor in considering who shall be reduced. The most recently employed staff shall be reduced first and additional reductions shall proceed in that order.
5. In any future vacancies of the college for which staff persons need to be hired, those positions for which the reduced staff are qualified shall be offered to those staff who were reduced last and continue to be offered through the list of those who were reduced first. All reduced personnel must keep the college informed of their current mailing address in order to be eligible for employment and specified in this section.
6. A staff person who is rehired under procedures (d) shall have the benefits or longevity, salary and fringe benefits reinstated.

SEXUAL HARRASSMENT POLICY

69-350

PROHIBITION OF SEXUAL HARASSMENT (POLICY)

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

69-350-1

PROHIBITION OF SEXUAL HARASSMENT (PROCEDURE)

A. Definitions

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

Oglala Lakota College employees is the Personnel Director, and for students it will be the District Center Staff.

B. Publication of Policy

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

C. Training

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

D. Complaint Procedures

1. Filing

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

2. Preliminary Investigation

- a. Complaints filed pursuant to this policy shall be promptly and thoroughly investigated by the Complaint Manager.
- b. All circumstances of the situation shall be considered in the investigation of possible harassment incidents. In determining whether the alleged conduct constitutes sexual

harassment, consideration shall be given to the totality of the circumstances, including the context in which the alleged incident (s) occurred.

- c. Upon completion of the investigation, the Complaint Manager shall prepare a sexual harassment report including the following: (1) the date of the incident (s); (2) the name of the complainant; (3) the name of the offender (s); (4) a summary of the factual allegations that allege sexual harassment; (5) the name of all potential witnesses; (6) a summary of the steps taken to complete the investigation; (7) a summary of all witness statements (with copies of the actual statements attached); (8) a listing of any physical evidence available and (9) a factual summary of all evidence that supports or refutes the allegations of sexual harassment.
- d. The investigation shall be complete within 5 days after the complaint is filed.

3. Initiation of Grievance Procedure

- a. Once the preliminary investigation on a complaint is filed, the appropriate Grievance Policy and Procedure of Oglala Lakota College will be initiated.

E. Monitoring

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

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

SUBSTANCE ABUSE/DRUG FREE WORK ENVIRONMENT

62-120

BOT 1-22-04, 01-29-09

Substance Abuse/Drug Free Work Environment (Policy)

I. Policy Objective

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

II. Policy

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

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

III. Applicability

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

IV. Definitions

- A. "Controlled substance" means any controlled substance, dangerous drug(s) or intoxicating compounds as defined under federal, tribal or state law and includes, but is not limited to, narcotics, opiates, hallucinogens, stimulants, marijuana, and so-called "designer drugs."
- B. "Illegal drug" or "illegal controlled substance" means any drug(s) or controlled substance(s) which is not legally obtainable or is being used in a manner inconsistent with the prescribed dosage or by an individual other than the person the medication was originally intended.
- C. "Impaired" means an alcohol concentration established by a properly administered breath alcohol test to be equal to or greater than 0.02.
- D. "Legal drug" means any prescribed drug(s), over-the-counter drug(s), or prescribed

controlled substance(s), which has been legally obtained and is being used in the dosage prescribed according to the manufacturer's and/or physician's instructions.

- E. "Randomly selected" means a computer generated random selection of employees for drug testing, and may acquire a different definition over time based on case law and legal opinions, but at no time shall any employee be chosen for a "random" test by a method that could arguably have been prejudiced to include a particular employee.

V. Criminal Convictions

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

VI. Prescription Medication and Over the Counter Medication:

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

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

VII. Required Testing Circumstances

Pre-Employment Testing:

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

Random Testing:

Unannounced Random Testing is mandatory for local Board/BOT members and all current full and part-time employees. OLC will test 33% of its employees annually for controlled

substances and/or alcohol. All employees must be tested over a three (3) year cycle. Employees who were not randomly selected within the first two (2) years will be tested in the third year. Once notified of random selection, the employee must proceed immediately to the collection site.

Reasonable Suspicion Testing:

Employees are required to submit to alcohol and/or controlled substance testing whenever there is reasonable suspicion that this policy has been violated or conduct that results in property damages in the amount of \$1,000 or greater. Reasonable suspicion may arise based, for example, on a supervisor's assessments of the employee's work performance, excessive employee tardiness and/or absenteeism, the detection of suspicious odors on or about the employee's person, slurred speech, stumbling/staggering not attributable to a medical condition, and other indicators typical of alcohol or controlled substance use. Reasonable Suspicion Testing shall occur as soon as possible.

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

VIII. Consequences for Employees:

In a case of controlled substance testing, an employee is in violation of this policy if he/she has tested positive for drug metabolite. Under such circumstances, the employee must be evaluated by a substance abuse professional (SAP) within two (2) working days.

In a case of alcohol testing, employee is in violation of this policy if he/she has a blood alcohol concentration of equal to or greater than .02. Under such circumstances, the employee must be evaluated by a substance abuse professional (SAP) within two (2) working days.

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

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

69-200

AIDS AND HIV AWARENESS (POLICY)

A. Oglala Lakota College will respond to complaints of discrimination or harassment against students or employees with AIDS through counseling and education, and through disciplinary measure if necessary. Unless medically justified, OLC will not require transfers or changes in working conditions because an employee has AIDS or because of

concerns about a co-worker having AIDS. Information about AIDS is available to students at Piya Wiconi and each district center

FOR MORE INFORMATION PLEASE CALL:

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

Hearing Impaired AIDS Hotline 1-800-243-7889

62-110

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

EMPLOYEE PROHIBITION ON BEING BOT OR LOCAL BOARD MEMBERS

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

ELECTRONIC INFORMATION, RESOURCES AND ACCEPTABLE USE

COMPUTER ACCOUNT AND NETWORK POLICY

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

SECTION A: PHILOSOPHY

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

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

SECTION B: ACCEPTABLE USE

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

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

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

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

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

SECTION C: IMPLIED CONSENT

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

Terms and Conditions of this Contract:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION D: INAPPROPRIATE USE

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

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

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

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

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

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

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

SECTION E: COPYRIGHT INFRINGEMENT

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

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

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

OLC complies with these provisions in the following ways:

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

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

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

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

SECTION F: INTERNET CONTENT FILTERING/SAFETY

In compliance with the Children's Internet Protection Act (CIPA) and Regulations of the Federal

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

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

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

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

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

Under certain specified circumstances, the blocking or filtering technology measure(s) may be

disabled for adults engaged in bona fide research or other lawful purposes. The power to disable can only be exercised by an administrator, supervisor, or other person authorized by the college.

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

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

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

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

SECTION G: CONSEQUENCES OF POLICY VIOLATION

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

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

SECTION H: SECURITY

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

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

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

SECTION I: DISCLAIMER

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