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| Additional Cost to ICCA with COLA | 70,105.29 | 6,425.83 | 5,363.05 | 81,894.18 |

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| Additional Cost with COLA | 79,452.66 | 7,282.61 | 6,078.13 | 92,813.40 |

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| Additional Cost with COLA | 116,842.15 | 10,709.72  | 8,938.42  | 136,490.30 |

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| Additional Cost with COLA | 140,210.58 | 12,851.67  | 10,726.11  | 163,788.36 |

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| Additional Cost with COLA | 186,947.44 | 17,135.56  | 14,301.48  | 218,384.48 |
Option 1: No Bonus

Talking Points

1. Save on the FY 13 reserve amount that could be used for more critical leaner times.
2. Give four extra Holiday leave days, with pay, during Christmas/New Year holiday. There would be savings in the heating and general electricity use in building.
3. Give 24 hours leave pass to be used by June 30, 2014
4. Give a Jacket not to exceed 100.00
5. Give Options to employees to choose
   a. A Jacket or
   b. Leave Pass or
   c. extra holiday days or
6. TCU’s were told to plan for a 10% sequestration cut

Option 2: $250 fulltime $125 GED/new employees not on probation totals $32,833.25

Talking Points

1. Possible Morale booster
2. Not saving for a raining day – ie. FY 15 low enrollment, sequestration, major unexpected repair, etc.
3. Possible RIF in FY 2015
4. Loss of programs – less indirect, ICCA having to absorb faculty (teacher ed. and science) and support staff. FY 2016 more programs ending having to pick up Allied Health Faculty.
5. TCU’s were told to plan for a 10% sequestration cut
6. 

Option 3: $500 full time $250 GED/new employees not on probation— totals $65,666.50

Talking Points

1. All of those under option 2 talking points and the following:
   a. Take more away from the reserves that may be needed in the future.
   b. We can't be compared to other Tribal Colleges because of our geographical rural location. We are not in the oil country nor in a city setting. Less non-beneficiary students – UTTC getting 65% of the State Non Beneficiary Students appropriation.
1. COLA increase options – total cost to ICCA and Indirect for the COLA, plus additional amounts for retirement and additional amounts for employer share of FICA. Retroactive to July 1, 2013. Grants that can’t afford – ICCA will have to help grants

    Talking Points

1. TMCC will have to absorb this in the years to come
2. TCU’s were told to plan for a 10% sequestration cut
3. Plan for a COLA for FY 15 but cannot guarantee that it could be possible
4. New programs may help to increase enrollment for FY 2015, we have to work harder with this.
5. We don’t know how many new TCU’s may come into the appropriation that funds TCU’s
6. Reduction in Force and elimination of programs
7. Phase II of OFS, don’t fill some vacant positions but assign another person to fill duties.
APPENDIX A5-24 DRUG AND ALCOHOL POLICY

Turtle Mountain Community College
P.O. Box 340
Belcourt, North Dakota 58316-340

DRUG AND ALCOHOL POLICY

A. General Policy--Drugs and Alcohol

The Turtle Mountain Community College is a drug-free workplace. Any unlawful or unauthorized transfer, sale, distribution, manufacture, possession or use of a controlled substance (schedule I thru V of Controlled Substance Act), or alcohol by a Turtle Mountain Community College employee on the job, in the workplace, or where the business of Turtle Mountain Community College is performed, shall subject that employee to disciplinary action including termination.

While the Turtle Mountain Community College does not wish to have any intention of intruding into the private lives of its employees, it recognizes that employee's off the job and on the job involvement with illegal drugs can have an impact on the workplace, guests, and other employees.

All employees have an obligation to be in suitable mental and physical condition at work, performing their jobs satisfactorily and behaving appropriately. Employees are expected to report to work free of alcohol or drugs. Achieving this goal is necessary to maintain safety and integrity of our business and safety and health of all employees, students, guests and general public.

Following is the adopted Drug and Alcohol Policy. The Turtle Mountain Community College has implemented a drug free awareness program that provides information on the dangers and effects of substance abuse in the workplace. Resources are available to employees. Consequences for violations of this policy are outlined.

The Turtle Mountain Community College reserves the right to administer alcohol and drug testing on employees in accordance with this policy. Violations of the policy, including a positive drug test, may lead to disciplinary action and immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences. TMCC employees are required to report any and all offenses or charges for any act that would constitute a violation of this policy from all jurisdictions including tribal, state, and federal, to TMCC within 15 days of the TMCC employee receiving notice of any offense or charge.

1 APPENDIX A5-24 DRUG AND ALCOHOL POLICY
The intention of this policy is to clarify the standard of conduct expected of all employees in the performance of their job duties. Compliance with this policy is a condition of continued employment for all present and future Turtle Mountain Community College employees.

B. Employee Assistance--Alcohol/Drug Abuse

The Turtle Mountain Community College is prepared to assist and support all employees requesting assistance. For this purpose, the Turtle Mountain Community College maintains an Employee Assistance Program (EAP) that provides confidential services to employees seeking assistance in dealing with alcohol and/or drug abuse or for personnel matters requiring confidential counseling.

C. Employee Assistance Program Related Leave of Absence

The Turtle Mountain Community College considers Drug and Alcohol abuse as treatable illnesses. Employees having these illnesses will be given the same consideration and offered assistance presently extended to employees having any other illness.

Employees who have been diagnosed with an alcohol or drug problem are encouraged to seek confidential counseling or to schedule a referral with personnel in the Employee Assistance Program.

After evaluation by a certified counselor, an employee who needs inpatient treatment for drug or alcohol abuse will be allowed to use accrued sick leave or annual leave. The remainder of the treatment time will be without pay; this leave may run concurrently with FMLA. The employee will be allowed the amount of time needed to complete treatment programs for thirty (30) to 180 days without loss or interruption of his or her employment status under the following conditions:

1. Arrangements must be stated in writing, indicating starting date and approximate projected ending dates of leave.
2. Notification must be provided in writing to the Program Director/Immediate Supervisor and HR.
3. At the end of the granted leave, if the employee does not return to work within (1) week after the treatment ending date the employee will be automatically self terminates, without any further action.

Upon a timely return from the leave, the employee who has complied with the policy shall be reinstated to the position which he or she held at the commencement of leave or will be placed in a position comparable to the position held at the commencement of leave.

D. Alcohol and Drug Free Awareness Program

The Turtle Mountain Community College shall implement and maintain an Alcohol and Drug Free Awareness Program to inform employees about:

- The dangers of alcohol and drug use in the workplace.

2 APPENDIX A5-24 DRUG AND ALCOHOL POLICY CONT.
• The policy of maintaining a drug free workplace.
• The sanctions that may be imposed upon employees for violations of the Turtle Mountain Community College drug free workplace policy.3

The Turtle Mountain Community College will use its drug free awareness program in an ongoing effort to prevent and eliminate drug use that may affect the workplace.

E. Definitions

For the purpose of this policy, the following definitions apply:

1. Illegal Drugs: All forms of narcotics, hallucinogens, controlled substances (including cannabis), depressants, stimulants, and other drugs whose use, possession, or transfer is restricted or prohibited by law. Drugs prescribed by physicians, dentists, or other authorized health professionals and used in accordance with their instructions are not subject to the restrictions of this policy.

2. Legal Drugs: Prescribed and over-the-counter drugs, which have been obtained and are being used for the purpose for which they were prescribed or manufactured.

3. Reasonable Suspicion: Means circumstances or behavior indicating alcohol or drug use. Reasonable Suspicion includes, but is not limited to the following circumstances:
   a. Observable conduct, such as direct observation of alcohol or drug use and/or the physical symptoms of being under the influence of alcohol or drugs;
   b. A pattern of abnormal conduct, incoherent mental state, or erratic behavior that is otherwise unexplained;
   c. Physical impairment, e.g. staggering, slurred speech, sleeping on the job, inability to concentrate or memory loss;
   d. Other actions and conduct that provides sufficient knowledge to believe reasonable suspicion that the employee is under the influence; and
   e. Involvement in any work-related, reportable accident.

4. Reportable Accident: An accident at the job site that requires medical attention and/or an incident/accident report.

5. Impairment: For the purpose of this policy, impairment is the inability to perform one's job in the manner prescribed for that function or in accordance with established practice. Impairment may include the inability to use or operate equipment properly; to communicate clearly; to exercise reasonable judgment in making decisions; to interact with other employees, guests, or business contacts in an appropriate manner; or other inappropriate behavior. Such impairment, when caused by alcohol and drug abuse, is a violation of this policy.

6. Alcohol: A liquor or brew containing alcohol as the active agent; "alcohol (or drink), any of a series of volatile hydroxyl compounds that are made from hydrocarbons by distillation. The fluid essence or pure spirit obtained by distillation. The spirituous or intoxicating element of

3 APPENDIX A5-24 DRUG AND ALCOHOL POLICY CONT.
fermented or distilled liquors or more loosely a liquid containing it in considerable quantity. An impalpable powder. A class of compounds analogous to vinic alcohol in constitution. An organic chemical containing one or more hydroxyl groups. Also, an ingredient in a variety of beverages including beer, liqueurs, cordials, and mixed drinks.”

F. Drugs in the Work Place

The Turtle Mountain Community College prohibits the use, possession, exchange, delivery, manufacture, distribution, sale, or purchase of any illegal drug, or any prescription drug without a valid prescription on Turtle Mountain Community College Properties (including Turtle Mountain Community College motor vehicles) and Turtle Mountain Community College sponsored functions.

G. Alcohol in the Workplace

The Turtle Mountain Community College prohibits employee use/abuse of alcohol within their work time and during meal breaks. This policy also prohibits employee use of alcohol, whether in connection with business or personal time, within 6 hours before the employee begins work.

H. Impairment Related to Alcohol or Drug Use

Employees who are in a condition that impairs their ability to perform their job and endangers the safety of themselves or others will not be allowed to continue working or remain in the workplace. Employees who are prescribed medication by a licensed health physician that may impair their judgment or their ability to perform their job must report it to their supervisor immediately upon receipt of the medication and a copy of the prescription will be placed in the employee’s personnel file.

I. Sanctions for Violations of the Drug and Alcohol Policy

If an employee is found to be in violation of the policy, they/he/she will be immediately suspended without pay. The employee will also be given an escort to their place of residence if necessary. Further disciplinary action may be imposed including discharge. The Turtle Mountain Community College may also submit evidence (excluding test results) to law enforcement agencies, when it is appropriate to do so.

J. Alcohol and Drug Testing Program

To ensure an alcohol and drug free work force and to eliminate alcohol/drug use and abuse by employees at Turtle Mountain Community College, the following procedures will be used for drug testing. The Drug testing will take place in a designated area by the Human Resources Department utilizing designated bathrooms. Participants will be required to take the drug test using the drug testing kit provided to them by the confidential tester. The tester and the employee will read the results together.

If the test shows positive, this test will then be sent to the Drug Check Lab for further analysis. If the employee is on a prescription medication, he/she they are required to have to submit evidence of the
prescription, and give it to the Turtle Mountain Community College. The Turtle Mountain Community College will then send the prescription to the Drug Check Lab for its determination on whether that medication or other drugs were present in the sample.⁴

**Employment Testing**

Upon implementation of this Drug Policy in 2006, all Turtle Mountain Community College employees will be given drug tests.

All employees of the Turtle Mountain Community College will submit to alcohol and drug testing whenever required under this policy as a condition of continued employment with the Turtle Mountain Community College.

**Random Drug and Alcohol Testing**

The Turtle Mountain Community College reserves the right to conduct random, unannounced alcohol and drug tests on any and all employees including any business who is directly housed on Turtle Mountain Community College premises. Random drug tests will be conducted at least quarterly. The number of employees to be tested each quarter will be determined by the Administration of the Turtle Mountain Community College.

The names of the employees to be tested randomly will be selected by a computerized program. Employees selected by random with the computer program will be notified by the HR Manager.

**Pre-Employment Drug Testing**

All persons selected for hire will be required to take a drug test at a time and place designated by the HR Manager. Each person selected for hire will also be required to sign the "Drug Testing Form." Failure to sign the form will result in discharge of the remainder of the pre-employment process.

Those persons who test positive will not be hired, but will be eligible to reapply after six (6) months. Individuals who fail to show up for their scheduled test will not be hired and will be considered unqualified for employment and the position and will not be eligible to reapply for employment until after six (6) months.

**Post-Accident Testing**

All employees involved in, or contributing to a "reportable accident", or who cannot be completely discounted as being a contributing factor to an accident, may be required to have an alcohol or drug test immediately after. Use of alcohol by the employee is prohibited following the accident until the post alcohol and drug testing is completed.

**Reasonable Suspicion Testing**

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⁴ APPENDIX A5-24 DRUG AND ALCOHOL POLICY CONT.
Reasonable suspicion testing is required whenever a supervisor, management employee, or other employee reasonably suspects an employee or business held on the Turtle Mountain Community College premises are under the influence of alcohol or drugs. Reasonable suspicion test referrals are to must be based on documented objective facts, circumstances, or physical evidence, physical signs, symptoms, or a pattern of behavior.

Reasonable suspicion must be documented by the person observing the behavior or activity and signed by the individual writing and observing the behavior.

Whenever an employee is to be tested because of reasonable suspicion, the employee will not be permitted to return to work until the results of the test are received from the Drug Check Lab. In the event that the results are negative for the presence of prohibited level of alcohol or other drug, and the employee has not violated any work rules, the employee will be paid for time passed the employee is /absent while awaiting the test results.

The Turtle Mountain Community College reserves the right to require that an entire department be tested any time that it has a reasonable suspicion that alcohol or drugs use or activity is affecting the work of the department or there is evidence of drug usage in the work area if there is insufficient information to determine which employee[s] are involved in the usage of illegal drugs.

**Additional Testing**

The Turtle Mountain Community College may require additional drug and alcohol tests during the following drug and alcohol treatment to ensure compliance with a treatment plan. These tests may be done for up to one year after completion of treatment without prior notice.

**Positive Test Results--Procedures**

In the event of a confirmed positive test for alcohol or drugs, the following procedure will apply:

Before Administration decides upon the final course of actions, including potential discipline to be taken in the event of a positive test result, the test will then be sent to the Drug Check Lab for further analysis. If the employee is on a prescription medication, the employee will then have 24 hours to obtain a copy of the prescription, and provide it to the HR Manager. The HR Manager will then send the prescription to the Drug Check Lab for its determination on whether that medication or other drugs were present in the sample.

Upon written request, the Turtle Mountain Community College HR Manager will provide the affected employee with a copy of the confirmed positive test result.

**K. Goals**

The specific goals of the Turtle Mountain Community College Drug and Alcohol Policy are to:

- Educate employees about the dangers and problems associated with substance abuse;
• Facilitate the prevention of substance abuse;
• Identify any employee who may be engaging in substance abuse;
• Provide for opportunities for counseling and treatment for any employee abusing drugs and/or alcohol;
• Protect the public and co-workers from those employees abusing drugs and/or alcohol;
• Develop a drug free workplace; and
• Make provisions for employees undergoing treatment to continue to work or return to work with same benefit/same pay/same position as soon as possible consistent with their prescribed treatment program.

L. Applicability

The policy applies to all current and future Turtle Mountain Community College employees.

M. Prohibited Conduct

• Manufacture, trafficking, possession, and use of prohibited substances. Employees are prohibited from engaging in the manufacture, distribution, dispensing, possession, or use of prohibited substances on Turtle Mountain Community College property, in College vehicles or while on College business. Additionally, law enforcement and/or funding agency shall be notified, as appropriate, when criminal activity is suspected.

• Intoxication. All Turtle Mountain Community College employees who are suspected of being intoxicated, impaired, under the influence of a prohibited substance, or not fit for duty shall be disciplined pending an investigation and verification of condition. Employees found to be under the influence of prohibited substances or who fail to pass a drug and alcohol test shall be removed from duty and subject to corrective action. A drug or alcohol test is considered positive if the individual is found to have a presence of a prohibited substance in the body. Turtle Mountain Community College or Human Resources will have local law enforcement and/or licensed medical facility conduct testing.

• Alcohol Use: No Turtle Mountain Community College employee shall report for duty or remain on duty when their ability to perform assigned duties is adversely affected by alcohol, or when their breath alcohol concentration is measurable. No employee shall use alcohol while on Turtle Mountain Community College premises or during the hours they are at work.

N. Prohibited Substance

Prohibited substances include:

• Any alcoholic beverage;
• Any prescribed drug not being used for legal purposes; and
• Controlled substance in Schedule I through V of the Controlled Substance Act.
O. Drug Testing

Applicants: All applicants will be provided a summary of the drug testing policy. Applicants who have received conditional offers of employment with the Turtle Mountain Community College or subsidiaries, must submit to testing for evidence of improper drug use and/or where indicated, to test for the presence of alcohol. If the tests are positive, the applicant will be refused employment and may not reapply for at least 6 months.

Employees: All employees of TMCC and subsidiaries shall be subject to random, unannounced testing using a valid method that ensures that each employee will have an equal chance of being selected each time testing is conducted. This random testing will be conducted throughout the year.

All current employees whose position require them to perform safety sensitive duties, and/or require a commercial driver's license may be subject to random drug testing at a higher incident than other employees per the regulations of the Federal Transit Authority (FTA) (49 CFR Parts 653 and 654), and per the regulations of the U.S. Department of Transportation (DOT) (49 CFR Part 40).

Reasonable Suspicion Referrals: Reasonable suspicion referrals for testing will be made on the basis of documented objective facts and circumstances consistent with the short-term effects of substance abuse. Written reasonable suspicion referrals will be made by the appropriate supervisors. Reasonable suspicion means any circumstance or behavior indicating alcohol or drug use. It includes, but is not limited to: Observable conduct, such as direct observation of alcohol or drug use and/or the physical symptoms of being under the influence; a pattern of normal conduct, incoherent mental state, or erratic behavior that is otherwise unexplained; physical impairment, such as staggering, slurred speech, sleeping on the job, inability to concentrate, memory loss, etc.; other actions such as conduct that provides sufficient knowledge reasonable suspicion that the employee is under the influence; involvement in any work related, reportable accident, etc.

Reasonable Suspicion Searches: Turtle Mountain Community College reserves the right to search the employee's desk, locker, or other Turtle Mountain Community College property, where there is reasonable suspicion. Turtle Mountain Community College reserves the right to request law enforcement to conduct searches in the presence of appropriate Turtle Mountain Community College officials and to document their findings.

Failure to Submit to Drug/Alcohol Testing: All employees of TMCC and subsidiaries will be subject to drug testing and alcohol testing as a condition of employment. Persons seeking employment who refuse to submit to drug testing shall not be eligible for employment by the Turtle Mountain Community College. Turtle Mountain Community College employees who refuse to submit to random, reasonable suspicion or post-on-the-job accident drug/alcohol testing may be subject to termination. Refusal can include an inability to provide a sufficient specimen or sample without a valid medical explanation, as well as verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test.
Any employee who is suspected of providing false information in connection with a test, or who is suspected of falsifying test results through tampering, contamination, alteration, or substitution will be required to undergo an observed collection. Verification that the employee has provided false information or has falsified tests will result in the employee’s termination.

Employees on authorized leave that are selected for the random sampling will be rescheduled to be included in the next random sample.

Confidentiality: Turtle Mountain Community College shall use reasonable precaution to ensure and maintain accuracy and confidentiality of the test results. Only persons authorized by the Chain of Command shall view the results of the testing.

P. Education and Training

As part of the orientation process, employees will be given information on where to access the Turtle Mountain Community College Policy and Procedure Manual, inclusive of the Alcohol and Drug policies. Training will be provided periodically on the consequences of prohibited alcohol/drug use and abuse. Additionally, supervisors will be required to participate in training on the signs and symptoms of alcohol/drug misuse. The Human Resources Department or designated personnel staff will ensure this policy is followed/adhered to.

Q. Voluntary Admission of Drug/Alcohol Use

Any employee, who voluntarily, and without reasonable suspicion of supervisors, identifies themselves as having a problem with alcohol or drug abuse, shall be referred for assessment and treatment and will follow the same positive drug testing procedures as a positive tested employee. If the employee is unable to perform work duties, the employee may use accrued sick or annual leave or be placed on leave without pay status until the employee can return to work. Employees seeking such assistance should see their supervisor or the Human Resource Department.

R. Consequences of a Positive Drug or Alcohol Test

Pre-employment: Applicant will be refused employment and will not be allowed to reapply for 6 months.

Random, Reasonable Suspicion or Post-Accident Test. Employees and subsidiaries of TMCC will be subject to immediate corrective action after a positive random test, a positive test based on reasonable suspicion, or a positive test after an accident, a citation by law enforcement or loss of license or credentials necessary to complete employee’s job duties.

Initial Positive Test. The first time an employee of TMCC or its subsidiaries is confirmed to have tested positive, they will be referred to TMCC’s Employee Assistance Program (EAP) for an evaluation at the employee’s expense and may be suspended without pay. Employees must schedule an appointment
with the designated agency within five (5) working days or they will be terminated. Evaluation and recommendation will be adhered to and the employee will be required to complete the recommended treatment/counseling prior to returning to work. Employees will be required to have a negative drug test conducted by Turtle Mountain Community College before returning to work. The employee can use accrued sick or annual leave or can take leave without pay to complete the recommended counseling/treatment. Employees refusing to submit to an evaluation and recommended counseling/treatment will be terminated. Employees who report to work under the influence of drugs or alcohol will not be allowed to drive themselves home or elsewhere (appropriate arrangements will be made). Refusal to comply with this rule may result in immediate termination.

**Employees Requiring Counseling/Treatment.** If the evaluating agency concludes that an employee should receive further counseling or treatment for substance abuse, the employee must meet with the Human Resources Department to discuss available counseling and treatment options and available coverage. The employee will be required to complete and comply with all the conditions set forth by the Turtle Mountain Community College and chosen program. This can include returning to work immediately upon completion of the five (5) working day suspension or leave of absence. Employees refusing to comply with the recommendations of counseling/treatment will be terminated.

**Employees Not Requiring Counseling or Treatment:** If the evaluating agency concludes that an employee who is confirmed to have tested positive does not require counseling or treatment at this time, or is able to work during treatment, such employee will be returned to work upon completion of the five (5) working day suspension. Such employee must enter into an agreement with Turtle Mountain Community College and will then be subject to unannounced drug/alcohol testing for up to 12 months. If any of these unannounced tests are positive, the employee will be terminated.

Counseling and treatment will be at the expense of the employee.

**S. Agreement**

Employees who return to work following suspension due to positive drug or alcohol test results must agree to the following:

- Employees must provide a release to work from the evaluation or counseling program indicating successful completion.
- A negative test for drugs or alcohol.
- An agreement to frequent follow-up test for a period of 12 months.
- An agreement to follow specific after care requirements with the understanding the violation of the agreement is grounds for corrective action and possible termination.

Employees will be allowed to use their own accrued leave or utilize leave without pay to complete aftercare requirements.

**T. Second Failure**

If the employee tests positive a second time, the employee will be terminated and will not be considered for employment by the Turtle Mountain Community College for a period of (12) months.
All Employees are asked to acknowledge that they have read the Alcohol and Drug Policy of the Turtle Mountain Community College and agree to abide by it in all respects. By policy, this acknowledgment is required of you as a condition of employment.
Turtle Mountain Community College

P.O. Box 340
Belcourt, North Dakota 58316-340

Drug Free Workplace Policy

Drug Testing Form

Employee Name: ________________________________

I.D. Number: ________________________________

Birthdate: ________________________________

Tested for: Drugs_________________ Alcohol________________(check one)

Date Tested: __________________ Time: __________________

Type of Testing Device: __________________

Type of Sample Taken: __________________

Lot #: __________________

Expiration Date: __________________

Ref. Code: __________________

Results of Test: __________________

Temperature: __________________

Name of Tester(s): __________________

Witness: __________________

Employee Signature: __________________
PROCEDURES FOR DRUG TESTING

Initially when Drug Testing starts, all of the Turtle Mountain Community College Employees will be tested, after that quarterly Drug Testing will be done randomly on approximately 25% of the employees. Therefore, every quarter approximately 25% of the employees will be selected from random drug testing. Employees will be given a number, which is then put into a computer program along with their name. A number, not a name, will be selected; no one will know who is being selected because the computer will randomly generate a set of numbers. These numbers (tied to a name) will then be randomly tested.

The individual employee will be called to the drug-testing site to be tested anytime during the shift that they will be on duty. No other advance notice will be given. In the event the employee is not at work, they will be tested at a later date when they are at work; this later time and date will be established by HR.

The actual testing site will be Bathrooms for both male and female employees that will be labeled as a drug-testing site and will be off limits to other employees during testing times. During Drug testing times, drug testing will be conducted during regular scheduled hours, Monday through Friday. This schedule will allow for all employees to be tested during their regular shift without having to be called in during their days off.

Each employee will be given a drug testing kit along with instructions on how the procedure will work and what to do at the time of testing. At the completion of the test it will be sealed and both the tester and the employee will go over the results of the test. A certified drug tester will do the testing for all employees.

In the event of a positive test, the urine sample will be sealed, labeled and then sent to the Drug Check Lab for further analysis if necessary. If the employee is on a prescription medication, he/she will then have twenty four (24) hours to obtain a copy of the prescription, and provide it to the HR Manager, or be placed on suspension until the prescription is brought in. The HR Manager will then send the prescription to the Drug Check Lab along with the test for its determination on whether that medication or other drugs were present in the sample.

I have read and understand the Procedures that will be used for Drug Testing at the Turtle Mountain Community College.

______________________________  _______________________
Employee Signature                  Date

APPENDIX A5-24 DRUG AND ALCOHOL POLICY CONT.
POSITIVE DRUG TEST PROCEDURES

In the event you have a positive drug test, these are the steps that you will need to follow as a condition of your continued employment with the Turtle Mountain Community College. **The steps are as follows:**

1. You will be asked to explain why you have a positive drug test. The Turtle Mountain Community College President or designee will be informed immediately of the positive test.

2. If you do not deny the test results, then we will go to step three. If you deny the findings of the test, we will send the results to the Drug Check Lab for further analysis, along with any prescriptions you may have. If the results of the Drug Check Lab confirm your positive test and you do not have a valid prescription or are using illegal drugs you will go to step three.

3. You will receive a letter of referral to the **Employee Assistance Program.** As a condition of continued employment you as an employee must then contact the E.A.P. within 5 working days to schedule an evaluation by a certified counselor. You must then contact a certified counselor and provide a copy of the evaluation report and recommended Treatment Program to E.A.P. within 5 working days. Any employee who needs inpatient treatment for drug or alcohol addiction will be allowed to use accrued sick leave or annual leave until depleted, and can then apply for leave without pay.

4. You as an employee will have to show proof of enrollment in a treatment program, either inpatient or outpatient basis with the written permission of the Turtle Mountain Community College President or designee.

If an employee tests positive for drugs, they will only be allowed to come back to work if they have enrolled in a treatment program and passed a drug test conducted by the Turtle Mountain Community College. They will only be able to continue working for the Turtle Mountain Community College if they finish their treatment program and continue to pass periodic drug tests conducted by the Turtle Mountain Community College as a condition of their employment. In the event the employee fails another drug test or does not finish their treatment program, they will be automatically terminated.

Employees that test positive for drugs and claim to have a prescription will be allowed to return to work pending the results of the confirmation test, providing they give a copy of their prescription to the HR Manager upon being tested or within 24 hours. In the event they fail to provide a copy of their prescription within 24 hours, the employee will be placed on leave without pay. If the confirmation test proves that the drug found in the positive sample is for an illegal drug or the employee does not have a prescription for that drug, the employee will be treated the same as a positive test for illegal drugs and will follow the same procedures, and will be referred to step 3 above.

I have read and understand the procedures that I will need to follow as a condition of my continued employment.

________________________  __________________________
Employee Signature       Date

APPENDIX AS-24 DRUG AND ALCOHOL POLICY CONT.
Turtle Mountain Community College
P.O. Box 340
Belcourt, North Dakota 58316-3407

REFUSAL TO TEST FORM

I, ___________________________________________ am refusing to take a Drug Test for the Turtle Mountain Community College. I realize that this is a condition of my employment and that I will be terminated for refusing to take a Mandatory Drug Test and participate in the Drug Testing Program.

Time: ______________________ AM/PM

________________________  ______________________
Signature                  Date

________________________  ______________________
Witness                    Date

________________________  ______________________
Witness                    Date

_____________________________________

APPENDIX A5-24 DRUG AND ALCOHOL POLICY CONT.
Request for Referral to Employee Assistance Program Form

I am signing this form as a request for a referral to the Employee Assistance Program for Drug and/or Alcohol Rehabilitation. I am admitting that I have an addiction to drugs or alcohol, whether it is prescription medication or illegal drugs. I am requesting help from the Turtle Mountain Community College as part of their Employee Assistance Program. I am requesting treatment either on an inpatient or outpatient basis, whatever is agreed on between myself and a certified counselor. I agree to follow procedures as outlined in the Turtle Mountain Community College Drug and Alcohol Policy, and understand that I must keep TMCC informed of my enrollment and progress in a treatment program.

______________________________________________________________
Signature of Employee

______________________________________________________________
Date:
CERTIFICATION REGARDING ALCOHOL AND OTHER DRUG-FREE WORKPLACE REQUIREMENTS

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988, 34 CFR Part 85, and Subpart F. The regulations, published in the January 31, 1989 Federal Register, require certification by grantees that they will maintain a drug-free workplace. All Turtle Mountain Community College employees will certify on an annual basis that they fully understand the college’s Drug Free Workplace requirement policy. False certification or violation of the certification shall be grounds for suspension or termination.

(a) The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the workplace. Employees in violation of this policy shall be grounds for suspension or termination;

(b) Turtle Mountain Community College’s drug-free awareness program is designed to inform employees about --

(1) The dangers of drug abuse in the workplace;
(2) TMCC’s policy of maintaining a drug-free workplace;
(3) Any available drug counseling, rehabilitation, and employee assistance programs; and
(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) A copy of the Drug-free Workplace policy of Turtle Mountain Community College will be given to each employee;

(d) As a condition of employment with Turtle Mountain Community College, the employee will --

(1) Abide by the terms of the Drug-Free workplace;
(2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;

(e) TMCC will notify the appropriate funding agency within ten days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of a conviction;

(f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted, the TMCC will --

(1) Take appropriate personnel action against such an employee, up to and including termination; or
(2) Require an employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

Employee Certification

Date
Employee Receipt Acknowledgement

To be signed by employee to indicate receipt of the Employee policy manual and that employee understands its effect.

Turtle Mountain Community College Policy Manual can be accessed at www.tm.edu by clicking on the heading Faculty and Staff, TMCC Policies, Policies and By-Laws.

I, ______________________________, have received the web address to access the Turtle Mountain Community College Policy Manual. It is my responsibility to read and understand the matters set forth in the Manual.

Included in the Turtle Mountain Community College Policy Manual is the Code of Conduct policy: I acknowledge that I will read, and agree to comply with, the Code of Conduct for TMCC.

I understand that no statement contained in this Policy Manual creates any guarantee of continued employment or creates any obligation, contractual or otherwise, on the part of the Turtle Mountain Community College. I understand that my employment with Turtle Mountain Community College is voluntary and is subject to termination by myself or Turtle Mountain Community College at will, with or without cause, and with or without notice, at any time. Nothing in these policies shall be interpreted to be in conflict with or to eliminate or modify in any way the employment-at-will status of Turtle Mountain Community College employees.

I understand and acknowledge that the Turtle Mountain Community College has the right, without prior notice, to modify, amend or terminate policies, practices, benefits plans, and other institutional programs within the limits and requirements imposed by the law.

Signature: ___________________________ Date: ________________

Revised: 11/13
Turtle Mountain Community College Foundation
Revenue Over Expenses
For Period July 1, 2012 to October 31, 2013

<table>
<thead>
<tr>
<th>Revenue</th>
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</thead>
<tbody>
<tr>
<td>Donations</td>
<td>68,849.00</td>
</tr>
<tr>
<td>Pledged Donations</td>
<td>15,000.00</td>
</tr>
<tr>
<td>Other</td>
<td>4,604.00</td>
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</table>

Total Revenues $ 73,453.00

<table>
<thead>
<tr>
<th>Expenses</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bank Card Fees</td>
<td>273.09</td>
</tr>
<tr>
<td>Debit/credit card fees</td>
<td>32.58</td>
</tr>
<tr>
<td>Advertising</td>
<td>698.85</td>
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<tr>
<td>Postage</td>
<td>296.62</td>
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<tr>
<td>Printing</td>
<td>1,608.70</td>
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<tr>
<td>Refreshments</td>
<td>415.00</td>
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<tr>
<td>Supplies</td>
<td>12,833.94</td>
</tr>
<tr>
<td>Other</td>
<td>2,100.00</td>
</tr>
<tr>
<td>Awards to students</td>
<td>10,039.00</td>
</tr>
</tbody>
</table>

Total Expenses $ 28,297.78

Revenue over Expenses $ 45,155.22
Unduplicated Head Count for the academic year

- 1989-1990: 570
- 1990-1991: 597
- 1992-1993: 902
- 1993-1994: 768
- 1995-1996: 1293
- 1996-1997: 1315
- 1997-1998: 1309
- 1998-1999: 1219
- 1999-2000: 1309
- 2000-2001: 1131
- 2001-2002: 1341
- 2002-2003: 1347
- 2003-2004: 1362
- 2004-2005: 1735
- 2005-2006: 1489
- 2006-2007: 1305
- 2007-2008: 1322
- 2008-2009: 1150
- 2009-2010: 999
- 2010-2011: 893
- 2011-2012: 893
- 2012-2013: 893

The chart shows the unduplicated head count for the academic years from 1989-1990 to 2012-2013.
TURTLE MOUNTAIN COMMUNITY COLLEGE

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MONTHLY REPORT

Submitted by: Dr. Jim Davis, President

Month: November, 2013

Department: President’s Office

Brief Description/Goals of Department: The department has the overall responsibility for fulfilling the mission and goals for the TMCC.

Monthly Activities:

1. Residential Facility: Our internal committee met on the proposed residential facility and reiterated some of concerns and questions that still remain with the construction, operation and management of the proposed facility. These concerns and questions were passed on to Dennis DeCoteau, Tribal Housing. We will be meeting with Dennis DeCoteau in the next few days to hopefully get concrete answers to our questions. Keep in mind TMCC has never planned to set aside or seek money to construct such a facility but with the offer by the Housing Authority, we thought it might be a good option for us so the lead on this project is actually coming from the Housing Authority. Among some of the questions we had for Dennis include the following: Who will manage and operate this facility since it won’t be owned by the college; what could happen if a new council gets in and a family is placed in one of the units where the student is not in college; who is going to provide the security for the facility since this facility is on the main campus; who is going to assure that the rental costs are going to be paid by the persons occupying the unit, etc.? Within the next week we will have our next meeting with Dennis DeCoteau and others from the Housing Authority.

2. A drug and gang education forum was held on campus on Friday, November 15, 2013. Over 200 people were in attendance. Presenters included the Rolette County Sheriff’s Office, the BIA Law Enforcement, the US Attorney’s Office; the ND Bureau of Criminal Investigation Office; an expert on gangs in Indian County; and a panel of experts on chemical dependency. I thank Donna Thomas, Director of Voc Rehab and others for putting this all together.

3. TMCC hosted a 12 team men and women’s basketball tournament November 15-17, 2013. There were seven men’s teams and five women’s teams. Teams came from Minnesota, Canada, and North Dakota. It was a great opportunity to showcase our college and community. No results were available as of this report.

4. I attended a recent AIHEC meeting in Rapid City and during this meeting I facilitated
the working committee’s discussion on the federal sequestration and the TCU budgets. A series of follow up meetings will be taking place via concalls and video conferences.

5. On Friday, November 1, 2013, a few TMCC administrators, the Tribal Chairman and one councilman, the Casino CEO, and the CEO for P2P met with Minot State University officials including President Fuller regarding the establishment of collaborations on workforce training and development, and some programs of study between the two institutions. Programs of study may lead to business degrees, addiction studies degree, and short term training for local businesses and tribal program personnel including training opportunities at the casino. Follow up meetings will be held over the next 3-5 months to solidify these collaborations.

6. Our HLC/accreditation committees continue to work on our self-study report which is moving forward quite well. We plan to have the self-study substantially completed by mid to late December.

7. We continue to work on our current year budget and will begin preparing for our FY 2015 budget beginning this month. With the federal budget and its many uncertainties regarding sequestration and the TCU allocation for next year, we will, as with most other tribal colleges, face difficulties and challenges. During the next three to four months we will be assessing our programs and staffing patterns. During the past two to three years we have not filled certain positions and have continued to do that in the current year.

8. Our audit was recently completed and unofficially we came out with a clean audit with no corrective actions or audit findings. I thank a lot of people for this especially the Business Office and its staff.

Highlights/Successes: Overall, it was a productive month. Ongoing planning and development has been a big part of what we’ve been doing. So far, I feel good about where we’re at with our self-study report. With our new state money, the funding of our NACTE Program, and our TREND grant, we have a good amount of soft money resources to address workforce training and development at least through the next two years.

Challenges: As with past months, the ICCA and Indirect Cost budget is a challenge. We will have to continue to use creative and innovative measures and approaches to fund our important programs. I appreciate the work we’ve done with the Budget Committee.

Anticipated Travel: Travel to Minnesota in early December to attend our Board of Directors meeting.

Jld/11.15.13
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
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<tbody>
<tr>
<td>I.1.0000</td>
<td>INSTITUTIONAL GOVERNANCE</td>
</tr>
<tr>
<td>I.2.0000</td>
<td>HISTORY AND ACCREDITATION</td>
</tr>
<tr>
<td>I.3.0000</td>
<td>PHILOSOPHY</td>
</tr>
<tr>
<td>I.4.0000</td>
<td>MISSION OBJECTIVES</td>
</tr>
<tr>
<td>I.5.0000</td>
<td>INSTITUTIONAL GOALS</td>
</tr>
<tr>
<td>I.6.0000</td>
<td>GOVERNMENT AND ORGANIZATIONAL STRUCTURE</td>
</tr>
<tr>
<td>I.7.0000</td>
<td>COMMITTEES</td>
</tr>
</tbody>
</table>
I.0.0000 INTRODUCTION

I.1.0000 INSTITUTIONAL GOVERNANCE

1.0010 BOARD OF TRUSTEES

This is a ten-member board appointed by the Tribal Council. The purpose of the Turtle Mountain Community College Board of Trustees shall be to advance and promote educational, economic and other opportunities on the Turtle Mountain Band of Chippewa Indian Reservation by seeking out and appointing competent Tribal members to serve as Directors of the College and thereafter to serve as a resource for advice to the aforementioned Board.

1.0020 BOARD OF DIRECTORS

This is a five member elected board which is the policy making body of the Turtle Mountain Community College. The Board is charged by the Tribe with the responsibility for providing community college instruction for residents within the Corporation who are qualified for admission, according to the standards prescribed by the Corporation establishment and operation of the college campus within the corporation; and the custody of and responsibility for the property of the Corporation and the management and control of said Corporation.

I.2.0000 HISTORY AND ACCREDITATION

2.0010 HISTORY

Turtle Mountain Community College (TMCC) is one of the original six tribal colleges that were established by various Indian Tribes in the early 1970's. The Turtle Mountain Chippewa Tribe chartered the college in November 1972. The TMCC is located in north central North Dakota in the historical wooded, hilly, and lake-filled area known as the Turtle Mountains. In addition to being the home of the Turtle Mountain Chippewa, the area is the home of the world-renowned International Peace Garden.

In its brief history the College has emerged as a leader among this nation’s 36 tribal colleges. Its origin was humble. For the first few years the College operated out of two offices on the third floor of a former Catholic Convent. For a short period the College operated out of the basement of an abandoned Indian Health Service facility. In 1977, the College moved into an abandoned tribal building and a BIA facility that had been moved to Belcourt’s main street by a tribal member who had converted the building to a café and dance hall. It was on Belcourt’s main street that the College later purchased and renovated several old buildings and as funding became available built a series of primarily metal buildings.

In May 1999, the College moved to a new campus and a new facility. The new facility is located 2 ½ miles north of Belcourt. TMCC’s new main campus includes a 124,000 square foot building located on an approximately 123-acre site. The new facility includes state of the art technology, a fiscal area, general classrooms, science, math and engineering classrooms, labs, library and archives, learning resource center, faculty and student services area, gymnasium and mechanical systems, an auditorium with seating capacity for 1000, Career and Technical Education building, and a new Student Center. The former main campus in Belcourt has twelve buildings that provide 66,000 square feet of space. Both campuses are
being used for college or community use. The Anishinabe Learning, Cultural and Wellness Center is located 1.5 miles North of Belcourt on BIA #7. The Center is a beautiful and symbolically powerful site. The Center consists of 102.5 acres of spectacular natural beauty and ponds, with Ox Creek running through the area. The Anishinabe Learning, Cultural and Wellness Center is the home for the 1994 Land Grant Programs.

The three campuses house all college functions with the exception of some off-campus community responsive training programs. TMCC is a commuter campus and maintains no residence halls.

Since its beginning the College has grown from a fledgling institution serving less than sixty students per year, to its current status of serving approximately 650 full-time equivalents and approximately 250 pre-college adults. Indeed, TMCC has demonstrated success in enrolling and graduating students. The College serves the tribal community in other ways too. Its many programs are helping to build local capacity to effect positive systemic change by improving all levels of educational achievement of tribal members and public and private economic sustainability of the Turtle Mountain Band of Chippewa Indians. Turtle Mountain Community College is a member of the American Indian Higher Education Consortium (AIHEC), which consists of Indian controlled colleges banded together to support mutual development activities. The college is eligible for services in Resource Development, Curriculum Development, Research and Data Assistance, Cooperative Education programming and Human Resource Development, through AIHEC’s development office.

2.0020 ACCREDITATION

The Higher Learning Commission (HLC) of the North Central Association of Colleges and Schools (NCA) accredits the College. Accreditation is not a requirement but is important to the College. According to the NCA Handbook of Accreditation the Commission states that, “Accreditation is both a process and a result.” As a process, it is a form of peer review in which educational institutions establish a set of criteria and procedures by which they and their fellows are judged. As a result, it is a form of certification by which the quality of an educational institution, as defined by the accreditation body’s criteria, is affirmed.”

The College received initial candidacy for accreditation in 1978. In April of 1980, the College received its first biennial visit to review progress and development. As a result of this visit, TMCC was granted continued Candidate Status for an additional two years. The College received a team of North Central Association evaluators for a second biennial visit in April of 1982. The team’s report again recommended the College be continued in Candidate Status at the Associate Degree granting level.

In April of 1984, a team of evaluators visited TMCC, and in August, of that year, the North Central Executive Board granted the College accreditation. In April of 1989, a team of evaluators visited TMCC to determine if TMCC was continuing to meet the accreditation criteria. On August 25, 1989, the Commission voted to continue the accreditation of TMCC. In October of 1993, NCA sent a team of evaluators to review the College’s request for continued accreditation. As a result, the College was granted ten years of accreditation with a focus visit to occur in the spring of 1996. The focus visit resulted in the College receiving full accreditation. In April 2001, the HLC granted full accreditation for the first baccalaureate
degree, a Bachelor of Elementary Education. The HLC of NCA granted TMCC its second ten years of accreditation in 2003.

I.3.0000 PHILOSOPHY

3.0010 PHILOSOPHY

Turtle Mountain Community College is a tribal community college with obligations of direct community service to the Turtle Mountain Band of Chippewa Indians. Under this unifying principle the college seeks to maintain, seek out and provide comprehensive higher education services in fields needed for true Indian self-determination.

THE SEVEN TEACHINGS OF THE ANISHINABE PEOPLE

The philosophical foundation of the college is embedded in the system of values that stem from the heritage and culture of the Anishinabe people and expressed in the Seven Teachings of the Tribe.

1. To cherish knowledge is to know WISDOM.
2. To know love is to know PEACE.
3. To honor Creation is to have RESPECT.
4. BRAVERY is to face the foe with integrity.
5. HONESTY in facing a situation is to be honorable.
6. HUMILITY is to know yourself as a sacred part of the Creation.
7. TRUTH is to know all of these things.

I.4.0000 MISSION OBJECTIVES

4.0010 INSTITUTIONAL MISSION STATEMENT

Turtle Mountain Community College is committed to functioning as an autonomous Indian controlled college on the Turtle Mountain Band of Chippewa Indian Reservation focusing on general studies, undergraduate education, vocational education, direct scholarly research, and continuous improvement of student learning. By creating an academic environment in which the cultural and social heritage of the Turtle Mountain Band of Chippewa is brought to bear throughout the curriculum, the college establishes an administration, faculty, staff, and student body exerting leadership within the community and providing service to it.

I.5.0000 INSTITUTIONAL GOALS

5.0010 INSTITUTIONAL GOALS

Turtle Mountain Community College hereby establishes the following goals:

01. Provides a learning environment stressing the application of academic concepts to concrete problems;

02. Promotes Academic preparation for learning as a life-long process of discovery of knowledge embedded in the intellectual disciplines and the traditions of the Tribe;
03. Encourages in and out of class opportunities to discover the nature of Indian society, its
history, variation, current and future patterns, needs, and to serve as a contributing
member toward its maintenance and betterment;

04. Offers a curriculum wherein Indian tribal studies are an integral part of all courses offered
as well as history, values, methods, and culture of the Western society;

05. Administers continuous assessment of institutional programs and student academic
achievement for the purpose of continuous improvement of student learning;

06. Awarding Baccalaureate, Associate of Arts, Associate of Science, Associate of Applied
Science degrees and certificate programs of study;

07. Promotes cooperation with locally Indian-owned businesses and stimulation of economic
development for the service area;

08. Maintains continued independent accreditation; and

09. Promotes community service and leadership.

1.6.0000 GOVERNMENT AND ORGANIZATIONAL STRUCTURE

6.0010 MODEL OF EXTERNAL AND INTERNAL ADMINISTRATION

6.0020 DESCRIPTION OF CHART ITEMS

.01 BOARD OF TRUSTEES - This is a ten member board appointed by the Tribal Council. Its
purpose is to advance and promote educational opportunities on the Turtle Mountain
Indian Reservation by seeking out and appointing competent tribal members to serve as
resources to the Board.

.02 BOARD OF DIRECTORS - This is a five member elected board. The Board is charged by the
Tribe with the responsibility for providing community college instruction for residents
within the Corporation who are qualified for admission, according to the standards
prescribed by the Corporation establishment and operation of the college campus with the
Corporation; and the custody of and responsibility for the property of the Corporation and
the management and control of said Corporation.

.03 PRESIDENT - The President of the College shall be the Executive Officer of the Board
through which the Board carries out its program and exercises its policies. He/she may
delegate to subordinate officers of the College such of his/her powers as he/she may
deem desirable to be exercised under his/her supervision and direction.

.04 VICE-PRESIDENT - This position is under the direct supervision of the President. The Vice-
President assists the President in carrying out the institutions policies; and is responsible
for supervising and coordinating special projects and initiatives for the College.
.05 COMPTROLLER - The Comptroller is the chief financial officer of the institution with responsibility for all fiscal policies as well as supervisory responsibility for business office staff. The Comptroller is under the direct supervision of the President.

1.7.0000 COMMITTEES

7.0010 LONG RANGE PLANNING AND SELF-STUDY COMMITTEES

.01 MISSION COMMITTEE – The institution’s mission is clear, articulated publicly, and appropriate to an institution of higher education. The committee will meet regularly and will be responsible for ensuring the institution is meeting the objectives of criterion one of the Higher Learning Commissions five criteria for accreditation.

.02 INTEGRITY COMMITTEE – The institution fulfills its mission ethically and responsibly. The committee will meet regularly and will be responsible for ensuring the institution is meeting the objectives of criterion two of the Higher Learning Commissions five criteria for accreditation.

.03 ACADEMIC PROGRAMS: TEACHING AND LEARNING: QUALITY, RESOURCES, AND SUPPORT COMMITTEE – The institution provides high quality academic programs, wherever and however its offerings are delivered (on the main campus, at additional locations, by distance delivery, as dual credit, through contractual or consortia arrangements). The committee will meet regularly and will be responsible for ensuring the institution is meeting the objectives of criterion three of the Higher Learning Commissions five criteria for accreditation.

.04 ACADEMIC PROGRAMS: TEACHING AND LEARNING: EVALUATION AND IMPROVEMENT COMMITTEE – The institution assures the quality of its academic programs and evaluates their effectiveness through processes designed to promote continuous improvement. The committee will meet regularly and will be responsible for ensuring the institution is meeting the objectives of criterion four of the Higher Learning Commissions five criteria for accreditation.

.05 RESOURCES AND PLANNING COMMITTEE – The institution’s resources are sufficient to fulfill its mission, improve the quality of its educational offerings, and respond to future challenges and opportunities. The committee will meet regularly and will be responsible for ensuring the institution is meeting the objectives of criterion five of the Higher Learning Commissions five criteria for accreditation.

7.0020 INSTITUTIONAL COMMITTEES

Turtle Mountain Community College (TMCC) enacts regulations to ensure faculty and staff the right to participate effectively in shared governance, and to ensure the right of TMCC faculty/staff committees to assume primary responsibility for making recommendations in the areas of curriculum, academic standards, services provided for students, and in their primary professional duties.

The Turtle Mountain Community College’s Shared Governance Constitution is based on the core values of:

1. Informed decision-making;
2. Clarity of operations and decision making;
3. Open lines of communication between all components and members of the TMCC community;

Section 1-5
4. Accountability,
5. Mutual respect and trust; and

This shared involvement in the decision making process does not necessarily imply total agreement nor does it abrogate the ultimate decision making responsibility of TMCC’s President and the Board of Directors.

TMCC has developed a committee approach to addressing areas of concern, developing needed policies and acting as a review board for various areas of the College. Committee membership has proven to be beneficial to the staff and faculty of TMCC. In many cases, this process has provided the setting for the staff and faculty to learn about different facets of the College. In addition, this process provides the opportunity for the staff and faculty to have input into the total operation of the College. The committees that are currently functioning are the following: President’s Administrative Committee, Retention Committee, Recruitment Committee, Academic Standards Committee, Supervisor’s Committee, Evaluation Development, Admissions and Financial Aid Committee, Faculty Committee, Staff Committee Scholarship Committee, Curriculum Committee, and Assessment Committee.

.01 PRESIDENT’S ADMINISTRATIVE COMMITTEE - The charge of this committee is to provide input to the President on a number of topics and issues as they pertain to the College. These include such issues as programs to be designed and implemented; funding of programs; communicating program status and progress to members and departments represented on the committee; to accept, review and make recommendations for proposals to be submitted to federal, foundation, tribal, or state funding agencies; budgetary decisions and recommendations; policy development as it pertains to staff, faculty, and students; accept information from the Academic Standards Committee, evaluate the information and make recommendations regarding action to the President who will subsequently make recommendations to the Board; and to provide a means of effective communication throughout the college. In most instances, the input from this committee will be through recommendations, but in some instances, and at the discretion of the President. This committee may have a vote in deciding an issue.

.02 RETENTION COMMITTEE - The Retention committee has the responsibility of fostering and assisting in the development of student retention initiatives. These initiatives include but are not limited to the following: (1) Develop and implement a retention plan, (2) prepare and present retention budget, and (3) work closely with the recruitment committee in planning recruitment initiatives. The retention committee will meet with the recruitment committee at least twice each year, once in the fall semester and once in the spring semester.

.03 RECRUITMENT COMMITTEE: The Recruitment committee has the responsibility of fostering and assisting in the development of student recruitment initiatives. These initiatives include but are not limited to the following: (1) Develop a recruitment plan, (2) review all recruitment publications, (3) develop a visitation calendar, (4) plan on/off-campus recruiting initiatives, and (5) prepare and present recruitment budget. The recruitment committee will meet with the retention committee at least twice each year, once in the fall semester and once in the spring semester.

.04 ACADEMIC STANDARDS COMMITTEE - This committee has the responsibility for the following areas: (1) academic programs, (2) approval of new courses, course changes, and
approval of curriculum changes, (3) academic standards, (4) academic bankruptcy, and (5) guidance for Dean of Academic Programs when requested.

.05 SUPERVISOR’S COMMITTEE - This committee is to provide the setting for members to share ideas and seek guidance in problem solving in their areas of supervision. This committee will make program and personnel recommendations to the President’s Administrative Committee.

.06 EVALUATION DEVELOPMENT COMMITTEE - The charge of this committee is to develop and recommend to the President’s Administrative Committee evaluation instruments and procedures. This will result in a formal evaluation program for all the employees of Turtle Mountain Community College. This was an Ad Hoc Committee that was formed to examine and update the evaluation tool used annually. This task was completed by the committee, and the committee was no longer in place.

.07 ADMISSIONS AND FINANCIAL AID COMMITTEE - This committee will be responsible for the following areas: (1) Admissions Appeal Panel, and (2) Financial Aid Appeal Panel. The committee members will approve admission policies and financial aid policies and procedures.

.08 FACULTY COMMITTEE - This committee is made up of all full-time college faculty. Its purpose is to discuss matters that deal strictly with instruction. The committee works to strengthen camaraderie among faculty and shares new ideas and methods. During the first month of the academic year, a coordinator for the Faculty Committee will be selected by the faculty.

.09 STAFF COMMITTEE – This committee is made up of full-time staff (non-faculty college employees). Its purpose is to discuss matters that deal strictly with staff. The committee works to strengthen camaraderie among staff and shares new ideas and methods. During the first month of the academic year, a coordinator for the staff committee will be selected by majority vote of all full-time staff. The coordinator will serve on the President’s Administrative Council as a staff representative.

.10 SCHOLARSHIP COMMITTEE – The scholarship committee reviews scholarship applications, (other than Title IV PELL and College Work Study), to determine who will receive those scholarships that are not specifically identified by the benefactor / grantor. If an individual is named and is not enrolled, the committee will select a new awardee, where allowed and appropriate.

.11 CURRICULUM COMMITTEE – Develops and recommends policies and procedures for college-wide curricular standards, reviews catalog offerings and degree requirements, and initiates discussions on future curricular matters. (These duties are performed by the faculty chairs and the Academic Standards Committee).

.12 ASSESSMENT COMMITTEE: - This committee directs and organizes assessment of student learning, reviews and evaluates all assessment instruments and results, ensures that the results of assessment are used to improve student learning, and continually improves and updates the assessment process.
4.9.0000 CONFLICT OF INTEREST

9.0010 INTRODUCTION

Turtle Mountain Community College maintains uniform policies and standards for identifying, and removing, actual Conflicts of Interest and has adopted policies and procedures for managing situations that could give rise to potential or perceived Conflicts of Interest. In determining whether an actual, potential, or perceived Conflict of Interest exists in a given situation, the Turtle Mountain Community College will consider the specific details of the situation and make a determination based on the totality of the circumstances. Turtle Mountain Community College believes that clear guidelines and principles for reporting and managing actual, potential, and perceived Conflicts of Interest will assist our faculty, staff, and students in maintaining the highest level of integrity in their endeavors.

9.0020 POLICY STATEMENT

.01 An actual Conflict of Interest arises in a situation where financial or other personal or professional considerations compromise an individual's objectivity, professional judgment, professional integrity, and/or ability to perform his or her professional responsibilities to Turtle Mountain Community College. In addition to situations that clearly give rise to an actual Conflict of Interest, individuals are cautioned also to consider gray areas that might create the perception of or the potential for a Conflict of Interest. Perceived or potential Conflicts of Interest can be said to exist in situations where an individual member of Turtle Mountain Community College (Member), a member of the individual's family (Family), or a close personal relative (Close Relative) has financial interests, personal relationships, or professional associations with an individual, individuals, or outside organization, such that his or her activities within Turtle Mountain Community College could appear to be influenced by that interest or relationship.

.02 All Members of the Turtle Mountain Community College community are committed to identifying and avoiding situations and activities that constitute a Conflict of Interest in the execution of their duties for Turtle Mountain Community College. Furthermore, activities, situations, and relationships that might create the perception of or potential for a Conflict of Interest must be identified and managed appropriately. In every instance, Turtle Mountain Community College reserves the right to make a determination in light of its best interest.

.03 On no less than an annual basis, all Members, whether they are engaged in activities that might create the perception of or potential for a Conflict of Interest or not, are required to submit a Conflict of Interest Disclosure Survey to Vice-President or President.

.04 Conflict of Interest Categories:

.05 Situations and activities may be grouped into one of three categories under this Conflict of Interest Policy:

Category A: Not Significant and Generally Permissible Activities
Situations where any Financial Interest held by a Member, Member's Family, or Member's Close Relative does not indicate a Significant Financial Interest and where the situation
suggests no actual, potential, or perceived Conflict of Interest. These situations may continue without special safeguards or oversight.

**Category B:** Potential or Perceived Conflicts of Interest Activities which represent Potential or Perceived Conflicts of Interest would be permitted to go forward after disclosure with an approved Management Plan.

**Category C:** Actual Conflicts of Interest Activities which represent actual Conflicts of Interest, and which may be permitted to go forward after disclosure only with an appropriate Management Plan to eliminate the conflict, safeguard against prejudice toward College activities, and provide continuing oversight.

9.0030 SCOPE

This policy is applicable to:

- All TMCC Board members
- All TMCC faculty members
- All TMCC staff members
- All persons representing TMCC

9.0040 DEFINITIONS

**Employee**- Any person covered by this policy as provided for in Application of Policy Conflict of Interest-

.01 Many employees either have positions that allow them to influence college decisions, or they have been entrusted with the authority to make decisions for the college. Conflict of interest exist if an employee’s position or authority may be used to influence or make decisions, or have the appearance of influence, that lead to any form of financial or personal gain for that employee or for his or her family. The bias can affect collection, analysis, and interpretation of data, hiring of staff, and procurement of materials.

.02 In academic research, the term conflict of interest refers especially to situations in which financial or other personal considerations may compromise, or may have the appearance of compromising, an investigator’s professional judgment in conducting or reporting research. The bias can effect collection, analysis, and interpretation of data, hiring of staff, and procurement of materials, sharing of results, choice of protocol, and the use of statistical methods. Conflict of interest can affect all scholarly fields.

It is acknowledged that, in their wider roles as academicians and professionals, the faculty may be subject to conflicts of interest that are not necessarily financial and that are not within the scope of a policy that is designed to address conflicts of interest in the employer-employee setting. Academic and professional activities not covered by this policy are best handled within the ethical guidelines of the college outlined in the code of conduct.

- In academic administration, the term conflict of interest refers especially to situations in which financial or other personal considerations may compromise, or have the appearance of compromising, decisions made by administrators.
• Significant and material conflict of interest is covered under this policy.

**Family or Close Relative**—For purpose of this policy, family or close relative is defined as the employee's spouse, children, siblings, parents and grandparents.

**Financial interest**—Any relationship, including a consulting relationship, entered into by the employee or his or her family, other than employment by the college, which could result in financial gain for the employee or his or her family.

**Investigator**—For purpose of this policy, investigator shall include the principle investigator and all co-principle investigators.

**Significant Financial Interest**—The term significant financial interest means anything of monetary value, including, but not limited to: salary or other payments for services; equity interests (e.g., patents, copyrights, other ownership interests); and non-College royalties from intellectual property rights (e.g., patents, copyrights, trade secrets, and trademarks). An amount $5,000 is used as a guide, but a conflict of interest could and can occur for an amount less than $5,000 as indicated below.

The term significant financial interest does not include:

1. Any salary other remuneration paid by the College to the Employee and the Employee's spouse and/or dependent children;
2. The ownership of any intellectual property rights and interests, but only so long as the Employee has not received any income related to the rights and interests or if the Employee as assigned any ownership interest in those rights to the College;
3. Any reimbursed or sponsored travel, but only if the travel is sponsored or reimbursed by a Federal, state or local government, an institution of higher education, or other organization. In other words, if any other entity or organization covered your expenses for travel, you must disclose it.
4. Any income from seminars, lectures, or teaching engagements sponsored by a federal, state or local government agency, an institution of higher learning, or a research institute. In other words, if any other entity or organization paid you to deliver a seminar, lecture or teach, you must disclose it;
5. Any income from service on advisory panels for a federal, state or local government agency, an institution of higher learning, or organization. In other words, if any other type of entity or organization paid you to serve on an advisory panel, you must disclose it.
6. Salary, royalties or other payments made to the Employee's spouse and/or dependent children, from entities that do not do business with the College;
7. Salary, royalties or other payments from entities that do business with the College that, when aggregated for the Employee and the Employee's spouse and/or dependent children over the next twelve months, are not expected to exceed $5,000.

To insure continued confidence of the members of the Turtle Mountain Band of Chippewa in the college and its personnel, individuals serving the college shall at all times act in a manner consistent with their public responsibilities to the college and shall exercise particular care that no real or perceived detriment to the college results from conflicts between personal interests and those of the college. Conflict of interest
situations, or the appearance of conflicts of interest, have the potential to result in serious harm and direct losses to the college. The losses are often difficult to detect and include not only direct monetary losses and loss confidence in the college, but also negative publicity and erosion of employee morale.

It is the policy of the college that its officers, faculty, staff and others acting on its behalf have the obligation to avoid ethical, legal, financial, or other conflicts of interest and to ensure that their activities and interest do not conflict with their obligation to the college or to its welfare.

This policy applies to all officers and employees of the college. This policy also applies to persons affiliated or associated with the college. All provisions except those relating to outside employment, apply to persons affiliated with the college.

This policy is to be interpreted and applied in a manner that will best serve the interest of the college and that distinguishes between those minor and inconsequential conflicts which are unavoidable and those conflicts which are substantial and material. A conflict of interest may exist when an employee, a close relative, or a person or organization with which the employee is associated has an existing or potential financial or other interest which involves the employee’s college responsibilities. If an employee believes that he or she may have a conflict of interest, the employee shall promptly and fully disclose the conflict to the Vice-President and President and shall refrain from participating in any way in the matter to which the conflict relates until the conflict in question has been resolved. In some cases, it may be determined that after full disclosure the college’s interest are best served by participation of the employee despite the conflict or appearance of conflict.

This policy does not prohibit an employee from freely pursuing those teaching, research, and professional and public service activities which will not result in such a conflict, nor prohibit an employee from accepting pay, compensation, fees, honoraria, or reimbursement of expenses which may be offered in connection with such activities.

9.0050 TYPES OF PROHIBITED CONFLICT

01 Personal gain from college position

    a. An employee may not use or attempt to use, in a manner contrary to the interest of the college, his or her position or college property or services, to gain or attempt to gain anything for the private benefit of the employee.

    b. An employee may not solicit or receive gifts or entertainment valued at $25 or greater for personal use from suppliers of goods or services, or from persons associated with or seeking association with the college.

    c. An employee shall not use confidential information acquired in connection with college related activities for personal gain or for other unauthorized purposes.

02 Proposals and funded Grants

    a. In academic research and program proposals, the investigator and others involved in the development, conduct and reporting to a funding agency must
report any potential conflict prior to submission of a proposal and thereafter annually, or sooner should a conflict arise, for funded proposals.

b. An employee may not receive equity interest (stocks, stock options, or ownership interest) or intellectual property rights (patents, copyrights and royalties from such rights) as a result of sponsored programs.

.03 Contracting and Leasing

a. An employee may not enter into any contract or lease with the college, if the employee is in a position to approve or influence, in his or her official capacity, the college’s decision to enter into the contract or lease, unless such contract is deemed in the best interest of the college and has the approval of the Vice-President and President.

b. If the employee is in a position to approve or influence the college’s decision, the employee may enter into a contract or lease, provided the employee makes prior written disclosure of the nature and extent of any relationship to the Vice-President and President and obtains written approval. The Vice-President and President shall approve an employee’s interest in a lease or contract unless the Vice-President and President determines that the employee’s personal interest in the agreement will conflict substantially and materially with the employee’s discharge of his or her college responsibilities.

c. An employee may not contract with the college to provide a service which is the same as or similar to the service that the employee provides as a college employee. Such services may be provided only as a college employee in the course of college employment.

.04 Outside Commitment

a. Employees are permitted to engage in outside consulting activities and other outside activities provided any other outside position would not impair the employee’s ability to meet his or her obligation to the college.

b. An employee with faculty rank shall not take on a teaching assignment in another institution of higher learning during the academic year except after obtaining written approval of the Academic Dean.

c. An employee shall not engage in outside employment or activities which could be viewed as impairing the employee’s judgment in the performance of college duties and responsibilities.

.05 Use of College Name and Resources

a. An employee shall not use the official title of the college or any of its parts, in whatever form that title may appear, except in connection with legitimate college purposes.

b. The college’s name, facilities, equipment, stationary, supplies, personnel and other resources are to be used only for the furtherance of the college’s mission. An employee shall not make unauthorized use of any college resources, including the services of college employees, for the personal benefit of the employee.
9.0060 Disclosure and Consultation

When it appears that a material conflict of interest may arise between the personal interest of an employee and his or her responsibilities to the college, the employee shall notify the Vice-President and President by submitting a written statement describing the nature of the possible conflict. If an apparent conflict comes to the attention of the Vice-President or President, the Vice-President or President may request a written statement from the employee.

When it appears that a conflict of interest may affect a sponsored program, the Vice-President will notify the funding agency of the potential conflict and the remedy sought to resolve the conflict. Should the college be unable to resolve the conflict, the Vice-President or President shall notify the funding agency.

If an employee is in doubt as to whether he or she is confronted with a conflict of interest, the employee should consult with the Vice-President and President to determine if the outside interest could conflict with the employee’s obligation to the college.

Any employee, who becomes aware of a conflict of interest within the college, shall immediately notify the Vice-President or President.

The Vice-President and President shall promptly notify the employee or associate in writing that:

a. There is no conflict and the employee may proceed; or
b. There may be a conflict and further consultation is necessary prior to reaching a determination; or
c. There is a conflict and the employee shall not proceed with his or her personal interest which results in the conflict.

The employee may appeal the decision to the Board of Directors.

9.0070 SANCTIONS

Failure to disclose a conflict of interest may be grounds for disciplinary action, up to and including termination. All employees and persons associated with the college shall adhere to the laws, rules, regulations, and policies of applicable governmental and college authorities and the standards set for in the college’s code of conduct (Section 5.4.0080 CODE OF CONDUCT). Failure to do so may be grounds for disciplinary action, up to and including termination.

9.0080 RECORDS

The records of all Conflicts of Interest will be kept on file for a minimum of three (3) years
Consultant

A. A consultant is an independent contractor (a non-TMCC employee), an established business concern, and/or individual who receives a payment for services as defined below.

B. Consulting services are defined as the rendering of time, effort, or work rather than the furnishing of a specific physical product, other than reports incidental to the required performance. It includes, but is not limited to, the professional, personal and/or contractual services provided by architects, attorneys, consultants, and where the service is associated with the provision of expertise or labor, or both.

C. In order to be classified as an independent contractor and not as a TMCC employee, the relationship between the individual and the College must be such that the College does not have a right to direct and control the means and details of the work performed by the individual.
Appendix
Independent contractor Test
Taken from IRS Publication 15-A

Behavioral control

Facts that show whether the business has a right to direct and control how the worker does the task for which the worker is hired include the type and degree of—

1. Instructions the business gives the worker. An employee is generally subject to the business’ instructions about when, where, and how to work. All of the following are examples of types of instructions about how to do work:
   a. When and where to do the work
   b. What tools or equipment to use
   c. What workers to hire or to assist with the work
   d. Where to purchase supplies and services
   e. What work must be performed by a specified individual
   f. What order or sequence to follow

The amount of instruction needed varies among different jobs. Even if no instructions are given, sufficient behavioral control may exist if the employer has the right to control how the work results are achieved. A business may lack the knowledge to instruct some highly specialized professionals; in other cases, the task may require little or no instruction. The key consideration is whether the business has retained the right to control the details of a worker’s performance or instead has given up that right.

2. Training the business gives the worker. An employee may be trained to perform services in a particular manner. Independent contractors ordinarily use their own methods.

Financial control

Facts that show whether the business has a right to control the business aspects of the worker’s job include:

3. The extent to which the worker has unreimbursed business expenses. Independent contractors are more likely to have unreimbursed expenses than are employees. Fixed ongoing costs that are incurred regardless of whether work is currently being performed are especially important. However, employees may also incur unreimbursed expenses in connection with the services they perform for their business.

4. The extent of the worker’s investment. An employee usually has no investment in the work other than his or her own time. An independent contractor often has a significant investment in the facilities he or she uses in performing services for someone else. However, a significant investment is not necessary for independent contractor status.

5. The extent to which the worker makes services available to the relevant market. An independent contractor is generally free to seek out business opportunities. Independent contractors often advertise, maintain a visible business location, and are available to work in the relevant market.

6. How the business pays the worker. An employee is generally guaranteed a regular wage amount for an hourly, weekly, or other period of time. This usually indicates that a worker is an employee, even when the wage or salary is supplemented by a commission. An independent contractor is usually paid by a flat fee for the job. However, it is common in some professions such as law, to pay independent contractors hourly.

7. The extent to which the worker can realize a profit or loss. Since an employer usually provides employees a workplace, tools, materials, equipment, and supplies needed for the work, and generally pays the costs of doing business, employees do not have an opportunity to make a profit or loss. An independent contractor can make a profit or loss.
Type of relationship

Facts that show the parties' type of relationship include:

8. Written contracts describing the relationship the parties intended to create. This is probably the least important of the criteria, since what really matters is the nature of the underlying work relationship, not what the parties choose to call it. However, in close cases, the written contract can make a difference.

9. Whether the business provides the worker with employee-type benefits, such as insurance, a pension plan, vacation pay, or sick pay. The power to grant benefits carries with it the power to take them away, which is a power generally exercised by employers over employees. A true independent contractor will finance his or her own benefits out of the overall profits of the enterprise.

10. The permanency of the relationship. If the company engages a worker with the expectation that the relationship will continue indefinitely, rather than for a specific project or period, this is generally considered evidence that the intent was to create an employer-employee relationship.

11. The extent to which services performed by the worker are a key aspect of the regular business of the company. If a worker provides services that are a key aspect of the company's regular business activity, it is more likely that the company will have the right to direct and control his or her activities. For example, if a law firm hires an attorney, it is likely that it will present the attorney's work as its own and would have the right to control or direct that work. This would indicate an employer-employee relationship.