

TURTLE MOUNTAIN COMMUNITY COLLEGE

POLICY MANUALS

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INTRODUCTION

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1.0.0000 INTRODUCTION

1.1.0000 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.

1.2.0000 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 with two offices on the third floor of a former Catholic Convent. For a short period the College operated in 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 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 800; Career and Technical Education building; and a new Student Center. The former main campus in Belcourt has

SECTION 1 - INTRODUCTION

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

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degree, a Bachelor of Elementary Education. The HLC of NCA granted TMCC its second ten years of accreditation in 2003.

1.3.0000 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.

1.4.0000 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.

1.5.0000 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;

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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 selected 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. The President 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.

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- .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 Commission’s 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 Commission’s five criteria for accreditation
- .03 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 Commission’s five criteria for accreditation
- .04 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 Commission’s 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 Commission’s 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 - INTRODUCTION

4. Accountability,
5. Mutual respect and trust; and
6. Seven Teachings of the Anishinabe people.

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 - This committee's charge 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 this 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 – This 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: This 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

SECTION 1 - INTRODUCTION

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 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.
- .07 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.
- .08 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,
- .09 SCHOLARSHIP COMMITTEE – This committee reviews scholarship applications, (other than Title IV PELL and College Work Study), to determine who will receive 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.
- .10 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.

2.0.000

BOARD OF TRUSTEES

BY-LAWS

Section 2

SECTION 2: BOARD OF TRUSTEES BY LAWS

2.0.0000	NAME AND AUTHORITY OF COLLEGE AND GOVERNING BOARDS
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SECTION 2 BOARD OF TRUSTEES BY LAWS

2.0.0000 BOARD OF TRUSTEES BY LAWS

2.0.0000 NAME AND AUTHORITY OF COLLEGE AND GOVERNING BOARDS

0.0010 NAME

The name of the institution shall be "Turtle Mountain Community College, Inc." (hereinafter referred to as the "College"). The name of the community college system shall be "The Turtle Mountain Community College." On all documents other than official legal documents, such as any document filed in court, as required by the Internal Revenue Service of the United States, publication of legal notices, execution of contracts and other legal documents, the name "Turtle Mountain Community College" shall be used.

0.0020 COLLEGE AS AGENCY OF TRIBE

The College, together with the Board of Trustees and Board of Directors that manage it, is an agency of the Turtle Mountain Band of Chippewa Indians, a federally recognized Indian tribe (hereinafter referred to as the "Tribe"), governed by its legislative body known as the Tribal Council. The College and its governing boards shall act in accordance with the laws of the Tribe; the Tribal Constitution, as amended from time to time; to the extent necessary, the laws of the state of North Dakota, and the laws and Constitution of the United States.

0.0030 CHARTER AND AUTHORITY OF COLLEGE

The specific authority of the College and its governing boards to provide higher education within the lands governed by the Turtle Mountain Band of Chippewa is stated in Article V of the Tribal Charter issued by the Tribe pursuant to Resolution No. 678-11-72 enacted on November 9, 1972, and reissued as a Restated Charter, pursuant to Resolution No. 676-11-72, enacted on August 23, 2010 (Hereinafter referred to as the "Charter"). The Bylaws of the Board of Trustees and the Board of Directors are incorporated into the Charter of the College by reference, and may be amended as provided by those Bylaws.

2.1.0000PURPOSE

The overall purpose of the Board of Trustees shall be to advance and promote the mission of the College, which is to: "function as an autonomous Indian controlled college on the Turtle Mountain 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 and student body exerting leadership within the community and provides service to it."

Under the Charter as reauthorized by the Tribal Council of the Turtle Mountain Band of Chippewa, the Board of Trustees was specifically created to appoint the members of the Board of Directors of the College and to provide guidance to the Board of Directors in carrying out the mission of the College as provided in these bylaws.

SECTION 2 BOARD OF TRUSTEES BY LAWS

2.2.0000 APPOINTMENT OF MEMBERS OF THE BOARD OF TRUSTEES

2.0010 APPOINTMENT

The Board of Trustees is appointed by the Tribal Council of the Turtle Mountain Band of Chippewa in accordance with the restated Charter of the College. Qualifications for the Board of Trustees are stated in the restated Charter.

At the discretion of the majority of the Board of Trustees, an active member may be elevated to honorary Board member status. When this occurs a vacancy exists on the Board of Trustees and the vacancy will be filled according to these bylaws.

2.0020 MEMBERSHIP YEAR

The membership year shall be from September 1 to August 31.

2.0030 COMPOSITION

The Board of Trustees shall be composed of ten (10) members appointed as follows: six (6) at large members appointed for life by the Tribal Council; two (2) members who are members of the Tribal Council appointed by the Tribal Council, and two (2) members who are students attending the College selected as provided in the student Constitution; all of whose qualifications are set forth in the restated Charter of the College.

2.0040 TERM OF OFFICE

The term of office of the six (6) at large members shall be life subject to removal for good cause, in accordance with Section 3.0050 of these bylaws. Any other Trustee shall serve as long as the Trustee is qualified to serve in accordance with the restated Charter.

2.3.0000 POWERS OF THE BOARD OF TRUSTEES

Subject to applicable law, and without limiting the right of the Tribe to modify its powers and duties, the Board of Trustees shall have the power to:

3.0010 APPOINTMENT OF MEMBERS OF BOARD OF DIRECTORS

Appoint the membership of the Board of Directors when vacancies occur for any reason, including removal by the Board of Trustees as provided in Article II, Section 3.3. The Board of Trustees will develop criteria for membership on the Board of Directors consistent with the Mission and Institutional Goals of the College. As stated in the restated Charter, no employee of the College may serve as a member of the Board of Directors of the College. Vacancies on the Board of Directors should be filled by the Board of Trustees within 30 days of written notice being given to the Board of Trustees. This time frame may be extended by majority vote of the Board of Trustees as necessary.

3.0020 SELECTION OF PANEL OF TRUSTEES FOR EMERGENCY APPOINTMENT TO BOARD OF DIRECTORS

When a quorum of the Board of Directors cannot be established by any other means, including personal presence, conference call or other electronic means, the Chairman of the Board of Trustees, or the Vice-Chairman, if the Chairman is not available, present, or if neither the Vice-Chairman and the Chairman are available, those members of the Board of Trustees in attendance, if any, at the meeting shall appoint a Trustee qualified pursuant to Section 4.4.0070 of the bylaws of the Board of Directors to serve on the Board of Directors for the purpose of

SECTION 2 BOARD OF TRUSTEES BY LAWS

establishing a quorum in the event of an emergency requiring immediate action by the Board of Directors. Any member of the Board of Trustees appointed to serve on the Board of Directors under this section serves only until such time as a quorum of duly appointed members of the Board of Directors can be established.

3.0030 REMOVAL OF MEMBERS OF THE BOARD OF DIRECTORS FOR CAUSE

Remove members of the Board of Directors for good cause, including, but not limited to, failure to attend to the duties of the office (including, but not limited to, absenteeism), inappropriate or illegal conduct, conflict of interest, death or disability, resignation or other similar reasons, based on criteria developed by the Board of Trustees that reflect the Mission and Institutional Goals of the College and in accordance with due process procedures as developed by the Board of Trustees.

3.0040 REVIEW OF DECISION OF BOARD OF DIRECTORS TO APPOINT OR REMOVE PRESIDENT OF COLLEGE OR RENEW OR NON-RENEW CONTRACT OF PRESIDENT

Approve or disapprove in writing a decision by the Board of Directors to appoint or remove the President of the College from office for just reason, including a decision of the Board of Directors to renew or not to renew the contract of the President of the College. The Board of Trustees shall not unreasonably decline to follow the decision of the Board of Directors.

- .01 The Board of Trustees has the authority to establish a process for review of a decision of the Board of Directors to appoint or remove the President or to renew or not to renew the President's contract. The process established must take into account all elements of the decision of the Board of Directors, including, but not limited to, whether due process was provided to the President by the Board of Directors in his or her removal or non-renewal of his or her contract. The entire process, including the process outlined in 3.0040.02 of these bylaws, should take place within 30 days of receipt by the Board of Trustees of the decision of the Board of Directors regarding removal or appointment of the President or renewal or non-renewal of the President's contract. This period may be lengthened by the mutual consent of both the Board of Trustees and the Board of Directors.
- .02 Should the Board of Trustees disagree with the Board of Directors regarding the decision of the Board of Directors to appoint or remove the President, or to renew or not to renew the President's contract, the Board of Trustees or the Board of Directors may request a special joint meeting to discuss the issue. If, as a result of the special joint meeting held as provided above, or in the event no meeting is called, the Board of Directors has indicated to the Board of Trustees that it will not change its initial decision, each Board shall, at the meeting called by the Board of Trustees as provided in this section, or at another meeting of each Board, acting separately, select a committee of three (3) of the members of their respective boards to serve on a special Joint Committee that will have the authority to make a final decision regarding the appointment or removal of the President or renewal or non-renewal of the President's contract. The special Joint Committee so appointed by the respective Boards will select a Chairman *pro tem* for the Joint Committee from the remaining nine members of the Board of Trustees and Board of Directors. The Chairman *pro tem* will not vote on any issue before the Joint Committee except in the case of a tie. At the meeting at which a Chairman *pro tem* is selected, or at such future meeting of the Joint Committee as may

SECTION 2 BOARD OF TRUSTEES BY LAWS

be called by the Chairman *pro tem*, the Joint Committee will reach a decision by majority vote regarding the initial decision of the Board of Directors to remove or appoint the President or to renew or not to renew the President's contract. The meeting of the Joint Committee may be continued from time to time until a decision is reached. For any meeting required under this section, a quorum of the Board of Directors cannot be established using the procedure stated in Section 3.2 of these bylaws. The decision of the Joint committee will be final. Failure of the Board of Trustees to appoint members to the Joint Committee; or failure of both the Board of Trustees and the Board of Directors to appoint members to the Joint Committee; or failure of the Joint Committee, once appointed, to meet within a reasonable period of time to make a decision will mean that the initial decision of the Board of Directors regarding the President is final. Failure of only the Board of Directors to appoint members to the Joint Committee will mean that the decision of the Board of Trustees is final.

3.0050 RECOMMENDATION TO TRIBAL COUNCIL TO REPLACE MEMBERS OF BOARD OF TRUSTEES

With the consent of the majority of the Board of Trustees, officially notify the Tribal Council, or the student governing body, as may be appropriate, of the recommendation of the Board of Trustees to remove and replace any Trustee based upon failure of the Trustee to attend to the duties of the office (including, but not limited to, absenteeism), inappropriate or illegal conduct, conflict of interest, death or disability, resignation, or other similar reasons.

3.0060 SELECTION OF OFFICERS OF THE BOARD OF TRUSTEES

Select officers of the Board of Trustees in accordance Section 4.0020 of these bylaws.

3.0070 RULES OF PROCEDURE

Adopt rules of procedure for the conduct of the meetings of the Board of Trustees.

3.0080 APPROVAL OR DISAPPROVAL OF AMENDMENTS TO BYLAWS OF BOARD OF DIRECTORS

Approve or disapprove all amendments to the bylaws of the Board of Directors. The Board of Trustees will develop policies for review of proposed amendments to the Bylaws of the Board of Directors.

3.0090 PROPOSAL OF AMENDMENTS TO BYLAWS OF BOARD OF TRUSTEES

Propose amendments to these bylaws. Once adopted by the Board of Trustees, any amendment so adopted will be submitted for approval or disapproval by the Board of Directors as provided in Section 2.8000 of these bylaws.

3.0100 VOLUNTARY ATTENDANCE AT MEETINGS OF BOARD OF DIRECTORS

Attend all meetings of the Board of Directors and enter into discussions with the Board of Directors, but any member of the Board of Trustees attending a Board of Directors meeting shall have no voting power within the Board of Directors unless appointed pursuant to Section 3.0020 of these bylaws. Any one or more members of the Board of Trustees may attend a meeting of the Board of Directors.

SECTION 2 BOARD OF TRUSTEES BY LAWS

2.4000 BOARD OF TRUSTEES OFFICERS, ELECTIONS OF OFFICERS AND DUTIES OF OFFICERS

4.0010 ELECTED OFFICERS

- .01 Officers of the Turtle Mountain Community College Board of Trustees shall be a Chairperson (hereafter referred to as the "Chair"), a Vice-Chairperson, (hereafter the "Vice-Chair") and a Secretary. To be nominated for Chair, the person so nominated must have served on the Board for at least two years as a full member of the Board. The Secretary need not be a member of the Board of Trustees, in which case the Secretary shall not have voting privileges.
- .02 The duties and responsibilities of elected officers shall be those usually pertaining to such positions including the following specific duties assigned to each office.
- .03 At the direction of the Board of Trustees, elective officers may be assigned duties not ordinarily associated with their position.

4.0020 ELECTION OF OFFICERS AND TERMS

- .01 Officers will be elected at a meeting of the Board of Trustees, whether considered special or regular, held as close as possible to the date on which their respective terms as officers expire.
- .02 Each officer may be reelected indefinitely. Other than the Chair, whose term is three (3) years, the term of each officer is two (2) years.
- .03 Officers in place when these restated bylaws become effective shall remain in office until their terms would have expired under the previous bylaws, or until two years from the effective date of the bylaws, whichever is later.
- .04 Officers shall be elected by majority vote of the Board of Trustees.
- .05 Each officer selected must agree to serve before being nominated.
- .06 Officers may be removed from their office by a majority vote of the Board of Trustees prior to serving their entire term of office upon a showing that the officer has failed to carry out the responsibilities of the office for which the officer was elected or other good cause. Good cause may include, but is not limited to, any of the reasons for removal of a member of the Board of Trustees as set forth in Article II, Section 3.5 of these bylaws.

4.0030 CHAIR

The Chair shall have the following duties:

- .01 To call meetings of the Turtle Mountain Community College Board of Trustees.
- .02 To preside over meetings of the Turtle Mountain Community College Board of Trustees.
- .03 With the approval of the majority of the Board of Trustees, to appoint members to all special committees.
- .04 With the consent, and at the direction of, the majority of the Board of Trustees, as provided in Sections 3.0010, 3.0020 and 3.0030 of these bylaws, to officially notify the Board of Directors in writing of any action of the Board of Trustees to remove or replace a member of the Board of Directors.

SECTION 2 BOARD OF TRUSTEES BY LAWS

- .05 With the consent, and at the direction of, the majority of the Board of Trustees, as provided in Section 3.0040 of these bylaws, to officially notify the Board of Directors in writing of any action of the Board of Trustees to approve or disapprove any action of the Board of Directors to appoint or remove the President of the College, or to renew or fail to renew the contract of the President.
- .06 With the consent, and at the direction of, the majority of the majority of the Board of Trustees, as provided in Section 3.0050 of these bylaws, to officially notify the Tribal Council in writing of the recommendation of the Board of Trustees for the Council to remove or replace any Trustee.
- .07 To serve as a member with voting privileges on any special committee which the Chair appoints.
- .08 To nominate to the Board of Trustees members to fill vacancies on all special committees.

4.4000 DUTIES OF THE VICE-CHAIR

- .01 If the Chair of the Board of Trustees shall become vacant, or if the Chair is unable to perform his or her duties due to temporary circumstances or misses one annual meeting, the Vice-Chair shall serve as the Chair until the Chair is again able to resume duties or until the Chair's term expires. In the case of the Chair and Vice-Chair being absent, the remaining members shall appoint a temporary presiding officer from the membership of the Board.
- .02 In the absence of the Chair of the Board of Trustees, the Vice-Chair has the authority to appoint a Board of Trustee member to fill a vacancy on the Board of Directors in accordance with Section 3.0020 of these bylaws.

4.5000 DUTIES OF THE SECRETARY

The duties of the Secretary are:

- .01 To record attendance and maintain all minutes and pertinent records of all meetings; including committee reports.
- .02 To provide a copy, electronically or otherwise, of all agendas, notices of meetings, minutes of meetings, committee reports, and other official reports of the Board of Trustees, other than those relating to the removal of any member of the Board of Directors, to the Secretary of the Board of Directors for distribution to the Board of Directors.
- .03 To assist in the preparation of all reports.
- .04 To keep track of the terms of all members and officers of the Board of Trustees and the Board of Directors, including the date of appointment of the specific Board member or election as a Board officer, the number of terms served by the Board member and the number of terms served as an officer of each Board member, if any, the date of expiration of the term of each Board member, as applicable, and the date of expiration of the term of any office held by any Board member.

SECTION 2 BOARD OF TRUSTEES BY LAWS

2.5000 MEETINGS OF THE BOARD OF TRUSTEES

5.0010 MEETING TIMES

The Board of Trustees shall hold an annual meeting. Additional meetings may be determined by the Chair of the Board of Trustees upon the request of at least two members of either the Board of Trustees or the Board of Directors, or in accordance with a regular schedule as may be determined by the Board.

5.0020 EXECUTIVE SESSIONS

Executive sessions shall pertain to legal actions, causes of action, or litigation involving the Board of Trustees; proceedings involving recommendation for removal, or the physical or mental health, of any member of the Board of Trustees; proceedings involving employees of the Board; and proceedings related to the decision of the Board of Directors regarding the appointment or removal of the President of the College, or renewal or non-renewal of the President's contract.

- .01 No official action of the Board will take place in an executive session.
- .02 The Board shall determine who participates in an executive session, other than members of the Board.
- .03 An executive session shall be declared by motion agreed to by a majority of the Board. The executive session will end upon a motion agreed to by a majority of the Board.

5.0030 RULES OF ORDER

The most recent revised edition of Roberts Rules of Order shall govern at special and regular meetings of the Board of Trustees and all special committees when they are not in conflict with the bylaws of the Board of Trustees, or any other rule of procedure as adopted by the Board.

2.6000 COMMITTEES

6.0010 COMMITTEE OF THE WHOLE

It shall be the general policy of the Board of Trustees to perform its work, so far as practicable, as a committee of the whole.

6.0020 SPECIAL COMMITTEES

Special committees may be authorized by the Board of Trustees or by the Chair of the Board.

2.7000 CONFLICT OF INTEREST

7.0010 DISCLOSURE OF CONFLICT OF INTEREST

All members of the Board of Trustees shall disclose to the Board any possible conflict of interest at the earliest possible time. No Board member shall vote on any matter under consideration at a Board or Committee meeting in which such Board member has a conflict of interest. The minutes of such meeting shall reflect that a disclosure was made by the Board member who has the conflict of interest and that the Board member who has the conflict of interest abstained from voting.

SECTION 2 BOARD OF TRUSTEES BY LAWS

7.0020 UNCERTAINTY REGARDING CONFLICT OF INTEREST

Any Board member who is uncertain whether or not he/she has a conflict of interest in any matter may request the Board or Committee to determine whether or not a conflict of interest exists, and the Board or Committee shall resolve the issue by majority vote. Conflicts of interest for members of the Board of Trustees shall be resolved consistent with resolution of similar conflicts for members of the Board of Directors.

7.0030 DEFINITION OF CONFLICT OF INTEREST

A Board member shall be considered to have a conflict of interest if:

- .01 Such Board member has an existing or potential financial or other interest in a particular matter that requires the approval or other action by the Board, which impairs or gives the appearance that the interest will impair such member's independent, unbiased judgment in the discharge of the member's responsibilities to the College, whether such interest occurs on the part of the member individually or as an owner, officer, director, employee, member, partner, trustee or controlling stockholder in any organization with an interest in the particular matter before the Board.
- .02 Such Board members is aware that a member of his family has an existing or potential financial or other interests in a particular matter that requires the approval or other action by the Board. For the purposes of this paragraph a family member shall be a spouse, parents, siblings, children and any other relative if the latter resides in the same house held as the Board member. Such conflict of interest also occurs if the family member has a conflict by virtue of being an officer, director, employee, member, partner, trustee or controlling stockholder of any organization with an interest in the matter before the Board.

2.8000 AMENDMENTS TO BYLAWS OF BOARD OF TRUSTEES

8.0010 APPROVAL OF BYLAWS BY TRIBAL COUNCIL

These bylaws, including the process of amendment to these bylaws as contained herein, will not go into effect until approved by:

1. The Board of Directors and the Board of Trustees of the College;
2. The Higher Learning Commission of the North Central Association of Colleges and Schools, if necessary; and
3. The Tribal Council of the Turtle Mountain Band of Chippewa Indians.

8.0020 APPROVAL OF AMENDMENT BY BOARD OF TRUSTEES AND BOARD OF DIRECTORS

The bylaws of the Board of Trustees are subject to amendment by a majority vote of the members of the Board at a duly called and noticed meeting of the Board, and upon 30 days' advance notice to each member of the Board of Trustees of the proposed amendment, and provided further that such amendment, once approved by the Board of Trustees, is approved by a majority vote of the members of the Board of Directors of the College. The Board of Directors shall have 30 days following receipt of the proposed amendment, as approved by the Board of Trustees, in which to approve or reject the proposed amendment to the bylaws of the Board of Trustees. Failure of the Board of Directors to act within the 30 day period specified shall mean that the bylaws are deemed approved by the Board of Directors.

SECTION 2 BOARD OF TRUSTEES BY LAWS

8.0030 NO AMENDMENT TO VIOLATE CHARTER OF COLLEGE

No proposed amendment to the bylaws may be presented or approved by the Board of Trustees which violates the Charter of the College as approved by the Tribal Council.

8.0040 APPROVAL BY HIGHER LEARNING COMMISSION, IF NECESSARY

If submission of an amendment to these bylaws to the Higher Learning Commission of the North Central Association of Colleges and Schools is deemed appropriate by the President of the College, the Board of Trustees or the Board of Directors, the amendment will not go into effect until the Higher Learning Commission has either indicated that it approves the amendment or that approval of the amendment by the Commission is not necessary for the amendment to go into effect.

8.0050 ANNUAL REVIEW OF BYLAWS BY BOARD OF TRUSTEES

The Board of Trustees shall review at least annually the bylaws of both the Board of Trustees and the Board of Directors.

3.0.000

BOARD OF DIRECTORS

BY LAWS

Section 3

SECTION 3: BOARD OF DIRECTORS BY LAWS

- 3.1.0000 PURPOSE OF THE BOARD OF DIRECTORS
- 3.2.0000 ORGANIZATION OF THE BOARD
- 3.3.0000 POWERS AND DUTIES OF THE BOARD OF DIRECTORS
- 3.4.0000 OFFICERS OF THE BOARD
- 3.5.0000 COMMITTEES OF THE BOARD
- 3.6.0000 MEETINGS OF THE BOARD
- 3.7.0000 CONFLICT OF INTEREST
- 3.8.0000 AMENDMENTS TO BYLAWS OF BOARD OF DIRECTORS

SECTION 3 BOARD OF DIRECTORS BY LAWS

3.0.000 BOARD OF DIRECTORS BYLAWS

3.1.0000 PURPOSE OF THE BOARD OF DIRECTORS

The overall purpose of the Board of Directors shall be to advance and promote the mission of the College, which is to: “function as an autonomous Indian controlled college on the Turtle Mountain 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 and student body exerting leadership within the community and provides service to it.”

Under the Charter as reauthorized by the Tribal Council of the Turtle Mountain Band of Chippewa, the Board of Directors has been specifically charged by the Tribe with the responsibility of providing community college instruction for members of the Tribe and residents within the area served by the College who are qualified for admission, according to the standards established by the College. The Board of Directors is responsible for the management and operation of the College, and has custody of, responsibility for, and control of the property, real and personal, and other intangible assets, of the College.

The Board is responsible to the Board of Trustees and ultimately to the Turtle Mountain Band of Chippewa Indians. The Board is responsible for ensuring that the Institutional Objectives of the College are met. In doing so, the Board should be sensitive to the hopes, ambitions, and needs of the members of the Tribe. It shall have responsibility for formulating broad public policy for community college education in the area served by the College

3.2.0000 ORGANIZATION OF THE BOARD

2.0010 NAME OF BOARD OF DIRECTORS

The governing board of the Turtle Mountain Community College shall be known as the “Board of Directors of the Turtle Mountain Community College” (hereinafter referred to as the “Board”).

2.0020 COMPOSITION OF BOARD OF DIRECTORS

The Board of Directors of the College shall consist of five members selected in accordance with Sections 3.0010 and 3.0020 of the bylaws of the Board of Trustees.

2.0030 TERM OF OFFICE

The term of each member of the Board of Director shall be for five years. Board members shall serve in staggered terms, with only one Board member reaching the end of his or her term each year.

SECTION 3 BOARD OF DIRECTORS BY LAWS

2.0040 VACANCIES

Any vacancies occurring on the Board for any reason shall be filled by the Board of Trustees by appointment in accordance with Section 3.0010 of the bylaws of the Board of Trustees, except as provided in Section 3.0020 of the bylaws of the Board of Trustees. Any such appointments will be made in accordance with policies as established by the Board of Trustees.

2.0050 AUTHORITY OF INDIVIDUAL MEMBERS OF THE BOARD

Individual members of the Board have power and authority only when acting formally as members of the Board in session or when entrusted by the Board with specific and definite assignments.

3.3.0000 POWERS AND DUTIES OF THE BOARD OF DIRECTORS

3.0010 OVERSIGHT AND CONTROL OF THE COLLEGE

As the policy making body of the Turtle Mountain Community College, the Board shall be charged with oversight and control of the College. The formulation and adoption of written policies that govern the College shall constitute the basic method by which the Board exercises its authority over the operation of the College.

3.0020 SPECIFIC POWERS AND DUTIES OF BOARD OF DIRECTORS

Subject to applicable law, and without limiting the right of the Tribe to modify its powers and duties, the Board of Directors shall have the power or the duty:

- .01 To appoint or release the President of the College, subject to the approval of the Board of Trustees in accordance with Section 3.0040 of the bylaws of the Board of Trustees.
- .02 To develop policies and procedures for not less than an annual review of the performance of the President of the College.
- .03 To develop policies allowing the President due process in any action of the Board to release the President of the College or to renew or not to renew the contract of the President, consistent with these bylaws and the bylaws of the Board of Trustees.
- .04 With the concurrence of the Board of Trustees, to adopt and periodically review a statement of philosophy, mission and goals, which clarifies basic educational responsibilities of the College.
- .05 To establish general policies for the governance of the College and hold the President accountable for administering them.
- .06 To consider and take appropriate action on recommendations of the President in matters of policy relating to the welfare of the College.
- .07 Prior to appointment or in-house transfer, and upon the nomination of the President, to concur with the President by motion all appointments to, or dismissal of, certain administrative positions, including the Vice-President, Comptroller, and Human Resources Director in accordance with established due process procedures as provided by the College. See the College's Personnel Policies regarding these procedures.

SECTION 3 BOARD OF DIRECTORS BY LAWS

- .08 To employ a general counsel, auditor, and other agents as required, and fix their qualifications and amount of compensation.
- .09 To adopt an annual budget in June of each fiscal year that will allow fiscally prudent operation of the College in accordance with applicable law and regulations.
- .10 To review and approve or disapprove all construction contracts and all expenses associated with these contracts.
- .11 To take all reasonable and necessary steps to provide the required personnel, physical facilities, and means of financial support to carry out the Mission and Institutional Objectives of the College.
- .12 To review and take action on matters relating to site selection and physical plant development for further development of the College.
- .13 To assess the efficiency of College operations and to approve a process for evaluation of the educational programs of the College.
- .14 To refer to the President of the College all matters concerning the College of which the Board or individual members become aware for study and recommendation before such matters are considered by the Board, except for the selection of the President.
- .15 To inform the public concerning relevant statistics and information about the College, its students and educational programs, the needs of the College, its financial status, and to accurately account to the public for all receipts and expenditures .
- .16 To perform such other duties as may be prescribed by applicable law, and where appropriate, act directly concerning matters not covered by these bylaws, the Charter, or specific law or policy.

3.4.000 OFFICERS OF BOARD

4.0010 NAMED OFFICERS

The officers of the Board consist of a Chairperson (hereinafter the “Chair”) and a Vice-chairperson (hereinafter the “Vice-Chair”) who shall be elected from the members of the Board, and a Secretary and Treasurer, who shall not be members of the Board.

The Board shall select a non-director as Secretary, who shall be compensated separately by the College, and the Comptroller of the College shall serve as Treasurer. Such officers shall report to the Board through the President of the College.

4.0020 MANNER OF ELECTION AND TERMS OF OFFICE

The election of Board officers shall be held annually at the Regular Meeting of the Board in September following the appointment of a new Board member for that year.

The Chair and Vice-chair of the Board shall be elected to such offices by the Board for a term of one (1) year and assume office immediately upon election. These two officers shall be elected from within the five person Board.

SECTION 3 BOARD OF DIRECTORS BY LAWS

4.0030 VACANCY IN OFFICE

In case of a vacancy in any elected office of the Board of Directors, the vacancy shall be filled as soon as possible through an election as provided in Section 4.0020 of these bylaws, by the remaining Board members. The secretary and treasurer shall serve at the discretion of the Board and any vacancy in either of those offices shall be filled as soon as possible after the vacancy occurs by the Board of Directors, in consultation with the President of the College.

4.0040 DUTIES AND RESPONSIBILITIES OF THE CHAIR OF THE BOARD

The duties of the Chair of the Board of Directors are:

- .01 To preside at all meetings.
- .02 To appoint members and designate a chairperson of all special committees approved by the Board.
- .03 To execute all contracts approved by the Board and other official documents legally requiring the signature of the chairperson of the Board.
- .04 To call special meetings of the Board as required.
- .05 To represent the Board at meetings of the Trustees.
- .06 To perform any other duty formally assigned by the Board, or by legislative enactment.
- .07 To request that a member of the Board of Trustees be appointed pursuant to Section 3.0020 of the bylaws of the Board of Trustees to temporarily act as a Director to establish a quorum during an emergency meeting of the Board of Directors when a quorum of the Board of Directors cannot be established by any other means, including personal presence, conference call or other electronic means. Any member of the Board of Trustees appointed to serve on the Board of Directors under this section only serves on the Board of Directors until such time as a quorum of duly appointed members of the Board of Directors can be established.
- .08 To vote on all matters that come before the Board of Directors.

4.0040 DUTIES AND RESPONSIBILITIES OF THE VICE-CHAIR OF THE BOARD

The duties of the Vice-Chair of the Board of Directors are:

To perform all duties of the Chair of the Board in the absence or disability of the Chair, and to perform such other duties as assigned by the Chair with the consent of the Board.

4.0050 DUTIES AND RESPONSIBILITIES OF THE SECRETARY OF THE BOARD

The duties of the Secretary of the Board of Directors are:

- .01 To be responsible for the written or electronic notification of all appropriate parties regarding the regular and special meetings of the Board.
- .02 To prepare the Board Room or other appropriate accommodations before and after each meeting of the Board or any of its committees.

SECTION 3 BOARD OF DIRECTORS BY LAWS

- .03 To transmit electronically, or by other mechanism designed to assure delivery, the Board agenda and a copy of the minutes of the previous meetings to the Board and such other persons as the Board may designate and post at proper areas prior to an ensuing meeting.
- .04 To be responsible for recording, preparing and distributing to all members of the Board, and to such members of the Board of Trustees who might request such information, whether electronically or by any other mechanism designed to assure delivery, the minutes and other accompanying materials of regular and special meetings of the Board.
- .05 To have custody of the official Seal of the Corporation, to affix it to official documents, if necessary, and to attest to any signature of an officer of the Board or a senior administrative official of the College.
- .06 To prepare and maintain for the Board an indexed compilation of all bylaws and amendments thereto; and a copy of all policies of the Board and all amendments thereto, the whole of which shall be known as the Policies of the Board of Directors of the Turtle Mountain Community College.
- .07 To inform the Board of any communications which require consideration and action by the Board.
- .08 To file such public notices of Board actions as may be required by statute, bylaws, resolutions of the Board, or other applicable law.
- .09 To perform such other duties as may be assigned by the President of the College, the Board, or as required by law.

4.0060 DUTIES AND RESPONSIBILITIES OF THE TREASURER OF THE BOARD

The duties of the Treasurer of the Board of Directors are:

- .01 To cause to be kept current complete and accurate records of all funds of the College that are collected or expended, in accordance with generally accepted accounting principles and all relevant law and regulations.
- .02 To notify promptly the President of all funds received, the source and nature of such funds, and to arrange for the deposit of such funds to the appropriate accounts of the College.
- .03 To account for all money received and for all money paid out when so requested by the Board or as required by law.
- .04 To invest the College's surplus funds, in lawful investments and as approved by the Board of Directors and the President of the College, and to provide a report of such investments to the Board.
- .05 To prepare annually a statement of revenue, expenditures, and fund balances of the College as of the end of the fiscal year.
- .06 To prepare such other reports and perform such other duties as the President or the Board of Directors may from time to time direct.
- .07 To prepare an Annual Budget for the President to be presented to the Board of Directors at the June meeting of the Board.

SECTION 3 BOARD OF DIRECTORS BY LAWS

4.0070 DUTIES AND RESPONSIBILITIES OF THE PRESIDENT OF THE COLLEGE AS EXECUTIVE OFFICER OF THE BOARD

The President of the College shall be the Executive Officer of the Board through which the Board carries out its programs and exercises its policies. The President may delegate to subordinate officers of the College such duties of the President as the President may deem advisable under the supervision and direction of the President.

Within the framework of policies adopted by the Board, the President shall exercise discretionary authority in carrying out responsibilities of the position. The President shall perform the following functions:

- .01 Inform the Board of all actions taken under authority granted by it.
- .02 Perform all executive functions of the Board, such as:
 - (1) Preparation of the agenda for Board meetings with the Board of Directors Chair;
 - (2) Conduct official correspondence of the Board;
 - (3) Issue orders of the Board of Directors;
 - (4) Cause to be prepared contracts and other documents necessary to carry out the activities of the College, including those contracts and other documents subject to approval by the Board;
 - (5) Provide for the custody of all records, proceedings, and documents of the Board and assume responsibility for making them available for public inspection; and
 - (6) Ensure that trustees, directors, and employees handling College funds are adequately bonded at College expense to protect the College from loss sustained through fraudulent or dishonest acts or any act of omission performed in the line of official duty.
- .03 To advise the Board in all areas of policy and make recommendations on all matters that affect the College before action is taken by the Board.
- .04 To inform the Board of all appointments of administrative and full-time academic teaching personnel of the College, except those administrators subject to appointment by the Board.
- .05 To submit to the Board at the appropriate time an annual budget and administer the Board approved budget.
- .06 To be responsible for the formulation of all reports as may be required by the Board and by local, state, and national agencies.
- .07 To formulate and promulgate regulations and procedures designed to implement Board policies.
- .08 To represent the College to the community by interpreting and presenting the College program to the public, parents of students, the press, the Tribal Council, and community organizations.

SECTION 3 BOARD OF DIRECTORS BY LAWS

- .09 To execute all documents pursuant to such authority as may be granted to the President by the Board.
- .10 To prepare and submit to the Board an annual report of the operation of the College, including recommendations for the immediate and long range development of the College.
- .11 To serve as the official channel for all contacts between staff members and the Board of Directors.
- .12 To act as the chief administrator and educational leader of the College, who is responsible for the organizational structure of the College and for all executive and administrative duties in connection with the operation of the College.
- .13 To propose a long-range plan for College programs, recommending to the Board from time to time such changes in the programs and services of the College as appropriate and necessary to fulfill the stated philosophy and goals of the College .
- .14 To establish College objectives consistent with the Board approved philosophy and goals, and provide for evaluation of all personnel and programs in accordance with the stated objectives.
- .15 To recommend to the Board site location and site utilization and direct the development of the campus building program.
- .16 To participate in community college programs at the local, state, and national level by ensuring that the College is represented at meetings of all organizations to which the College belongs, and to represent the College within such other organizations as may be approved by the Board.
- .17 To review pending or existing legislation at the tribal, state, and federal level that affects the College or that may provide assistance to the College if enacted and report the substance thereof to the Board.
- .18 To designate an administrative officer of the College to serve as acting President during any absence of the President.
- .19 To perform such other duties as may be assigned by the Board or otherwise required by law.

3.5.0000 COMMITTEES OF THE BOARD

5.0010 STANDING COMMITTEE OF THE WHOLE

It shall be the general policy of the Board of Directors to perform its work, so far as practicable, as a committee of the whole.

5.0020 SPECIAL COMMITTEES

The Board may establish, from time to time, special committees to deal with specific needs/concerns. Committee members and their chairperson shall be appointed by the Chair of the Board. The Chair of the Board shall be an ex-officio member of all committees. Moreover, any member of the Board of Directors or Board of Trustees shall have the right to participate without vote at any committee meeting, and shall upon request be given the same notices and information as the committee members. All committees shall keep records of their actions and

SECTION 3 BOARD OF DIRECTORS BY LAWS

submit such minutes of committee meetings, together with any recommendation for action, to the appropriate Board for consideration.

3.6.0000 MEETINGS OF THE BOARD

6.0010 ANNUAL ORGANIZATIONAL MEETING

The Organizational Meeting of the Board shall be held annually in connection with the first regular meeting in September following the appointment or reappointment of that year's Board member. The specific business before this meeting shall be the election of officers as authorized by these bylaws and the determination of the regular meeting schedule of the Board for the succeeding year.

6.0020 REGULAR MEETINGS

Regular meetings of the Board shall be held once each month, on the fourth Monday at 5:00 pm. A regular meeting may, however, be set for another date and time or waived by action of the Board at any previous meeting. Meetings shall be held in the Board Room of the College on the College campus.

- .01 QUARTERLY MEETINGS - The Board of Directors shall meet quarterly, which may also constitute a regular meeting. Quarterly meetings will be held in March, June, September, and December.
- .02 ATTENDANCE - Any Board member who misses without good cause two consecutive regular meetings or four regular meetings over a period of one year shall be reported to the Board of Trustees by the Chair or Vice-Chair of the Board of Directors, along with a recommendation to the Board of Trustees that the Board member be removed for cause pursuant to Section 3.0030 of the bylaws of the Board of Trustees.

6.0030 SPECIAL MEETINGS

Special meetings shall be called by the Chair of the Board, or upon written request by three (3) Directors or by the President when approved by the Chair of the Board. Such written request must be received by the Secretary at least twenty-four (24) hours in advance of any such requested meeting, except in the event of an emergency situation requiring immediate action by the Board if harm to the College would likely result if no action could be taken by the Board due to the notice requirement of this section.

Matters to be considered at any special meeting are confined to those stated in the notice of such special meeting and for which purpose such special meeting has been called.

6.0040 EXECUTIVE SESSIONS

Executive sessions shall pertain to legal actions, causes of action, or litigation involving the College; leasing, purchase or sale of real estate; and proceedings involving physical or mental health, scholastic probation, scholastic expulsion, or scholastic graduation; and proceedings related to the hiring, firing, or promotion of College personnel.

- .01 No official action of the Board will take place in an executive session.

SECTION 3 BOARD OF DIRECTORS BY LAWS

- .02 The Board shall determine who participates in an executive session, other than members of the Board.
- .03 An executive session shall be declared by motion and agreed to by a majority of the Board. The executive session will end upon a motion agreed to by a majority of the Board.

6.0050 NOTICE OF MEETINGS

Board members, representatives of the news media (including newspapers, radio, and television stations), and such other persons as the Board may designate, shall be notified in writing by the Secretary of the time, place, and purposes of all regular and special meetings and the agenda shall be posted on the bulletin board at the College office not less than 24 hours in advance of special meetings. No such written notices shall be required if any special meeting is held pursuant to action of the Board taken at any public meeting. Members of the Board of Trustees shall also receive notification in the same manner as the members of the Board of Directors.

6.0060 OPEN MEETINGS

To the maximum extent possible, all regular and special meetings are open to the public; provided however, that upon majority vote of directors present certain matters may be taken up in executive session at which members of the public shall not be present. To the extent students, faculty, or other staff of the College is free of other duties; they are encouraged to attend meetings of the Board of Directors.

6.0070 MANNER OF HOLDING MEETINGS

Regular or special meetings may be held by conference call, by video conferencing or over the Internet through software that allows for the equivalent of video conferencing.

6.0080 APPEARANCES BEFORE THE BOARD

The order of business of any regular meeting shall include an opportunity for the public to address the Board on any item of business, which is included on the agenda.

Furthermore, any individual, or group, may ask the Board to place on the agenda any subject matter not already on the agenda as prepared by the Secretary that lies within the Board's authority to consider. The individual who wishes to appear regarding a matter not already on the agenda for consideration shall make a written request to the President describing the question or topic for discussion or presentation at least seven (7) days prior to a regular meeting of the Board. The Board may approve by motion other requests to appear at the time the Agenda is considered for approval.

6.0090 QUORUM

A majority of the Board consisting of at least three (3) members shall constitute a quorum for the transaction of business at regular and special meetings. A smaller number may call the roll, record the names of absentees, and adjourn to meet at a specified future time.

SECTION 3 BOARD OF DIRECTORS BY LAWS

6.0100 REQUIRED VOTE

An affirmation vote of a majority of all directors present at regular and special meetings shall be required for the passage of any motion.

A member abstaining from voting shall be entered in the minutes as a neutral vote.

6.0110 ACTION BY RESOLUTION

The Board shall act by resolution regarding decisions that involve any of the following actions:

- .01 Fixing and determining educational policy and curriculum of the College.
- .02 Appointing and fixing the compensation and contract terms of the President and other officers of the College.
- .03 Adopting terms and conditions of employment of all College personnel and fixing compensation specifically or under general schedules.
- .04 Granting any power to appoint and employ other officers, agents, and employees and fixing general terms and conditions of such employment.
- .05 Fixing and determining tuition rates and other fees.
- .06 Entering into contracts and agreements with a value of more than \$25,000, or such lesser amount as the Board may determine in consultation with the Comptroller and the President.
- .07 Any proceedings for eminent domain.
- .08 Establishment of general policies for operation of the College.

6.0120 ACTION BY MOTION

Generally, all other action taken by the Board of Directors and not falling in the categories listed in Section 6.0110 of these bylaws will be pursuant to motion and passed by majority vote at a regular or special meeting. This includes, but is not limited to, the following:

- .01 Appointing members of the administration and academic teaching staffs in accordance with general schedules fixing compensation and terms of employment.
- .02 Acting upon routine approvals of the Board at a regular or special meeting covering such matters as:
 - (1) Serving as a final adjudicating or appeal body for students, employees, and citizens on matters of policy and policy interpretation.
 - (2) Considering communications and requests from citizens and organization on matters of policy, administration, and other items of public concern affecting the College.
 - (3) Directing the President or other College official to take appropriate action regarding the ordinary functions of the College.
 - (4) Procedural motions of any kind, including adoption of rules of order in special situations, such as appearances before the Board.

SECTION 3 BOARD OF DIRECTORS BY LAWS

6.0130 EMERGENCY MEETINGS

Any action required or permitted to be taken by the Board in any emergency in which the College or any person is in imminent threat of harm if action is not taken may be taken without a formal meeting, provided a quorum is present and all members of the Board have been notified of the meeting. Such a meeting may be conducted by telephone, electronic device such as the Internet or in any other way the Board members shall decide that will allow immediate action to be taken or authorized. In such cases, the President of the College may act as the Secretary of the Board, or the Board may appoint a temporary Secretary to record the proceedings of the meeting. A written consent setting forth the action so taken, and signed by all of the members of the Board in attendance at the meeting, must be filed with the minutes of the meeting.

6.0140 AGENDA

The agenda shall be prepared by the President and its contents presented to the Board for consideration at each meeting. Any item not on the agenda may be placed on the agenda by any Board member unless objected to by any member of the Board of Directors present, but, even if an objection is made; such item shall be placed on the agenda upon motion if a majority of the Board consents.

6.0150 ORDER OF BUSINESS

1. Call to order
2. Opening Prayer
3. Roll call
4. Approval of Agenda
5. Approval of Minutes
6. Old Business
7. New Business
8. Other Business
9. Adjournment

6.0160 MINUTES OF MEETING

Minutes of regular and special meetings are public records. The Minute Book, a permanent record of all actions of the Board of Directors, shall be open to inspection by any citizen of the Turtle Mountain Band of Chippewa community and shall be kept on file at the College administrative offices as a permanent official record of all transactions of the Board.

The minutes shall record the name of the director making a motion, the name of the director seconding it, and the vote attributing each 'yea' and 'nay' vote, or abstinence if not voting, to the individual director. The voting shall be by voice except that a roll call may be required for resolutions and all other questions whenever requested by a Board member. A Board member may also have the reasons for his or her vote recorded in the minutes if so requested at the time of voting.

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6.0170 ADOPTION OF POLICY

No matter of policy regarding the College shall be submitted to the Board for approval or placed on a regular or special meeting agenda for action by the Board unless it has been presented in writing at a previous regular meeting of the Board. This rule may be waived only by the unanimous consent of those Board members present and voting at the meeting when any such proposed action is contemplated.

The adoption of policy requires the affirmative vote of a majority of the Board.

6.0180 RULES OF CONDUCT FOR MEETINGS

Except as they may be in conflict with the bylaws heretofore set forth, Robert's Rules of Order, in its current revision, shall constitute the rules of conduct for meetings of the Board of Directors. Robert's Rules regarding decorum at all meetings will be followed. If necessary, the Chairman of the Board, or any two (2) members of the Board, may request the appointment of a Sergeant at Arms to assist in maintaining the decorum of the meeting. In the event matters of decorum are not being followed, either upon approval of a majority of the Board present at the meeting, or upon the determination of the Chairman of the Board, the meeting may be terminated and recommenced at another date, time, or place.

6.0190 HONORARY DEGREE POLICY

In the name of the Turtle Mountain Community College, the Board of Directors may, at any regularly scheduled Board meeting, award honorary one and two year degrees. Recommendations for an honorary degree can be made by the President, members of the Board of Trustees, and the Board of Directors for approval by the Board of Directors. In order to avoid any embarrassment, no announcement shall be made to any person under consideration until the Board has acted. The selection criteria shall be as follows:

- .01 The candidate should have had an association with the College;
- .02 The candidate must have achieved a level of distinction which would merit comparable recognition in the candidate's profession or area of excellence; and.
- .03 The reputation of the candidate should reflect favorably on the Board, the Turtle Mountain Community College, and the Turtle Mountain Band of Chippewa.

6.0200 RETREAT

Board members will meet periodically and not less than once each year, apart from official meetings held pursuant to these bylaws, to review institutional direction and discuss policy.

3.7.0000 CONFLICT OF INTEREST

7.0010 DISCLOSURE OF CONFLICT OF INTEREST

All Board members shall disclose to the Board any possible conflict of interest at the earliest possible time. No Board member shall vote on any matter under consideration at a Board or Committee meeting in which such Board member has a conflict of interest. The minutes of such

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meeting shall reflect that a disclosure was made by the Board member who has the conflict of interest and that the Board member who has the conflict of interest abstained from voting.

7.0020 UNCERTAINTY REGARDING CONFLICT OF INTEREST

Any Board member who is uncertain whether or not he/she has a conflict of interest in any matter may request the Board or Committee to determine whether or not a conflict of interest exists, and the Board or Committee shall resolve the issue by majority vote. Conflicts of interest for members of the Board of Directors shall be resolved consistent with resolution of similar conflicts for members of the Board of Trustees.

7.0030 DEFINITION OF CONFLICT OF INTEREST

A Board member shall be considered to have a conflict of interest if:

- .01 Such Board member has an existing or potential financial or other interest in a particular matter that requires the approval or other action by the Board, which impairs or gives the appearance that the interest will impair such member's independent, unbiased judgment in the discharge of the member's responsibilities to the College, whether such interest occurs on the part of the member individually or as an owner, officer, director, employee, member, partner, trustee, or controlling stockholder in any organization with an interest in the particular matter before the Board.
- .02 Such Board member is aware that a member of his family has an existing or potential financial or other interests in a particular matter that requires the approval or other action by the Board. For the purposes of this paragraph a family member shall be a spouse, parents, siblings, children, and any other relative if the latter resides in the same house held as the Board member. Such conflict of interest also occurs if the family member has a conflict by virtue of being an officer, director, employee, member, partner, trustee, or controlling stockholder of any organization with an interest in the matter before the Board.

7.0040 RULES OF ETHICAL CONDUCT FOR MEMBERS OF BOARD OF DIRECTORS

Each Board of Director shall adhere to the laws, rules, regulations, and policies of applicable governmental and institutional authorities and the following standards of conduct. Failure to do so may be grounds for removal of the Director.

- .01 No member of the Board of Directors may have a direct or indirect interest, financial, or otherwise, of any nature as described in Section 7.0030 of these bylaws that is in conflict with the proper discharge of the Director's duties. Any Director shall timely furnish a written disclosure of any such conflict to the Chair of the Board or the President of the College, including such additional disclosures as maybe required by state and federal law or under Section 7.0030 of these bylaws.
- .02 No individual shall be appointed by the Board of Directors or the President to any position at the College in which he or she is directly supervised by his or her spouse mother, father, son, daughter, brother, or sister, except by special approval of the Board of Directors.
- .03 No Director shall accept or solicit any gift, favor, or service that might reasonably tend to influence the Director in the discharge of the Director's official duties or that the Director

SECTION 3 BOARD OF DIRECTORS BY LAWS

knows or should know is being offered with the intent to influence the Director's official conduct.

- .04 No Director shall intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised his or her official powers or performed his or her official duties in favor of another.
- .05 No Director shall accept employment or engage in any business or professional activity which the Director might reasonably expect would require or induce the Director to disclose confidential information acquired by reason of his or her official position.
- .06 No Director shall disclose confidential information gained by reason of his or her official position or otherwise use such information for personal gain or benefit.
- .07 No Director shall transact any business in his or her official capacity with any business entity of which the Director is an officer, agent, or member, or in which the employee owns a substantial interest.
- .08 No Director shall make personal investments which could reasonably be expected to create a substantial conflict between the Director's private interests and the public interest.
- .09 No Director shall accept other employment or compensation which could reasonably be expected to impair the Director's independence of judgment in the performance of the Director's duties as a Board member.
- .10 Sexual Harassment and Misconduct: The educational and working environment of the College should be free from inappropriate conduct of a sexual nature by any Board member.

3.8.0000 AMENDMENTS TO BYLAWS OF BOARD OF DIRECTORS

8.0010 APPROVAL OF BYLAWS BY TRIBAL COUNCIL

These bylaws, including the process of amendment to these bylaws as contained herein, will not go into effect until approved by:

1. The Board of Directors and the Board of Trustees of the College;
2. The Higher Learning Commission of the North Central Association of Colleges and Schools, if necessary; and
3. The Tribal Council of the Turtle Mountain Band of Chippewa Indians.

8.0020 APPROVAL OF AMENDMENT BY BOARD OF TRUSTEES AND BOARD OF DIRECTORS

The bylaws of the Board of Directors are subject to amendment by a majority vote of the members of the Board at a duly called and noticed meeting of the Board, and upon 30 days' advance notice to each member of the Board of Directors of the proposed amendment, and provided further that such amendment, once approved by the Board of Directors, is approved by a majority vote of the members of the Board of Trustees of the College. The Board of Trustees shall have 30 days following receipt of the proposed amendment, as approved by the Board of Directors, in which to approve or reject the proposed amendment to the bylaws of the

SECTION 3 BOARD OF DIRECTORS BY LAWS

Board of Directors. Failure of the Board of Trustees to act within the 30 day period specified shall mean that the bylaws are deemed approved by the Board of Trustees.

8.0030 NO AMENDMENT TO VIOLATE CHARTER OF COLLEGE

No proposed amendment to the bylaws may be presented or approved by the Board of Directors which violates the Charter of the College as approved by the Tribal Council.

8.0040 APPROVAL BY HIGHER LEARNING COMMISSION, IF NECESSARY

If submission of a proposed amendment to the bylaws to the Higher Learning Commission of the North Central Association of Colleges and Schools is deemed appropriate by the President of the College, the Board of Directors, or the Board of Trustees, the amendment will not go into effect until the Higher Learning Commission has either indicated that it approves the amendment or that approval of the amendment by the Commission is not necessary for the amendment to go into effect.

8.0050 ANNUAL REVIEW OF BYLAWS BY BOARD OF DIRECTORS

The Board of Directors shall review at least annually the bylaws of both the Board of Trustees and the Board of Directors.

4.0.000

FISCAL MANAGEMENT

Section 4

SECTION 4: FISCAL MANAGEMENT

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SECTION 4 FISCAL POLICY

4.0.0000 FISCAL MANAGEMENT

4.1.0000 INTRODUCTION

This manual contains the fiscal policies of the Turtle Mountain Community College Board of Directors, (hereafter referred to as the “Board”). Policy development is a continuous process and, therefore, is never complete. New situations and issues give rise to the continuing need to develop new policies or revise existing ones. This is why the Board employs the loose leaf format for this manual.

The Turtle Mountain Community College, (hereafter referred to as the “College”), operates according to policies established by the Board of Directors. The Board, which represents the best interest of the community, develops policies in accordance with federal regulations and the college administration implements them through specific regulations and procedures. The Board periodically appraises the effects of its policies and makes revisions as necessary.

In the interest of harmony, efficiency, uniformity of interpretation, coordination of effect, and in fairness to all concerned, the Board makes this manual available to all who are affected by its policies. One copy shall remain on file in the administrative offices at all times.

Copies of this manual will be made available to the Board of Trustees and the Board of Directors. The manual can be viewed on-line at www.tm.edu. Each employee or department is responsible for downloading the most up-to-date version of the policy manual.

4.2.0000 FISCAL MANAGEMENT

2.0010 GOALS

As trustee of Institutional, Tribal, State, and Federal funds designated as educational support, the fiscal office has the responsibility to protect all funds and to use them prudently. The fiscal office also recognizes that the quality and quantity of learning programs are related to both the amount of funding provided and the effective and efficient management of those funds. Therefore, the fiscal office seeks to achieve the following fiscal management goals:

- .01 To provide a level of funding which supports quality education for the students.
- .02 To use the best available techniques for budget development and management.
- .03 To provide timely and appropriate information to all staff members who have fiscal management responsibilities.
- .04 To establish efficient procedures for accounting purchasing, paying vendors and personnel, and all other areas of fiscal management.
- .05 To assure that funds are expended for the purpose for which they were budgeted.
- .06 To provide a complete and accurate accounting to all funding agencies as to the expenditure of awarded funds.

SECTION 4 FISCAL POLICY

4.3.0000 BUDGET ADMINISTRATION

3.0005 BUDGET COMMITTEE

The Budget Committee shall be comprised of the President, the Comptroller, and others appointed by the President. The Committee is responsible for timely preparation of all Program Budgets including indirect cost funding for presentation to the Board. Upon approval by the Board, the Committee is responsible for proper submission and negotiation of the program budgets with the designated funding agencies.

3.0010 BUDGET CHANGES AND AUTHORIZATIONS

Budget changes will be held to a minimum during the fiscal year to assure effective control over the expenses of the College. The President is authorized to sign budget and budget change documents.

3.0020 FUNDING SOURCES

Budgets will be prepared upon the availability of funds from, but not limited to, the following sources:

- Bureau of Indian Affairs
- Department of Education
- Department of Health and Human Services
- National Science Foundation
- Turtle Mountain Band of Chippewa Indians
- Tuition Fees
- Other

3.0030 BUDGET REPORTS

Operating statements showing comparisons of budget with actual expenditures shall be prepared by the Comptroller each month and submitted to the President and the Sponsored Programs Officer for review within the first ten days of the subsequent month. The Comptroller shall submit quarterly reports to the Board at the quarterly all day meetings.

4.4.0000 PROGRAM PERFORMANCE

The Sponsored Programs Officer shall monitor the performance of all programs administered by the College in conjunction with the project director and the fiscal office. Periodic reviews of each program will be performed to assure that time schedules are being met and performance goals are being achieved.

The President shall be responsible for the publication of an annual report reflecting the performance of all College activities taken as a whole.

4.5.0000 ACCOUNTING REQUIREMENTS

5.0010 FISCAL YEAR

The College's fiscal year shall be July 1 to June 30.

5.0020 DOCUMENTATION

Adequate documentation in accordance with the Code of Federal Regulations is to be maintained to support all financial transactions recorded in the accounting records. Expenses disallowed under federal contracts are to be identified and paid from non-federal funds. Supporting documents shall be

SECTION 4 FISCAL POLICY

retained in an orderly fashion. Journals, ledgers, subsidiary records, and un-issued checks are to be properly safeguarded by the accounting office and locked up after business hours.

5.0030 MATCHING FUNDS

When funds are needed for matching requirements, the source of these funds shall be identified in order to leave an audit trail prior to the submission of the grant application. This identification shall include:

- 1.) The pertinent portion of regulations that allow the funds to be used for such purposes.
- 2.) A clear explanation of the transaction shall be given; for instance, if the matching funds have not arrived on a timely basis, this shall be recorded.
- 3.) All matching funds must be in place prior to starting the project. Some grantors require that the grantee's funds be used first.

A project code shall be assigned or maintained in a separate account for ease of tracking for all matching funds used for a specific project.

5.0040 ACCOUNTING RECORDS

Accounting records for grant awards shall be maintained based on the beginning and ending dates of the award. All accounting records are to be maintained in accordance with generally accepted accounting principles and in compliance with federal agencies. The budget and accounting systems are compatible and should be maintained accordingly. A double entry bookkeeping system is to be used. The books are to be kept current and shall provide for the consistent identification of all costs. A chart of accounts providing identification of all budget line items shall be established.

5.0050 JOURNAL ENTRIES

The college shall maintain an accurate system for making journal entries. The system shall have the following features:

- .01 A distinct number shall be generated for each journal entry
- .02 The journal entry shall be made on the prescribed form and shall be approved and posted by the Accounting Supervisor. Entries made by the Accounting Supervisor shall be approved by the Comptroller.
- .03 Documentation supporting journal entries shall be attached to the journal entry form.

5.0060 ANNUAL AUDIT

An annual audit will be performed by a certified public accountant. The audit report shall serve as a final report to the funding agencies and as a management tool for the Board and its committees.

5.0070 BILLING POLICY and PROCEDURE

- .01 Billing Notifications: TMCC uses a centralized billing system. Student charges are generated from the number of credits that a student enrolls in at the time of the student registration. –The first billing will be sent out after the last day to add but before the first financial aid disbursement.
- .02 A second billing notification will be sent after the after the first disbursement. The Business Office will print the invoices for the semester. The student billing statement will be mailed to the student's permanent address that is listed in the Registrar's office.

SECTION 4 FISCAL POLICY

- .03 All students will be billed. No exceptions will be made. If an employer or outside organization is paying the student's tuition and fees, it will be the student responsibility to submit the billing statement to them.
- .04 Tuition and fee charges are billed by the semester. Students with an outstanding balance from previous semesters will not be permitted registration access in a subsequent semester until the account is cleared.
- .05 A payment plan may be allowed for those students who are unable to pay their tuition and fees. The students will need to pay 50% of their tuition and fees expenses during the fourth week of class with the remaining balance (50%) paid by the end of the semester. Bills must be paid in full by the completion of the semester.
- .06 Students will be responsible to cover all other costs not covered by financial aid.

***Please Note: Students cannot receive transcripts or diplomas until their account is clear.**

5.0075 TUITION AND PARTIAL FEE WAIVER

- .01 It is the policy of the College to grant an institutional tuition and partial fees waivers to members of the Board of Directors and Board of Trustees and to full-time regular employees and to their legal spouse and legal children. Legal children defined as biological, legally adopted, legal guardianship, and step-children.
- .02 Waivers are granted after satisfactory completion of employee probationary period.
- .03 Waivers begin at the start of each semester.
- .04 The student granted a waiver must maintain satisfactory academic progress as defined by the College catalog.
- .05 Institutional tuition waivers are considered a resource applied to the student's financial aid budget.
- .06 Only Student Activities Fee and Technology Fee will be waived. No other fees will be waived for any type of waiver.
- .07 Any other type of balance that is not waived will remain on the individual's account. Examples include but are not limited to lost library books, lost or damaged textbooks, or lost calculator.

5.0080 UNRECOVERABLE TUITION/FEES AND BAD DEBTS

The Comptroller shall submit a list of potential un-collectable tuition/fees and/or bad debt write-offs to the Board for approval before the un-collectable tuition/fees and/or bad debt write off transaction is actually made. This system shall provide a consistent identification of accounts receivable.

- .01 Individual account balances will remain on record unless certain conditions are met. Under certain conditions tuition and fees except for the registration fee and the text book usage fee portion of individual balances may be written off. Any other type of balance will remain on the individuals account.

Conditions for write off:

- Individual has no assets and there is not expectation they will have any in the future
- The individual cannot be located

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- The debt is discharged in bankruptcy
 - The debtor has died and there is no known estate or guarantor
 - It is determined that it is not cost effective to continue collection efforts.
- .02 TMCC has the authority to withhold payment of any source of funding from individuals who have an outstanding balance on their accounts with TMCC or any of its affiliates. Types of funding sources could include but not limited to payroll, stipends, or scholarships.
- .03 Write off of other bad debts will be by Board action

5.0090 LOST OR STOLEN EQUIPMENT

Lost or stolen capitalized equipment shall be entered as a write off in the plant fund.

5.0100 RECORD RETENTION

Financial records, supporting documents, and all other records pertinent to federal awards shall be retained for a period of three years after the award end, with the following qualifications:

- .01 If any litigation, claim, or federal audit is started before the expiration of the 3-year period, the records shall be retained until all litigations, claims, or audit findings involving the records have been resolved.
- .02 Records for nonexpendable property acquired with Federal funds shall be retained for three years after its final disposition.
- .03 Current accounting records are to be maintained in the business and fiscal offices. Records acquired in the prior two years to the current period are to be retained in the college vault or other authorized storage area.

5.0110 CASH DEPOSITORIES

In accordance with the Office of Management and Budget requirements all monies advanced to the College which is subject to the control or regulation of federal agencies must be deposited in a bank with Federal Deposit Insurance Corporation (FDIC) coverage and the balance exceeding the FDIC coverage must be collaterally secured. Separate bank accounts will be maintained when required by the granting agencies.

The College will select a commercial bank to receive direct deposit/wire transfers drawn from grantors.

5.0120 LETTERS-OF-CREDIT

- .01 When a letter-of-credit is received it is notification that funds are available to be drawn.
- .02 The College will submit properly completed payment vouchers to the appropriate Federal agencies.

5.0130 DIRECT DEPOSITS

- .01 Payroll – Direct deposits to employees checking or savings accounts will be made only after the employee submits the completed direct deposit form along with a voided check and will remain in effect until the employee submits a request in writing to have it stopped.
- .02 Draw Downs – The business office will complete and submit the appropriate direct deposit form received from the grantor to the appropriate address indicated on the form.

SECTION 4 FISCAL POLICY

5.0140 SAFEGUARDING OF FUNDS

Safeguarding funds is the responsibility of the Comptroller or designated Fiscal Office Personnel. All funds received by the College shall be properly recorded and deposited in the appropriate bank account at least semi-weekly or when deemed appropriate. Checks and cash which remain undeposited should be properly safeguarded and locked in the vault after business hours.

5.0150 BANK ACCOUNTS

Proper segregation of duties shall be maintained. The bank reconciliation shall be assigned to an Accountant who is not involved in the daily transactions.

- .01 The transfer of funds, except for the general fund, between federal programs is specifically prohibited. Sums appropriated for the various line items per federal grants and contracts shall be applied solely to the objects for which they are specifically made.
- .02 All cash receipts (cash, checks, money orders, etc.) will be receipted by a computerized accounting software program that generates a numbered receipt except cash received through direct deposit. When cash deposits are made the deposit total will equal the total receipts generated by the accounting software program for the period covered by the deposit.
- .03 Direct deposits are recorded by using a general journal entry supported by the drawdown request or supporting documents and the bank statement.
- .04 All expenditures will be supported by a Purchase Requisition and the appropriate supporting documentation.
- .05 All income including investment and interest income shall be reported to the board quarterly or upon request of the Board.

5.0160 CHECKS AND CHECK SIGNERS

All disbursements shall be made by pre-numbered checks.

- .01 All checks shall require two signatures. Authorized check signers include the Chairperson of the Board of Trustees, the Chairperson and one other member of the Board of Directors, the President and three other administrators appointed by the Board of Directors. Signing checks in advance of approval and the practice of drawing checks to cash are prohibited.
- .02 Check signers and business office personnel shall be bonded for at least \$25,000.
- .03 A list of checks outstanding ninety days or longer shall be prepared monthly by the Accountant. The list shall be reviewed by the Comptroller for determination of actions to be taken.
- .04 "Void after 120 days" shall be printed on the checks.

5.0170 CHECK VOIDING

When checks are voided before being distributed, the signature line shall be cut out and the word 'void' placed on the front of the check. The voided check shall then be placed on file in a voided check file.

5.0180 PETTY CASH

The cash on hand plus the petty cash expense receipts shall always equal total petty cash for each location. . At the end of the current month, a petty cash expenditure report shall be prepared and the

SECTION 4 FISCAL POLICY

petty cash account shall be replenished based on actual receipts. The Comptroller or his designee is responsible for oversight of petty cash accounts. See Appendix 4-2 for list of petty cash accounts and amounts.

5.0200 BANK RECONCILIATION

Bank statements shall be reconciled against the general ledger cash monthly.

5.0210 FINANCIAL AID DISBURSEMENTS

- .01 Once Financial Aid office transfers awards to the business office module, the Accountant post awards to the Student Accounts Receivable, a check is written for the balance after tuition and fees are withheld for payment.
- .02 When the checks are written the Director of Financial Aid or Financial Aid Officer will verify the amounts and initial each check.

5.0220 SPONSORSHIPS

Turtle Mountain Community College does not give donations to individuals. However sponsorships to organizations may be considered by the Board.

4.6.0000 METHODS OF PROCURMENT

6.0010 SMALL PURCHASE METHOD

- .01 These are purchases of services, supplies, or other property that do not exceed the cost of the simplified acquisition threshold.
- .02 The requestor should acquire a price or rate quote from an adequate number of sources

6.0020 SEALED BID

All contracts shall require a minimum of three bids whenever possible. Selection will be made taking into consideration the quality of materials or services desired and their contribution to program goals and shall conform to Tribal Ordinances. However, the Board shall reserve the right to reject any and or all bids and to accept that bid which appears to be in the best interest of the College.

- 01 Sealed bid method is considered feasible for construction if all of the following are met:
 - a. A complete and realistic job description can be produced,
 - b. Two or more responsible bidders are available and will provide a bid; and
 - c. The procurement lends itself to a fixed price contract.
- .02 When bid procedures are used for construction, advertisements will be made according to grant requirements and specifications and bid forms will be mailed to the approved bidders.
- .03 Bid other than construction

In addition, suppliers and contractors shall be invited to have their name placed on mailing lists to receive invitations to bid. When specifications are prepared, they shall be mailed to all suppliers and contractors who have indicated an interest to bid.
- .04 The bidder to whom an award is made may be required to enter into a written contract with the College.

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6.0030 COMPETITIVE PROPOSALS

This method will be used when a sealed bid method is not feasible. The requestor obtains prices from more than one provider.

.01 If this method is used then the following applies:

- a. Request for proposal must be publicized, identify all factors requested, and be provided to an adequate number of vendors; and
- b. The award will be given to the proposal that is the most advantageous to the program, with the price and other factors considered.

6.0040 NONCOMPETITIVE PROPOSALS

Solicitation for proposals is from only one source or competition is considered inadequate.

.01 This method is only allowed if the other three methods are infeasible and one of the following apply:

- a. Item is available from only one source, or
- b. Item is public emergency and time does not allow for solicitation process,
- c. The Board of Directors authorized noncompetitive proposals, or
- d. After solicitation, competition is determined inadequate.

6.0050 TEN PERCENT WITHHOLDING

The final ten percent of payments on construction agreements or contracts shall be held until the entire transaction is complete and satisfactory.

6.0060 CONSULTANT SERVICES

- .01 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.
- .02 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.
- .03 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.

(See Appendix A4-3)

6.0070 SUSPENSION AND DEBARMENT

The following web site shall be checked for suspended or debarred companies www.arnet.gov/eplis. The page shall be printed to be used as documentation that the company awarded the contract, bid, or proposal is not suspended or debarred.

SECTION 4 FISCAL POLICY

4.7.0000 PURCHASING / PURCHASING AUTHORITY

7.0010 CONTROL OF OBLIGATIONS

The President, assisted by the Comptroller and Program Directors/ Coordinators, is responsible to the Board for the acquisition of goods and services for College programs, in accordance with approved budgets.

- .01 All purchases made by the College are to be made through the use of purchase requisitions and purchase orders with the exception of small miscellaneous expenses (petty cash purchases), and payroll disbursements. Replenish of petty cash requires a purchase requisition and receipts. Requisitions are to include a complete description of goods or services to be obtained and the name and address of vendor to be solicited. The requisitions are to be signed according to TMCC purchase request procedure and by the President. Approved purchase requisitions initiate the preparation of purchase orders by the Accountant.

A project code will be assigned to all capital projects and capital equipment.

- .02 Purchase Orders – Purchase orders shall be issued in compliance with the program budgets (contracts). If a proposed purchase is not authorized in the budget, it must be justified by a memo attached to the purchase order.
- .03 Credit Cards -- Purchases made from vendors who do not accept purchase orders may be made using the College's credit card with prior approval.

7.0020 ACQUISITION GUIDELINES

Purchases will be handled as follows except in cases of emergency when delay would cause irreparable damage or harm to employees, students, visitors, or assets.

COST PER VENDOR	PROCEDURE
\$ 0 - \$19,999.99	Routine disbursement
\$ 20,000 and over	The Procurement Section of this policy manual will be followed for these purchases. When written bids required from two or more firms they are to be opened publicly at the time indicated by bid request. Tabulations, evaluations, and order placements will be made under the supervision of the Board. Under special circumstances bids may not be requested and bargaining or negotiating over the terms or prices of a purchase may be implemented when necessary for the best interest of the College under the direction of the Board.
Textbook Ordering	Textbooks should be ordered through the Central Supply Office/Bookstore using approved forms at least six weeks prior to the beginning of the next semester. Any direct orders for texts that bypass the Central Supply Office/Bookstore should have prior administrative approval. Textbooks will be ordered, whenever feasible, directly from publishers in accordance with the approved curriculum textbook.
Construction	All construction/renovation will be approved by the Board.

SECTION 4 FISCAL POLICY

7.0030 APPROVAL LIMITATIONS

- .01 The President shall have the authority to approve purchase requisitions of \$19,999.99 or less.
- .02 All purchase requisitions exceeding \$19,999.99 from a single vendor must have Board approval. Except for the following:
 - a. All payroll transfers,
 - b. Monthly utilities, and
 - c. Payments to subcontractors, other than construction, as budgeted in the grants.
- .03 The Board shall approve the entire project or cost prior to payment. When a project or a payment schedule is approved by the board subsequent payments do not need to be approved by the board unless it is a renewal or a change order.
- .04 In the event that a purchase requisition was approved for less than \$20,000 but is invoiced for more than \$20,000, the purchase requisition and invoice shall be brought to the Board for additional approval prior to payment when the purchase fits under the guidelines for Board approval.
- .05 When a requisition is approved with a payment schedule, each payment does not have to be approved by the Board.

7.0035 PURCHASE/PAYMENT REQUISITIONS

- .01 Purchase/payment Requisition forms shall be obtained from the Fiscal Office. The completed purchase/payment requisition form is submitted to the department supervisor for approval who in turn will submit the purchase requisition to the fiscal office for final approval two weeks prior to the date the item is desired. (See Appendix A4-4)
- .02 The Accountant reviews purchase requisitions for completeness and then stamps the date and time of receipt.
- .03 Approvals by the department supervisor and President shall be obtained before further disposition of Purchase Requisition forms.
- .04 The Comptroller shall review the purchase requisition, and forward them to the Accountant for processing.
- .05 The Accountant shall then determine if the item should be a purchase order or an immediate check. All purchase requisitions/purchase order should be attached to the check when the transaction is complete.
- .06 The purchase requisitions for classroom textbooks shall be signed by the Bookstore personnel, the Academic Dean, and the Comptroller. The signature of the President shall not be required.

7.0040 PURCHASE ORDER FORMS

- .01 The purchase orders should be printed in two (2) copies. The original shall be mailed or faxed to the vendor and one copy shall be retained in an alphabetical file to reconcile with the goods received.
- .02 Voided purchase orders shall be properly defaced and retained to aid in accounting for all purchase orders.

SECTION 4 FISCAL POLICY

7.0050 UNAUTHORIZED ORDERS

Any purchase made without proper approval will subject the purchaser to an obligation to reimburse the College or pay for the purchase.

7.0060 PURCHASE ORDER SIGNER

The purchase order must be signed by the Accountant.

7.0070 VOCATIONAL REHABILITATION REQUISITIONS

Purchase/Payment requisitions for the Vocational Rehabilitation Project need only be signed by the Vocational Rehabilitation Project Director and the Comptroller.

.01 Check disbursements for the Vocational Rehabilitation Project:

- (1) Fiscal office personnel places in envelope,
- (2) Checks will be distributed by the Vocational Rehabilitation Project Director/Staff, and
- (3) Each evening all undelivered checks are to be locked in the vault.

7.0080 PACKING SLIPS

When goods arrive the Inventory Officer is responsible for reviewing each order and for notifying the order department for pick-up. The packing slip is then traced to the original purchase order to ascertain the receipt of goods. All purchase orders shall be stamped or otherwise marked 'received' to designate the receipt of goods.

7.0090 ACCOUNTS PAYABLE SYSTEM

An adequate accounts payable system shall be used. Invoices are to be compared with purchase orders, computations verified, partial payments noted, and account credited with credit memo's to originally charged program.

- .01 When an invoice is submitted for more than \$100.00 of the approved purchase with the exception of shipping and handling charges then the accountant shall present the purchase requisition along with invoice to the Comptroller to bring to the President for additional approval.
- .02 In the event that a purchase requisition was approved for less than \$20,000 but is invoiced for more than \$20,000, the purchase requisition and invoice shall be brought to the Board for additional approval prior to payment when the purchase fits under the guidelines for Board approval.

7.0091 PAYMENT OF ACCOUNT PAYABLES

Invoices are to be compared with purchase orders, computations verified, partial payments noted, and accounts credited with credit memo's to originally charged program.

7.0100 GENERAL POLICIES

Employees and Board members shall acquire goods and services by following the purchase procedures set forth in Section 7 of this manual. Employees and Board members are prohibited from obtaining goods and services on behalf of the College without prior approval. (See Board of Directors By laws for the conflict of interest policy).

At no time shall a student incur expenses on behalf of the College

SECTION 4 FISCAL POLICY

4.8.0000 TRAVEL

This policy pertains to all employees, Board members, and students or anyone traveling at the college's expense.

8.0005 TRAVEL ADVANCE LOANS

Travel advance loans shall be set up as accounts receivable rather than an expense account when paid. After the individual files a travel-expense statement, the travel advance loan shall be expensed along with any additional payments due the individual.

8.0010 TRAVEL APPROVAL

Each travel authorization must be approved for each employee, student, or anyone traveling at the College's expense through the regular purchase requisition process prior to any expenses incurred. All travel for Board members will be recommended by the President.

8.0020 TRAVEL EXPENDITURES

- .01 Mileage payments requested and properly authorized on the proper form, will be made to employees, students, Board members, and anyone traveling at the College's expense. Mileage is at the rate specified in the Federal Register whenever a personal auto is used to conduct College business. New rate will be effective the first day of the month following the receipt of the Federal Register in the Business Office. Mileage will be based upon an approved mileage chart or an odometer reading from home or the College, whichever is appropriate.
- .02 When more than one person is traveling on behalf of the College in the same personal automobile, mileage will be allowed only for the owner of the vehicle.
- .03 When on College business, per diem may be claimed for meals by a staff member, Board member, or anyone else traveling at the expense of the College. Rates will be according to the Federal Register. New rate will be effective the day following the date of notification of the change of Federal Register.
- .04 The authorized meal rate in the Federal Register will be allowed. Receipts are not required, but the traveler must disclose the date and time of departure and return.

	Breakdown
Breakfast	20% of rate
Lunch	32% of rate
Dinner	48% of rate

See 8.0080 for meals allowed based on time of departure and time of arrival.

- .05 When a meal is provided at extra cost (over and above the registration cost) meal allowance will not be allowed for that meal.

8.0030 LODGING

Actual expenditures will be paid for overnight lodging. Practicality of the expense shall always be taken into consideration. Lodging receipts must be submitted with travel expense statement for reimbursement. The College is only responsible for room and taxes.

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8.0040 OTHER COSTS

Registration costs and memberships will be allowed if approved in advance by the President and immediate supervisor.

8.0050 RESERVATIONS

Whenever possible, lodging reservations should be made in advance and approved by the Fiscal Office. Airline reservations can be made by the employee or Fiscal Office upon request after obtaining the signed purchase order. The employee will be reimbursed at actual cost for plane fare if paid on their own with prior approval. If the traveler chooses to drive instead of flying, mileage allowed will be based on the lesser of the two.

8.0060 TRAVEL IN HIGH-COST AREAS

When traveling to high-cost cities expense allowance may be increased to compensate for the higher travel costs. The increase shall not exceed the Federal guidelines for travel allowances made for each high-cost city. An allowance for ground transportation shall be made, not to exceed \$25.00 per day in Washington, DC and New York City areas and \$10.00 per day in all other areas. Receipts for anything over that amount shall be required for reimbursement. Reimbursement will be based on either the daily rate or receipts.

8.0070 TRAVEL OF 24 HOURS OR LESS

Per Diem shall not be allowed for travel commencing and terminating on the same calendar day.

8.0080 TRAVEL OF 24 HOURS OR MORE

In computing the per diem for continuous travel of more than 24 hours, the calendar day shall be the unit. For travel beginning before 8:00 a.m. a breakfast allowance may be claimed. For travel commencing before 10:00 a.m. or ending after 2:00 p.m. a lunch allowance may be made. For travel terminating after 6:00 p.m. a dinner allowance may be made.

8.0090 LOCAL TRAVEL

Employee should use the College vehicle when traveling locally for the performance of their official duties. If an employee chooses not to use the College vehicle, mileage reimbursement will not be allowed. Employees may be authorized to claim local travel prior to the trip by the President. When the employee receives authorization, he/she must complete the local mileage expense statement and submit it along with a purchase requisition form.

8.0100 METHODS OF TRAVEL

An employee, student, Board member, or anyone else traveling on behalf of the College may travel by airplane, bus, or automobile. The President shall determine the mode of travel based on the time element and destination.

- .01 Airplane, the purchase of first class tickets is prohibited, air coach will be utilized.
- .02 Bus will be utilized when economical.
- .03 Automobile, when automobile is used, reimbursement will be limited to the lower cost of either 14 day advance coach fare or mileage (See 8.0020.01 for rates paid).
- .04 Train will be utilized when economical.

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8.0110 TRAVEL LOANS

Employees authorized to travel at institutional expense may request a travel loan. When a deposit is required for reservations, the amount of that deposit may be paid by the College in advance.

- .01 Travelers may receive an advance payment not to exceed 80% of estimated travel expense for travel of three days or less. If travel is for more than four (4) days, they may receive 90% of estimated travel expenses. Direct fixed expenses such as mileage, airline tickets, registrations, memberships, and materials needed for meetings may be excluded when calculating a travel advance. This advance shall be considered a loan from the College to the individual.
- .02 All requests for travel loans must have prior approval of the President or Board Chairman. Before travel arrangements and approvals have been made, the individual must complete a Purchase/Travel Requisition form and present it to the fiscal office five working days before the check is required, except in cases of emergency.

8.0120 FILING OF CLAIM

- .01 Upon return from authorized travel, the traveler shall submit a Travel Expense Statement with the fiscal office within five business days. This report, itemizing actual and necessary expense must be typewritten or in ink (See Appendix A4-5).
- .02 Receipts for lodging and transportation must be attached to the expense report.
- .03 Failure to attach receipts will prohibit the traveler from collecting reimbursement.
- .04 Any unused portion of an advanced allowance shall be remitted to the Fiscal Office within one week of return. If the employee fails to submit payment within one week, payment will be deducted from their next payroll check.
- .05 Failures to complete travel expense statements within two weeks could prevent a traveler from receiving future travel loans and will cause the entire amount of the loan to be deducted from their next payroll check.

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

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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 the 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

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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 principal investigator and all co-principal 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.

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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

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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 not 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.

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- 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.

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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

4.10.0000 PROPERTY MANAGEMENT

All equipment obtained by the College is subject to institutional control and maybe disposed of only in accordance with established procedures outlined in this policy. Equipment obtained by the College includes that which is purchased with College funds or grant funds, received as a gift, donation, or obtained by other means.

- .01 Departmental Responsibilities: Departments obtaining equipment are responsible for its use, maintenance, safeguarding, and disposal. Departments must notify the Property Officer of any equipment status changes, such as transfers, disposals, loss, or theft. Departments are responsible for tracking equipment maintenance.
- .02 Property Officer Responsibilities: The Property Office is responsible for tracking equipment obtained by the College and maintaining the records associated with the equipment from the delivery date to disposal date. The Business Office accomplishes this by obtaining relevant data for each piece of equipment and inputting the information into the asset management system. The Property Officer is responsible for coordinating and conducting the College's physical inventory.

10.0010 CAPTIALIZED EQUIPMENT

- .01 Definition: Equipment is capitalized and maintained on the asset management system if all of the following are met:
 - The item cost is at least \$5,000:
 - The item is tangible, personal property:
 - The useful life of the item is at least two years: and
 - The item is able to function by itself or stand alone.
- .02 The cost of the capitalized equipment includes not only the purchase price but also ancillary charges such as freight, site preparation, and professional fees necessary to place the asset in its intended location and condition for use. The purchase price is defined as the actual cost to the College after all applicable discounts have been taken. Trade-in allowances should be added to the cash paid to determine capitalized value of the equipment.

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- .03 Additions, capital improvements, and betterments are capitalized, whereas expenditures for maintenance and repairs are charges to an expense.
- .04 Only capitalized assets depreciation will be recorded into the accounting system.
- .05 Property records shall be maintained accurately and shall include:
 - (1) A description of the property.
 - (2) Manufacturer's serial number, model number, Federal stock number, or other identification number.
 - (3) Source of the property including grant or other agreement number.
 - (4) Whether title vests in the College or the Federal Government.
 - (5) Acquisition date.
 - (6) Percentage (at the end of the budget year) of Federal participation in the cost of the project or program for which the property was acquired.
 - (7) Location, use, and condition of the property and the date the information was reported.
 - (8) Unit acquisition cost.
 - (9) Date of disposal and sales price or the method used to determine current fair market value where the College compensates the Federal agency for its share.
- .06 A physical inventory of all capitalized equipment shall be performed at least once every two years, preferably at the end of the spring semester. The results shall be reconciled with the accounting and property and supply records. Any differences between quantities determined by the physical inspection and those shown in the accounting records shall be investigated to determine the cause of the difference. The College shall verify the existence, current utilization, and continued need for the property.

This policy is in compliance with EDGAR, 34 CFR parts 74.34 and 80.32.
- .07 Under no circumstances can the College owned vehicles or equipment is to be used for personal purposes.

10.0020 DEPRECIATION OF EQUIPMENT

- .01 Depreciation of Property is computed on the straight-line method over the following estimated useful lives:

Building and Land Improvements	20 years
Machinery and equipment	3 -20 years
Vehicles	8-20 years
- .02 Additions, capital improvements, and betterments are capitalized; whereas expenditures for maintenance and repairs are charged as an expense.

10.0030 EQUIPMENT ACQUISITION

The College obtains equipment through the following methods:

- .01 Purchase – Equipment obtained with College or grant funds is acquired by issuing a purchase order or using a credit card. The Accountant will provide the purchasing department or grant director a copy of the purchase order so the order can be placed by

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the individual making the request. If the item is purchased using a credit card, the Accountant will place the order. If the item meets the capitalization definition, the item will be tagged and entered into the Asset Management System.

- .02 Leased Equipment – The Business Office must be provided with a copy of the lease in order to determine that if the lease qualifies as a capital lease. If the lease meets the criteria of a capital lease, the item will be tagged and entered into the asset management system.

A capital lease must meet one or more of the following criteria:

- a. The lease transfers ownership of the property to the lessee.
 - b. The lease contains a bargain purchase option.
 - c. The lease term is equal to 75% or more of the estimated economic life of the leased property.
 - d. The present value of the minimum lease payments is equal to 90% or more of the fair market value of the leased property.
- .03 Gifts – Donations of equipment that meets the capital inventory requirement will be recorded into the Asset Management System. The value assigned to the item is the fair market value at the time of the gift and is to be determined by the department receiving the donation.
- .04 Fabricated Equipment – Departments purchasing components for the purpose of fabricating equipment that meets the criteria for capital equipment should use a project code assigned by the Business Office. All expenditures except salaries and benefits should be charged to this project code. When completed, the department must submit a memo to the Business Office indicating the description and location of the item. The item will be tagged and entered into the Asset Management System at a cost associated with the project code.

10.0040 EQUIPMENT DISPOSALS

All equipment disposals and sales must be coordinated with the Business Office. The asset description, asset tag number, date of disposal, method of disposal, and proceeds from disposal must be given to the Property Officer. All this information and accumulated depreciation associated with the disposed asset will be recorded in the Asset Management System when the disposal is recorded.

10.0050 EQUIPMENT LOCATION CHANGES

When equipment is transferred between departments, the transferring department must notify the Property Officer. The description and tag number and person responsible for the equipment being transferred along with who will be responsible once the transfer is complete. The information in the Asset Management System will be updated to reflect the new location of the equipment.

10.0060 LOST OR STOLEN EQUIPMENT

Employees/Departments must have appropriate safeguards in place to prevent loss, damage, and/or theft of equipment. The College security must be notified in the event that equipment is stolen. If the loss is determined to be negligent on the part of the employee, determination will be made on the cost of replacing the item and the employee responsible will be charged. The

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employee/department will provide Property Officer and notify College security with a description and serial number of the item. The Property Office must also be notified of the theft or loss so the item status can be changed in the Asset Management System.

10.0070 PHYSICAL INVENTORY

The Property Officer prepares a listing of all the equipment owned by each department at the end of each fiscal year. Each department must verify the items on the list and note any corrections before returning the list to the Property Officer. All departments must assist the Property Officer when conducting the physical inventory. The physical inventory of capital equipment will be performed every other fiscal year and performed throughout the fiscal year.

10.0080 TERMINATION OF EMPLOYMENT INVENTORY

Upon termination of employment a physical inventory will be taken of all items capital and non-capital assigned to the employee. If any item damaged, non-functioning, parts missing, or unsuitable for use due to the negligence of the employee, a determination will be made on the cost of replacing the item and will be charged to the employee. Any item missing or not returned to the College, the employee will be charged for the replacement of the item. If necessary, the remaining payroll or annual leave owed to the employee will be used as payment against these charges.

10.0090 PROPERTY REMOVED FROM PREMISES

If property is to be used off campus, the individual responsible must assume pecuniary responsibility. A removal form must be completed and proper signatures acquired before property is removed from premises.

10.0100 NON-CAPITALIZED EQUIPMENT DEFINITION

- .01 Equipment, furniture, and other tangible property should not be capitalized if it does not meet the definition of capitalized equipment. If the item meets all of the following, it should be assigned to the user and maintained in a separate inventory tracking system:
 - a. The item cost is less \$5,000 but at least \$500,
 - b. The item is tangible, personal property,
 - c. The useful life of the item is at least two years, and
 - d. The item is able to function by itself.
- .02 The cost of the non-capitalized includes not only the purchase price but also ancillary charges such as freight, site preparation, and professional fees necessary to place the asset in its intended location and condition for use. The purchase price is defined as the actual cost to the College after all applicable discounts have been taken. Trade-in allowances should be added to the cash paid to determine the capitalized value of the equipment.
- .03 Each department head or program director is responsible for the equipment, furniture, and other items of value assigned to the department. An inventory report will be provided annually of items the department or program is responsible for and whom the item is assigned. The department head/program director will review the list along with the individual assigned the items to ensure its accuracy. The report once verified and changes documented must be submitted to the Property Officer.

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For all Property Management forms (See Appendix A4-6 to Appendix A4-8).

10.0020 LAND, BUILDINGS, and BUILDING IMPROVEMENTS

All real property, including land, land improvements, structures, and appurtenances thereto, excluding moveable machinery and equipment, shall be capitalized. Such expenditures shall be recorded in the accounting records.

10.0030 SUPPLIES AND MATERIALS

All items not considered equipment shall be classified as supplies or materials. Supplies, materials, etc. may be purchased according to program contracts and budgets, or as considered necessary for the operation and administration of the College programs. The purchase requisition process must be followed.

10.0040 TELEPHONE USAGE

Before long distance calls can be made, permission must be granted by the President or Comptroller. All long distance calls must be for College business. Periodically, the calls made will be reviewed. The switchboard operator shall log the date, phone number, recipient, the purpose of the call, and name of the staff member placing the call. If staff abuse the long distance calls, they will be required to reimburse the College for all costs incurred.

10.0050 OFFICES AND KEYS

Keys are made available for College personnel who need them. Use of College Offices for private business activities should be strictly limited. Staff and faculty members are obliged to lock and secure their own office belongings. The College is not responsible for personal items that are missing or stolen.

10.0060 SALE OF PROPERTY AND EQUIPMENT

For property and equipment with a fair market value of less than \$1,000 advertisements for bids shall include TMCC web site, KEYA Exchange, email to all users, and word of mouth.

For property and equipment with a fair market value of more than \$1,000 advertisements for bids shall include the local papers, TMCC web site, KEYA Exchange, email to all users, and word of mouth.

4.10.000 PERSONNEL POLICIES

For detail on the HOLIDAYS AND PAYROLL SCHEDULE and other personnel policies (see the Personnel Policy Manual).

4.11.0000 BOARD/COMMITTEE MEETING

11.0010 MEETING EXPENSE

Members of the Board of Trustees and Board of Directors will be allowed a meeting expense of \$50.00 per meeting when attending a regular or special board meeting and \$100 per meeting when attending an all-day quarterly or special all day meetings. There must be a quorum in order for a payment to be made. The Secretary of the Board shall be paid a meeting expense payment of \$100.00 per month and \$50.00 per special meeting unless other payment arrangements are pre-approved. Regular Board meeting that last longer than 3 hours will be considered an all-day meeting.

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.01 Members who enter a meeting that is already in session will be paid as follows:

1	Meeting less than ½ completed	Full pay
2	Meeting is more than ½ completed, but less than ¾ completed	½ the authorized amount
3	Meeting more than ¾ completed	¾ pay

.02 Members who leave a meeting before the meeting is adjourned will be paid as follows:

1	Meeting less than ½ completed	¾ pay
2	Meeting is more than ½ completed, but less than ¾ completed	½ the authorized amount
3	Meeting more than ¾ completed	Full pay

Time is based on when the meeting is called to order and when the meeting is adjourned. The Board Secretary will enter the time the meeting was called to order, when it was adjourned, and when any Board member enters or leaves the meeting into the minutes.

.03 The above allowances will be paid when Board Secretary submits the purchase requisitions.

.04 Any deviation from this policy will require board action at the next regular meeting.

11.0020 OTHER BOARD EXPENSES

Any expenditure in excess of \$200.00 expended on behalf of the Board as a donation must be approved by a majority affirmative vote of the Board.

4.12.0000 FINANCIAL REPORTS AND STATEMENTS

12.0010 BOARD OF DIRECTORS

The Board shall receive financial statements showing the financial position of each quarter as of the last day of the preceding period. Such statements will reflect budgeted, actual, and variance amounts. Operating statements shall disclose expenditures for the current quarter as well as accumulative expenditures to end of the current quarter.

The financial statements shall be prepared by the Comptroller each quarter and submitted to the President for review within the first ten days of the subsequent period. The Comptroller shall then submit the reports to the Board at the quarterly meeting.

12.0020 TIME AND ATTENDANCE

.01 Time and Effort Reporting

As of July 1, 2011, full time and part-time staff will report their percentage of effort and a brief description of that effort for each funding source on the Supervisor Approved Leave Report or the Time Sheet (see-Appendix A5-19 and Appendix A5-17). Full-time Faculty members and Adjunct Faculty members will complete the time and effort reports (see Appendix A4-9 or Appendix A4-10).

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Failure to submit Time and Effort Reports may result in disciplinary action.

.02 Verification of Effort

After the report has been signed by the employee or his/her supervisor, employee's effort reported on the forms must be verified by the Sponsored Programs Office. Supervisor Approved Time/Attendance and Effort Reports and Time Sheets will be maintained in the Business Office. Time and Effort forms will be maintained in the Sponsored Programs Office.

.03 Verification of payroll

Semiannually, payroll must be verified that the time charged to a specific grant equals the amount of time reported on the Supervisor Approved Leave Report or Time and Effort Report. The sponsored Programs Office must notify payroll of the percentage of time reported by faculty members and other staff that use the Time and Effort Report for verification purposes.

12.0030 ATTACHMENTS

Appendix shall include a copy of all current internal forms. For example: purchase requisition, travel expense statement, etc.

4.13.0000 INVESTMENT POLICY STATEMENT

13.0010 Statement of Purpose

The Investment Policy Statement (IPS) is a long-range strategy, with sufficient detail for implementation by designated agents, yet flexible enough as not to require continuous revisions and updates.

The IPS will establish clearly defined investing guidelines and expectations, with a reasoned basis for measurement of compliance.

The purpose is to raise, receive, hold, administer, invest, and manage funds from donors wishing to benefit TMCC. Funds donated to the College may be maintained in the form of endowments, quasi-endowments, charitable trusts, or other forms the College deem appropriate. The purpose of this document is to establish policy and guidelines, which will provide for the maintenance and enhancement of College assets. This document will be reviewed at least annually by the Investment Committee and updated or modified as needed to reflect changes in both the financial markets and needs of the College.

13.0020 Statement of Responsibility

The College Board of Directors shall appoint a 3 to 5 member Investment Committee to represent the College. This committee shall have the responsibility for general oversight of the investment portfolio, to include selection of investment manager candidates, and make recommendations to the Board of Directors for final action. The President and the Vice President shall act in an advisory capacity and be ex-officio members of the Committee.

13.0030 Role of Investment Committee

.01 The role of the Investment Committee is to provide direction for the investment of the financial assets of the College and is charged with following the responsibilities:

- (a) To establish and maintain policies and guidelines for the receiving and investment of College assets.

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- (b) To determine the appropriate asset allocation among these assets.
 - (c) To provide a system for monitoring the returns on these assets, and to review the performance of these assets.
 - (d) To monitor the investment goals.
 - (e) To maintain open lines of communication with the Board of Directors, providing in-depth activity reports at each regularly scheduled meeting of this body.
- .02 As such, the Investment Committee is authorized to delegate certain responsibilities to professional experts in various fields. These include, but are not limited to:
- (a) Investment Consultants. The consultants may assist the Investment Committee in establishing investment policy, objectives, guidelines; selecting investment managers; measuring and evaluating investment performance; and other tasks deemed appropriate.
 - (b) Investment Managers. The investment managers have the discretion to purchase, sell, or hold the specific securities in accordance with the Board approved investment policies and guidelines that will be used to meet the College's investment objectives.
 - (c) Custodians. The custodians will physically maintain possession of the securities owned by the College, collect dividend and interest payments, redeem maturing securities, and effect receipt and delivery following purchases and sales. The custodians may also perform regular accounting of all assets owned, purchased, or sold as well as movement of assets into and out of the College accounts.
 - (d) Additional specialists such as attorneys, auditors, and other may be employed by the College as recommended by the investment Committee to assist in meeting its responsibilities and obligations to administer College assets prudently.

13.0040 Investment Philosophy

- .01 The assets exist to provide long-term support to Turtle Mountain Community College.
- .02 Accordingly, the investment philosophy is based on a disciplined, consistent, and diversified approach utilizing various asset classes and management skills, with intent to accommodate styles and strategies considered reasonable and prudent.
- .03 The College spending policy will necessitate distributing a significant portion of the investment return each year and may occasionally require distribution of capital assets. However, over the long term, the investment return is expected to be greater than the amount distributed and this excess return will be reinvested. The reinvested portion should be sufficient to cover expected future inflation and investment management and related fees so that the real value of the College's assets is preserved and maintained over time.
- .04 Assets may be invested in pooled funds or in direct investments, or a combination of the two. Assets will typically be diversified among high quality stocks and bonds. Additional asset classes may be included when it is reasonable to expect the additional asset class will increase return and/or reduce risk.
- .05 Investment managers shall be selected from established and financially sound organizations, which have a proven and demonstrated track record managing similar funds.

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Selection of the investment managers shall depend upon factors established by the Board of Directors and will be consistent with the laws of the State of North Dakota. Such factors include, but are not limited to the manager's investment philosophy, experience and depth of personnel, investment process, past performance, and fee structure. Managers will also be reviewed and evaluated against the standards as established by the Association for Investment Management and Research (AIMR). The College recognizes its responsibility as a stockholder to encourage corporate citizenship, as well as corporate growth, in the companies whose shares are owned by the College. Corporate citizenship and social responsibility will be encouraged, based upon information available to the Investment Committee.

13.0050 Investment Objectives

The primary objective of the College's asset management program is to preserve its real (inflation adjusted) purchasing power while providing a relatively predictable, stable, and constant (in real terms) stream of earnings consistent with prudent risk limits and the College's spending needs.

To meet this broad objective, the specific performance is to attain, within acceptable risk levels, an average annual total return that meets or exceeds the sum of the College's spending (distribution) rate plus inflation plus investment management and related fees. Our focus will be on total return without regard to whether that return is in the form of income or capital gains. In cases where the College is appointed Trustee of a charitable trust, the investment objective is to achieve a return that satisfies the distribution rate while retaining as much of the corpus as possible.

13.0060 Spending Policy:

The College will distribute no more than 5% of the 5 year rolling average of the market value of the Pooled Long-Term Fund and the Pooled Equity Fund. The College will distribute from the Pooled Fixed Income Fund net income. The College will distribute the contractual rate specified within the annuity or charitable trust agreements.

13.0070 Investment Strategy

Endowment assets will be invested in the College's Pooled Long-Term Fund, Pooled Equity Fund, and Pooled Fixed Income Fund. Charitable trusts may be funded with cash, securities, real estate, or other property and will be reinvested in the Equity Trust Investment Pool, Bond Trust Investment Pool, individual securities, or any combination of the three, as soon as practical. Each Fund will be broadly diversified through investment in multiple markets and use of multiple investment styles, thus enhancing real returns while reducing volatility. In addition, diversification will provide assurance that no single security or class of security will have a disproportionate impact on the fund's aggregate results.

The appropriate asset allocation for each charitable trust depends upon the expected life of the trust, the contractual distribution rate and the circumstances of the expected life of the trust, the contractual distribution rate, and the circumstances of the beneficiaries. The Board of Directors reviews each trust asset allocation annually.

13.0080 Specific Investment Goals

- .01 Specific investment decisions will be the responsibility of the internal and external investment managers selected by the Board of Directors and will from time-to time

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develop specific performance objectives and investment guidelines for each manager employed, and shall periodically review each manager.

- .02 Over the 10-year investment horizon established in this statement, it is the goal of the aggregate College assets to meet or exceed:

The rate of inflation (as measured by the CPI) plus 3%.

- .03 The investment goals above are the objectives of the aggregate College assets, and are not meant to be imposed on each investment account. The goal of each investment manager, over the investment horizon, shall be to:

- (a) Exceed the market index, or blended market index, selected and agreed upon by the Investment Committee that most closely corresponds to the style of investment management.
- (b) Display an overall level of risk in the portfolio that is consistent with the risk associated with the volatility limits specified below.

- .04 Specific investment goals and constraints for each investment manager may differ from those of the entire College.

13.0090 Total College Asset Allocation Guidelines

<u>Asset Class</u>	<u>Minimum</u>	<u>Maximum</u>
Cash Equivalents	0%	10%
Fixed Income	30%	75%
Bonds below Investment grade – BBB	0%	10% of total
International Bonds	0%	10% of total
Total Equities	25%	70%
Large Cap	0%	45%
Mid Cap	0%	20%
Small Cap	0%	20%
International	0%	20%
Emerging Markets	0%	10% of total
Exchange Traded Funds (ETF)	0%	20% of total
Alternative Investments (including REITS)	0%	20% of total

13.0100 Volatility of Returns

The Investment Committee understands that in order to achieve its objectives for the College assets, the assets will experience volatility of returns and fluctuations of market value. The College could tolerate a maximum loss of approximately 20% over the 1-year investment horizon and maximum loss of 0% over a 5-year period. Therefore, the Investment Committee supports an investment strategy that minimizes the probability of losses greater than stated above. However, it realizes that the College's return objective is its primary concern. There is, of course, no guarantee that the College will not sustain losses greater than those stated herein.

13.0110 Performance Review Evaluation

- .01 The Investment Committee will establish specific performance objectives and provide for monitoring the investment performance of the manager's employed to manage the College

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assets. On a quarterly basis, the Committee will receive a report from each manager regarding investment performance relative to the performance objective, risk guidelines, the manager's stated investment philosophy, and the manager's peer group. For purposes of reviewing performance, it is intended that the following objectives be achieved over a 5-year moving period, net of investment management fees.

- .02 Asset Allocation Guidelines: The long-term goal of this portfolio is to maintain a portfolio mix of 50% Equities and 50% Fixed Income +/- 10%. Once the strategic asset allocation has been obtained, the account will be periodically re-balanced to maintain the target percentages.

13.0120 Pooled Equity Fund

1. The total return is expected to exceed the target Index comprised of:
 - Large Cap Equity – Russell 1000 Index
 - Mid Cap Equity – SandP 400 Midcap 400 Index
 - Small Cap Equity – Russell 2000 Index
 - International Equity Developed – MSCI EAFE Index
 - International Equity-Developing – MSCI Emerging Market Index
 - Alternative Investments Index – HFRI Fund of Funds Index
2. The total return for each "active" equity investment manager is expected to exceed the relevant equity benchmark.
3. Each active equity investment manager is expected to rank in the top 40% of a universe of advisors utilizing a similar investment style (e.g. Large-Cap Value, Small-Cap Growth, International, etc.) over a rolling five-year period.

13.0130 Pooled Fixed Income Fund

1. The total return for the Pooled Fixed Income Fund and any fixed income investment manager is expected to exceed their relevant benchmark.
2. Each fixed income investment manager is expected to rank in the top 40% of the fixed income advisors over a rolling five-year period.

13.0140 Termination of Investment Manager

The Board of Directors reserves the right to terminate a manager for the following reasons:

1. Investment performance that is significantly less than expected given the parameters established in this Investment Policy Statement.
2. Failure to adhere to any aspect of this Investment Policy Statement.
3. Significant qualitative changes to the investment management organization.
4. At the convenience of the Board of Directors, with or without cause.

4.14.0000 POLICY FOR VEHICLE USE

The following procedures have been developed to insure efficient use and assignment of College vehicles. However, all vehicle users should realize that occasional problems may occur and should be flexible in attempting to work through such problems.

Cost to programs for use of vehicle will be the actual cost of gasoline plus a rate set by the Comptroller.

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.01 General Considerations

- (1) Under no circumstance can the College owned vehicles or equipment can be used for personal purposes.
- (2) College employees who have a valid driver's license may be permitted to operate a College-owned vehicle.
- (3) No vehicle shall be operated for any reason other than official College business.
- (4) It will be the responsibility of the operator to ascertain that all equipment is working properly within reason before using the vehicle.
- (5) No vehicle will be operated by any driver who is not covered under the College's insurance policy.
- (6) All state and federal highway rules and regulations including speed limits must be obeyed.
- (7) No alcoholic beverages or any other illegal drug use will be allowed at any time.
- (8) Absolutely no smoking in the vehicles at any time.
- (9) All trips other than local must be approved by the President or appointed designee.
- (10) Normally, the distance to be traveled shall be limited to a 500 mile radius from the College. If, however, a trip longer than 500 miles is necessary and will save the college money over other means of transportation, may be allowed.
- (11) Normally use of the College vehicle will normally be limited to five (5) days in duration unless training is longer in duration, including the day of departure and day of return.
- (12) Vehicles will be returned to the college immediately upon completion of the trip.
- (13) Vehicles will be assigned on a first come basis. Otherwise, assignment will be based on the following factors:
 - a. Number of people (more people, higher priority).
 - b. Distance (more miles, higher priority).
 - c. Number of days (fewer days, higher priority).
- (14) No mileage will be paid to the individual when College vehicles are used.

.02 Facility personnel have priority for the use of facility vehicles at all times.

.03 In some cases, a longer trip (scheduled later) may "bump" a shorter one (scheduled first) as long as the person taking the shorter trip is given at least a 24-hour notice of the change.

- (1) Primary consideration will be given to requests for long-distance trips (those outside the local forty-five mile radius).
- (2) Instructional field trips in the local area will be treated as long distance trips.
- (3) College-owned vehicles must be used for approved long distance travel. If a vehicle is available and you use your own car, mileage reimbursement by the College will be denied. Off campus teaching assignments are exempted from this provision.
- (4) Credit cards are available for long distance travel but are to be used only to put gasoline/oil in college-owned vehicles.

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- (5) If no vehicle is available for local trips, personal mileage can be requested if the round trip exceeds forty-five miles.
- (6) Non-college personnel may ride in College vehicles if expressly permitted by the driver.
- (7) College vehicles will not be furnished with maps, operating manuals, or tools, other than wheel jack and lug wrench. Vehicle registration, insurance card, and insurance company reporting guide (in case of accident) are located in the glove compartment.

.04 How to Request

- (1) Vehicles can be reserved between 8:00 a.m. and 4:30 p.m. through the Business Office
- (2) After the reservation is made, a Purchase Requisition Form for travel must be submitted to the Business Office no later than 48 hours before departure time, except for emergency arrangements. Failure to comply can result in cancellation of the vehicle reservation.
- (3) Upon approval, "Authorization to Use College Vehicle" will be prepared and put in the requestor's mailbox unless he or she wishes to pick it up in person. Requester should keep their copy and turn it in with the keys upon completing the trip.
- (4) Specific vehicle will be assigned by the Business Office and staff members are expected to use the vehicle assigned. Any request for a change in vehicle assignment and the reason(s) should be made to the Inventory Officer.
- (5) When a college vehicle is unavailable a request for mileage reimbursement will be considered for a 45 miles radius or more.
- (6) Keys may be picked up at the Business Office from 8:00 a.m. to 4:30 p.m. Monday through Friday. For departure prior to 8:00 a.m., they may be picked up the previous afternoon.
- (7) Vehicles not picked up within one hour after the stated departure time will be assumed to be unneeded and may be re-assigned.
- (8) The sign-out sheet located in the vehicle should be completed before departure.
- (9) Local travel requests will be accepted only on the day of travel, except in cases of early departure. Pick up Local Trip Cards in the Business Office.
- (10) All facilities vehicles should be checked out through the Facilities Manager with at least one day notice.

.04 On a Trip

Any repairs, gas, tolls, parking, and similar expenses must be shown on a receipt from the vendor.

- (1) In case of breakdown, contact a local service station or garage. If in doubt as to procedure, call the Business Office/Comptroller at 701-477-7862 Ext. 2205. At night or on weekends, call your supervisor.
- (2) Roll up windows and lock vehicles when unoccupied.
- (3) Fines for moving and parking violations must be paid by the driver.

.05 On Return

- (1) Before vehicle is returned it must be filled with gas/diesel.

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- (2) Remove all your luggage, equipment, and debris from the vehicle. It is imperative that you leave the vehicle as clean as you received it. Failure to comply with this policy could result in the individual being banned from future vehicle use without mileage reimbursement.
- (3) Roll up windows and lock all doors.
- (4) Complete the sign-out sheet in the vehicle and turn in keys and the individual's copy of the authorization sheet properly filled out to the Business Office. Beginning and ending odometer readings must be shown. If the Business Office is closed, return the keys at 8:00 a.m. the next workday.

4.15.0000 PHYSICAL PLANT

The Turtle Mountain Community College physical plant continues to experience steady growth.

The old physical plant is a conglomerate of buildings located in center of Belcourt when combined comprises some 66,000 square feet, and will be continued to be used for college purposes. These facilities will house all college functions with the exception of some off-campus community responsive classes.

The new campus has a 145,000 square foot building located on approximately a 123 acre site. The new facility includes state of the art technology, a fiscal area, general classrooms, science, mathematics and engineering classrooms and labs, library and archives, learning resource centers, faculty area, student services area, gymnasium, auditorium, recording studio, music rooms, art classrooms, dressing rooms, computer labs, terrace area, server room, basement storage and mechanical systems.

The Anishinabe Wellness Center is set on 102 wooded acres. The complex includes a cemetery, riding arena, beach front, playground area, natural trails, fitness course, medicine wheel, and a total of 15 buildings: five cabins, a wellness center, roundhouse, church, straw bale, tack shop and maintenance garage, boat house, Equine science building, A-frame building, the trading post, and a small barn. Turtle Mountain Community College is a commuter campus therefore contains no residence halls.

- .01 College facilities are available for educational purposes by the public under specific conditions. Extra-curricular scheduling at the new campus must be cleared by the Academic Dean or the Facilities Manager. The Comptroller will approve use of the Belcourt campus.
- .02 Faculty members are agents of the College and should exercise responsibility in their extra-curricular use of the facilities. Persons using facilities for non-college functions assume their own liability. Organizations and groups, which use facilities, should be briefed on their responsibilities. Doors should be locked, lights shut off, and windows closed and locked.
- .03 Students or other groups must not be admitted to locked buildings or rooms unless under supervision of the faculty member or by his/her written authorization.

15.0010 HANDICAPPED PARKING

Turtle Mountain Community College has designated 'Handicapped Parking' areas for those individuals who display the required permit. Any Individual who parks in designated 'Handicapped parking' areas and does not display a handicapped permit will:

- .01 Be towed away at the owners expense; and
- .02 Be ticketed/fined at a rate consistent with tribal law.

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15.0020 PARKING IN FIRE ZONES

Parking in fire zones is strictly prohibited. Any individual who parks in designated fire zones will:

- .01 Be towed away at the owners expense; and
- .02 Be ticketed/fined at a rate consistent with tribal law.

PERSONNEL POLICY AND PROCEDURE MANUAL

SECTION 5

SECTION 5 PERSONNEL POLICY

SECTION 5: PERSONNEL

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5.0.0000 PERSONNEL POLICY

0.0010 INTRODUCTION

Every employee of the Turtle Mountain Community College has a part in the educational research and service effort of the institution. It is an effort, which can best be carried out within a harmonious employer-employee relationship. To this end, the College endeavors to provide working conditions and compensation based on fair and equitable standards.

An employee or a group of employees has the right to discuss with supervisors or other appropriate officers any condition of employment without discrimination.

0.0020 EQUAL OPPORTUNITY AND NON-DISCRIMINATION POLICY

The College is an Equal Opportunity Employer, which abides by the policy of providing equal employment opportunities without discrimination to all applicants and employees regardless of race, religion, color, national origin, age, gender, disabilities, sexual orientation or marital status, except as allowed by the Indian Preference provision of the Indian Civil Rights Act of 1964, as amended. In adhering to this policy, the College abides by the Title IX requirements.

0.0030 PERSONNEL FILE

Turtle Mountain Community College shall maintain a system of confidential personnel records.

A separate personnel record folder shall be created at the time of employment and shall be kept for each employee.

At the time of termination, the employee's personnel folder shall be transferred to the inactive section and be retained as a source of confidential information regarding the employee's employment.

All personnel record folders shall be kept under lock and key. Access to, and release of, information contained in the personnel records shall be limited to authorized chain of command only and viewed on a "need to know" basis.

0.0040 PERSONNEL RECORDS

Each individual personnel file is regarded as confidential, and is treated as such. Personnel files are maintained by the Human Resources Manager and includes information such as the employee's job application, resume, records of training, and records of education, performance evaluations, commendations/recognitions, disciplinary actions and salary information. All personnel files shall be maintained in the Human Resource office throughout the tenure of the employee. Payroll information is maintained in the Fiscal Office and retained as required by law.

In addition, any drug and/or alcohol information, medical information provided in support of Family and Medical Leave, disability accommodation, or other medical information submitted by TMCC, the staff member or medical provider is segregated from other personnel information, in a separate staff member file, pursuant to HIPAA and other legal requirements; and access to this information is severely restricted on a specific need-to-know basis.

0.0050 UPDATED INFORMATION

It is the responsibility of each employee to promptly notify TMCC of any changes in personal data. Personal mailing addresses, telephone numbers, educational accomplishments and other such status reports should be accurate and current at all times.

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0.0060 DISCLOSURE

Employees must give permission to disclose information to third parties. Disclosure refers to information dissemination about an employee to people or outside agencies and can include such things as employment verifications or reference requests. Unless either the employee's consent is obtained or judicial process requires disclosure, the employer should disclose only directory information such as name, address and dates of employment.

5.1.0000 HIRING PROCESS – OVERVIEW

1.0010 SECTION I: GENERAL PROVISIONS

1. Scope: These procedures apply to the recruitment, hiring, and promotion process for all TMCC employees, with the exception of summer youth programs and part-time employees. The Vice-President and Comptroller are exempt and are selected based on the recommendation of the President with concurrence of the Board of Directors. The President is also exempt and is selected by the Board of Directors with involvement of the Board of Trustees.
2. Code of Conduct Policy, Confidentiality Statement, and Conflict of Interest Statement form shall be signed by all hiring committee members
3. Oversight: The President is responsible to ensure the integrity of the procedures established by this policy. To assure that the process is clear and understood, the President will be responsible for training the key administrators regarding this policy. If the process has been substantially violated or abused, the President may order that an error be corrected, that a portion of the process be redone, that a member of the committee be excluded from further deliberations, that the process be terminated, or that some other remedial action be taken to assure the integrity of the process. If the recommendation of the Hiring Committee is not agreeable to the President, the position will be re-advertised, closed, or eliminated.

1.0020 SECTION II: RECRUITMENT

1. Vacant/New Position: The supervisor or director shall submit a request to fill a new and/or vacant position to the President on the Employee Request Form. The supervisor or director is responsible for completing all necessary forms for obtaining required authorizations. After proper authorization and final approval by the President, the supervisor or director shall submit the necessary documentation to the Human Resource Manager who will advertise the position.
2. Vacancy Procedure: It shall be the responsibility of the Human Resource Manager to advertise all permanent staff and faculty vacancies through the TMCC website, Job opportunities bulletin board, internal mail, Job Service North Dakota, local radio and newspapers, regional and national employment sites as needed / desired. Whenever possible, notice of vacancy shall be posted for a minimum of 10 working days.

1.0030 SECTION III: APPLICANT PROCESS

1. Application Packet/Submission: Applications must include an Application for Employment, letter of application, curriculum vitae, resume, work experience, college transcripts, three current letters of reference, and, if applicable, proof of Indian blood and/or veteran preference. The packet will be determined to be incomplete if any required documents are missing; thus the application will not be considered.
2. Search Extension: The recruitment period may be extended when the applicant pool has only one qualified applicant.

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3. Search Reopened: The application process may be reopened should the committee decide not to recommend a candidate to the President. The President has the authority to reopen a search with notification to the Board of Directors.

1.0040 SECTION IV: RATING/INTERVIEW COMMITTEE

1. The Head of the Department and Human Resource Manager will oversee the hiring process.
2. Membership: The Rating/Interview Committee shall consist of five (5) members to include the Head of the Department. The Rating/Interview Committee members must remain the same throughout the process.
3. Committee Selection: The Head of the Department will chair and serve as a member on the selection committee and shall select two (2) members from their department; the Human Resources Manager will randomly select two (2) at large members from "outside of the department". Two additional individuals are selected to serve as alternates.
4. Orientation: The Human Resource Manager will conduct an orientation meeting to explain roles, duties, expectations, timelines, and the board-approved hiring process to the committee members. All members must sign a statement verifying they will adhere to the College Code of Ethics Policy, Confidentiality Statement, and Conflict of Interest Statement.

1.0050 SECTION V: APPLICANT SCREENING PROCESS

1. Minimum Qualifications: The Human Resource Manager will present qualified applicants and complete applications for the Rating/Interview Process to the Rating/Interview Committee. The committee may request to examine all application packets for further determination of qualifications.
2. Scoring: Rating/Interview Committee members shall rate each applicant on the Applicant Screening Process Hiring Matrix. (See Appendix A5-1).
3. Recommendation: The Rating/Interview Committee shall evaluate the applications and submit scores and recommendations to the Human Resource Manager. If the recommendation is to interview, the Human Resource Manager and Department Head will set up appropriate interviews. If no interview is required, the final recommendation will be forwarded to the President for approval. The Board will be informed of all approved hires.

1.0060 SECTION VI: INTERVIEW PROCESS

1. Materials: Prior to the interview, the Rating/Interview Committee will receive from the Human Resource Manager, the following materials on each candidate: application packet, schedule of interviews, interview questions, and Individual Rating Sheet.
2. Questions: The committee, with consultation from the Department Head and Human Resource Manager, will draft interview questions (a minimum of 5) prior to the interview. The committee will submit a draft of interview questions to the Human Resource Manager for final approval of appropriate questions.
3. Set Time: Each applicant shall be afforded the opportunity to have an interview of approximately equal length and will be asked the same questions. Specific questions pertaining to benefits must be referred to the Business Office.
4. Score: At the conclusion of each interview, the committee shall score the candidate. The committee may discuss as a group each candidate immediately after the interview. All

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committee members will sign each Interview Rating Sheet and submit the form to the Human Resource Manager.

5. Ranked List: The Department Head shall submit the interview scores to the Human Resource Manager. The candidate with the top interview score and an alternate candidate will be forwarded for reference checks. NOTE: A combination of the application and the interview scores will be used for the final recommendation for hire.
6. (See Appendix A5-1).

1.0070 SECTION VII: REFERENCE CHECKS

1. Timing: Reference and background checks will begin immediately and be completed by the Human Resource Manager prior to the submission of the recommendation of candidate(s) to the President.

1.0080 SECTION VIII: CONFIRMATION PROCESS

1. Recommendation: The Human Resource Manager will forward the committee's recommendation of the top candidate and, if applicable, an alternate, to the President.
2. Hiring: The President will approve or deny the recommended candidate for hire. The Board of Directors will be notified by the Human Resource Manager of the recommendation for approval or denial.
3. Requirements for Employment: Selected candidates, as required by policy, must submit to a drug test and physical examination. Any required physical exams will be paid by the College. If a finalist fails to satisfy the position requirements, the President will revoke the offer of employment.
4. For the complete hiring policy/procedure (See Appendix A5-1).

5.2.0000 DEFINITION OF EMPLOYEE

A person hired to provide services to a company on a regular basis in exchange for compensation and does not provide services as part of a business/contractor/consultant.

2.0010 EXEMPT EMPLOYEE

Exempt employees are defined as employees who, based on duties performed and manner of compensation and who supervises employees or are administrators, shall be exempt from the Fair Labor Standards Act (FLSA) minimum wage and overtime provisions. Exempt employees shall be paid an established bi-weekly or annual salary and are expected to fulfill the duties of their positions regardless of hours worked. Exempt employees are not eligible to receive overtime compensation or compensatory time off, and are not required to adhere to strict time, record keeping, and attendance rules for pay purposes; however, exempt employee should adhere to regular work hours and make prior arrangements for full day absences whenever possible.

2.0020 NON-EXEMPT EMPLOYEE

Non-exempt employees are defined as employees who, based on duties performed and manner of compensation shall be subject to all FLSA provisions. Non-exempt employees shall be required to account for time worked on an hourly and fractional hourly basis and are to be compensated for qualified overtime hours at the premium (time-and-one-half) rate. Overtime hours must have prior approval through formal request from the supervisor with President's concurrence.

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2.0030 NOTICE OF EMPLOYMENT

When a new hire or in-house transfer employee is hired by a department, the Program/Department Administrator must complete the Notice of Hiring Memorandum with assistance of the Human Resources Director (See Appendix A5-2).

2.0040 TERMS OF APPOINTMENT

The general terms and conditions of each appointment to the staff will be stated in writing, and a copy of the appointment document will be given to the appointee. Any subsequent extensions or modifications of an appointment and any special understanding or any notices incumbent upon either party shall be confirmed in writing and a copy given to the appointee. Each staff member will be given a manual and will be advised at the time of initial appointment of the institutional process for evaluation. This may be accomplished by a published description of the process in this manual.

2.0050 EMPLOYEE CATEGORIES

1. **ADMINISTRATORS:** Upper Levels are those positions under contract and includes the positions of President, Vice-President, Comptroller, and Human Resource Manager.
2. **FULL-TIME FACULTY:** Faculty appointments are professional appointment accomplished through contracts between individual faculty members and College. Faculty contracts consist of 198 days which constitute the academic year. The functions of a full-time faculty member are divided into the four categories: teaching, advising, scholarship, and service to the College and the community. Faculty full-time Teaching Credit Load is a minimum 12 credit hours-maximum credit load 15/16 hours. The duty and primary professional responsibility of all full-time faculty members is to the College, faculty must not engage in any other enterprises on a regular basis when such practices are in direct conflict with their services to the College.
3. **ADJUNCT FACULTY:** Part-time faculty members are hired to teach one or more courses. They are required only to meet their classes during prearranged times and attend meeting with Dean or Academic Programs as scheduled. The activities of part time faculty are coordinated and evaluated by the Dean of Academic Programs. Part-time faculty are coordinated and evaluated by the Dean of Academic Programs. Part-time faculty members are on contract in accordance with number of credits taught. Contracts are renewed each term.
4. **FULL-TIME STAFF:** (Includes 12-month instructors): Employees who are not in a temporary or probationary status who are regularly scheduled to work the organizations full-time schedule (40 hours per week). Employees are eligible for the full-time benefit package; and subject to the terms, conditions, and limitations of each benefit program. Full-time employees may be funded from grants and other funding sources. Full-time employees hired for a specific grant will be paid from that grant and are limited to employment for the duration of the grant. (See Benefits Table).
5. **PART-TIME:** Employees who are scheduled to work less than a full-time schedule. They receive all legally mandated benefits such as Workers Compensation Insurance, Unemployment, and Social Security Benefits. See Benefits Table below.
6. **TEMPORARY:** Employees hired as interim replacements, to temporarily supplement work force or to assist in the completion of a specific project. Employment assignments in this category are of a limited and definite duration (typically not to exceed 120 working days). Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary

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employees retain that status until notified, in writing, of a change. While temporary employees receive legally mandated benefits (such as Workforce Safety and Insurance Employer Service, Unemployment Insurance and Social Security Benefits), they are not eligible for any of the employers other benefit programs.

7. **EMERGENCY APPOINTMENTS:** The President may fill an emergency appointment not to exceed 120 work days. Emergency hires must be conducted only with the concurrence of the Board of Directors. Situations including natural disasters, grant requirements, and other labor shortages may justify an emergency hire.
8. **TEMPORARY STUDENT EMPLOYEES:** This classification is for students of the College hired to assist departments. These employees, with exception of College Work Study, receive all legally mandated benefits such as Workforce Safety and Insurance, Unemployment Insurance, and Social Security Benefits. These appointments are temporary based on need and availability of funds, and are limited to their College enrollment period.
9. **INDEPENDENT CONTRACTORS:** A person, business or corporation which provides goods or services to another entity under terms specified in a contract.
10. **CONSULTANTS:** A professional who provides expert advice in a particular domain or area of expertise.
11. **ESSENTIAL POSITIONS:** Essential employees are crucial to the College in times of natural disasters or a state of emergency. These positions would be required to maintain the College during these events. These positions are identified as the President, IT Department, Security, and Facilities personnel. These positions are a part of the Emergency Management Plan as designated.

5.3.000 FRINGE BENEFITS—

Details shall be made available from the Human Resource Manager and Fiscal Office.

3.0010 BENEFITS TABLE

Full-time and part-time employees are entitled to benefits as indicated:

Benefit	Full-Time		Part-Time and Temporary
	Staff	Faculty	
College's contribution to FICA/Medicaid	X	X	X
Workforce Safety and Insurance Employer Service	X	X	X
Unemployment Insurance	X	X	X
Short-Term Disability	X	X	
Health Insurance	X	X	
Life Insurance	X	X	
Dental Insurance	X	X	
TMCC's Contribution to Retirement	X	X	
Annual Leave	X		
Sick Leave	X		

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Paid Holidays	X	X	
Optional – at Employee’s Expense			
Long Term Disability		X	
Voluntary Universal Life Insurance	X	X	
Voluntary Group Term Life insurance	X	X	

3.0020 SOCIAL SECURITY AND MEDICARE

Social Security and Medicare Benefits shall be provided for College employees through payroll deductions and from matching funds provided by the College.

3.0030 WORKFORCE SAFETY and INSURANCE EMPLOYER SERVICE

All employees are protected by Workforce Safety and Insurance Employer Service against accidental injuries or occupationally incurred illness in the performance of their official duties.

1. All on-the-job accidents and injuries or occupationally incurred illnesses must be reported immediately to the employee’s supervisor and the Human Resource Manager. This is for the protection of the employee as well as the institution and is required by the Workforce Safety and Insurance Employer Service.
2. In case of absence due to illness or injury, for which Workforce Safety and Insurance Employer Service time-loss benefits are received, sick leave pay may be utilized to the extent of the difference between such benefits and the employee’s regular salary. The employee may elect to use Workforce Safety and Insurance Employer Service only, or use it in combination with sick leave and/ or annual leave. However, the employee’s leave account shall only be charged that percentage of time which corresponds to the percentage of salary that the institution shall pay. For the purpose of this policy, full-time instructors who do not earn annual or sick leave hours, an allowance of 96 hours will be granted using a base of 14.8 hours per week. Upon using all accrued benefits, an employee will be placed on leave without pay for the remainder of the recovery period. The total time-loss payment shall not be more than the employee’s regular pay.

3.0040 STATE UNEMPLOYMENT INSURANCE

The College participates in the North Dakota Unemployment Insurance Program, which provides unemployment benefits to eligible workers (See Job Service of North Dakota).

3.0050 RETIREMENT

1. Employer’s Share -- Effective July 1, 2004 all eligible full-time employees will receive the following contribution to the 401(k) retirement:
 - 1-10 years will receive an increase of 1% annually.
 - 11+ years will receive an increase of 2% annually to a maximum of 20%.

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2. Employee Contribution – Employees may choose to contribute to their own 401(k) plan. Employer's and employees' portion cannot exceed the percentage allowable under the IRS code.

3.0060 SERVICE AWARD

The College administers a Service Award for continuous service as follows:

1. Upon completion of the 10th year of employment, an employee will receive a \$200 service award.
2. Upon completion of the 15th year of employment, an employee will receive a \$350 service award.
3. Upon completion of the 20th year of employment and in increments of five years thereafter, an employee will receive a \$500 service award.

3.0070 INSURANCE

1. Group Term Life Insurance and Accidental Death and Dismemberment (AD&D) –The College provides Group Term Life Insurance equal to \$60,000 for each permanent full-time employee and AD&D which pays double in the event of an accidental death at no cost to the employee. After the age of 65 the benefit payment decreases to \$30,000. The College also provides Dependent Group Term Life Insurance for each full-time permanent employee's dependents: \$5,000 for spouse, \$500 for children (birth to six months), and \$2,500 thereafter.
2. Group Short Term Disability Insurance – The College provides group short-term disability insurance for each permanent full-time employee at no cost to the employee.

3.0080 OPTIONAL BENEFITS

Insurance

1. Long Term Disability – Each full-time faculty member may choose to participate or waive coverage. The College does not pay any portion of the monthly premium.
2. Voluntary Universal Life Insurance – Each full-time permanent employee may choose to participate or waive coverage. Eligible employees may elect coverage for their spouse and dependent children. The College does not pay any portion of the monthly premium.
3. Voluntary Group Term Life Insurance – Each full-time permanent employee may choose to participate or waive coverage. Eligible employees may elect coverage for their spouse and dependent children. The College does not pay any portion of the monthly premium.
4. Voluntary Enhanced Accidental Death and Dismemberment (AD&D) – Each full-time permanent employee may elect employee-only coverage or family coverage. The College does not pay any portion of the monthly premium.
5. Health Insurance – Each full-time permanent employee may choose to participate in the self-funded health plan. The College pays a major portion of the monthly premium; employee pays a minimum portion of premium. If a full-time regular employee chooses to stay on their spouses health insurance plan rather than take part in the TMCC health insurance, the employee may be reimbursed for the out of pocket deduction from their spouses salary up to the amount of the College premium would be if they choose the TMCC health plan. For example, a single plus one under spouse the maximum reimbursement amount would be the cost for the Colleges single plus one premium. The employee must provide documentation of the deduction annually.

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6. Voluntary Dental Insurance – Full-time permanent employees may choose to participate in either a “low plan” or “high plan”. Eligible employees may elect employee only coverage or family coverage. The College will pay for first \$15.00 per month of the Dental Premium. The employee pays for any additional cost.

3.0090 EMPLOYEE AND BOARD MEMBERS TUITION AND PARTIAL FEE WAIVERS

1. It is the policy of the College to grant an institutional tuition and partial fees waivers to members of the Board of Directors and Board of Trustees and to full-time regular employees, to their legal spouse, legal children. Legal children defined as biological, legal guardianship, step-children.
2. Waivers are granted after satisfactory completion of employee probationary period.
3. Waivers begin at the start of each semester.
4. The student granted a waiver must maintain satisfactory academic progress as defined by the College catalog.
5. Institutional tuition waivers are considered a resource applied to the student’s financial aid budget.
6. Only Student Activities Fee and Technology Fee will be waived. No other fees will be waived for any type of waiver.
7. Any other type of balance that is not waived will remain on the individual’s account. Examples include but are not limited to lost library books, lost or damaged textbooks, or lost calculator.

3.0100 PAYROLL DEDUCTIONS

All employees shall sign a statement that authorizes the College’s Payroll Department to deduct any monies owed the College from their payroll and/or their accounts payable check(s). Santa Club

Employees have the opportunity to save money for Christmas by having a payroll deduction for the dollar amount they choose. A Santa Club account will be opened for them based on the information they provide on the Account agreement Santa Club account form, at a local bank (See Appendix A5-3).

1. Vacation Account

An employee has the opportunity to save money for a vacation by having a payroll deduction for the dollar amount they choose. A vacation account will be opened for them based on the information they provide on the account agreement Vacation Account form at a local bank (See Appendix A5-4).

2. Roger DeCoteau Scholarship Fund

An employee has the opportunity to contribute to scholarship fund in memory of Roger DeCoteau, a former member of TMCC Board of Trustees.

3. Dollars for Scholars

An employee has the opportunity to contribute to the Dollars for Scholars scholarship fund through payroll deduction (Contributions are 100% tax deductible).

4. Profit sharing – An employee may change the percentage contribution to their 401(k) by providing written notice to the Accountant

5. The College Foundation – An employee may contribute to the College’s Foundation.

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3.0110 PAYROLL CHANGE NOTICE

Employees who wish to make changes to their voluntary payroll deductions may do so in writing and submitting it to the Payroll Accountant.

5.4.0000 NEW EMPLOYEE PROCESSING PROCEDURE

4.0010 QUALIFICATIONS FOR NEW EMPLOYMENT

The administration will employ persons on the basis of merit and fitness and will avoid favor of discrimination based on race, color, creed, gender, national origin, religion, disabilities, or sexual orientation in its educational programs, admissions, activities, or employment practices. However, the administration shall reserve the right to make inquiry into any employee's connection with any group or organization which advocates the overthrow of the U.S. Government by force of violence.

1. A new employee will be subject to a background check.
2. A new employee must pass a drug test before employment or contract is offered.
3. The Human Resource Manager in consultation with the supervisor/department head will determine clearance for employment. Disqualification of a candidate will be based on:
 1. Falsification of an application or authorization information.
 2. Unsatisfactory background check as it relates to the position.
4. Appropriate tests may be required to relate qualifications of an applicant to the requirements of a position.
5. A new employee is required to complete a medical statement form and will be required to have a physical examination signed by a qualified medical provider stating that the employee is fit to perform their job duties.

4.0020 NEW EMPLOYEES

New employees shall complete the following forms if applicable (See Appendix A5-5 to A5-8). New employees shall receive a copy of his/her specific job description/duties. This shall include a general description of the job and specific duties of the job.

1. Exemption from North Dakota Income Tax Withholding, F-309 (See Appendix A5-5).
2. Department of the Treasurer, Internal Revenue Service Form W-4 (See Appendix A5-6).
3. Department of Homeland Security, Immigration and Naturalization Service Verification Form, I-9 (See Appendix A5-7).
4. Confidential Employee History, 05340, 1 (See Appendix A5-8).

4.0030 NEW EMPLOYEE ORIENTATION

New employees shall be given a job orientation and opportunity to familiarize themselves with the College Personnel Policy Manual. Each employee must sign and date a statement acknowledging that he/she received and read the College Personnel Policy Manual. New employees should contact the Human Resource Manager for appropriate fringe benefit package information.

4.0040 PROBATIONARY PERIOD

New employees are on a probationary basis for the first ninety calendar days of institutional service. During this period, the employee may be released without cause. An individual on probation is not

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entitled to due process. Based on the employee's performance evaluation by the supervisor, the probation period may be extended.

4.0050 REINSTATEMENT

A former full-time employee who resigned or separated while in good standing will be allowed credit for prior service in establishing eligibility for employment benefits provided they are full-time status in reemployment and this occurs within one (1) year from last day of employment.

4.0060 POSITIONS CLASSIFICATIONS

Positions are classified on the basis of duties and responsibilities. Class specifications indicate the title, duties, examples of work, and recommended qualifications. These are used as a basis for classifying positions and assigning class titles.

1. The class title of each position is the official title, which is used on payroll records, budget documents, personnel, and other official records and publications. The department may use functional titles for other purposes.
2. The Human Resource Manager is responsible for job analysis, position classification, and maintenance of the job evaluation program. Classification of a position will be reviewed on request of the supervisor or of the employee acting with the knowledge of the supervisor. Before a new position is established, it shall be classified by the Human Resource Manager and receive proper approval by the Board of Directors.

4.0070 TRANSFERS

1. Persons who desire to apply for a new position at the College are required to make their wishes known through a written notification to their supervisor.
2. Full-time regular employees who apply for a position within the College will receive five "in house" preference points.
3. Temporary transfers, not to exceed one year, between departments of staff or faculty are permitted with the approval of the supervisors involved and the President.
4. In the event of transfer, the employee's accrued leave becomes the obligation of the department to which he/she transfers.
5. When an employee changes from a lower position to a higher position as defined by the position classification, the employee will start at the salary for the position that is equal to or greater than their present salary based on the salary scale. However, should the employee be hired into a lower position, they will start at grade level for that position.
6. Transfer employees who are full time regular, serve a 60 calendar day probationary period. Based on the employee's performance evaluation by the supervisor, probation may be extended up to an additional 30 calendar days.

4.0080 CODE OF CONDUCT

1. INTRODUCTION

The Turtle Mountain Community College (TMCC) is committed to ethical and professional conduct. The College's leadership expects that each individual performing any activities on behalf of the College will adhere to those standards in the performance of their duties.

It is the responsibility of each individual faculty, staff member, or student employee acting on behalf of the College to comply with legal and regulatory requirements, policies, and procedures

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that apply to their particular duties. In addition, it is the responsibility of supervisors to adequately train individuals and to monitor their compliance.

There may be instances when a policy or regulation appears difficult to interpret or to apply, in those cases, clarification should be sought through the normal supervisory channels. If necessary, further questions should be directed to the administrative office that has responsibility for the oversight of that policy.

To maintain the highest standards of business conduct, the College depends on each individual to report known or suspected violations relative to the business of the College. Violations may include but are not limited to such subjects as: applicable federal, state, and tribal laws; regulations; government contract and grant requirements; College policies and procedures; or this Code of Conduct. Failure to report known or suspected violations is in itself a breach of College ethical standards and can lead to discipline, up to and including separation from the College. In addition, making an intentionally false report of a violation will result in disciplinary action.

Individuals should understand that the College encourages reporting of violations and makes available numerous options for reporting. Individuals are encouraged to report violations to their immediate supervisor, but may also report to the administration. College policy states that all reports will be investigated.

Reports of suspected violations may be made confidentially or anonymously. However, the more information given, the easier it is to investigate the suspected violation. The College will take all appropriate steps to ensure the level of confidentiality desired; however, sometimes the College's legal obligations to investigate or address a violation will override the individual's wish for confidentiality.

In addition to this Code of Conduct, there are multiple College policies and procedures that apply to individuals at the College which also encourage reporting.

1. The College's policy and procedures regarding harassment or discrimination (See 5.30.000 HARASSMENT POLICY).
2. The College's policy regarding Ethical Conduct in Research, Scholarship, and Creative Activity (See 5.31.0000 COPYRIGHT AND ROYALTY PROCEDURES).
3. The College's policy regarding Student Financial Aid Statement of Ethical Principles and Code of Conduct (See www.tm.edu).
4. The College's policy regarding Employee Responsibilities and Activities: Theft and Fraud (See 5.4.0080 CODE OF CONDUCT).
5. The College's policy on Conflict of Interest (See Board of Trustees Policy Manual II.12.000 CONFLICT OF INTEREST).
6. Technology use policy (See www.tm.edu).
7. The Student Handbook (See www.tm.edu).
8. The faculty and staff policies (See www.tm.edu).

Reports of conduct/inconsistent with the Code of Conduct will be investigated following the procedures set forth in the above policies.

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It is expected that all individuals, comply with this Code. It is expected that faculty and staff will try to use good judgment and best efforts to spend the College's funds including reimbursable expenses. It is expected that individuals will not make any false record or communication of any kind. It is expected that individuals will make every effort to communicate completely, accurately, and in a timely manner. It is expected that individuals will only collect that personal information necessary for the College's business. It is expected that individuals will retain customer information for only as long as required by the College's record retention schedule. It is expected that access to information will be limited to those with a legitimate business reason to have access.

If it is determined that this Code of Conduct or other policies, regulations, laws, grants, or contracts referenced above have been violated, the offending faculty or staff will be disciplined with penalties up to and including possible termination of employment. In some circumstances, individuals may be subject to civil and criminal charges and penalties.

The College prohibits retaliation against those who participate in reporting or investigating conduct contrary to law and policy. Further, College policies and grievance procedures also prohibit retaliation.

Each new employee will review the College's Code of Conduct and sign a statement certifying that the employee has read and agrees to comply with the Code.

The College's policies or documents emphasize the Turtle Mountain Community College's commitment to ethical and professional conduct.

This policy will outline employment conduct responsibilities and requirements of personnel of the College.

1. Every employee shall conduct him/herself in a manner to further the College's mission of providing high quality, professional, courteous, and efficient customer services to all community members.
2. Employees of the College are expected to perform the duties and responsibilities in their position in a manner that upholds the public's trust and reflects the highest ethical standards.
3. Any employee whose actions violate the College's Code of Conduct or these procedures may be subject to disciplinary action.
4. 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.

4.0090 NEPOTISM

Relatives of persons currently employed by the college may be hired, but will not be under the direct supervision of the relative. No Program Director or Supervisor shall appoint, hire, promote, advance or advocate the appointment, employment, promotion, or advancement of an immediate family member in which the Program Director or Supervisor is serving.

The term "immediate family" is defined as husband, wife, father, mother, brother, sister, mother-in-law, father-in-law, children, step-children, grandparents, and grandchildren.

The college reserves the right to re-assign employees or duties when deemed a prudent business or management practice.

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5.5.0000 STAFF SALARY AND WAGE SCALE

5.0010 INTRODUCTION

It is the policy of the College to adopt, maintain, and apply an equitable compensation plan for all employees. All employees are employed to perform the duties set forth in a written position description approved by the governing body. Each position description shall detail the requirements of the position which shall serve as the sole basis for establishing the pay grade of the position. Like positions and classes shall be assigned similar pay grades. Pay grades shall serve as the primary basis for employee compensation. No employee shall suffer any reduction in compensation solely as a result of the adoption of this policy (See Appendix A5-9 Position Grade Evaluation).

5.0020 YEARS OF SERVICE

1. New hires and transfers would be allowed up to five (5) years of prior directly related experience on their initial placement with supporting documentation. The maximum amount that any employee can be granted is five steps.
2. In extreme situations, such as difficult to fill positions, a new employee may be hired at a higher level with years of experience considered for a lateral type of placement from a previous job. However, each and every case must be presented to the Board of Directors for approval.

5.0030 PERFORMANCE EVALUATION

The College expects excellence from every employee in the daily performance of their duties and responsibilities. Their performance is measured through fair and equitable evaluations. The process of evaluation is essential for the continuous and measureable improvement of the employee.

Purpose:

The purpose is to provide a fair and equitable means for employees to be assessed on quality and quantity of work performance; and to improve performance standards and goals.

Objectives:

- a. Provide a formal annual review of each employee's work performance based on their job description.
- b. Document work performance of each employee.
- c. Identify requirements for training and development of individual employees.
- d. Provide professional development as a result of the evaluation.

5.0010 EVALUATION PROCESS

Annual Employee Evaluation Review

All Evaluation Reviews shall be done by April 30 of each year. This shall include faculty and staff.

One Month before the Review (by March 30th):

1. The supervisor will provide written notification to the employee that the annual employee evaluation review will be scheduled.
2. Both employee and supervisor review the current employee job description.
3. The supervisor determines the performance factors that will be rated (a minimum of 6 factors) and, with the employee, develops any additional performance factors (based on the job

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description or specific duty assignments) that need to be added to the evaluation review form, and shares this information with the employee.

4. The supervisor gives the employee the Self-Evaluation Form to complete within a 2 week time period (by April 15th).
 - a. Each Self-Evaluation Form will have an attached Rating Factor Guide to assist the employee in rating their performance on the identified factors to be rated.
 - b. Where useful or relevant, the employee will provide their supervisor examples to support the rating.
 - c. The employee returns the completed Self-Evaluation Form to the supervisor.

Two Weeks before the Review Day (starting April 15th):

5. Using the job description and Self-Evaluation Form, the supervisor prepares the written review using the Employee Evaluation Review Form. The supervisor will rate each performance factor as "Outstanding," "Exceeds Requirements," "Competent," "Requires Improvement," or "Unsatisfactory." The supervisor will schedule the review date, time, and location with the employee. The following process will be followed:
 - a. Rate a minimum of six (6) performance factors by checking the appropriate rating block. **If a factor does not apply to the work requirements of this position, check the "Factor Not Applicable" box.**
 - b. A Rating Factor Guide follows each performance factor review form to assist in giving an accurate assessment of performance.
 - c. Written comments are required for all factors.
 - d. Complete the "Overall Employee Rating" section according to the factor ratings and by assessing the overall effectiveness of the employee's job performance during the rating period.

Employee Evaluation Review Day (by April 30th):

6. The supervisor and employee meet for the employee evaluation review. The employee is given an opportunity to provide comments, the required signatures are collected on the form, and photocopies are made for the employee and supervisor with the original sent to the Human Resource (HR) Department for filing in the personnel file.
 - a. If all ratings were "competent" or above, the employee has completed the review.
 - b. If any ratings are below "competent", the employee is required to proceed to follow-up (See section 8).

Follow-Up (if needed):

7. If any ratings were below "competent", the employee shall have 120 calendar days to improve performance. The supervisor and employee will discuss specific goals and expectations. A written plan of improvement will be completed and signed by both parties. If an employee refuses to sign they are recommended for termination. A midpoint progress meeting will be scheduled within the first 60 calendar days.

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8. A mid-point meeting will be held, progress is updated, and next steps are planned. A final meeting, within the 120 calendar days, will be scheduled. Coaching and performance monitoring will continue to the end of the 120 calendar days.
9. The final progress meeting is held. If the employee has made “competent” progress in areas of concern; the Follow-Up Form is signed by both parties, and the original is given to the HR. The data is entered into the tracking system by the HR Department.
 - a. If the employee has not made “competent” progress, the supervisor will schedule a meeting to include the supervisor, employee, and HR Director to discuss employment options. The employee maybe recommended for termination.

Probationary Employees

Each new employee is placed on a 90 calendar day probation period. Each new employee shall receive an orientation that consists of, at a minimum, institutional mission, goals, and processes, and a review of the job description and responsibilities. The supervisor shall be responsible for the orientation, in coordination with the HR department.

The following timeline marks key days for probationary employees:

Day 0 (Begin Employment) → **by Day 45** (Mid-Point Review) → **beginning Day 60** (Written Notification to Probationary Employee) → **by Day 80** (Review is held, decision is made) → **Day 90** (end of probation)

Mid-Point Review (by Day 45):

1. The supervisor will provide written notification to the employee that the mid-point employee probationary review is upcoming. The supervisor will schedule a meeting.
2. The mid-point meeting is held, progress is updated and next steps are planned. A final meeting, within the 35 calendar days, is scheduled. Coaching and performance monitoring continue to the end of the 45 calendar days.

One Month before the end of the Probationary Period (beginning Day 60):

3. The supervisor will provide written notification to the employee that the employee probationary review is upcoming with the date, time, and location.
4. The supervisor reviews the job description that was given to the employee at the time of hire.
5. Using the job description and observations, the supervisor prepares the written review using the Employee Evaluation Review Form. The supervisor will rate each performance factor as “Superior,” “Exceeds Requirements,” “Competent,” “Requires Improvement,” or “Unsatisfactory.” The supervisor will schedule the review date and time with the employee.
 - a. Rate performance factors by checking the appropriate rating block. **If a factor does not apply to the work requirements of this position, check the “Factor Not Applicable” box.**
 - b. A Rating Factor Guide follows each review form to assist in giving an accurate assessment of performance.
 - c. Written comments are required for any and all factors.

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- d. Complete the "Overall Employee Rating" section according to the factor ratings and by assessing the overall effectiveness of the employee's job performance during the rating period.

Two Weeks before the end of the Probationary Period (by Day 80):

Probationary Review Day:

6. The supervisor and employee meet for the probationary review. The employee is given an opportunity to provide comments, the required signatures are collected on the form, photocopies are made for the employee and supervisor, and the original is sent to the Human Resource Department for filing in the personnel file.
 - a. If all ratings were "competent" or above, the employee is finished with the review.
 - b. If any rating is below "competent", consultation with the HR Department is recommended.
7. HR Tracking.
Each department will participate in review tracking. HR Department will input data from the employee evaluation review into the system.

Follow-Up:

8. If areas for improvement were identified and after consultation with the HR Director, and the department elected to retain the employee, the supervisor shall, no later than 90 calendar days, complete the Follow-Up Form.
9. The supervisor and employee will discuss specific goals and expectations. The written plan of improvement will be completed and signed by both parties. A midpoint progress meeting will be scheduled within the first 45 calendar days.
10. The midpoint meeting is held and progress is updated and next steps are planned. A final meeting, within the 90 calendar days, is scheduled. Coaching and performance monitoring continue to the end of the 90 calendar days.
11. The final progress meeting is held. If the employee has made "competent" progress, the Follow-Up Form is signed by both parties and the original is sent to the HR Department. The data is entered into the tracking system and the next annual review is scheduled.
 - a. If the employee has not made "competent" progress, the supervisor will schedule the final meeting between the supervisor, employee, and HR. The employee is recommended for termination.

Evaluation Forms

(See Appendix A5-10 to Appendix A5-13).

5.6.0000 FACULTY APPOINTMENTS

6.0010 PROCEDURE

The procedure leading to appointment of a faculty member (See 5.1.0000).

6.0020 TERMS OF EMPLOYMENT

The general terms and conditions of employment of the faculty will be stated in writing, and a copy of the employment contract will be supplied to the faculty member. Any subsequent extensions or

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modifications of the employment and any special understanding or any notices incumbent upon either party shall be confirmed in writing and a copy given to the faculty member. Each faculty member will be advised at the time of initial employment of the institutional process for evaluation of faculty. This may be accomplished by a published description of the process in this manual.

6.0030 TIME DEADLINES FOR LETTER OF INTENT

The institution shall make a reasonable effort to notify faculty members of the conditions of their renewals by April 15, and **no** later than May 1. Failure to provide this information shall not result in an automatic award of a renewed appointment, but a faculty member not receiving such information after a request to the President may appeal to a Special Review Committee for assistance in securing a response. Failure by a faculty member to accept the terms and conditions within one month of the date they were offered, shall relieve the institution of any obligation to reappoint the faculty member.

6.0040 NONRENEWAL OF FACULTY

In all cases, written notice of non-renewal shall be given to the faculty member in advance of the expiration of his/her contract, as follows:

1. No later than March 1 of the academic year if the contract expires at the end of that academic year; or, if a one-year contract, the appointment must be terminated during the academic year.
2. Non-renewal- When a decision not to renew an appointment has been reached, the faculty member involved shall be informed of that decision in written form by the body or individual making the decision, and if the faculty member so requests, he or she will be advised of the reasons which contributed to that decision. The faculty member may also request a reconsideration of the decision by the deciding body and a written confirmation of the reasons given in explanation of the non-renewal.
3. Peer Review Committee – In so far as the faculty member alleges that the non-renewable decision was based on inadequate consideration, a Peer Review Committee shall review the faculty member's allegations and determine whether the decision was the result of inadequate consideration in terms of relevant standards of the institution. If the Peer Review Committee believes that adequate consideration was not given, it shall request reconsideration, indicating the aspects in which it believes the consideration may have been inadequate.

The Peer Review Committee shall provide copies of its findings to the faculty member, the recommending body or individual, the President, and other appropriate administrative officers.

4. Grievance procedures – If a faculty member alleges that the non-renewal decision was based significantly on considerations of academic freedom, rights guaranteed by the United States Constitution, or right previously conferred by written agreement, the allegation shall be given preliminary consideration by a Peer Review Committee.

This committee shall seek to settle the matter by informal methods. A statement that the faculty member agrees shall accompany the allegation to the presentation, for the consideration of the faculty committees or such reasons and evidence as the institution may allege in support of its decisions. If the difficulty is unresolved at this stage, and if the Peer Review Committee so recommends, the matter shall be heard by the Board of Directors. The faculty member making the complaint shall be responsible for stating the grounds upon

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which it is based, and the burden of proof shall rest upon the faculty member. If the faculty member succeeds in establishing a prima facie case before the Board of Directors, it shall be incumbent upon those who made the non-renewal decision to come forward with evidence in support of their decision.

6.0050 TERMINATION OF APPOINTMENT BY A FACULTY MEMBER

A faculty member may terminate an appointment effective at the end of the academic year, provided that he or she gives notice in writing at the earliest possible opportunity, but no later than May 1, or one month after receiving notification of the terms of an appointment for the coming academic year, whichever date occurs later. The faculty member may properly request a waiver of this requirement of notice in case of hardship or in a situation where they would otherwise be denied substantial professional advancement or other opportunity.

6.0060 DISMISSAL DURING A CONTRACT PERIOD

The College, only for adequate cause, may affect dismissal of a faculty member before the end of the specified term. Adequate cause shall be defined to include the following behaviors: (1) Demonstrated incompetence or dishonesty in teaching or research, (2) Substantial and manifest neglect of duty, (3) Personal and moral conduct which substantially impairs the individual's fulfillment of his institutional responsibilities, (4) A physical or mental inability to perform assigned duties, and (5) Failed or refusal of drug screen or test.

1. Schedule of written notice for dismissal - A faculty member selected for dismissal under this section shall be given written notice of dismissal citing reasons for such dismissal.
2. Pending final decision of dismissal, the faculty member may be suspended or placed on administrative leave with or without pay (See section 5.25.0000 for Grievance Policy).
3. Administrative actions other than dismissal- If the administration determines the conduct of faculty member, although not constituting grounds for termination, dismissal or justified imposition of a sanction, the faculty member must be informed in writing of the sanction. No faculty member shall be subjected to demotion in status or reduction in salary.
4. Other requirements for termination or dismissal – The termination or dismissal of any faculty member will not become final until the following steps have taken place in the order listed: (1) Notification of intent to terminate or dismiss, and (2) The faculty member has been informed of rights of due process and given an opportunity to answer the charges and to have representation at the employee's own expense.
5. Budget restrictions - Budget restrictions may require a reduction in force. The College reserves the right to implement budget adjustments when faced with funding restrictions.

5.7.0000 FACULTY SALARY AND WAGE SCALE

7.0010 INTRODUCTION

The purpose of the Faculty Salary and Wage Scale is to provide an equitable salary structure at the College. The underlying principle is that personnel with the same level of education, experience, and qualifications should receive the same compensation.

The level of education on the Faculty Salary and Wage Scale is divided into three categories: Masters, Specialist, and Doctoral.

This scale was adopted and became effective July 1, 2004 and supersedes all other faculty scales.

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7.0020 SALARY DIMENSIONS

The salary scale has one dimension. Both new and current full-time faculty will be placed on the salary scale based on criteria spelled out in the Faculty Salary and Wage Scale.

7.0030 SALARY AND WAGE SCALE

(See Appendix A5-14 to A5-15).

7.0040 PREVIOUS EXPERIENCE

New full-time hires with a master's or doctoral degree and possessing prior post-secondary full-time annual academic teaching experience will be given credit, year for year, up to 5 years (step 4 on the salary scale).

New full-time hires who have had officially issued full-time teaching contracts from non-post-secondary institutions while holding a master's or doctoral degree will receive 25 percent credit for placement on master's scale with a maximum cap of five years (step 4 on the salary scale).

7.0050 TMCC EXPERIENCE

Experience at the College will be computed using the following formula:

1. The number of days in the contract year is 198. From the date of employment, determine the number of remaining contract days to the end of the contract period; and then divide the remaining number of contract days by the number of days in the contract year to get a percentage. If the percentage is fifty percent or more, one year of experience will be given, if the percent is less than fifty percent, no credit for experience will be given.
2. The President, with the concurrence of the Board of Directors, will determine applicable previous experience and date of employment. Employees will have the right to a hearing process as established by the Board if the employee feels that the determination was inaccurate.
3. Faculty who have a master's degree who were employed prior to July 1, 2004 will retain their current experience status as indicated by their current placement on the salary scale that was in place on June 30, 2004.

7.0060 EXCEPTIONAL EXPERTISE

Administrative discretion regarding salaries will be utilized in areas of exceptional expertise. The purpose of the Salary and Wage Schedule is to provide a structure that is more equitable for the personnel at the College. The underlying principle behind equity is that personnel with the same experience and qualifications should receive the same compensation.

All salary adjustments must have prior approval by the Board of Directors.

Definition: Any candidate, who exemplifies expertise for difficult areas to recruit, shall be given consideration of a one-time higher salary above the institutional salary scale which can/will be negotiated and approved by the Board of Directors.

7.0070 PLACEMENT ON FACULTY PROFESSIONAL STATUS SCALE

For placement on Faculty Professional Status Scale (See Appendices A5-14 to A5-15).

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7.0080 ADJUNCT FACULTY

1 Credit = \$1,050

2 Credit = \$1,450

3 Credit = \$1,850

4 Credit = \$2,250

5 Credit = \$2,650

Note: Adjunct faculty with fewer than 10 students in a course will be paid on a percentage basis or at a rate determined by the Academic Dean.

5.8.0000 CAREER and TECHNICAL EDUCATION SCALE

8.0010 INTRODUCTION

The purpose of the Career and Technical Education Salary and Wage Scale is to provide an equitable salary structure at the College. The underlying principle is that personnel with the same level of education, experience, and qualifications should receive the same compensation.

This scale is effective July 1, 2004 and supersedes all other Career and Technical Education personnel scales.

8.0020 SALARY DIMENSIONS

The salary scale has one dimension. Both new and current full-time Career and Technical Education personnel will be placed on the salary scale based on criteria spelled out in the following Career and Technical Education Salary Scale.

8.0030 SALARY AND WAGE SCALE

(See Appendix A5-16).

8.0040 PREVIOUS EXPERIENCE

- .01 New full-time hires that come into the institution with prior post-secondary full-time annual academic teaching experience will be given credit, year for year, up to 5 years.
- .02 New full-time Career and Technical Education personnel who have officially issued full-time teaching contracts from non-post-secondary institutions will receive 25% credit for placement on the scale. For example, new Career and Technical Education personnel with four years prior teaching experience will be placed at year one on the scale with a maximum cap of five years (step four on the salary scale).

8.0050 TMCC EXPERIENCE

Experience at the College will be computed using the following formula:

- 1. The number of pay periods in a contract year is 20. From the date of employment, determine the number of remaining contract days to the end of current contract period; and then divide the remaining number of contract days by the number of days (10 x 20 pp = 200 day) in the contract year to get a percentage. If the percentage is fifty percent or more, employees are eligible for a salary increase effective beginning the next contract year.
- 2. The President or his/her designee with the concurrence of the Board of Directors will determine applicable previous experience and date of employment. Employees will have the

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right to a hearing process as established by the Board if he/they feel that the determination was inaccurate.

3. Faculty who were employed prior to July 1, 2004 will retain their current experience status.

8.0060 EXCEPTIONAL EXPERTISE

Administrative discretion on Exempt Support and Support Staff salaries should be implemented in areas of exceptional expertise. The purpose of the Salary and Wage Schedule is to provide a structure that is equitable for the personnel at the College. The underlying principle behind equity is that personnel with the same experience and qualifications should receive the same compensation.

All must have prior approval by the Board.

Definition: Any candidate, who exemplifies expertise in a difficult to fill area, shall be given consideration of a one-time higher salary above the institutional salary scale which can/will be negotiated and approved by the Board of Directors.

5.9.0000 PERSONNEL STAFF ANNUAL SALARY NOTIFICATION

9.0010 SALARY NOTIFICATION

Personnel salary notifications follow approved salary scales. The salary notification year is from July 1 to June 30 for the non-teaching staff. For teaching staff the contract year will begin on the date the faculty are called back to work (normally the last week of August and continue for 198 days, normally the third week in May).

1. The President, Vice President, Comptroller, and Human Resource Manager are excluded and will be issued contracts.
2. The President or a designee is responsible for signing contracts.

9.0020 INITIAL FORMS

Initial forms are located in the new employee processing procedure (See 'New Employee Processing Procedure, section 5.4.0000).

9.0030 TIME SHEETS

Time sheets are required of temporary employees, work-study, and tutors. Time sheets must also be signed by the employee to show they agree with it and to present and certify the precise reason why sick or annual leave was taken. In case of absence of the employee, the immediate supervisor may initial the employee signature line where the staff member signs, any change must be requested in writing by the employee and approved by the immediate supervisor. Time sheets shall be submitted on each scheduled payday (See Appendix A5-17).

9.0040 SUPERVISORY LEAVE REPORTS

Exempt and non-exempt employees will submit the Supervisory Leave Report form on the Monday prior to each pay day.

9.0050 PAYROLL CHECKS

Payroll is prepared based upon contracts, salary notifications, and authorized deductions.

1. The time sheets and checks shall be reviewed and signed on each scheduled payday. The paychecks shall require the signatures of two authorized check signers.
2. Time sheet forms shall be printed and filed in the Payroll Office.

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3. Employees may elect direct deposit by completing the appropriate form.
4. An itemized statement of all deductions from the staff member's wages accompanies each paycheck.

9.0060 PAY DAY

Payday checks are distributed every two weeks. The direct deposits will be deposited into the employees' accounts on Thursday of pay week, and the check distribution will be made directly to the employee no sooner than the Friday of pay week.

9.0070 PAYROLL SCHEDULE

(See Appendix A5-18).

9.0080 SCHEDULED HOLIDAYS

During the calendar year, under normal conditions, the staff will observe the following legal holidays:

College Founding Day-2nd Monday in October

Veteran's Day-Same date as Federal

Mitchif Day-early November

Thanksgiving Day-4th Thursday in November

Christmas Day-December 25

New Year's Day-January 1

Martin Luther King, Jr. Day-3rd Monday in January

President's Day-3rd Monday in February

Good Friday and Monday following Easter

Memorial Day-Last Monday in May

Independence Day-July 4

Labor Day-1st Monday in September

1. In most cases, academic calendar is not scheduled in conflict with the above recognized holidays. When a holiday falls on Sunday, the following Monday is observed. When a holiday falls on Saturday, the Friday preceding shall be observed.
2. Leave for special religious holidays may be observed with the advance approval of the supervisor and President.
3. The supervisor may allow leave during student breaks. Such leave shall be charged to earned annual leave or taken without pay.

9.0090 BUDGET RESTRICTIONS

The College reserves the right to implement budget adjustments when faced with funding restrictions.

5.10.0000 WORK SCHEDULE

10.0010 NORMAL WORK DAY

The normal workday will be between 8:00 a.m. and 4:30 p.m. with a one-half hour lunch break. Hours may vary if circumstances warrant a change in the schedule.

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10.0020 OVERTIME

Non-exempt employees shall be required to account for time worked on an hourly and fractional hourly basis and are to be compensated for qualified overtime hours at the premium (time and one half) rate. Overtime hours must have prior approval through formal request from the supervisor with the President's concurrence. With prior arrangement from the supervisor and President, support personnel working beyond the normal work day will be allowed equivalent release time to be taken within the month.

10.0030 BREAK PERIOD

An employee will be allowed break periods of 15 minutes each half day to be arranged with the supervisor. Omitting the break period may not shorten the workday.

5.11.0000 ABSENCE AND LEAVES

11.0010 ABSENCE AND LEAVES

1. Planned absences of more than a week in duration shall be requested of the immediate supervisor. The Leave Request Form shall be submitted two weeks in advance of such absence. Leave requests of more than two consecutive weeks need to be submitted and approved by the Supervisor and the President.
2. Leave requests of one day or less in duration shall be requested at least three days in advance (when possible). Exception: If an emergency warrants, discretion will be used.
3. Failure to report absences and leave is a form of fraud and will result in disciplinary action. The disciplinary action taken can range from a letter of reprimand, suspension without pay, or termination. The length of the absence(s) and the number of offenses will be considered in determining the appropriate disciplinary action.
4. To receive holiday pay, you have to be paid for at least 24 hours during that week (hours worked and/or paid leave).

5.12.0000 SICK LEAVE

12.0010 SICK LEAVE

Sick leave is a benefit granted by the College to full-time permanent employees of 40 hours or more per week and is not a benefit to be used for vacation. It is an insurance benefit that allows employees to build a reserve of days they can use for extended illnesses. Excess abuse of this privilege may be grounds for termination.

1. Sick leave is earned on the basis of continuous service from date of employment for all employees that are eligible for annual leave.
2. Sick leave accrues on the basis of 4 hours per pay period with unlimited accumulation; however you must be paid for at least 24 hours during each week to earn sick leave.
3. The College may require medical verification of illness.
4. The employee utilizing sick leave should call within the first half hour of work or arrange for a relative or friend to notify their supervisor.
5. When a holiday occurs during a paid sick leave, the holiday is not considered a day of sick leave.

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6. No payment will be made for accumulated sick leave when an employee terminates their employment.
7. Upon ending employment, the College shall be reimbursed for any unauthorized or unearned sick leave taken or it shall be deducted from the employee's last paycheck. If the employee does not have sick leave, they will be required to use their annual leave. If the employee does not have either, leave without pay will be used.
8. Unsolicited sick leave can be donated. An employee can receive sick leave from fellow employees for a period of actual need not to exceed 30 calendar days or a maximum of 160 hours per year. Request must be in writing and approved by the supervisor with concurrence of the President.
9. Unless an approved leave of absence has been granted, an employee who is off the payroll for one year shall lose unused sick leave.
10. Sick leave is to be used for the employee's medical and dental appointments and illness. Sick leave may also be used to take immediate family members under your care to appointments or to care for them in time of illness (See Family Friendly Act Provision).
11. Employees will be credited with hours or days worked for time when they are on sick leave.

5.13.000 ANNUAL LEAVE

13.0010 ANNUAL LEAVE EARNED

1. Annual leave taken is computed in ½ hour increments.
2. Annual leave with pay for 12 month employees is earned on the basis of continuous service from the date of employment as follows:
 - Four Hours Per Pay Period – 1st thru 5th year
 - Six Hours Per Pay Period – 6th thru 11th year
 - Eight Hours per Pay Period – 12 Years and Over of Service
3. All employees hired prior to July 1, 2000 currently earning 10 hours annual leave are exempt from the above.
4. To earn Annual Leave, you must be paid for at least 24 hours during each week.

13.0020 ANNUAL LEAVE USE

1. After July 1, 2001, leave will be carried over into the following calendar year.
2. Each employee will be required to use all leave in excess of 240 hours by December 31 of each year or lose it.
3. When a holiday occurs during annual leave, the holiday is not considered to be a day of annual leave.

13.0030 ANNUAL LEAVE CARRY FORWARD

1. Employees will be allowed to carry over the maximum of 240 hours at the end of the calendar year. All annual leave in excess of 240 hours at end of calendar year will be lost (Use or lose will be in effect).

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2. At the end of each calendar year, the Business Office will determine each employee's leave balance.

13.0040 LEAVE PAYOUT UPON TERMINATION

1. When an employee terminates employment after three months of continuous service, the employee will be encouraged to use all accrued annual leave. If this is not possible, the employee will be compensated an amount equal to their hourly rate of pay (at the time their employment is terminated) times the number of hours of their current annual leave balance.
2. In case of death, an employee's beneficiary will be entitled to payment of all current earned and unused annual leave, less appropriate taxes.

5.14.0000 LEAVE REPORT

14.0010 PURPOSE

1. The purpose of the Leave Report is to insure that all absences are reported to the Business Office on a timely basis. This will allow the Business Office to report leave balances more accurately. It is the responsibility of the supervisor to insure that all absences are reported.
2. The information requested on the form is as follows: Name, Social Security Number, Department, Pay Period, and Pay Period beginning date and ending date. This information can be taken from the Pay Period Schedule for the current calendar year.
3. The entries in a date column are the dates corresponding to the DAY in the Day column for the first or second week of the pay period. The entries in the HOURS LEAVE BY TYPE column are the number of hours of leave to be charged and the appropriate Leave Code.
4. The Supervisor's Report is to be signed by both the employee and the supervisor to acknowledge the leave and to attest to the accuracy of the entry.
5. The Supervisor's Report is to be submitted to the Business Office no later than the close of business on the Monday following the end of a pay period.
6. LEAVE REPORT (See Appendix A5-19).

14.0020 FILING OF LEAVE RECORDS

The Human Resource Manager or his/her designee shall maintain a current file of all leave records. The Human Resource Manager shall maintain a current leave file of all leave records and make them available to the employee.

5.15.0000 ADMINISTRATIVE LEAVE

1. BEREAVEMENT LEAVE

Absence from work because of death in the family may be excused without loss of pay for a maximum of three days. The immediate family shall include husband, wife, father, mother, brother, sister, mother-in-law, father-in-law, children including step-children, grandparents, and grandchildren of the employee. In cases of death in the employee's extended family, absence from work may be excused without loss of pay for a period of one day for an in-state funeral and three days where interment is out-of-state. The extended family shall include sister-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, foster parents, foster children, and aunts and uncles, nieces and nephews of the employees. The College may require verification.

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2. FUNERAL LEAVE

An employee may be allowed leave without loss of pay because of a death of a friend or a relative not designated as part of the immediate or extended family. Funeral leave may be allowed up to four hours with supervisor's approval. Funeral Leave cannot be used in conjunction with Bereavement Leave.

3. MATERNITY/PATERNITY LEAVE

Fifteen days of leave with pay may be granted to women immediately prior to or following delivery. The leave must be taken consecutively. Maternity leave will be granted only after three months of full-time, permanent employment. Annual leave and sick leave may also be used for pregnancy and delivery. Maternity leave cannot be accumulated. Five days of leave with pay will be granted to men immediately prior to or following partner's delivery.

4. JURY DUTY

An employee may be allowed leave with pay for jury or other legal duty when subpoenaed for such services. The employee may retain any compensation received for such duty.

5. COURT APPEARANCES

An employee who is personally interested in or party to a criminal or civil action or who voluntarily appears as a witness must charge his absence against earned annual leave or take leave without pay. If an employee is subpoenaed (involuntary), the employee will not be charged leave.

6. MILITARY LEAVE

The Uniformed Services Employment and Reemployment Rights Act (USERRA) enacted in 1994 covers all civilian employers and prohibit employment discrimination against members of the "Uniformed Services." The term Uniformed Services means the Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the Public Health Services, and any other category of persons designated by the President in time of war or emergency.

Particularly important for employers to understand a military crisis is that USERRA provides Uniformed Services members significantly enhanced job security.

Regular full-time and regular part-time employees who are members of any "Uniformed Service" will be allowed leave without pay for required training or duty. The leave will be allowed according to USERRA.

Reinstatement of Employment: the employee must return to work within the specified period according to USERRA after they are relieved from the military service. The following criteria apply:

- What date he/she gave notice to the employer prior to leaving;
- The cumulative period of active service did not exceed the initial request/requests;
- The employee was not dishonorably discharged from the military; and
- The employee reported back to the civilian job in a timely manner.

7. COMMUNITY SERVICE

Because community service positively influences accreditation, employees are encouraged to perform community service. An employee is allowed to charge 4 hours per pay period as paid community service hours. Employees performing community service after hours are encouraged to report the activity to the supervisor (See Appendix A5-20).

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8. STORM DAYS

Official closing of the College during periods of severe weather will be announced over local radio stations (KEYA and KBTO) when necessary by the President, Vice-President, or designee.

ESSENTIAL POSITIONS: Essential employees are crucial to the College in times of natural disasters or a state of emergency. These positions would be required to maintain the College during these events. These positions are identified as the President, IT Department, and Security and Facilities personnel. These positions are a part of the Emergency Management Plan (See Section 5.33.0000).

5.16.0000 FAMILY AND MEDICAL LEAVE ACT

The federal Family and Medical Leave Act of 1993 provides workers up to 12 weeks of UNPAID and job-protected leave for certain family and medical reasons.

To be eligible for leave under the act, a worker must have worked for the same covered employer for a total of 12 months, and must also have worked for a total of 1,250 hours or more in the previous 12 months.

TMCC may provide unpaid medical/family leave to eligible employees who are temporarily unable to work due to a medical disability, to care for the employee's child after childbirth, or placement for adoption or foster care, or assist an immediate family member with an illness or disability (A family member for the purpose of this policy, shall be defined as the employee's spouse, son, daughter, or parent, including step-family relationships, household members and people under the employee's care or guardianship).

The employee must be a regular full-time employee or regular part-time employee to be eligible for medical/family leave. As soon as an eligible employee becomes aware of a need for a medical/family leave of absence, preferably 30 days in advance when foreseeable, he/she must provide a satisfactory statement from a physician that verifies the existence and nature of the medical disability. The statement will contain the approximate date the leave is expected to begin, its anticipated duration, and the date the employee can be expected to return to work. Any changes in this information should be promptly reported to their supervisor. Failure to provide advance notice or medical certification as requested above may result in the denial of the leave request.

Eligible employees may be granted leave for the period of the disability, up to a maximum of twelve (12) weeks. Employees may use any accumulated sick and annual leave prior to the effective date of the medical/family leave.

The employer will continue to pay its share of the medical insurance benefits for the duration of the leave, not to exceed twelve (12) weeks. Employees must make arrangements with the TMBCI to pay their portion of the medical insurance or other insurance premiums in force during the medical/family leave. Failure of the employee to make their share of these premium payments may result in the cancellation of coverage by the insurance carrier.

Accrual for benefits calculations, such as sick leave, annual leave, etc. will be suspended for the duration of the medical/family leave.

Before returning to work from medical/family leave, an employee may be required to provide a physician's verification that he/she may safely return to work. Employees returning from medical/family leave will return to their former position. If an employee fails to report to work at the expiration of the approved leave period, TMCC will assume that the employee has resigned and reserves the right to recover all of its costs associated with medical and other insurance benefits during the time of the leave.

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5.17.0000 LEAVE WITHOUT PAY

1. Leave without pay will be granted for the following reasons: 1) an employee has exhausted all other leave 2) an employee did not sign appropriate leave and was AWOL from duties, and 3) an employee requests time off for personal reasons.
2. Leave without pay may be authorized by the supervisor for a period of less than 21 working days. The supervisor shall send copies of such leave authorization to the President, the Business Office, the immediate supervisor, and for the employee's personnel file.
3. Leave without pay for more than 21 days shall require approval from the President.
4. Failure of an employee to report for duty on expiration of leave without pay is cause for automatic termination.
5. Leave of absence will be granted with assurance of reinstatement to the same position or to other employment pending available funding. A reasonable notice will be given. Employees who do not apply for reinstatement within the time specified will be automatically terminated.
6. Employees while on leave shall retain their years of service rights and accumulated benefits but shall earn no additional benefits.
7. Employees while on Leave Without Pay is in a non-pay status and do not earn Annual or Sick Leave.

5.18.0000 DEVELOPMENTAL LEAVE/RELEASE TIME

The purpose for "Developmental Leave" is to enhance the goals and objectives of the College and to improve the knowledge, skills, and abilities of employees who chose to do so. The purpose of "Release Time" is to allow employees who meet the required criteria, to receive time off from work to pursue types of training and/or college classes to improve their knowledge, skills, and abilities, which will in turn enhance the goals and objectives of the College which would not fall under the category of "Developmental Leave".

1. Eligibility - Upon approval by the supervisor, affirmation from the President, and final approval by the Board of Directors; a full-time employee who has worked at the College for three consecutive years or three consecutive contract years may be eligible for twelve months of developmental leave. If the position does not require the degree being sought, the institution **will not** pay for the cost of training.
2. Application Procedure - Prior to leave being granted, a formal proposal must be developed in writing explaining in detail the purpose of the developmental leave. Employees seeking developmental leave must make their intentions known to the College administration before the December All Day Board Meeting. The proposal is due for the Board's consideration by the December meeting of each year or 160 days before the leave is to begin. The proposal shall present a clear and detailed narrative and must include the following:
 - (1) Purpose;
 - (2) Dates to be considered;
 - (3) Cost to the College, Applicant, and Other financial resources;
 - (4) Alternative ways of handling distribution of work responsibilities, if applicable;
 - (5) List of courses in the program of study to be taken;
 - (6) How the leave will benefit the institution; and

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- (7) Signed contract to return to the institution upon completion of the developmental leave.
3. Signed contract – A contract shall be signed by the employee to return to the institution for a two year period of time immediately following the completion of the developmental leave. An employee who fails to fulfill this obligation of the contract with the institution will reimburse all funds expended on the employee's behalf, or possible legal action may be taken against the employee.
 4. Conditions
 - a. Developmental leave shall be no longer than three consecutive months unless "special consideration" was made prior with the President and approved by the Board.
 - b. In cases where the institution requires an employee to upgrade or enhance their knowledge, skills, and abilities, the institution may pay for the cost of training as required.
 - b. In all cases of developmental leave, employee is encouraged to find alternative funding sources such as scholarships, fellowships, stipends, or any other monetary compensation from external or outside sources and report such resources to the President.
 5. Any employee proposing to take developmental leave should seek external funding. In such cases where an employee is successful in obtaining external funding, a leave of absence for developmental leave may be granted for up to one full year or twelve consecutive months.
 6. All requests for leave are to be submitted through the appropriate institutional channels. In the case of developmental leave, the Board of Directors shall grant final approval. A decision will be rendered at the regularly scheduled March Board of Directors meeting or 60 days prior to the start of the requested developmental leave.
 7. Upon the employee's return to the institution with their bachelor's, master's, or doctorate degree, they will return to the same position they held prior to their leave.
 8. If the employee quits school prior to the end of the developmental leave and does not complete the term for which enrolled, it shall be reported by the President to the Board for final determination.
 9. Transcripts should be submitted to the Human Resource Manager, who will report status to the President.
 10. Other Benefits - Employees while on leave without pay or external development leave shall not lose their years of service rights and accumulated benefits but will not earn annual leave and sick leave or advance years for employer's contribution in the 401 (k) retirement plan.

5.19.0000 EDUCATIONAL LEAVE

Subject to the approval of their supervisor, an employee may be allowed up to four hours per week of release time (16 hours per month) for enrolling in college courses.

5.21.0000 TERMINATION/RESIGNATION PROCEDURE

21.0010 EMPLOYMENT TERMINATION/RESIGNATION PROCEDURE

An employee leaving the service of the College under any circumstance shall be required to report to the Human Resource Officer for final processing.

- .01 The employee terminating employment shall complete an exit checkout sheet that includes the following (See Appendix A5-21):

- (1) Library materials have all been returned.

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- (2) Leave is updated.
 - (3) All College Equipment is returned.
 - (4) All keys have been returned and all miscellaneous items have been taken care of.
 - (5) All reports, current assignments, and requested exit paperwork have been submitted.
- .02 The Human Resource Officer shall provide the employee with final disposition of the following items:
- (1) The College annuity package,
 - (2) Insurance coverage, and
 - (3) Social Security procedures.
- .03 Failure to follow the above policies may result in the College holding the employee's final check. The final check shall not be released to the separating employee until after the employee completes the exit procedure of the College.

21.0020 LEAVE PAYOUT

Upon resignation, an employee may be eligible to receive annual leave payout. If the employee has worked for more than one (1) year, it will automatically be paid out. If an employee has worked for less than one (1) year and has not given at least five (5) days written or verbal notice, they are not eligible to be paid annual leave pay upon termination.

5.22.0000 LAY-OFF

The legal right to 'lay-off' an employee exists in the same authority as the right to appoint. In the event of the discontinuance of a position because of an organizational or procedural change, diminished work load, lack of funds, grant terminated, or ended or other conditions, the employee concerned shall be given at least two weeks' pay in lieu of two weeks' notice. A copy of the employee's lay-off letter shall be sent to the Human Resource Manager. The employee may be eligible for Unemployment Insurance.

5.23.0000 REDUCTION IN FORCE

The legal right to "lay-off" an employee exists in the same authority as the right to appoint. In the event of the discontinuance of a position because of an organizational or procedural change, diminished work load, lack of funds, grant terminated or ended, or other conditions; the employee concerned shall be given at least two weeks' notice. A copy of the employee's lay-off letter shall be sent to the Human Resource Manager. The employee may be eligible for Unemployment Insurance (See Appendix A5-22 for Lay-Off/Reduction in Force Procedure).

A Reduction in Force is not a condition to file a Grievance.

5.24.0000 DISCIPLINARY AND DISMISSAL POLICY

24.0010 DISCIPLINARY AND DISMISSAL POLICY

1. An employee failing to perform their job related duties or violation of policy shall be disciplined by their supervisor with any of the following actions and not necessarily in this order and may not include all procedures depending on the severity of the infraction:
 - (1) An oral reprimand shall be issued to the employee with documentation (date, time, and incident) placed in the permanent employee file. After six months, the documentation of the oral reprimand may be expunged from their permanent employee file.

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- (2) A written reprimand (date, time, incident, and proposed corrective action) will be issued to the employee following the initial oral reprimand; a copy will be filed in the permanent employee file for one year, after which the reprimand will be expunged.
 - (3) An employee may be suspended from work without pay for a period of not more than ten days. In such cases, the supervisor shall notify the employee, the President, and the Human Resource Manager immediately in writing, stating the reason for recommending the suspension and the employee's right to appeal. The Human Resource Manager will inform the Comptroller.
 - (4) In each case of dismissal/termination, the supervisor shall notify the President in writing the reason(s) for recommending the dismissal/termination of employee. The President reviews the recommendation of the dismissal/termination and makes a formal investigation and, upon finding the recommendation for dismissal/termination justified, will issue a letter of dismissal/termination to employee. The letter will state the reasons for dismissal/termination and the process of appeal. The Human Resource Manager will be notified and will inform the Comptroller.
2. Any employee who disputes or wants to appeal a disciplinary action (See Grievances, section 5.25.0000).

5.25.0000 GRIEVANCES

Prior to filing a grievance, the employee and supervisor along with the Human Resource Manager or designee, if needed, will attempt to resolve the issue of the employee.

A grievance is any complaint or dissatisfaction with any aspect of their employment with the College that affects productivity. Complaints are to be handled at the lowest possible level to ensure quick, effective, and equitable responses. It is the responsibility of the employee to initiate the grievance procedure within five (5) working days of the incident or action, or when the person has reasonable knowledge or belief that a complaint/dissatisfaction with his/her employment exists, preferably within thirty (30) working days. It is important to note that timeliness is of the utmost importance as waiting too long may result in the supervisor rejecting the grievance.

The following process will be adhered to when filing a grievance:

1. Any employee who believes that he/she has a justifiable complaint must first discuss the complaint with his/her immediate supervisor. The complaint must be presented in written or oral form but with documentation. A written grievance must state specifically what action or policy has been violated or is in question, and any other specific facts which the employee believes are relevant to the action. The employee must also state what relief they are seeking. The supervisor shall give the aggrieved an answer within seven (7) days.
2. If the response is unsatisfactory to the employee or the manner cannot be resolved at the first level (above), the employee may file a written grievance to the Human Resource Manager within five (5) working days of the receipt of the response from the supervisor. The Human Resource Manager will schedule a hearing with the Grievance Committee within five (5) working days of the receipt of the written grievance. The written grievance/complaint shall include the following information:
 - The basis for the grievance,
 - The efforts made to resolve the matter,

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- The issues to be heard by the Grievance Committee,
 - All persons or entities that may be called as witnesses, and
 - The relief/remedy sought by the employee.
3. The Grievance Committee will meet within five (5) working days with the employee and the supervisor to hear both sides of the matter being grieved. The Grievance Committee will be made up of three (3) Program Directors and Department Chairs selected from a pool of all Program Directors and Department Chairs and two (2) representatives selected from the pool of non-manager personnel. Each year a new pool of Grievance Committee members will be selected at random. These five(5) selected representatives must:
- Work outside the aggrieved employee's department,
 - Not have been previously involved with the issue grieved,
 - Not be related to or have a close personal or professional relationship with any of the essential parties involved in the grievance, and
 - Not have any conflict of interest which would interfere with their ability to be fair and impartial.

The Human Resource Manager will chair the hearing, but will not vote on the matter. The Grievance Committee will hear and review all aspects of the issue. They will determine correctness of policy interpretation along with fairness and logic of decisions previously reached. The Grievance Committee may render their decision immediately or may take matter under advisement for consideration, and may consult College authorities or experts for advice. A written decision will be made within five (5) working days to be shared with the President and upon approval of the decision by the President; all parties will be sent a written reply of the decision.

Recommendations of decisions by the Grievance Committee are binding and final. Any attempt to influence or contact members of the Grievance Committee is a violation and may constitute reason to terminate the grievance process.

Grievance filed against the President will be heard by the College Board of Directors.

25.0010 GENERAL POLICY

1. Employees covered by these procedures shall have freedom to seek resolution of their grievance without fear of restraint, interference, coercion, discrimination, or retaliation. This principle shall apply equally to any employee taking part in the presentation and resolution of a grievance.
2. Employees are expected to follow normal administrative channels in presenting their grievances so their issues will be settled whenever possible at the supervisory level.
3. In the event that a grievance is filed against the President and is not resolved, the Board of Directors assumes jurisdiction of the grievance.

25.0020 DEFINITION AND EXCLUSIONS

The term "grievance" means an employee's expressed feeling of dissatisfaction with aspects to their working conditions and working relationships, which are outside of his/her control.

1. The term "grievance" covers such matters as:

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- (1) Working conditions and environment.
 - (2) Relationships with supervisors, employees, and other officials.
 - (3) Any disciplinary action that doesn't apply to application of personnel policies or employment agreements.
2. The procedures are restricted to questions of the applications of established policies and are not subject for grievance action.
 3. Employees who hold temporary or probationary appointments or trial period that have not been completed are not given the right to a hearing. Their grievances are subject to consideration and adjustment upon appropriate inquiry.

25.0030 INITIATION

A grievance action shall be initiated **in writing** by employees either individually or jointly within 15 working days of the alleged violation.

25.0040 RESPONSIBILITY

Authority to administer the policy and responsibility for informing employees shall be with the head of the employing departments. It shall be the responsibility of supervisors to hear promptly and courteously all grievances registered in good faith by employees under their supervision and make reasonable adjustment of any complaints that arise in day-to-day relationships.

The persons initiating the grievance action shall be notified of the grievance procedure by the responsible supervisor within three (3) working days after the written grievance is filed.

1. Written presentation must contain information regarding identity, the office in which employed, the specific nature of the grievance, and, if appropriate, the corrective action desired. If he/she desires to present the grievance in a hearing before a grievance committee composed of staff members, written presentation should contain such a request. The employee will be given three (3) working days for the purpose of presenting the grievance.
2. In all cases of a grievance, the employee or employees will receive a written decision within 15 working days of the filing of a written grievance.

25.0050 GRIEVANCE COMMITTEE

The Grievance Committee shall consist of five staff members selected from the staff at large excluding the President, Vice President, Comptroller, Human Resource Manager and the person the grievance is filed against. There will also be three alternates selected. This committee shall serve for a period of one year. Human Resource Manager is responsible for having such committee in place.

25.0060 HEARING

The hearing shall be conducted expeditiously and in a manner to obtain a clear understanding of the facts in an informal fashion. Both sides of the issue will be examined via testimony from witnesses chosen by individuals representing the conflicting viewpoints. The Grievance Committee reserves the right to determine which witnesses it will hear after considering the possible relevancy of their testimony to the matter at hand.

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5.26.0000 HEARING PROCESS

The Committee will only consider grievances in written form and presented to them through the Human Resource Manager. The committee shall permit the employee to appear in person to present their grievance and shall have the right to be accompanied, represented and advised by a representative of his/her choosing in presenting the grievance. The hearing shall be completed within 30 calendar days after the request for a hearing is submitted to the Human Resource Manager. The following procedure shall be followed:

1. Committee hears grievance and makes decision.
2. If grieving employee does not agree with decision of committee, grievance will be presented to President for concurrence.
3. If not satisfied with decision of President, final decision rests with the Board of Directors.
4. (See format of "Grievance" in Appendix A5-23).

26.0010 GRIEVANCE FILE

When a cause goes beyond the level of informal discussion, the employee's supervisor shall create a grievance file for all documentation relating to resolution of the grievance. The file may not be destroyed until the statute of limitations of civil suit has expired.

5.27.0000 DRUG AND ALCOHOL TESTING POLICY

Effective March 2006, the College adopted the Turtle Mountain Band of Chippewa Tribal Drug and Alcohol Policy (See Appendix A5-24).

5.28.0000 EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program has been designed to assist employees who have completed their probation period in prevention, assessment, education, and rehabilitation of problems that affect job performance.

28.0010 INSURANCE COVERAGE

(See Fiscal Office for health insurance policy).

28.0020 RESPONSIBILITIES

1. The College will provide employees with adequate information on the Employee Assistance Program by providing training to supervisors on referring individuals to the EAP, and continually update employees on various educational initiatives available. This needs to be completed at least once a year.
2. Supervisor responsibilities in EAP: The following information should be used as a general guideline for dealing with performance problems and for making an administrative referral to the EAP:
 - (1) Observe. Changes in employee behavior can signify that individuals have personal concerns that are interfering with their work performance.
 - (2) Document. The supervisor needs to document observable, verifiable facts. Complete and accurate documentation is essential when dealing with employee performance problems.
 - (3) Prepare. When supervisors have observed deteriorating performance or unfavorable changes in personal or work patterns, their options to assist an employee include, discussing

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performance difficulties with the individual before the difficulties become serious enough to involve higher supervision. The individual should be told about the availability of the EAP.

(4) Confront. A private discussion should be scheduled to advise the employee that corrective actions must be taken for unacceptable work behavior, assistance is available through the EAP, and further steps may be taken if the employee's performance does not improve in 45 working days. It is important that the supervisor is specific about the behavior and is consistent in the evaluation of all employees reporting to them, fair by referring only to job performance, and firm and clear about what improvements are expected in job performance.

(5) Follow up. After the initial performance discussion with the employee and after advising the individual of the availability of the EAP, the supervisor will continue to observe and document performance. If the employee's job performance has not improved in 45 working days, another meeting should be scheduled. The employee's work record again should be reviewed and informed that work problems must be corrected or his/her job may be in jeopardy.

28.0030 MAINTENANCE OF RECORDS

The designated EAP contact person within the institution will maintain and secure all files pertinent to the EAP. These files will be kept separate from the employee's personnel files.

28.0040 CONFIDENTIALITY

Client records maintained by an EAP should adhere to Federal regulations on the confidentiality of alcohol and drug abuse records (PL 93-282) and the Privacy Act of 1974 (PL 93-579). EAP designated contact should be knowledgeable with these regulations and are bound by the restrictions of these confidentiality and privacy regulations.

28.0050 RESOURCES

The EAP contact person should maintain current information about drug addiction and alcoholism treatment services and other resources. These include self-help groups, appropriate health care, community service, and other professionals.

28.0060 REFERRAL PROCESS

The program is designed to assure that no person with a problem will have job security or promotional opportunity jeopardized because of a request for assistance or treatment through the EAP. However, in no instance will participation protect the employee from disciplinary action for continued substandard job performance or policy infractions.

There are three ways in which an employee may become involved in the Employee Assistance Program:

1. Self Referrals - Occurs at the employee's own initiative. The employee, recognizing a possible need for assistance, consults with an EAP contact person before job performance problems become an issue. No feedback is given to supervisors under this type of referral. Employees with problems for which the EAP can provide guidance or assistance are encouraged to voluntarily seek information, referral, and related services on a confidential basis by contacting the EAP.
2. Administrative Referrals - Initiated by supervisors or Human Resource Manager. When an employee fails a random drug test, the Human Resource Manager will refer the employee to the program. When serious performance problems are recognized, supervisors can refer an employee to the program. Supervisors are given feedback about the employee's level of cooperation in dealing with personal problems that may be causing poor performance.

SECTION 5 PERSONNEL POLICY

Problems that affect work performance are a legitimate concern. One of the functions as a supervisor is to monitor performance by employees and take whatever corrective action is required. Early identification and referral of the employee can result in improved job performance and assist the individual in becoming more productive. The program should be viewed not as a disciplinary method, but as another option or tool for supervisors to use in correcting difficult performance problems.

3. Members of the employee's immediate family are also encouraged to seek information and assistance on a confidential basis by contacting the EAP.

28.0070 DOCUMENTATION

Documentation of problems and concerns is essential in order to identify and intervene with an employee. The EAP contact person will document referrals and/or use of the EAP by maintaining the following information:

1. Employee(s) involved,
2. Date of initial contact,
3. Referral by the supervisor or employee initiated contract,
4. Agency or individual where referred, and
5. Follow-up conducted appropriate to the problem.

28.0080 LEAVE

In instances where employees utilizing the EAP are required to be away from their workstations for an extended period of time, they may use earned annual leave, sick leave benefits, or Leave without Pay (LWOP) in accordance with the current College policies governing such leave.

28.0090 EVALUATION

There should be a periodic review of the EAP to provide an objective evaluation of operation and performance.

5.29.0000 DRUG-FREE CERTIFICATION REQUIREMENTS

This certification is required by the regulations implementing the Drug-free Workplace Act of 1988, 34CFR Part 85, Subpart F. The regulations, published in the January 31, 1989-Federal Register, require certification by grantees, prior to award that a drug free workplace will be maintained. The certification set out below is a material representation of fact upon which reliance will be placed when the agency determines to award the grant. False certification or violation of the certification shall be grounds for suspension of payments and suspension or termination of grants of government-wide suspension or debarment (See 34 CFR 85, Sections 85.615 and 85.620).

1. College Certification regarding Alcohol and Other Drug-Free Workplace Requirements. This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988. All College employees will certify on an annual basis that they fully understand the College's Drug-Free Workplace Requirements Policy. False certification or violation of the certification shall be grounds for suspension or termination.
2. Employees of the College shall sign the following certification indicating they understand the Alcohol and Other Drug-Free Workplace Requirements (See Appendix A5-26).

SECTION 5 PERSONNEL POLICY

5.30.0000 HARASSMENT POLICY

The College will not tolerate harassment of its employees. Any form of harassment related to an employee's race, color, gender, religion, national origin, sexual orientation, age, or disabilities is a violation of this policy and will be treated as a disciplinary matter. For these purposes, the term "harassment" includes, but is not necessarily limited to: slurs, jokes, or other verbal, graphic, or physical conduct relating to an individual's race, color, gender, religion, national origin, sexual orientation, age, or disability. Harassment will also include unwelcome sexual advances, requests for sexual favors, and other verbal, graphic, or physical conduct of a sexual nature.

Violation of this policy by an employee shall subject that employee to disciplinary action, up to and including dismissal. If an employee feels that they have been harassed by any other employee or student and vice versa because of race, color, gender, religion, national origin, sexual orientation, age or disabilities, the employee should immediately report this to his or her immediate supervisor. The supervisor will promptly notify the Human Resource Manager, who will take steps to investigate the matter and where appropriate, and recommend to the President disciplinary action. If the employee does not feel the matter can be discussed with the supervisor, the employee should arrange for a conference with the Human Resource Manager to discuss the complaint. Harassment of employees in connection with their work by non-employees will also be a violation of this policy. Any employee who becomes aware of any harassment of an employee by a non-employee or non-employee by employee should report such harassment to his or her supervisor or to the Human Resource Manager, who is responsible for investigating all such incidents. Appropriate action will be taken against any non-employee who violates this policy. All incidents shall be reported to the President.

Consequences for false reporting/accusing an individual of sexual or other forms of harassment will include disciplinary action, up to and including dismissal/termination according to the report/accusation and conclusion. Legal actions will be taken against non-employees.

5.31.0000 COPYRIGHT AND ROYALTY POLICY PROCEDURES

31.0010 DEFINITIONS

1. College - Turtle Mountain Community College.
2. Author - Originator or maker of instructional materials.
3. Instructional materials - films, filmstrips, slides, tapes, models, records, programmed units, articles, essays, books, computer software, and other creative work.

31.0020 POLICY

1. The College will share in the copyright and the sales if any part of the costs of producing such property was supported by the College. Costs of producing such properties will include portions of the employee's salary, whether during the academic year or summer period and whether part of regular salary or overload, paid by grant or contract funds.
2. If professional services are utilized in developing the materials, copyright will be held by the College and have the right to reproduce and use the materials in courses and programs.
3. In the language of copyright and patent law, these are "shop rights". As part of this proviso, a faculty or staff author is granted the right to remove the materials from use after five years from the date of initial distribution. Internal use by the College will involve no financial responsibility to the author.
4. An agreement will be developed between College and faculty or staff for publishing or selling materials developed by faculty or staff.

SECTION 5 PERSONNEL POLICY

31.0030 AGREEMENT

The agreement will be formal and contain the following stipulations:

1. If the materials were developed outside of the regular teaching or other College assignment of the employee involved and without specific employment for such development, the author(s) will receive a 15 percent royalty based on the list (selling) price of the materials. The 15 percent will be passed on to the employee biannually.
2. If the materials are developed by the employee during released work-time or overload, or summer employment specifically granted for such development, royalty will be 7.5 percent. Payment will be passed on to employee biannually.
3. The College will agree to publish the materials or to have them published, and to offer for sale within two years of the date of the copyright. If the materials are not published and offered for sale within the two-year period, the College agrees to turn the materials back to the author for disposition as they see.

31.0040 COMMERCIAL

The College may desire to sell the materials to a commercial publisher on a royalty basis. Payments will be made as follows:

- .01 Royalty payments by the publisher will be divided (60 percent to author and 40 percent to the College).
- .02 Rights to the materials will revert to the College in the event that the College sells the materials outright to a commercial publisher.
- .03 In this event, disposition of the materials may be covered by a new agreement between the College and the author.

5.32.0000 SMOKING/SMOKELESS TOBACCO POLICY

The College is dedicated to provide a healthy environment for all staff, students, and citizens. Smoking and other tobacco use can be hazardous to the health of both users and non-users.

The College will provide smoke-free facilities. This is a ban on using smoking and smokeless tobacco within all the buildings on all campuses. In order to keep the smoke from entering the facilities from outdoors, smoking will not be permitted in front of the main campus buildings. Smoking is permitted ONLY in designated areas at least 20 feet from door entrances on all campuses or in personal vehicles (See M).

Only in the case of cultural ceremonies will the use of tobacco be allowed.

All individuals on all College campuses share in the responsibility of adhering to and enforcing this policy. Any violation by staff and faculty shall be referred to the appropriate supervisor. One written warning will be given to the staff member with a copy placed in his or her personnel file. Further violations shall be considered insubordination, which shall be dealt with accordingly based on established policies and procedures (See 5.24.0000 DISCIPLINARY AND DISMISSAL POLICY).

Any violation by students shall be referred to the Dean of Student Services. One written warning will be given to the student and a file will be established to record the incident. Further violations shall be considered a violation of the Student Code of Conduct and shall be dealt with accordingly based on established policies and procedures (See Student Handbook – Smoking Policy – page 43).

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Citizens who come to the campus shall be asked to comply with the established policy. If the individual fails to comply with the request, the incident should be reported to the President and security personnel. The individual will be asked to leave the College property.

5.33.0000 EMERGENCY MANAGEMENT PLAN

Introduction

An emergency is any sudden large-scale event that threatens the school, staff, students and/or visitors. There are many events, natural and man-made, accidental and malicious, that can cause harm to members of the College community and effect operations.

The College must plan and teach all members of the environment how to respond and be safe in any emergency situation.

33.0010 EMERGENCY PLAN PROCEDURE

(See appendix A5-26).

5.34.0000 COLLEGE AND FACILITIES GROUND USE

1. INTRODUCTION

Facilities and grounds are principally for use for College programs, activities, and operations. Requests for use will be determined in accordance with the time, place, and manner restrictions expressed in this policy.

- a. This policy is intended to assist in responsible care of institutional resources and to protect the safety of persons and the security of property.
- b. This policy supports the goals of the TMCC's Mission statement (See <http://www.tm.edu>).
- c. Focus the human, fiscal, environmental, technological, and physical resources of the College on institutional values and priorities.

This policy applies to requests for temporary use of all or part of a College building, facility, or outdoor space for any planned meeting, conference, or event. The Facility Manager will coordinate with the Switchboard Operator, Executive Administrative Assistant in administering these use requests.

- a. For questions regarding assignment of academic use, contact the Office of the Academic Dean, 477-7876
- b. For questions regarding Anishinabe Cultural and Wellness Center, contact the Anishinabe Cultural and Wellness Director, 477-7868.

(See facilities and grounds use procedure, Appendix A5-27).

5.35.0000 ACTING CHIEF EXECUTIVE OFFICER

In the President's absence, his designee shall serve as Chief Executive Officer for the College.

5.36.0000 AMENDMENTS AND EXCEPTIONS

All policies included in this manual are in effect unless otherwise revised or amended by official action of the Board of Directors.

5.37.0000 ADMINISTRATION

The President is responsible for the administration of these policies

6.0.000

FACULTY

Section 6

This document is not intended to be a contract of employment or an offer of employment.

Faculty appointments are professional appointments accomplished through contracts between individual faculty members and TMCC. Policies in this section are considered to be part of the terms of faculty contracts and, where applicable, supersede policies described elsewhere in TMCC policies.”

SECTION 6: FACULTY

6.1.0000	PURPOSE AND RESPONSIBILITY OF FACULTY
6.2.0000	FACULTY RESPONSIBILITIES AND ACTIVITIES
6.3.0000	ADDITIONAL PART-TIME RESPONSIBILITIES AND ACTIVITIES
6.4.0000	COLLEGE MEETING ASSIGNMENTS
6.6.0000	INSTRUCTIONAL POLICIES AND PROCEDURES
6.7.0000	AMENDMENTS TO FACULTY POLICY
6.8.0000	COURSE SYLLABUS GUIDELINES

SECTION 6 FACULTY

6.0.0000 FACULTY

6.1.0000 PURPOSE AND RESPONSIBILITIES OF FACULTY

1.0010 FUNCTIONS OF FACULTY

The functions of a full-time faculty member are divided into the four categories: teaching, advising, scholarship, and service to the College and the community.

1.0020 TEACHING

- .01 Classroom instruction, preparation, and supervision of students.
- .02 Community instruction such as preparation and presentation of College course work off-campus, workshop, seminars, and in-service for professionals and others.
- .03 Laboratory design, preparation, instruction, supervision, and other associated responsibilities.
- .04 Measurement of student performance including the preparation; administration; grading and evaluation of tests, papers, and examinations; and the reporting of grades.
- .05 Conferences with academic advisement of students outside of their registration needs.
- .06 Coordination, supervision, and evaluation of student research.
- .07 Coordination and supervision of academic programs.
- .08 Coordination and supervision of student activities directly related to the academic program such as supervision of a journalism club, debate team or intramural athletic team.
- .09 Experimentation in developing more effective teaching methods and teaching-orientated research.
- .10 Writing letters of recommendation for students.
- .11 Selection and procurement of books, films, and other materials for classroom or laboratory use.
- .12 Periodic evaluation of library holdings and recommendations of books to be ordered by the library.
- .13 Development of new courses and programs of study.
- .14 Assignments with feedback must be returned to students in a timely manner.
- .15 Student records must be maintained for one year.

1.0030 ADVISING

- .01 Next to instruction, advising students is the most important faculty role. Beyond the basic procedures of posting schedules and maintaining office hours, faculty are obliged to provide timely, accurate, and sensitive advice to students. While academic faculty do not function formally as counselors, they bear a responsibility to listen attentively, to advise carefully, and to refer students for professional counseling and services.
- .02 Confidentiality - Faculty bear a responsibility for confidentiality in their dealings with students. Privileged information should be respected as such. Privileged information

SECTION 6 FACULTY

should be shared with other professionals only with the student's consent in accordance with College guidelines for directory and other information.

1.0040 SCHOLARSHIP

- .01 Ongoing research which leads to the discovery of new knowledge or new applications of existing knowledge.
- .02 Ongoing research intended to lead to publications in scholarly journals or books.
- .03 Ongoing reading and research to maintain proficiency and growth in one's field of professional specialization.
- .04 Research intended to lead to the preparation and presentation of a scholarly paper to a professional society or a paper in one's field of specialization to any group.
- .05 Consulting with the faculty on research proposals or projects.
- .06 Editing professional journals and serving as a reference of manuscripts that have been submitted to a journal.
- .07 Reviewing texts in one's field of specialization for publishing.
- .08 In the case of Fine or Performing Arts, regular practice and performance to maintain and develop professional skills.
- .09 Holding office or membership in professional organizations.
- .10 Attending and participating in meetings, conferences and conventions of professional associations.
- .11 Writing proposals for financial support of research or other projects including academic institutes or workshops.
- .12 College connected consultation or professional community service.

1.0050 SERVICE

- .01 Service on departmental, self-study or institutional committees.
- .02 Participation in College sponsored activities such as recruiting students, graduation activities, and other planned student activities.
- .03 Interviewing and screening candidates for faculty and staff positions.
- .04 Coordination, advisement, and supervision of student organizations or student activities not directly related but supplemental to academic programs.
- .05 Advisement and counseling of students during registration periods.
- .06 Participation in College sponsored tribal community service or community projects.
 - (1) Normal workday community service should be limited to 4 hours per week and non-compensated.
 - (2) No restrictions outside normal workday.
- .07 Taking inventory of equipment and supplies in faculty member's area.
- .08 Services as a designated representative of the College.

SECTION 6 FACULTY

5.2.0000 FACULTY RESPONSIBILITIES AND ACTIVITIES

2.0010 BASIC PHILOSOPHY

Regular faculty appointments carry the responsibilities and privileges traditionally identified with academic positions. In addition, College faculty are obligated to enrich their understanding of the unique mission of this tribally chartered college. While a minimum of special restrictions is imposed on the activities of a faculty member, they are under obligation to render to the College the most effective service of which they are capable. Moreover, faculty are expected to increase their depth and range of competency with increased length of service. All members of the faculty have a continuous, all-year responsibility to develop their professional proficiency and to represent the College in community service.

2.0020 PROFESSIONAL SCHEDULES

Faculty members are considered professional personnel responsible for accomplishing the tasks for which they are employed. Faculty members are responsible for making time available for student conferences and are expected to post office hours. An instructor who must attend to College business or personal affairs that conflict with his/her posted schedule should leave word with or sign out with the Dean of Institution concerning the time of return and where they can be reached. During class vacations and other extended periods, all faculty members must notify the administration concerning their destinations and how they may be reached.

2.0030 INSTRUCTION

The key purpose of the College and therefore of faculty, is instruction. Enabling students to fulfill their total personal, intellectual, and vocational objectives constitute the heart of faculty responsibility. Consulting, community service, and research of necessity are secondary to instruction, preparation, and advising of students. Without quality execution of this basic mission, other activities become insignificant. Carrying out this critical task entails the following activities of faculty: continuous professional enrichment through advanced course work, familiarity with professional literature, attendance at professional conferences, and regular research; active integration of Indian traditions, practices, and perspectives into course materials and procedures; consistent and updated preparation; creation of a classroom environment conducive to college-level learning; administration of examinations and prompt submission of quarterly grades; and maintenance of appropriate records.

2.0040 FACULTY TEACHING LOAD

The College policy that rightly insists upon the primacy of superior instruction dictates certain conditions. Among these are the following expectations:

- .01 That an instructor will teach courses they have been trained to teach;
- .02 That they will be responsible for a reasonable number of preparations;
- .03 That they will be burdened with a reasonable number of contact hours;
- .04 That excessive enrollment will be given due attention in calculating their contribution to the College;
- .05 That developing and presenting a new course will be recognized as a greater burden than presenting a familiar one; and

SECTION 6 FACULTY

.06 And that cognizance will be taken of the burden upon their of committee work, advising, community service, and research. In pursuit of this desirable state of affairs the following limitations shall prevail:

(1) Non-Teaching Faculty

Full-time faculty teaching less than 12 credit hours and who are asked by administration to assume assignments or programs will retain full-time teaching status.

(2) Full-time Teaching Credit Load

Minimum credit hours 12 -maximum credit load 15/16. Faculty teaching a minimum load may be subject to additional assignments.

(3) For the purposes of Title IV, HEA, those courses, as defined in the Federal Register, where the clock hour formula applies will be calculated as follows: 1 semester hour is equivalent to 2 instructional hours [(See Federal Register - 34CFR Part 668.8(a)(2)(iii), (iv), and (v)].

(4) Project Directors who are faculty members will be given consideration for their administrative duties. Time for such duties will be assessed in their teaching load.

2.0050 RESEARCH

Professional research in respective academic areas is both necessary and desirable. Faculty members are encouraged to undertake worthy projects which do not detract from their other tasks of student service time and community service.

2.0060 CONSULTING ACTIVITIES

The duty and primary professional responsibility of all full-time faculty is to the College, faculty must not engage in any other enterprises on a regular basis when such practices are in direct conflict with their services to the College.

.01 Approval - The practice of professional consulting of a non-routine nature is recognized as a desirable activity; however, each faculty member engaged in paid consulting service must obtain approval from the proper administrative officer. Likewise, community service should be undertaken enthusiastically but without disrupting basic duties.

.02 For purposes of this section the normal workweek is Monday-Friday 8:00 a.m. to 4:30 p.m. Any consulting during normal work week unless approved by the Board shall not be compensated; however, with approval of the board the instructor may consult no more than one day per week. At no time, unless otherwise approved by the Board, shall a faculty member be compensated with institutional funds during the normal workweek within federal and state law.

.03 Time - The time used for consulting must not interfere with the regular duties of the individual and should in no case require more than the equivalent of one day per week. The use of any College facilities or equipment for consulting work is prohibited unless such activity is undertaken specifically for the College's benefit and with College and Board approval.

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2.0070 ACADEMIC FREEDOM

The primary responsibilities of this academic community are to provide for the enrichment of intellectual experience, to promote life-long learning, to serve the tribal community, and to integrate Indian culture into the learning environment. Essential to the realization of these ideals is a free and open academic community, which takes no ideological, or policy position. Conflict of ideas cannot occur unless there is opportunity for a variety of viewpoints to be expressed. Toleration of what may be error is an inescapable condition of the meaningful pursuit of truth. The academic community must be hospitable even to closed minds and it must welcome the conflict of ideas likely to ensue. Academic responsibility to provide opportunity for expression of diverse points of view generates academic freedom.

- .01 The instructor is entitled to full freedom in lecturing or conducting demonstrations in their subject or field of competence. They are entitled like any other member of the community in which they live to establish membership in voluntary groups, to seek or hold public office, to express their opinions as an individual on public questions and to take action in accordance with their views. Cognizant of their responsibilities to their profession and to their institution, the instructor accepts certain obligations: they respect the rights of others to express opinions, and to insure that their personal views do not interfere with the unfettered search for truth by students and colleagues.
- .02 They must make clear, however, that their actions, statements, and memberships do not necessarily represent the views of the academic community. If there are controls to be exercised over the instructor, they are the controls of personal integrity and the judgment of their colleagues. Violations of academic integrity warrant collegial censure.

2.0100 EVALUATING FACULTY

The philosophy of evaluating faculty performance is in keeping with the objectives of the College. Evaluations can determine faculty strengths and weaknesses. Methods of evaluation to be employed shall be the following: student evaluation forms, self-evaluation methods, peer evaluation, and faculty contributions shall be given priority in planning and implementation. Dean will periodically perform class observations without prior notice.

2.0110 DEPARTMENT CHAIRS

Definition: Department chairs are leaders in developing strong student advising, teaching, research, public service, and academic programs within their departments. In matters of faculty selection, retention, tenure, promotion, and work assignments of faculty and department personnel, and in preparation and administration of departmental budgets, department chairs are responsible to their college academic dean.

Duties: The department chair's primary purpose is to serve the academic component of the department, enabling the faculty to do their all-essential work to the best of their ability. Department chairs assist in the evaluation of faculty members' performance and assess program effectiveness. Each department head may call a meeting of their department faculty, set faculty committees, whenever they deem it advisable, and must call a meeting when requested to do so by one-fourth of his or her faculty, or from the academic dean.

Among other things the responsibilities of the department chair will include:

SECTION 6 FACULTY

- Working as advocate for the faculty and for the mission of the College with all shared governance bodies (Example-Student Government-President-Board of Directors):
- Offering suggestions to the Academic Dean and President on matters of the College organization, budget recommendation, and revision as they pertain to academics and faculty, facilities, planning and the mission ;
- Provide recommendations regarding academics including admissions policies, curriculum development, and evaluation; and retention, faculty promotion, and work environment policies, academic policies, and other policies and procedures affecting the work environment;
- Ensures a convergence of program objectives with the College mission, student's educational goals, consumer needs, accreditation criteria, and professional standards as they pertain to academics;
- Maintaining open and continuous communication with the faculty and obtaining input to all actions;
- Assist the academic dean with the annual performance evaluation for each faculty member within the departments;
- Receives professional training in order to evaluate faculty members according to the faculty developed plan to improve assessment/student learning;
- Chairs the semiannual departmental assessment meetings; and
- Works with the Academic Dean in all areas that concern departments and academics.

Compensation: In order to fulfill these additional responsibilities, the department chair shall be compensated annually with either an additional \$2,500.00 contract, or may elect a reduced teaching load from 15/16 credit hours to 9.0 credit hours per semester at the current salary. Any full-time member of the department shall be considered eligible to be chairperson in the departments of Arts, Humanities, Social Science, Science/Math and Career and Technical Education. The chairperson of the department will be appointed by April 15 by the President upon recommendation of the faculty and the academic dean. The chairperson will be appointed for three successive years.

Continuing Education Approved Credit Conversion (CEU) - Recommendation for conversion, for every 15 hours of approved CEU credit which equals 1.5 CEU's, faculty are recommending a conversion to 1 academic credit hour for bonus incentive.

6.3.0000 ADDITIONAL PART TIME ACTIVITIES AND RESPONSIBILITIES

Part-time faculty members are hired to teach one or more courses. They are required only to meet their classes during prearranged times and attend meeting with the Dean of Academic Programs as scheduled. The activities of part time faculty are coordinated and evaluated by the Dean of Academic Programs. Part-time faculty are coordinated and evaluated by the Dean of Academic Programs. Part-time faculty members are on contract in accordance with number of credits taught. Contracts are renewed each term.

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6.4.0000 COLLEGE MEETING ASSIGNMENTS

4.0010 COMMITTEE WORK

Participation on College committees is an expected facet of faculty activity. Effective committee work is integral to College growth and performance.

4.0020 MEETINGS

The full-time faculty members are responsible to hold monthly meetings. At the beginning of the academic year, the faculty will elect one or two members to act as faculty representatives, chair the faculty meetings, and report all pertinent information to the Dean of Academic Programs.

6.5.0000 INSTRUCTIONAL POLICIES AND PROCEDURES

5.0020 INTRODUCE NEW COURSES OR COURSE CHANGES

- .01 The course designer submits a draft for the new course or course change to Dean of Academic Programs for the division.
- .02 The Dean of Academic Programs or person responsible for the area will either approve or disapprove the draft.
- .03 If approval is granted the draft will be returned to the designer for completion.
- .04 The completed course design is submitted to the Dean of Academic Programs or person responsible for the division for editing and review.
- .05 After the course design has been reviewed; it will be submitted to the Dean of Academic Programs.
- .06 The Dean of Academic Programs will review the course design and either approve or disapprove the course.
- .07 If the course design is disapproved by the Dean of Academic Programs, the department chairperson or person responsible for the division may request a hearing with the Academic Committee to review the Dean of Academic Program's decision. The Academic Dean must state the reasons for not approving the course.
- .08 If the course design is approved by the Dean of Academic Programs, the Dean will submit copies of the course design to the Academic Committee. The course design must be submitted to the Academic Committee members in a timely manner before a meeting will be scheduled to take action on the course.
- .09 The committee will consider the following criteria in evaluation of a course or course change: objectives, procedures, and evaluations.
 - (1) Objectives - a) The course is compatible with the philosophy of the College, b) there is a demonstrated need or interest for the course, c) the expected results of the course, and how these projections were developed must be stated, and d) there is a qualified instructor available.
 - (2) Procedures - the course outline and a description of how the course will be presented.

SECTION 6 FACULTY

- .10 When the Academic Standards Committee approves the course or course change, the committee chairperson will submit a written report of approval to the Dean of Academic Programs and President for review and implementation.
- .11 When a course design or change is disapproved, the committee chairperson will state the reasons in writing for disapproval and submit them to the Dean of Academic Programs.
- .12 The Dean of Academic Programs will inform the department chairperson or person responsible for the action taken.

5.0020 SCHEDULED HOLIDAYS

(See Personnel Policy Manual).

5.0030 OBTAINING LEAVE OF ABSENCE

- .01 A faculty member may secure a one-time per semester leave of absence for one week or less without loss of pay by securing permission from the Dean of Academic Programs and by making satisfactory written arrangements for handling classes missed. College business, professional obligations or appearances, and emergencies are the usual reasons for a short leave.
- .02 A leave of absence from one to two semesters may be granted by the Board. The faculty member receives no salary unless a stipend for a developmental leave has been approved by the Board. A substitute is hired by the College to take the instructor's place. However, the faculty member may return to his/her post at the end of the leave without jeopardizing his/her employment status (See Personnel Policy 18.0000 for procedure).
- .03 Funeral leave - (See Personnel Policy Manual).

5.0040 ACADEMIC HONESTY

When instances of suspected plagiarism, cheating, and/or collusion occur on tests, examinations, projects or term papers, a report should be made to the office of the Academic Dean and to the Academic Standards Committee. A faculty member is under an obligation to report to the Academic Standards Committee a clear case of dishonest use of another's work on any paper presented in connection with a program of study as well as any case of cheating or collusion.

5.0050 FIELD TRIPS

Instructors planning field trips must make complete arrangements with appropriate administrators. The Student Services Office and the Business Office should receive written notification of any proposed trip out of town and a list of names of faculty and students who are going. Emergency phone numbers and itinerary should be provided to both offices. All persons riding in a College-owned vehicle on a College sponsored trip must sign release of liability forms.

6.6.0000 AMENDMENTS TO FACULTY POLICY

6.0010 AMENDING POLICY

In as much as it is not possible to foresee every circumstance the faculty policy was designed to anticipate allowance should be made for amending the handbook as experience suggests.

SECTION 6 FACULTY

- .01 Faculty members or the members of the administration may submit a recommendation for amendment of the handbook to the governance/Administrative Committee.
- .02 Should the President approve of the recommendation it will be submitted to the Board of Directors.
- .03 Amendments and suggestions for improvement of the handbook may be presented to the Board of Directors annually at the spring quarterly meeting.

APPENDIX

APPENDIX A4-1 WRITE OFF'S

As of June 30, those students who have not paid tuition and fees are identified with the amount they owe and presented to the board to determine if the amounts should be written off.

APPENDIX A4-2 PETTY CASH ACCOUNTS

South Campus Facilities	300.00
Main Campus Facilities	400.00
Library	20.00
Basketball Concessions	500.00
Café	200.00
Vending Machines.....	400.00

² APPENDIX A4-2 PETTY CASH ACCOUNTS

APPENDIX A4-3 INDEPENDENT CONTRACTOR TEST

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.



Turtle Mountain Community College
P.O Box 340
Belcourt, ND 58316 Telephone: (701)477-7862 Fax: (701)477-7807

TRAVEL REPORT SUMMARY

Name		Travel Justification		
Address		Location		
City		Period of		To
State / Zip Code				

Summarize topics covered, major points of speaker(s) presentation for each session attended in the space provided below:

Date		A.M. Session	P.M. Session
Day of Week			
Date			
Day of Week			
Date			
Day of Week			
Date			
Day of Week			

Additional Comments:

Employee's Signature

Supervisor's Signature

Supplemental Travel Report

1. Were there students on the trip? ☐ Yes ☐ No
2. Are you aware of any incidents that occurred involving a student? ☐ Yes ☐ No
- If yes, name the student(s) involved and explain what occurred?

APPENDIX A4-6 PROPERTY MANAGEMENT FORMS

Insert Property Management form

APPENDIX A4-7 PROPERTY MANAGEMENT TRANSFER FORM

Insert Property management form – transfer

APPENDIX A4-8 PROPERTY MANAGEMENT LOST OR STOLEN PROPERTY FORM

Insert Property management form lost or stolen property

APPENDIX A4-11 TIME AND EFFORT PROCEDURE

¹² *APPENDIX A4-11 TIME AND EFFORT PROCEDURE*

APPENDIX A5-1 HIRING PROCEDURES**TURTLE MOUNTAIN COMMUNITY COLLEGE****HIRING PROCEDURES**October 12, 2007

SECTION I: GENERAL PROVISIONS

1. Scope: These procedures apply to the recruitment, hiring, and promotion process for all Turtle Mountain Community College employees, with the exception of summer youth programs and part-time employees. The President, Vice-President, Comptroller, and Human Resource Manager are exempt and will be hired by the Board of Directors. The Board of Trustees will assist in the selection of the President.
2. The College is an Equal Opportunity Employer, which abides by the policy of providing equal employment opportunities without discrimination to all applicants and employees regardless of race, religion, color, national origin, age, gender, disabilities, sexual orientation or marital status, except as allowed by the Indian Preference provision of the Indian Civil Rights Act of 1964, as amended. In adhering to this policy, the College abides by the Title IX requirements.
3. Code of Conduct Policy, Confidentiality Statement, and Conflict of Interest Statement forms shall be signed by all hiring committee members.
4. Compliance – These procedures are intended to comply fully with all applicable tribal, state, and federal laws, regulations, and TMCC policies. These procedures are to be interpreted so as to comply with an existing law or law subsequently passed.
5. Oversight: The President is responsible to ensure the integrity of the procedures established by this policy. To assure that the process is clear and understood, the President will be responsible for training the key administrators regarding this policy. If the process has been substantially violated or abused, the President may order that an error be corrected, that a portion of the process be redone, that a member of the committee be excluded from further deliberations, that the process be terminated, or that some other remedial action be taken to assure the integrity of the process. If the recommendation of the committee is not agreeable to the President, the position will be re-advertised, closed, or eliminated.
6. Amendment: This policy may be amended as deemed necessary by the Board of Directors.

SECTION II: RECRUITMENT

7. Vacant/New Position: The supervisor or director shall submit a request to fill a new and/or vacant position to the President. The supervisor or director is responsible for ¹³

¹³ APPENDIX A5-1 HIRING PROCEDURES

completing all necessary forms for obtaining required authorizations. After proper authorization and final approval by the President, the supervisor or director shall submit the necessary documentation to the Human Resource Manager who will advertise the position.

8. Position Classification: Positions are classified on the basis of duties and responsibilities. Class specifications indicate the title, duties, scope of work, and recommended qualifications.
9. Position Announcement Content: The Job Announcements shall contain as applicable:
 - a) Position Title
 - b) Opening and Closing dates
 - c) Range of Salary
 - d) Qualifications
 - e) Duties and Responsibilities
 - f) Proficiency Requirements
 - g) References
 1. Two professional
 2. One character
 - h) Conditions of Employment
 1. Travel may be required
 2. Valid State Driver's License
 3. Physical Examination
 4. Background security investigation
 5. Drug testing
 - i) Indian Preference
 - j) Veterans Preference
 - k) How to apply
 - l) Equal Opportunity Employer
10. Vacancy Procedure: It shall be the responsibility of the Human Resource Manager to advertise all permanent staff vacancies with Job Service of North Dakota, local radio and newspapers, regional and national employment sites, and to post notice of vacancy immediately in the department and on the TMCC web page. Whenever possible, notice of vacancy shall be posted for a minimum of 10 working days.

SECTION III: APPLICANT PROCESS:

11. Application Packet/Submission: Applications must include a letter of application, curriculum vitae, resume, work experience, college transcripts, three letters of reference, and, if applicable, proof of Indian blood and/or veteran preference. The packet will be determined to be incomplete if any required documents are missing; thus the application will not be considered.

12. Application Period: Applications may be submitted for a set period of time and to include “or until filled.”
13. Search Extension: The recruitment period may be extended when the applicant pool has only one qualified applicant.
14. Search Reopened: The application process may be reopened should the committee decide not to recommend a candidate to the President. The President has the authority to reopen a search with notification to the Board of Directors.

SECTION IV: RATING/INTERVIEW COMMITTEE

15. The Head of the Department and Human Resource Manager will oversee the hiring process.
16. Membership: The Rating/Interview Committee shall consist of five (5) members to include the Head of the Department. The rating/interview committee members must remain the same throughout the process.
17. Committee Selection: The Head of the Department shall be on the selection committee and shall select two (2) members from that department and two (2) at large members. The two members at large “outside of the department” will be selected at random by the Human Resources Director. Two additional individuals are selected to serve as alternates.
18. Orientation: The Human Resource Manager will conduct an orientation meeting to explain roles, duties, expectations, timelines, and the board-approved hiring process to the committee members. All members must sign a statement verifying they will adhere to the College Code of Ethics Policy, Confidentiality Statement, and Conflict of Interest Statement.

SECTION V: APPLICANT SCREENING PROCESS

19. Minimum Qualifications: The Human Resource Manager will present qualified applicants and complete applications for the Rating/Interview Process to the Rating/Interview Committee. (The committee may request to examine all the application packets for further determination of qualifications.)
20. Timing: The rating/interview process will begin within ten working days after the closure of a vacancy announcement.
21. Scoring: Rating/Interview Committee members shall rate each applicant on the Applicant Screening Process Hiring Matrix.
22. Recommendation: The Rating/Interview Committee shall evaluate the applications and submit scores and recommendations to the Human Resource Manager. If the recommendation is to interview, the Human Resource Manager and Department Head

will set up appropriate interviews. If no interview is required, the final recommendation will be forwarded to the President for approval and the Board will be informed of the individual selected.

23. Time Frame: If applicable, candidates selected for interviews shall be given at least five days' notice.

SECTION VI: INTERVIEW PROCESS

24. Materials: Prior to the interview, the Rating/Interview Committee will receive from the Human Resource Manager, the following materials on each candidate: application packet, schedule of interviews, interview questions, and Individual Rating Sheet.
25. Questions: The committee, with consultation from the Department Head and Human Resource Manager, will draft interview questions (a minimum of 5) prior to the interview. The committee will submit a draft of interview questions to the Human Resource Manager for final approval of appropriate questions.
26. Set Time: Each applicant shall be afforded the opportunity to have an interview of approximately equal length and will be asked the same questions. Specific questions pertaining to benefits must be referred to the Business Office.
27. Score: At the conclusion of each interview, the committee shall score the candidate. The committee may discuss as a group each candidate immediately after the interview. All committee members will sign each Interview Rating Sheet and submit the form to the Human Resource Manager.
28. Ranked List: The Department Head shall submit the interview scores to the Human Resource Manager. The candidate with the top interview score and an alternate candidate will be forwarded for reference checks. NOTE: A combination of the application and the interview scores will be used for the final recommendation for hire.
29. The Interview Rating Sheet will be added as an addendum .

SECTION VII: REFERENCE CHECKS

30. Timing: Reference and background checks will begin immediately by the Human Resource Manager prior to the submission of the recommendation of candidates to the President.

SECTION VIII: CONFIRMATION PROCESS

31. Recommendation: The Human Resource Manager will forward the committee's recommendation of the top candidate and, if applicable, an alternate, to the President.
32. Hiring: The President will approve or deny the recommended candidate for hire. The Board of Directors will be notified by the President of the recommendation for approval

or denial. Requirements for Employment: Selected candidates, as required by policy, must submit to a drug test and physical exam. Any required physical exams will be paid¹⁷

for by the College. If a finalist fails to satisfy the position requirements, the President will revoke the offer of employment.

SECTION X: EMERGENCY APPOINTMENT

1. Vacancy: Any vacancy, which arises due to retirement, resignation, death, injury, illness, reassignment, or other reason, may be filled by the President as a temporary appointment not to exceed 120 days. Emergency hires must be with the concurrence of the Board of Directors.

¹⁷APPENDIX A5-1 HIRING PROCEDURES CONT.

**CONFIDENTIALITY, ETHICS, AND CONFLICTS OF INTEREST IN HIRING FORM:
(signed by committee members)**

ANTI-NEPOTISM RULES

By law (section 458 of Title 28 of the United States Code) no head of any executive or administrative department, either elective or appointive, of this reservation shall appoint his wife or husband, as case may be, son, daughter, brother, or sister to any position under the control or direction of said head of such department. TMCC policy supplements this as follows:

Relationship by marriage or immediate family shall not prevent appointment of any individual by any of the department chairpersons under the Board of Directors, except that no individual shall be assigned work under the supervision of a relative who might have responsibility for the individual's performance, promotion and/or salary, except by the Board of Directors.

ETHICS

Board of Directors and employees of the Turtle Mountain Community College may not have a direct or indirect interest, financial or otherwise, of any nature that is in conflict with the proper discharge of the employee's duties, Board of Directors and employees shall timely furnish such written disclosures as required by state and federal or the College's requirement.

CONFIDENTIALITY

Confidential hiring information includes all applications for employment, as well as applicant's and finalists' names and rankings, information and materials obtained in the hiring process, and the deliberations of the Committee.

Committee members may only disclose confidential hiring information to another member of the Committee, to an employee authorized by the College to possess such information, or to an individual acting as an agent of the College, or when required to do so by court order.

CONFLICTS OF INTEREST

It is the personal obligation of each evaluator in the employment process to judge each candidate fully, impartially, and only in terms of the qualifications established for the position. No person may participate in a specific selection process when such participation would involve him or her in decisions or actions that affect their own interests or the interests of a related party or parties. No person may serve as an evaluator for a position if he or she has an association with any candidate for that position, when that association is based on past or present financial or real property interests, family relationships, or similar close personal connections that would compromise the impartiality of the evaluator.

Each person must disclose past or present financial or real property interests, family relationships, or similar close person connections that would compromise the impartiality of the evaluator. Irrespective¹⁸ of the existence or nonexistence of any such interest or relationship, a member of a hiring committee must disclose to the Human Resource Officer any interest of the relationship, or issue which limits or may reasonably create the appearance of limiting the ability of the member to act in a strictly impartial manner toward any candidate.

COMPLIANCE

All rating/interview committee members are required to comply strictly with this Policy. Employees who violate this policy may be subject to appropriate discipline according to policy.

No person may serve on a rating/interview committee who has not first signed the following statement:

I have received and read a copy of the Confidentiality and Conflicts of Interest in Hiring Policy. I agree to maintain confidentiality as described above, and I affirm that, to the best of my knowledge, I am free of any conflicts of interest with respect to applicants for the position to be filled, and that I am capable of rendering an impartial judgment with regard to each candidate.

I will be asked to be excused from the committee should this condition change during the course of the hiring process.

Committee Member Signature _____ Date _____

¹⁸ APPENDIX A5-1 HIRING PROCEDURES CONT.

¹⁹ APPENDIX A5-1 HIRING PROCEDURES CONT.

²⁰RATING/INTERVIEW MATRIX

There will be a rating/interview matrix set up to be used for all applicants included in this document. Matrix may change from time to time but the Standard portion of the matrix will remain the same for all scorings. Example is attached but is not a permanent part of this policy.

²⁰ APPENDIX A5-1 HIRING PROCEDURES CONT.

²¹Applicant Screening Process

Rating/Interview Matrix

The following matrix is the paper screening process used by the rating/interview committee
(This is just a sample!)

1. Standard	
Indian Preference (CIB)	Preference =5
Veteran's Preference (DD FORM 214)	Preference =5 =10
Other: Example a. License b. Lift 50 pounds	Preference =5 Preference =5
Total Points	=
II. Qualifications	
1.	Rating Score (check one) Does not meet =0 Minimally met =1 Satisfactory =2 More than satisfactory =3 Excellent =4

²¹ APPENDIX A5-1 HIRING PROCEDURES CONT.

	Outstanding =5
2. ²²	Rating Score (check one) Does not meet =0 Minimally met =1 Satisfactory =2 More than satisfactory =3 Excellent =4 Outstanding =5
3.	Rating Score (check one) Does not meet =0 Minimally met =1 Satisfactory =2 More than satisfactory =3 Excellent =4 Outstanding =5
4.	Rating Score (check one) Does not meet =0 Minimally met =1 Satisfactory =2 More than satisfactory =3 Excellent =4 Outstanding =5
5.	Rating Score (check one)

²² APPENDIX A5-1 HIRING PROCEDURES CONT.

	Does not meet =0 Minimally met =1 Satisfactory =2 More than satisfactory =3 Excellent =4 Outstanding =5
Total Points ²³	
III. Duties and Responsibilities	Rating Score (check one) Does not meet =0 Minimally met =1 Satisfactory =2 More than satisfactory =3 Excellent =4 Outstanding =5
1.	Rating Score (check one) Does not meet =0 Minimally met =1 Satisfactory =2 More than satisfactory =3 Excellent =4 Outstanding =5
2.	Rating Score (check one) Does not meet =0

²³APPENDIX A5-1 HIRING PROCEDURES CONT.

	Minimally met =1 Satisfactory =2 More than satisfactory =3 Excellent =4 Outstanding =5
3. ²⁴	Rating Score (check one) Does not meet =0 Minimally met =1 Satisfactory =2 More than satisfactory =3 Excellent =4 Outstanding =5
4.	Rating Score (check one) Does not meet =0 Minimally met =1 Satisfactory =2 More than satisfactory =3 Excellent =4 Outstanding =5
5.	Rating Score (check one) Does not meet =0 Minimally met =1 Satisfactory =2

²⁴ APPENDIX A5-1 HIRING PROCEDURES CONT.

	More than satisfactory =3 Excellent =4 Outstanding =5
Total Points ²⁵	
IV. INTERVIEW	
1.	Rating Score (check one) Does not meet =0 Minimally met =1 Satisfactory =2 More than satisfactory =3 Excellent =4 Outstanding =5
2.	Rating Score (check one) Does not meet =0 Minimally met =1 Satisfactory =2 More than satisfactory =3 Excellent =4 Outstanding =5
3.	Rating Score (check one) Does not meet =0 Minimally met =1 Satisfactory =2

²⁵ APPENDIX A5-1 HIRING PROCEDURES CONT.

	More than satisfactory =3 Excellent =4 Outstanding =5
4. ²⁶	Rating Score (check one) Does not meet =0 Minimally met =1 Satisfactory =2 More than satisfactory =3 Excellent =4 Outstanding =5
5.	Rating Score (check one) Does not meet =0 Minimally met =1 Satisfactory =2 More than satisfactory =3 Excellent =4 Outstanding =5
V. REFERENCE	
1.	Rating Score (check one) Does not meet =0 Minimally met =1 Satisfactory =2 More than satisfactory =3

²⁶ APPENDIX A5-1 HIRING PROCEDURES CONT.

	Excellent =4 Outstanding =5
2.	Rating Score (check one) Does not meet =0 Minimally met =1 Satisfactory =2 More than satisfactory =3 Excellent =4 Outstanding =5
3. ²⁷	Rating Score (check one) Does not meet =0 Minimally met =1 Satisfactory =2 More than satisfactory =3 Excellent =4 Outstanding =5
4.	Rating Score (check one) Does not meet =0 Minimally met =1 Satisfactory =2 More than satisfactory =3 Excellent =4 Outstanding =5

²⁷ APPENDIX A5-1 HIRING PROCEDURES CONT.

5. ²⁸	<p>Rating Score (check one)</p> <p>Does not meet =0</p> <p>Minimally met =1</p> <p>Satisfactory =2</p> <p>More than satisfactory =3</p> <p>Excellent =4</p> <p>Outstanding =5</p>
------------------	---

²⁸ APPENDIX A5-1 HIRING PROCEDURES CONT.

29 APPENDIX A5.2 HIRING MEMORANDUM**Turtle Mountain Community College**

P.O. Box 340
 Belcourt, North Dakota 58316
 Telephone: (701)477-7862
 Fax: (701)477-7807

Turtle Mountain Band
 Of
 Chippewa Indians
 •
 Charter Member
 American Indian
 Higher Education
 Consortium

HIRING MEMORANDUM

To:

From:

Date:

Please be advised that _____ has been hired.

Regular Contract _____
 Full Time Regular ()

Short Term Contract _____
 Full Time Temporary ()
 Part Time ()

As _____ with _____
 (Position) (Program)

effective _____ to _____ at the rate of _____
 (Date) (Date) (Wage)

At _____ on the salary scale.

Salary payable from _____ account.
 (Program)

SSN _____

Marital Status* _____ *(For tax purposes)

Mailing Address _____

APPROVED:

 Presidents Concurrence_____
 Department Administrator Date_____
 Human Resource Director Date_____
 Comptroller Date

SEE OUR WEB PAGE AT: <http://www.tm.edu>

Accredited by North Central Association of Colleges and Schools Commission on Institutions of Higher Education
 30 North LaSalle, Suite 2400, Chicago IL 60602

TURTLE MOUNTAIN COMMUNITY COLLEGE IS AN EQUAL OPPORTUNITY EMPLOYER
 Revised 4/4/06

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30 APPENDIX A5-3 SANTA CLUB ENROLLMENT FORM

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SECURITY STATE BANK

PAGE 02/05

STARON FINANCIAL
11 MAIN ST NE PO BOX 719
DUNSETH, ND 58329

OWNERSHIP OF ACCOUNT - CONSUMER (Select One and Initial):

- ☒ Single-Party Account _____ ☐ Trust-Separate Agreement _____
☐ Multiple-Party Account _____
☐ Other _____

RIGHTS AT DEATH (Select One and Initial):

- ☒ Single-Party Account _____
☐ Multiple-Party Account With Right of Survivorship _____
☐ Multiple-Party Account Without Right of Survivorship _____
☐ Single-Party Account With Pay On Death _____
☐ Multiple-Party Account With Right of Survivorship and Pay On Death _____

PAY-ON-DEATH BENEFICIARIES: To Add Pay-On-Death Beneficiaries Name One or More:

OWNERSHIP OF ACCOUNT - BUSINESS PURPOSE

- ☐ SOLE PROPRIETORSHIP ☐ PARTNERSHIP
☐ CORPORATION: ☐ FOR PROFIT ☐ NOT FOR PROFIT
☐ _____

BUSINESS:

COUNTY & STATE

OF ORGANIZATION:

AUTHORIZATION DATED: _____

DATE OPENED _____ BY _____

INITIAL DEPOSIT \$ _____

☐ CASH ☐ CHECK ☐ _____

HOME TELEPHONE # _____

BUSINESS PHONE # _____

DRIVER'S LICENSE # _____

EMAIL _____

EMPLOYER _____

MOTHER'S MAIDEN NAME _____

Name and address of someone who will always know your location: _____

BACKUP WITHHOLDING CERTIFICATIONS

TIN:

☒ TAXPAYER I.D. NUMBER - The Taxpayer Identification Number shown above (TIN) is my correct taxpayer identification number.☒ BACKUP WITHHOLDING - I am not subject to backup withholding either because I have not been notified that I am subject to backup withholding as a result of a failure to report all interest or dividends, or the Internal Revenue Service has notified me that I am no longer subject to backup withholding.☐ EXEMPT RECIPIENTS - I am an exempt recipient under the Internal Revenue Service Regulations.

SIGNATURE: I certify under penalties of perjury the statements checked in this section and that I am a U.S. citizen or other U.S. person (as defined in the instructions).

X _____

(Date)

ACCOUNT NUMBER

PORTFOLIO NUMBER

ACCOUNT OWNER(S) NAME & ADDRESS

TYPE OF ACCOUNT

☒ NEW☐ EXISTING☐ CHECKING☒ SAVINGS☐ MONEY MARKET☐ CERTIFICATE OF DEPOSIT☐ NOW☐ _____

This is your (check one): DRB SANTA CLUB

☒ Permanent ☐ Temporary account agreement.

Number of signatures required for withdrawal 1

FACSIMILE SIGNATURE(S) ALLOWED? ☐ YES ☒ NO

[X]

SIGNATURE(S) - The undersigned certifies the accuracy of the information herein has provided and acknowledges receipt of a completed copy of this form. The undersigned authorizes the financial institution to verify credit and employment history and/or have a credit reporting agency prepare a credit report on the undersigned, as individuals. The undersigned also acknowledges the receipt of a copy and agree to the terms of the following agreement(s) and/or disclosure(s):

☒ Terms & Conditions ☒ Truth in Savings ☒ Funds Availability☒ Electronic Fund Transfers ☒ Privacy ☐ Substitute Checks☐ Common Features ☐ _____

(1): [X]

I.D. # _____

D.O.B. _____

(2): [X]

I.D. # _____

D.O.B. _____

(3): [X]

I.D. # _____

D.O.B. _____

(4): [X]

I.D. # _____

D.O.B. _____

AGENCY (POWER OF ATTORNEY) DESIGNATION (Optional): To Add Agency Designation To Account, Name One or More Agents:

(Select One and Initial):

☐ Agency Designation Survives Disability or Incapacity of Parties _____☐ Agency Designation Terminates on Disability or Incapacity of Parties _____

Signature Card-ND
Bankers Systems TM
Wolters Kluwer Financial Services © 1992, 2009

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Page 1 of 1

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SECURITY STATE BANK

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STARION FINANCIAL

11 MAIN ST NE PO BOX 719
DUNSEITH, ND 58329

TRUTH IN SAVINGS DISCLOSURE

Terms following a ☐ apply only if checked.Acct: DRS SANTA CLUB

Acct #:

Date: 11/14/2011

☒ The interest rate and annual percentage yield stated below are accurate as of the date printed above. If you would like more current rate and yield information please call us at (701) 244-5795

This disclosure contains the rules which govern your deposit account. Unless it would be inconsistent to do so, words and phrases used in this disclosure should be construed so that the singular includes the plural and the plural includes the singular.

We reserve the right to at any time require not less than 7 days notice in writing before any withdrawal from an interest bearing account.

☐ **FIXED RATE**

☐ The interest rate for your account is _____ % with an annual percentage yield of _____ %. We will pay this rate _____

We will not decrease this rate unless we first give you at least 30 days notice in writing.

☐ The interest rate and annual percentage yield for your account depend upon the applicable rate tier. We will pay these rates _____

We will not decrease these rates unless we first give you at least 30 days notice in writing.

☒ **VARIABLE RATE**

☒ The interest rate for your account is 0.40 % with an annual percentage yield of 0.40 %. Your interest rate and annual percentage yield may change.

☐ The interest rate and annual percentage yield for your account depend upon the applicable rate tier. The interest rate and annual percentage yield for these tiers may change.

Determination of rate

☒ At our discretion, we may change the interest rate on your account.

☐ The interest rate for your account _____

☐ The fixed initial rate is not determined by this rule.

☐ The initial interest rate on your account _____

Subsequent rates _____

Frequency of rate change

☒ We may change the interest rate on your account at any time

☐ Your initial interest rate will not change _____

We may change the interest rate on your account at that time and _____ thereafter.

Limitations on rate changes

☐ The interest rate for your account will not _____ by more than _____ each _____

☐ The interest rate will not be less than _____ % or more than _____ %.

☐ The interest rate will not _____

the interest rate initially disclosed to you.

Minimum Balance Requirements

☐ To open the account. You must deposit at least

\$ _____ to open this account.

☐ To avoid imposition of fees.

To avoid the imposition of the _____ you must meet _____ following requirements:

☐ A _____ of \$ _____ will be imposed every _____

if the balance in the account falls below \$ _____ any day of the _____

☐ A _____ of \$ _____ will be imposed every _____

if the average daily balance for the _____ falls below \$ _____

The average daily balance is calculated by adding the principal in the account for each day of the period and dividing that figure by the number of days in the period.

The period we use is _____

To avoid the imposition of the _____ you must meet _____ following requirements:

☐ A _____ of \$ _____ will be imposed for _____

transaction (withdrawal, check paid, automatic transfer or payment out of your account) if the balance in the account

falls below \$ _____ any day of the _____

☐ A _____ of \$ _____ will be imposed for _____

transaction (withdrawal, check paid, automatic transfer or payment out of your account) if the average daily balance for the

the _____ falls below _____

³¹ *APPENDIX A5-3 SANTA CLUB ENROLLMENT FORM CONT.*

\$_____. The average daily balance is calculated by adding the principal in the account for each day of the period and dividing that figure by the number of days in the period.

The period we use is _____.

☐ To obtain the annual percentage yield disclosed.

☐ You must maintain a minimum balance of

\$_____ in the account each day to obtain the disclosed annual percentage yield.

☐ You must maintain a minimum average daily balance of \$_____ to obtain the disclosed annual percentage yield. The average daily balance is calculated by adding the principal in the account for each day of the period and dividing that figure by the number of days in the period.

The period we use is _____.

Compounding and Crediting

☒ Frequency - Interest will not _____ be compounded quarterly

Interest will be credited annually to your account

☒ Effect of closing an account - If you close your account before interest is credited, you will not receive the accrued interest.

Balance Computation Method

☒ Daily Balance Method. We use the daily balance method to calculate the interest on your account. This method applies a daily periodic rate to the principal in the account each day.

☐ Average Daily Balance Method. We use the average daily balance method to calculate interest on your account. This method applies a periodic rate to the average daily balance in the account for the period. The average daily balance is calculated by adding the principal in the account for each day of the period and dividing that figure by the number of days in the period.

The period we use is _____.

Accrual of interest on noncash deposits

☒ Interest begins to accrue no later than the business day we receive credit for the deposit of noncash items (for example, checks).

☐ Interest begins to accrue _____

you deposit noncash items (for example, checks).

Bonuses

☐ You will _____

as a bonus _____

☐ You must maintain a minimum _____

to obtain the bonus. _____ of \$ _____

☐ To earn the bonus, _____

Transaction Limitations

☐ The minimum amount you may deposit is

\$_____

☐ The minimum amount you may withdraw is

\$_____

☐ During any _____

you may not make more than _____ withdrawals or transfers to another account of yours or to a third party by means of a preauthorized or automatic transfer or telephone order or instruction, computer transfer, or by check, draft, debit card or similar order to a third party.

☒ If any withdrawal(s) is/are made from this account before the distribution date this account will be closed.

☐ You may only make _____ deposits into your account each statement cycle.

☐ You may only make _____ ATM _____ your account each statement cycle.

☐ You may only make _____ preauthorized transfers _____ your account each statement cycle.

Additional Terms

OTHER TERMS, EXPLANATIONS, ETC.

DISTRIBUTION DATE

Distributions from your account will be mailed to you by check after the first business day of November.

*APPENDIX A5-3 SANTA CLUB ENROLLMENT FORM CONT.*³²

**Account Agreement
Santa Account
for
Starion Financial**
11 MAIN ST NE PO BOX 719
DUNSEITH, ND 58329
(701) 244-5795

The distribution date of this account will be the first business day of November and payments will be mailed to you by check.

Payments to this account will be accepted weekly, biweekly, semi-monthly, or monthly through payroll deductions. Any changes in the amount of payroll deduction will be at the discretion of the payroll department.

Withdrawal of any or all funds from this account prior to the distribution date will close this account. Should this account be closed before the distribution date, the account holder will not receive any interest on this account nor can the account be reopened until after the November distribution date.

Account Holder: _____
Physical Address: _____
Mailing Address: _____
Date of Birth: _____
Social Security Number: _____
Phone Number: _____
Beneficiary(s): _____
Employer: _____
Amount to be withheld: _____
Driver's License Number, Issue Date, & Expiration Date: _____

³³ *APPENDIX A5-3 SANTA CLUB ENROLLMENT FORM CONT.*

³⁴**APPENDIX A5-4 VACATION CLUB ENROLLMENT FORM**

34 APPENDIX A5-4 VACATION CLUB ENROLLMENT FORM

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SECURITY STATE BANK

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ACCOUNT AGREEMENT VACATION ACCOUNT

Effective June 1, 2010

The interest rate on this account will be determined by a rate equal to our 6-month (182 day) CD effective June 1, 2010.

The maturity of this account will be June 1, 2011 and payments will be made by check to your payroll department. A later date maybe agreed upon with management.

Payments to this account will be accepted weekly, biweekly, semi-monthly, or monthly through payroll deductions.

Withdrawal of any or all funds from this account will close this account and should this account be closed before maturity, the account holder will not receive any interest on this account nor can the account be reopened during this contract year ending June 2010.

Any changes in the amount of payroll deduction will be at the discretion of the payroll department.

Account Holder _____
 Physical Address _____
 PO Box # _____
 City, State, Zip _____
 Date of Birth _____
 Soc Sec Number _____
 Phone Number _____
 Beneficiary(s) _____
 Employer _____
 Amount to be withheld _____
 Interest Rate _____ 90% _____

<p>Security State Bank PO Box 719 Dunseith, ND 58329-0719</p>	<p>ACCOUNT NUMBER</p>
<p>OWNERSHIP OF ACCOUNT - CONSUMER (Select One and Initial):</p> <p><input checked="" type="checkbox"/> Single-Party Account _____ <input type="checkbox"/> Trust-Separate Agreement _____</p> <p><input type="checkbox"/> Multiple-Party Account _____</p> <p><input type="checkbox"/> Other _____</p>	<p>ACCOUNT OWNER(S) NAME & ADDRESS</p>
<p>RIGHTS AT DEATH (Select One And Initial):</p> <p><input checked="" type="checkbox"/> Single-Party Account _____</p> <p><input type="checkbox"/> Multiple-Party Account With Right of Survivorship _____</p> <p><input type="checkbox"/> Multiple-Party Account Without Right of Survivorship _____</p> <p><input type="checkbox"/> Single-Party Account With Pay On Death _____</p> <p><input type="checkbox"/> Multiple-Party Account With Right of Survivorship and Pay On Death _____</p> <p><small>PAY-ON-DEATH BENEFICIARIES: To Add Pay-On-Death Beneficiaries Name One or More:</small></p>	<p>TYPE OF ACCOUNT</p> <p><input checked="" type="checkbox"/> NEW <input type="checkbox"/> EXISTING</p> <p><input type="checkbox"/> CHECKING <input checked="" type="checkbox"/> SAVINGS</p> <p><input type="checkbox"/> MONEY MARKET <input type="checkbox"/> CERTIFICATE OF DEPOSIT</p> <p><input type="checkbox"/> NOW <input type="checkbox"/> _____</p> <p>This is your (check one): VACATION ACCOUNT</p> <p><input type="checkbox"/> Permanent <input type="checkbox"/> Temporary account agreement.</p>
<p>OWNERSHIP OF ACCOUNT - BUSINESS PURPOSE</p> <p><input type="checkbox"/> SOLE PROPRIETORSHIP <input type="checkbox"/> PARTNERSHIP</p> <p><input type="checkbox"/> CORPORATION: <input type="checkbox"/> FOR PROFIT <input type="checkbox"/> NOT FOR PROFIT</p> <p><input type="checkbox"/> _____</p> <p><small>BUSINESS:</small></p> <p><small>COUNTY & STATE OF ORGANIZATION:</small> _____</p> <p><small>AUTHORIZATION DATED:</small> _____</p>	<p>Number of signatures required for withdrawal <u>1</u></p> <p>FACSIMILE SIGNATURE(S) ALLOWED? <input type="checkbox"/> YES <input type="checkbox"/> NO</p>
<p><small>DATE OPENED</small> _____ <small>BY</small> _____</p> <p><small>INITIAL DEPOSIT \$</small> 0.00</p> <p><input type="checkbox"/> CASH <input type="checkbox"/> CHECK <input type="checkbox"/> _____</p> <p><small>HOME TELEPHONE #</small> _____</p> <p><small>BUSINESS PHONE #</small> _____</p> <p><small>DRIVER'S LICENSE #</small> _____</p> <p><small>E-MAIL</small> _____</p> <p><small>EMPLOYER</small> _____</p> <p><small>MOTHER'S MAIDEN NAME</small> _____</p> <p><small>Name and address of someone who will always know your location:</small> _____</p>	<p>SIGNATURE(S) - The undersigned agree to the terms stated on every page of this form and acknowledge receipt of a completed copy. The undersigned further authorize the financial institution to verify credit and employment history and/or have a credit reporting agency prepare a credit report on the undersigned, as individuals. The undersigned also acknowledge the receipt of a copy and agree to the terms of the following disclosure(s):</p> <p><input checked="" type="checkbox"/> Deposit Account <input checked="" type="checkbox"/> Funds Availability <input checked="" type="checkbox"/> Truth in Savings</p> <p><input checked="" type="checkbox"/> Electronic Fund Transfers <input checked="" type="checkbox"/> Privacy <input checked="" type="checkbox"/> Substitute Checks</p> <p>INITIAL HERE</p>
<p>BACKUP WITHHOLDING CERTIFICATIONS</p> <p><small>TIN:</small> _____</p> <p><input type="checkbox"/> TAXPAYER I.D. NUMBER - The Taxpayer Identification Number shown above (TIN) is my correct taxpayer identification number.</p> <p><input type="checkbox"/> BACKUP WITHHOLDING - I am not subject to backup withholding either because I have not been notified that I am subject to backup withholding as a result of a failure to report all interest or dividends, or the Internal Revenue Service has notified me that I am no longer subject to backup withholding.</p> <p><input type="checkbox"/> EXEMPT RECIPIENTS - I am an exempt recipient under the Internal Revenue Service Regulations.</p> <p><small>SIGNATURE: I certify under penalties of perjury the statements checked in this section and that I am a U.S. person (including a U.S. resident alien).</small></p> <p>X _____ (Date) _____</p>	<p>(1): [X] _____</p> <p>I.D. # _____ D.O.B. _____</p> <p>(2): [X] _____</p> <p>I.D. # _____ D.O.B. _____</p> <p>(3): [X] _____</p> <p>I.D. # _____ D.O.B. _____</p> <p>(4): [X] _____</p> <p>I.D. # _____ D.O.B. _____</p> <p>AGENCY (POWER OF ATTORNEY) DESIGNATION (Optional): To Add Agency Designation To Account, Name One or More Agents:</p> <p>(Select One and Initial):</p> <p><input type="checkbox"/> Agency Designation Survives Disability or Incapacity of Parties _____</p> <p><input type="checkbox"/> Agency Designation Terminates on Disability or Incapacity of Parties _____</p>

37 APPENDIX A5-6 IRS FORM W-4

Form W-4 (2010)

Purpose. Complete Form W-4 so that your employer can withhold the correct federal income tax from your pay. Consider completing a new Form W-4 each year and when your personal or financial situation changes.

Exemption from withholding. If you are exempt, complete **only** lines 1, 2, 3, 4, and 7 and sign the form to validate it. Your exemption for 2010 expires February 16, 2011. See Pub. 505, Tax Withholding and Estimated Tax.

Note. You cannot claim exemption from withholding if (a) your income exceeds \$950 and includes more than \$300 of unearned income (for example, interest and dividends) and (b) another person can claim you as a dependent on his or her tax return.

Basic instructions. If you are not exempt, complete the **Personal Allowances Worksheet** below. The worksheets on page 2 further adjust your withholding allowances based on itemized deductions, certain credits, adjustments to income, or two-earners/multiple jobs situations.

Complete all worksheets that apply. However, you may claim fewer (or zero) allowances. For regular wages, withholding must be based on allowances you claimed and may not be a flat amount or percentage of wages.

Head of household. Generally, you may claim head of household filing status on your tax return only if you are unmarried and pay more than 50% of the costs of keeping up a home for yourself and your dependent(s) or other qualifying individuals. See Pub. 501, Exemptions, Standard Deduction, and Filing Information, for information.

Tax credits. You can take projected tax credits into account in figuring your allowable number of withholding allowances. Credits for child or dependent care expenses and the child tax credit may be claimed using the **Personal Allowances Worksheet** below. See Pub. 919, How Do I Adjust My Tax Withholding, for information on converting your other credits into withholding allowances.

Nonwage income. If you have a large amount of nonwage income, such as interest or dividends, consider making estimated tax

payments using Form 1040-ES, Estimated Tax for Individuals. Otherwise, you may owe additional tax. If you have pension or annuity income, see Pub. 919 to find out if you should adjust your withholding on Form W-4 or W-4P.

Two earners or multiple jobs. If you have a working spouse or more than one job, figure the total number of allowances you are entitled to claim on all jobs using worksheets from only one Form W-4. Your withholding usually will be most accurate when all allowances are claimed on the Form W-4 for the highest paying job and zero allowances are claimed on the others. See Pub. 919 for details.

Nonresident alien. If you are a nonresident alien, see Notice 1392, Supplemental Form W-4 Instructions for Nonresident Aliens, before completing this form.

Check your withholding. After your Form W-4 takes effect, use Pub. 919 to see how the amount you are having withheld compares to your projected total tax for 2010. See Pub. 919, especially if your earnings exceed \$130,000 (Single) or \$180,000 (Married).

Personal Allowances Worksheet (Keep for your records.)

A Enter "1" for yourself if no one else can claim you as a dependent	A _____
B Enter "1" if: <ul style="list-style-type: none"> • You are single and have only one job; or • You are married, have only one job, and your spouse does not work; or • Your wages from a second job or your spouse's wages (or the total of both) are \$1,500 or less. 	B _____
C Enter "1" for your spouse . But, you may choose to enter "-0-" if you are married and have either a working spouse or more than one job. (Entering "-0-" may help you avoid having too little tax withheld.)	C _____
D Enter number of dependents (other than your spouse or yourself) you will claim on your tax return	D _____
E Enter "1" if you will file as head of household on your tax return (see conditions under Head of household above)	E _____
F Enter "1" if you have at least \$1,800 of child or dependent care expenses for which you plan to claim a credit	F _____
(Note. Do not include child support payments. See Pub. 503, Child and Dependent Care Expenses, for details.)	
G Child Tax Credit (including additional child tax credit). See Pub. 972, Child Tax Credit, for more information. <ul style="list-style-type: none"> • If your total income will be less than \$61,000 (\$90,000 if married), enter "2" for each eligible child; then less "1" if you have three or more eligible children. • If your total income will be between \$61,000 and \$84,000 (\$90,000 and \$119,000 if married), enter "1" for each eligible child plus "1" additional if you have six or more eligible children. 	G _____
H Add lines A through G and enter total here. (Note. This may be different from the number of exemptions you claim on your tax return.) ► H _____	
For accuracy, complete all worksheets that apply. <ul style="list-style-type: none"> • If you plan to itemize or claim adjustments to income and want to reduce your withholding, see the Deductions and Adjustments Worksheet on page 2. • If you have more than one job or are married and you and your spouse both work and the combined earnings from all jobs exceed \$18,000 (\$32,000 if married), see the Two-Earners/Multiple Jobs Worksheet on page 2 to avoid having too little tax withheld. • If neither of the above situations applies, stop here and enter the number from line H on line 5 of Form W-4 below. 	

Cut here and give Form W-4 to your employer. Keep the top part for your records.

Form W-4 Department of the Treasury Internal Revenue Service		Employee's Withholding Allowance Certificate ► Whether you are entitled to claim a certain number of allowances or exemption from withholding is subject to review by the IRS. Your employer may be required to send a copy of this form to the IRS.		OMB No. 1545-0074 2010
1 Type or print your first name and middle initial. Last name		2 Your social security number		
Home address (number and street or rural route)		3 <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Married, but withhold at higher Single rate. Note. If married, but legally separated, or spouse is a nonresident alien, check the "Single" box.		
City or town, state, and ZIP code		4 If your last name differs from that shown on your social security card, check here. You must call 1-800-772-1213 for a replacement card. ► <input type="checkbox"/>		
5 Total number of allowances you are claiming (from line H above or from the applicable worksheet on page 2)		5		
6 Additional amount, if any, you want withheld from each paycheck		6 \$		
7 I claim exemption from withholding for 2010, and I certify that I meet both of the following conditions for exemption. • Last year I had a right to a refund of all federal income tax withheld because I had no tax liability and • This year I expect a refund of all federal income tax withheld because I expect to have no tax liability . If you meet both conditions, write "Exempt" here ► 7				
Under penalties of perjury, I declare that I have examined this certificate and to the best of my knowledge and belief, it is true, correct, and complete.				
Employee's signature (Form is not valid unless you sign it.) ►				
8 Employer's name and address (Employer: Complete lines 8 and 10 only if sending to the IRS.)		9 Office code (optional)	10 Employer identification number (EIN)	

For Privacy Act and Paperwork Reduction Act Notice, see page 2.

Cat. No. 10220Q

Form **W-4** (2010)

Form W-4 (2010)

Page **2****Deductions and Adjustments Worksheet****Note.** Use this worksheet *only* if you plan to itemize deductions or claim certain credits or adjustments to income.

1	Enter an estimate of your 2010 itemized deductions. These include qualifying home mortgage interest, charitable contributions, state and local taxes, medical expenses in excess of 7.5% of your income, and miscellaneous deductions	1	\$ _____
2	Enter: $\left\{ \begin{array}{l} \$11,400 \text{ if married filing jointly or qualifying widow(er)} \\ \$8,400 \text{ if head of household} \\ \$5,700 \text{ if single or married filing separately} \end{array} \right\}$	2	\$ _____
3	Subtract line 2 from line 1. If zero or less, enter "-0-"	3	\$ _____
4	Enter an estimate of your 2010 adjustments to income and any additional standard deduction. (Pub. 919)	4	\$ _____
5	Add lines 3 and 4 and enter the total. (Include any amount for credits from <i>Worksheet 6</i> in Pub. 919.)	5	\$ _____
6	Enter an estimate of your 2010 nonwage income (such as dividends or interest)	6	\$ _____
7	Subtract line 6 from line 5. If zero or less, enter "-0-"	7	\$ _____
8	Divide the amount on line 7 by \$3,650 and enter the result here. Drop any fraction	8	_____
9	Enter the number from the Personal Allowances Worksheet , line H, page 1	9	_____
10	Add lines 8 and 9 and enter the total here. If you plan to use the Two-Earners/Multiple Jobs Worksheet , also enter this total on line 1 below. Otherwise, stop here and enter this total on Form W-4, line 5, page 1	10	_____

Two-Earners/Multiple Jobs Worksheet (See *Two earners or multiple jobs* on page 1.)**Note.** Use this worksheet *only* if the instructions under line H on page 1 direct you here.

1	Enter the number from line H, page 1 (or from line 10 above if you used the Deductions and Adjustments Worksheet)	1	_____
2	Find the number in Table 1 below that applies to the LOWEST paying job and enter it here. However , if you are married filing jointly and wages from the highest paying job are \$65,000 or less, do not enter more than "3."	2	_____
3	If line 1 is more than or equal to line 2, subtract line 2 from line 1. Enter the result here (if zero, enter "-0-") and on Form W-4, line 5, page 1. Do not use the rest of this worksheet	3	_____
Note. If line 1 is less than line 2, enter "-0-" on Form W-4, line 5, page 1. Complete lines 4–9 below to figure the additional withholding amount necessary to avoid a year-end tax bill.			
4	Enter the number from line 2 of this worksheet	4	_____
5	Enter the number from line 1 of this worksheet	5	_____
6	Subtract line 5 from line 4	6	_____
7	Find the amount in Table 2 below that applies to the HIGHEST paying job and enter it here	7	\$ _____
8	Multiply line 7 by line 6 and enter the result here. This is the additional annual withholding needed	8	\$ _____
9	Divide line 8 by the number of pay periods remaining in 2010. For example, divide by 26 if you are paid every two weeks and you complete this form in December 2009. Enter the result here and on Form W-4, line 6, page 1. This is the additional amount to be withheld from each paycheck	9	\$ _____

Table 1

Married Filing Jointly		All Others	
If wages from LOWEST paying job are—	Enter on line 2 above	If wages from LOWEST paying job are—	Enter on line 2 above
\$0 - \$7,000 -	0	\$0 - \$6,000 -	0
7,001 - 10,000 -	1	6,001 - 12,000 -	1
10,001 - 16,000 -	2	12,001 - 19,000 -	2
16,001 - 22,000 -	3	19,001 - 26,000 -	3
22,001 - 27,000 -	4	26,001 - 35,000 -	4
27,001 - 35,000 -	5	35,001 - 50,000 -	5
35,001 - 44,000 -	6	50,001 - 65,000 -	6
44,001 - 50,000 -	7	65,001 - 80,000 -	7
50,001 - 55,000 -	8	80,001 - 90,000 -	8
55,001 - 65,000 -	9	90,001 - 120,000 -	9
65,001 - 72,000 -	10	120,001 and over	10
72,001 - 85,000 -	11		
85,001 - 105,000 -	12		
105,001 - 115,000 -	13		
115,001 - 130,000 -	14		
130,001 - and over	15		

Table 2

Married Filing Jointly		All Others	
If wages from HIGHEST paying job are—	Enter on line 7 above	If wages from HIGHEST paying job are—	Enter on line 7 above
\$0 - \$65,000	\$550	\$0 - \$35,000	\$550
65,001 - 120,000	910	35,001 - 90,000	910
120,001 - 185,000	1,020	90,001 - 165,000	1,020
185,001 - 330,000	1,200	165,001 - 370,000	1,200
330,001 and over	1,280	370,001 and over	1,280

Privacy Act and Paperwork Reduction Act Notice. We ask for the information on this form to carry out the Internal Revenue laws of the United States. Internal Revenue Code sections 3402(f)(2) and 6109 and their regulations require you to provide this information; your employer uses it to determine your federal income tax withholding. Failure to provide a properly completed form will result in your being treated as a single person who claims no withholding allowances; providing fraudulent information may subject you to penalties. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation, to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their tax laws, and using it in the National Directory of New Hires. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by Code section 6103.

The average time and expenses required to complete and file this form will vary depending on individual circumstances. For estimated averages, see the instructions for your income tax return.

If you have suggestions for making this form simpler, we would be happy to hear from you. See the instructions for your income tax return.

39 APPENDIX A5-7 DEPARTMENT OF HOMELAND SECURITY FORM I-9

OMB No. 1615-0047; Expires 08/31/12

LISTS OF ACCEPTABLE DOCUMENTS All documents must be unexpired		
LIST A Documents that Establish Both Identity and Employment Authorization	LIST B Documents that Establish Identity	LIST C Documents that Establish Employment Authorization
OR		
1. U.S. Passport or U.S. Passport Card	1. Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address	1. Social Security Account Number card other than one that specifies on the face that the issuance of the card does not authorize employment in the United States
2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)		2. Certification of Birth Abroad issued by the Department of State (Form FS-545)
3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa		3. Certification of Report of Birth issued by the Department of State (Form DS-1350)
4. Employment Authorization Document that contains a photograph (Form I-766)		4. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal
5. In the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with Form I-94 or Form I-94A bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, as long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form	3. School ID card with a photograph	5. Native American tribal document
	4. Voter's registration card	6. U.S. Citizen ID Card (Form I-197)
	5. U.S. Military card or draft record	7. Identification Card for Use of Resident Citizen in the United States (Form I-179)
	6. Military dependent's ID card	8. Employment authorization document issued by the Department of Homeland Security
6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI	7. U.S. Coast Guard Merchant Mariner Card	
	8. Native American tribal document	
	9. Driver's license issued by a Canadian government authority	
	For persons under age 18 who are unable to present a document listed above:	
	10. School record or report card	
	11. Clinic, doctor, or hospital record	
	12. Day-care or nursery school record	

Illustrations of many of these documents appear in Part 8 of the Handbook for Employers (M-274)

Form I-9 (Rev. 08/07/09) Y Page 5

Department of Homeland Security
U.S. Citizenship and Immigration Services

OMB No. 1615-0047; Expires 08/31/12

Form I-9, Employment Eligibility Verification

Instructions

Read all instructions carefully before completing this form.

Anti-Discrimination Notice. It is illegal to discriminate against any individual (other than an alien not authorized to work in the United States) in hiring, discharging, or recruiting or referring for a fee because of that individual's national origin or citizenship status. It is illegal to discriminate against work-authorized individuals. Employers **CANNOT** specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents presented have a future expiration date may also constitute illegal discrimination. For more information, call the Office of Special Counsel for Immigration Related Unfair Employment Practices at 1-800-255-8155.

What Is the Purpose of This Form?

The purpose of this form is to document that each new employee (both citizen and noncitizen) hired after November 6, 1986, is authorized to work in the United States.

When Should Form I-9 Be Used?

All employees (citizens and noncitizens) hired after November 6, 1986, and working in the United States must complete Form I-9.

Filling Out Form I-9

Section 1, Employee

This part of the form must be completed no later than the time of hire, which is the actual beginning of employment. Providing the Social Security Number is voluntary, except for employees hired by employers participating in the USCIS Electronic Employment Eligibility Verification Program (E-Verify). **The employer is responsible for ensuring that Section 1 is timely and properly completed.**

Noncitizen nationals of the United States are persons born in American Samoa, certain former citizens of the former Trust Territory of the Pacific Islands, and certain children of noncitizen nationals born abroad.

Employers should note the work authorization expiration date (if any) shown in **Section 1**. For employees who indicate an employment authorization expiration date in **Section 1**, employers are required to reverify employment authorization for employment on or before the date shown. Note that some employees may leave the expiration date blank if they are aliens whose work authorization does not expire (e.g., asylees, refugees, certain citizens of the Federated States of Micronesia or the Republic of the Marshall Islands). For such employees, reverification does not apply unless they choose to present

in Section 2 evidence of employment authorization that contains an expiration date (e.g., Employment Authorization Document (Form I-766)).

Preparer/Translator Certification

The Preparer/Translator Certification must be completed if **Section 1** is prepared by a person other than the employee. A preparer/translator may be used only when the employee is unable to complete **Section 1** on his or her own. However, the employee must still sign **Section 1** personally.

Section 2, Employer

For the purpose of completing this form, the term "employer" means all employers including those recruiters and referrers for a fee who are agricultural associations, agricultural employers, or farm labor contractors. Employers must complete **Section 2** by examining evidence of identity and employment authorization within three business days of the date employment begins. However, if an employer hires an individual for less than three business days, **Section 2** must be completed at the time employment begins. Employers cannot specify which document(s) listed on the last page of Form I-9 employees present to establish identity and employment authorization. Employees may present any List A document **OR** a combination of a List B and a List C document.

If an employee is unable to present a required document (or documents), the employee must present an acceptable receipt in lieu of a document listed on the last page of this form. Receipts showing that a person has applied for an initial grant of employment authorization, or for renewal of employment authorization, are not acceptable. Employees must present receipts within three business days of the date employment begins and must present valid replacement documents within 90 days or other specified time.

Employers must record in Section 2:

1. Document title;
2. Issuing authority;
3. Document number;
4. Expiration date, if any; and
5. The date employment begins.

Employers must sign and date the certification in **Section 2**. Employees must present original documents. Employers may, but are not required to, photocopy the document(s) presented. If photocopies are made, they must be made for all new hires. Photocopies may only be used for the verification process and must be retained with Form I-9. **Employers are still responsible for completing and retaining Form I-9.**

Form I-9 (Rev. 08/07/09) Y

For more detailed information, you may refer to the *USCIS Handbook for Employers (Form M-274)*. You may obtain the handbook using the contact information found under the header "USCIS Forms and Information."

Section 3, Updating and Reverification

Employers must complete **Section 3** when updating and/or reverifying Form I-9. Employers must reverify employment authorization of their employees on or before the work authorization expiration date recorded in **Section 1** (if any). Employers **CANNOT** specify which document(s) they will accept from an employee.

- A. If an employee's name has changed at the time this form is being updated/reverified, complete Block A.
- B. If an employee is rehired within three years of the date this form was originally completed and the employee is still authorized to be employed on the same basis as previously indicated on this form (updating), complete Block B and the signature block.
- C. If an employee is rehired within three years of the date this form was originally completed and the employee's work authorization has expired **or** if a current employee's work authorization is about to expire (reverification), complete Block B; and:
 1. Examine any document that reflects the employee is authorized to work in the United States (see List A **or** C);
 2. Record the document title, document number, and expiration date (if any) in Block C; and
 3. Complete the signature block.

Note that for reverification purposes, employers have the option of completing a new Form I-9 instead of completing **Section 3**.

What Is the Filing Fee?

There is no associated filing fee for completing Form I-9. This form is not filed with USCIS or any government agency. Form I-9 must be retained by the employer and made available for inspection by U.S. Government officials as specified in the Privacy Act Notice below.

USCIS Forms and Information

To order USCIS forms, you can download them from our website at www.uscis.gov/forms or call our toll-free number at 1-800-870-3676. You can obtain information about Form I-9 from our website at www.uscis.gov or by calling 1-888-464-4218.

Information about E-Verify, a free and voluntary program that allows participating employers to electronically verify the employment eligibility of their newly hired employees, can be obtained from our website at www.uscis.gov/e-verify or by calling 1-888-464-4218.

General information on immigration laws, regulations, and procedures can be obtained by telephoning our National Customer Service Center at 1-800-375-5283 or visiting our Internet website at www.uscis.gov.

Photocopying and Retaining Form I-9

A blank Form I-9 may be reproduced, provided both sides are copied. The Instructions must be available to all employees completing this form. Employers must retain completed Form I-9s for three years after the date of hire or one year after the date employment ends, whichever is later.

Form I-9 may be signed and retained electronically, as authorized in Department of Homeland Security regulations at 8 CFR 274a.2.

Privacy Act Notice

The authority for collecting this information is the Immigration Reform and Control Act of 1986, Pub. L. 99-603 (8 USC 1324a).

This information is for employers to verify the eligibility of individuals for employment to preclude the unlawful hiring, or recruiting or referring for a fee, of aliens who are not authorized to work in the United States.

This information will be used by employers as a record of their basis for determining eligibility of an employee to work in the United States. The form will be kept by the employer and made available for inspection by authorized officials of the Department of Homeland Security, Department of Labor, and Office of Special Counsel for Immigration-Related Unfair Employment Practices.

Submission of the information required in this form is voluntary. However, an individual may not begin employment unless this form is completed, since employers are subject to civil or criminal penalties if they do not comply with the Immigration Reform and Control Act of 1986.

**EMPLOYERS MUST RETAIN COMPLETED FORM I-9
DO NOT MAIL COMPLETED FORM I-9 TO ICE OR USCIS**

Form I-9 (Rev. 08/07/09) Y Page 2

Paperwork Reduction Act

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 12 minutes per response, including the time for reviewing instructions and completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529-2210. OMB No. 1615-0047. **Do not mail your completed Form I-9 to this address.**

43 APPENDIX A5-8 CONFIDENTIAL EMPLOYEE HISTORY

CONFIDENTIAL EMPLOYEE HISTORY

Employee Name															Employment Date										Status <input type="checkbox"/> Regular <input type="checkbox"/> Part Time <input type="checkbox"/> Temporary									
Years of Service	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	Security Clearance	Level	Date Granted					

PAYROLL DATA

Birthday		Sex	Social Security No.				Marital Status		Name of Spouse				No. of Children	
Federal Withholding	Exemptions Claimed													
	Additional Amount Withheld													

	Date Eligible	Date Joined	Date Withdrawn	Insurance	Date Eligible	Date Joined	Date Withdrawn
Union Status				Life			
Pension Plan				Medical-Self			
Credit Union				Dependent(s)			
Cobra				Maj. Med.-Self			
				Dependent(s)			

GENERAL INFORMATION

Address		City	State	Zip	Phone
Address		City	State	Zip	Phone
Address		City	State	Zip	Phone
Address		City	State	Zip	Phone

In Emergency Notify		Relationship	City	State	Zip	Phone
		Relationship	City	State	Zip	Phone

RELATIVES OR FRIENDS EMPLOYED BY THIS COMPANY	Names		Relationship		Names		Relationship	

EDUCATION	ELEM. _____ J H S _____ S H S _____	SPECIAL SKILLS OR TRAINING	
	COLLEGE 1 2 3 4 MAJOR _____		
	OTHER _____		

TERMINATION RECORD

<input type="checkbox"/> RESIGNATION	REASON
DATE _____	
<input type="checkbox"/> DISMISSAL	REASON
DATE _____	
RECOMMENDED FOR RE-EMPLOYMENT	REASON
<input type="checkbox"/> YES <input type="checkbox"/> NO	

FORM #08340.2 1989 AMSTERDAM PRINTING AND LITHO CORP., Amsterdam, N. Y. 12010

(over)

⁴⁴APPENDIX A5-9 POSITION GRADE EVALUATION GUIDE**Position Grade Evaluation Guide**

Purpose: This guide provides a systematic method of evaluating a position or class of positions for the assignment of an appropriate pay grade based upon the relative value of the requisite skills, assigned responsibilities, and working conditions characteristic of each position. This guide is not used to evaluate an individual employee's work performance.

Procedures: Each of the three compensable factors specified in 1.21 encompasses several elements. These elements serve as the specific basis of comparison of each position with the appropriate pay grade and level. The total points attributable to each compensable factor are divided among the several elements within each compensable factor. In turn, each element of a position description is to be evaluated and assigned a value level and the corresponding points, as set forth in the guide below. The summation of points assigned to each element is the weighted score of the compensable factor. The summation of the weighted scores for the three compensable factors shall be the Pay Grade Points for each position.

⁴⁵**COMPENSABLE FACTORS, ELEMENTS AND VALUE LEVELS****COMPENSABLE FACTOR I: SKILLS**

(Factor Weight = 40%)

Education: (Required knowledge skills and abilities usually acquired through formal education or training.)**Levels:**

1. **(8)** Knowledge to accomplish simple tasks following step by step procedures and the ability to learn simple and established procedures. Skill to operate simple equipment or use simple tools requiring little or no previous training or previous experience, such as floor polishers, shovels, two way radios, pagers, cell phones, and calculators. Must have the ability to read simple instructions, labels, and to count items. The required knowledge and skill are usually acquired at the grade school level and through common life experience. No formal training is required.
2. **(9-14)** Knowledge of a series of related tasks in accordance with rules, regulations or established procedures or techniques. Recognize details that deviate from standards. Ability to follow instructions, to observe details and recognize those details that deviate from established standards. Skill to operate tools and equipment that require some formal training or the completion of on the job training programs. The required knowledge and skill are usually acquired through completion of high school, high school equivalency, or vocational training.
3. **(15-27)** Knowledge of a body of standardized rules, regulations, and procedures. Ability to apply them to complex assignments, to determine the appropriate procedures and sources of information needed to carry out various steps or processes. Skill to operate or maintain the equipment or tools necessary to complete the assigned work. The required knowledge and skill are usually acquired through completion of high school and completion of as much as two years of additional job related vocational training.
4. **(28-54)** Knowledge of the principles, practices and methods of a professional or administrative field to perform recurring professional assignments. Knowledge of the application of the practical and abstract aspects of the profession. The required knowledge and skill are usually acquired through completion of a baccalaureate degree related to the field of work.

Experience: (Abilities acquired on the job and required to attain work performance standards under normal supervision)

⁴⁵ APPENDIX A5-9 POSITION GRADE EVALUATION GUIDE CONT.

1. **(8)** No prior work experience required.⁴⁶
2. **(9-14)** Less than two years work experience in a similar job required to perform essential tasks.
3. **(15-27)** Two to five years work experience in a similar job required to perform essential tasks.
4. **(28-54)** More than five years work experience in a similar job required to perform essential tasks.

Licensure and Certification: (Possession of a specialized license or certificate required to perform the work)

1. **(8)** No special license or certificate is required to perform any task or duty.
2. **(9-14)** Possession of a valid driver's and/or commercial license is required.
3. **(15-27)** Possession of a license or certificate requiring specialized training is required or preferred.
4. **(28-54)** Possession of a license or certificate requiring a baccalaureate degree or equivalent as a prerequisite to licensure or certification is required.

Human Contact Skills: (Interactions requiring human relations and communication skills that are necessary to perform the work)

1. **(8)** Contacts are primarily with the supervisor and co-workers to accomplish the work. Contacts with the public are incidental to the work. Also, requires common courtesy and basic oral communication ability to exchange simple facts and information. Little or no written communication required other than simple reports, checklists, and forms. Has the positive attitude to work well with others.
2. **(9-14)** Contacts with individuals within the organization or with the public are regularly required to accomplish the work. Requires the oral communication ability to explain procedures and describe problems clearly and with tact. Requires preparation of written reports usually following a prescribed format.
3. **(15-27)** Contacts with the public are frequent and often under circumstances of stress. Requires knowledge and application of appropriate oral communication and human relations techniques. Requires preparation of written narrative reports and memoranda.
4. **(28-54)** Contacts with individuals, officials or representatives of organizations who have significant impact on the programs or policies of the government. Requires the oral ability to explain clearly and persuasively the goals and needs of the department. Requires the ability to draft written policies, departmental directives, and budget justifications.

⁴⁶ APPENDIX A5-9 POSITION GRADE EVALUATION GUIDE CONT.

COMPENSABLE FACTOR II: RESPONSIBILITIES(Factor Weight = 40%)⁴⁷**Responsibility for Equipment or Facilities or Records:** (Responsibility for prevention of loss or damage to equipment, records, tools, machinery, or facilities)

1. **(8)** Work does not require the use or operation of expensive tools, equipment, machinery, or confidential records and where there is little potential for damage to the institution.
2. **(9-14)** Work requires the occasional use of expensive tools, equipment, machinery or confidential records and the consequences of damage is significant but could be corrected with little disruption or cost.
3. **(15-27)** Work requires the regular operation or maintenance of equipment records, expensive equipment, facilities or confidential records where the consequences of error, damage or loss would disrupt operations and/or impose significant costs.
4. **(28-54)** Work entails responsibilities for supervising and training others in the prevention of loss or damage to equipment, facilities or confidential records and where errors in judgment could severely disrupt operations with little possibility of correction or remedy.

Financial Responsibilities: (Responsibility for safeguarding, receiving, disbursing, and accounting for money and for budgetary management)

1. **(8)** Work does not require handling public funds or budgetary responsibility.
2. **(9-14)** Work requires receiving, safeguarding and accounting for small amounts of money or managing small petty cash funds.
3. **(15-27)** Duties require knowledge and application of standard accounting practices involving substantial revenues or disbursements or significant budget management authority.
4. **(28-54)** Duties require development and oversight of internal financial controls or preparation of draft departmental budgets and management responsibility for the execution of departmental budgets.

Responsibility for the Safety of Others: (Responsibility for preventing on the job injury to others.)

1. **(7)** Work involves little or no likelihood of injury to others.
2. **(9-14)** Work occasionally involves risks of injury to others.

⁴⁷ APPENDIX A5-9 POSITION GRADE EVALUATION GUIDE CONT.

3. **(15-27)** Duties entail regular performance of tasks which, through error, could cause injury to others.⁴⁸
4. **(28-54)** Duties include supervisory and training responsibility which includes significant injury prevention consideration for other employees.

Responsibility for the Work of Others: (Supervisory responsibilities.)

1. **(8)** Work entails no regular or on-going supervisory responsibility.
2. **(9-14)** Duties include assignment, monitoring and evaluation of work responsibilities for a small group of 1- 2 employees engaged in similar work functions.
3. **(15-27)** Duties require supervision, training, evaluation and disciplining of more than 2 employees engaged in similar work functions.
4. **(28-54)** Duties include overall responsibility for supervising employees who are themselves supervisors or the responsibility for supervising all employees in more than one department.

⁴⁸ APPENDIX A5-9 POSITION GRADE EVALUATION GUIDE CONT.

COMPENSABLE FACTOR III - WORKING CONDITIONS(Factor Weight = 20%)⁴⁹**Job Environment and Hazards:** (Presence of disagreeable or hazardous elements in the work environment.)

1. **(4)** Work performed in a comfortable environment which can be modified by the employee and which has few job hazards.
2. **(5-8)** Duties require occasional exposure to disagreeable elements or exposure to increased risk of minor injury.
3. **(9-17)** Duties frequently require exposure to disagreeable elements or occasional exposure to high risk of injury.
4. **(15-33)** Duties regularly performed under disagreeable circumstances which cannot be modified by the employee or which regularly involve significant risks of cuts, abrasions, muscle strain and similar injuries or regular exposure to high risk of injury.

Physical Demands: (Amount and frequency of physical effort.)

1. **(4)** Duties require only light physical demands characterized by sitting 50% of the time, walking, standing, reaching, occasional lifting of light objects and other minor physical activities.
2. **(5-8)** Duties require moderate physical demands occasionally involving strenuous effort such as climbing, crawling, jumping or crouching.
3. **(9-17)** Duties require frequent handling, repositioning, pushing, lifting or pulling heavy objects or frequent strenuous efforts such as climbing, crawling jumping, crouching.
4. **(18-33) Duties** require physical labor for extended periods more than 30% of the time.

Mental Demands: (Degree of intellectual effort and the potential for stress required in planning, decision making, and carrying out assigned duties.)

1. **(6)** Duties require little or no planning or decision making responsibility and are characterized by following simple verbal or written instructions. Deviation from routine practice or standard procedures requires decision by supervisor.
2. **(7-11)** Duties require some scheduling or short term work layout planning and limited decision making responsibility in detecting and correcting routine errors or deficiencies in own work.

⁴⁹ APPENDIX A5-9 POSITION GRADE EVALUATION GUIDE CONT.

3. **(12-20)** Duties require work planning and scheduling of others and some significant responsibility to accomplish assigned tasks within resource limitations. Frequently requires independent judgment or action within established policy or standard practices. ⁵⁰
4. **(16-42)** Duties require long term planning and scheduling at the departmental level and the development or revision of departmental operating policies and performance standards.

⁵⁰ APPENDIX A5-9 POSITION GRADE EVALUATION GUIDE CONT.

Turtle Mountain Community College

ENTRY Level Salary Scale

GRADE	HOURLY	ANNUAL	RANGE
1	8.00	16,640	000-039
2	9.35	19,440	040-089
3	10.69	22,240	090-139
4	12.04	25,040	140-189
5	13.58	28,240	190-239
6	15.12	31,440	240-289
7	16.65	34,640	290-339
8	18.19	37,840	340-439
9	19.73	41,040	440-540
10	23.56	49,000	Not graded

⁵¹ APPENDIX A5-9 POSITION GRADE EVALUATION GUIDE CONT.

⁵²APPENDIX A5-10 EMPLOYEE EVALUATION FORM**Institutional Mission Statement**

Turtle Mountain Community College is committed to functioning as an autonomous Indian controlled college on the Turtle Mountain Chippewa Reservation focusing on general studies, undergraduate education, Career and Technical Education, 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, and student body exerting leadership in the community and providing service to it.

Statement of Quality Performance Measure

The Turtle Mountain Community College expects excellence from every employee in the daily performance of their duties and responsibilities. Their performance is measured through fair and equitable evaluations. The process of evaluation is essential for the continuous and measureable improvement of the employee.

Purpose:

The purpose is to provide a fair and equitable means for employees to be assessed on quality and quantity of work performance; and to improve performance standards and goals.

Objectives:

- a. Provide a formal annual review of each employee's work performance based on their job description.
- b. Document work performance of each employee.
- c. Identify requirements for training and development of individual employees.
- d. Provide professional development as a result of the evaluation.

TURTLE MOUNTAIN COMMUNITY COLLEGE EVALUATION FORM					
EMPLOYEE:			JOB TITLE:		
DEPARTMENT:			DATE:		
Type of Evaluation:	Probationary:		Annual:		Other:
			Evaluation Date:		
<p>The Employee Evaluation Form is provided as an evaluation tool for the supervisor and employee to assess and discuss job performance. The focus of the performance review process is to establish a mutual understanding between the supervisor and the employee on the requirements for effective job performance.</p> <p>Process for the Employee Evaluation:</p> <ol style="list-style-type: none"> Both employee and supervisor review the current job description and jointly develop any additional performance factors, based on the job description or specific duty assignments, and include these on the evaluation form. The supervisor then completes the Annual Employee Review form, rating each performance factor as "Superior," "Exceeds Requirements," "Competent," "Requires Improvement," or "Unsatisfactory." <ol style="list-style-type: none"> A Rating Factor Guide is attached to each form to help supervisors in giving an accurate assessment of performance. Written comments are required for any factor rated less than "Competent," and noteworthy performance in any particular factor(s) should receive comment. Rate a minimum of six (6) performance factors by checking the appropriate rating block. If a factor does not apply to the work requirements of this position, check the "Factor Not Applicable" box. Complete the "Employee Service Rating" section by considering the factor ratings and then assess the overall effectiveness of the employee's job performance during the rating period (July 1 to Present). The employee and supervisor meet to conduct the performance interview, enter the required signatures, and send signed form(s) with the current job description to Human Resources. If any areas for improvement are identified during the evaluation (within 120 calendar days), the employee will begin the follow-up process. 					
Rating Scale					
<p>OUTSTANDING: Performance of job requirements noticeably exceed established expectations and standards for quality, quantity and timeliness: outcomes are well above fully competent performance; performs more than asked explores improved methods of accomplishing tasks, and small room for improvement.</p>					
<p>EXCEEDS REQUIREMENTS: Performance of job requirements exceeds established expectations or requirements for quality, quantity, and timeliness; and while performance at this level can still be improved, and employee at this level exceeds the performance expected of a fully capable employee in most aspects of job performance.</p>					

COMPETENT: Performance of job requirements achieves acceptable and standard results expected by the department. Periodic incidents of outstanding or problem work performance are typical in the class of work performed.	
REQUIRES IMPROVEMENT: Performance of some job requirements is unacceptable and does not achieve results expected by the department. Incidents of problem work performance are not typical in the class of work performed and improvement is required.	
UNSATISFACTORY: Performance of some job requirements is consistently unacceptable. Counseling and training has not resulted in improved work performance.	
PERFORMANCE FACTORS	
1. Mission Statement: Assess adherence to and integration of mission and goals. Comments:	<input type="checkbox"/> Superior <input type="checkbox"/> Exceeds Requirements <input type="checkbox"/> Competent <input type="checkbox"/> Requires Improvement <input type="checkbox"/> Unsatisfactory Factor Not Applicable <input type="checkbox"/>
2. Job Knowledge: Assess understanding of job and demonstrate skill level to do job effectively. Comments:	<input type="checkbox"/> Superior <input type="checkbox"/> Exceeds Requirements <input type="checkbox"/> Competent <input type="checkbox"/> Requires Improvement <input type="checkbox"/> Unsatisfactory Factor Not Applicable <input type="checkbox"/>
3. Cooperation with Co-workers: Assess effectiveness of working relationships (communications, cooperatives, and teamwork). Comments:	<input type="checkbox"/> Superior <input type="checkbox"/> Exceeds Requirements <input type="checkbox"/> Competent <input type="checkbox"/> Requires Improvement <input type="checkbox"/> Unsatisfactory Factor Not Applicable <input type="checkbox"/>
4. Responsibility Asses accountability assumed for effective job completion (accuracy, timeliness, and implementation). Comments:	<input type="checkbox"/> Superior <input type="checkbox"/> Exceeds Requirements <input type="checkbox"/> Competent <input type="checkbox"/> Requires Improvement <input type="checkbox"/> Unsatisfactory Factor Not Applicable <input type="checkbox"/>

5. Organization: Assess coordination and arrangement of work for effective completion. Comments: 	<input type="checkbox"/> Superior <input type="checkbox"/> Exceeds Requirements <input type="checkbox"/> Competent <input type="checkbox"/> Requires Improvement <input type="checkbox"/> Unsatisfactory Factor Not Applicable <input type="checkbox"/>
6. Attendance: Assess work attendance record (use of leave time, reporting and leaving work). Comments: 	<input type="checkbox"/> Superior <input type="checkbox"/> Exceeds Requirements <input type="checkbox"/> Competent <input type="checkbox"/> Requires Improvement <input type="checkbox"/> Unsatisfactory Factor Not Applicable <input type="checkbox"/>
7. Acceptance of Supervision and Organizational Procedures: Assess observance of work directions/instructions, procedures, work rules, and College policies. Comments: 	<input type="checkbox"/> Superior <input type="checkbox"/> Exceeds Requirements <input type="checkbox"/> Competent <input type="checkbox"/> Requires Improvement <input type="checkbox"/> Unsatisfactory Factor Not Applicable <input type="checkbox"/>
8. Judgment and Comprehension: Assess understanding and resolution of work problems and decisions (practical and and common sense). Comments: 	<input type="checkbox"/> Superior <input type="checkbox"/> Exceeds Requirements <input type="checkbox"/> Competent <input type="checkbox"/> Requires Improvement <input type="checkbox"/> Unsatisfactory Factor Not Applicable <input type="checkbox"/>
9. Work Habits: Assess effectiveness of work behavior (attention to work requirements and proper use of equipment). Comments: 	<input type="checkbox"/> Superior <input type="checkbox"/> Exceeds Requirements <input type="checkbox"/> Competent <input type="checkbox"/> Requires Improvement <input type="checkbox"/> Unsatisfactory Factor Not Applicable <input type="checkbox"/>

10. Safety:	<input type="checkbox"/> Superior <input type="checkbox"/> Exceeds Requirements <input type="checkbox"/> Competent <input type="checkbox"/> Requires Improvement <input type="checkbox"/> Unsatisfactory
Assess effectiveness of safety behavior and observance of safety rules.	
Comments:	
	Factor Not Applicable <input type="checkbox"/>
11. Customer Service:	<input type="checkbox"/> Superior <input type="checkbox"/> Exceeds Requirements <input type="checkbox"/> Competent <input type="checkbox"/> Requires Improvement <input type="checkbox"/> Unsatisfactory
Assess effectiveness in working with the public (tact and cooperativeness).	
Comments:	
	Factor Not Applicable <input type="checkbox"/>
12. Overall employee rating:	<input type="checkbox"/> Superior <input type="checkbox"/> Exceeds Requirements <input type="checkbox"/> Competent <input type="checkbox"/> Requires Improvement <input type="checkbox"/> Unsatisfactory
Comments:	
	Factor Not Applicable <input type="checkbox"/>
Complete the following factors for supervisory personnel.	
13. Supervision:	<input type="checkbox"/> Superior <input type="checkbox"/> Exceeds Requirements <input type="checkbox"/> Competent <input type="checkbox"/> Requires Improvement <input type="checkbox"/> Unsatisfactory
Assess effectiveness of direction, coordination, discipline, and leadership of staff.	
Comments:	
	Factor Not Applicable <input type="checkbox"/>

OVERALL EMPLOYEE RATING	
	SUPERIOR: Performance of job requirements noticeably exceed established expectations and standards for quality, quantity and timeliness; outcomes are well above fully competent performance; performs more than asked, explores improved methods of accomplishing tasks; small room for improvement.
	EXCEEDS REQUIREMENTS: Performance of job requirements exceeds established expectations or requirements for quality, quantity and timeliness; while performance at this level can still be improved, an employee at this level exceeds the performance expected of a fully capable employee in most aspects of job performance.
	COMPETENT: Performance of job requirements achieves acceptable and standard results expected by the department. Periodic incidents of outstanding or problem work performance are typical in the class of work performed.
	REQUIRES IMPROVEMENT: Performance of some job requirements is unacceptable and does not achieve results expected by the department. Incidents of problem work performance are not typical in the class of work performed and improvement is required.
	UNSATISFACTORY: Performance of job requirements is consistently unacceptable. Counseling and training has not resulted in improved work performance.

SUPERVISOR'S COMMENTS AND IDENTIFICATION OF PERFORMANCE GOAL	
(Attach additional sheets as necessary)	
Supervisors Signature:	Date:
EMPLOYEE'S COMMENTS	
(Attach additional sheets as necessary)	
Please provide any additional information you feel is important in understanding our current performance.	
Employee's Signature:	Date:
Supervisors Signature:	Date:
HR Manager's Signature:	Date:
Copies to: Employee Supervisor	
original to: Human Resource Department	

⁵⁹APPENDIX A5-11 FOLLOW UP FORM

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TURTLE MOUNTAIN COMMUNITY COLLEGE FOLLOW-UP FORM	
EMPLOYEE:	JOB TITLE:
SUPERVISOR:	
DEPARTMENT:	DATE:
<p>The Follow-up Form should be completed, if necessary, within 120 calendar days of the annual evaluation (90 days for probationary employees), or any review that identified areas needing improvement.</p> <p>Process for Completion of the Follow-up Form:</p> <ol style="list-style-type: none"> 1. The employee and supervisor meet, using the Follow-up Form to assess progress. 2. The employee and supervisor review the areas that indicated a need for improvement and any strategies developed to deal with that need, as identified during the review. 3. The employee and supervisor then assess progress and next steps in relation to those identified performance weaknesses. 	
Rating Scale	
I. Areas for improvement (as identified in last review):	
II. Progress (comment on how progress is being made in all areas listed above):	
III. Next Steps (if necessary, identify actions necessary to meet expectations and set proposed date of next follow-up review):	
Employee's Signature:	Date:
Supervisors Signature:	Date:

⁶⁰APPENDIX A5-12 SELF-EVALUATION FORM

TURTLE MOUNTAIN COMMUNITY COLLEGE SELF-EVALUATION FORM	
EMPLOYEE:	JOB TITLE:
DEPARTMENT:	DATE:
<p>The Self-Evaluation Form is provided as a tool for the rating supervisor and the employee to use in assessing and discussing job performance. The focus of the review process should be to establish a mutual understanding between the supervisor and the employee on the requirements for effective job performance.</p> <p>Process for Completion of the Self-Evaluation Form:</p> <ol style="list-style-type: none"> 1. The employee reviews the current job description. 2. The employee prepares the Self-Evaluation Form, using the Rating Factor Guide to rate his/her performance on the factors. Where useful or relevant, provide examples to support the rating. 3. Employee completes Individual Professional Development Plan. 4. Employee presents completed forms to supervisor. 	
Rating Scale	
<p>OUTSTANDING: Performance of job requirements noticeably exceed established expectations and standards for quality, quantity and timeliness: outcomes are well above fully competent performance; performs more than asked explores improved methods of accomplishing tasks, and small room for improvement.</p>	
<p>EXCEEDS REQUIREMENTS: Performance of job requirements exceeds established expectations or requirements for quality, quantity, and timeliness; and while performance at this level can still be improved, and employee at this level exceeds the performance expected of a fully capable employee in most aspects of job performance.</p>	
<p>COMPETENT: Performance of job requirements achieves acceptable and standard results expected by the department. Periodic incidents of outstanding or problem work performance are typical in the class of work performed.</p>	
<p>REQUIRES IMPROVEMENT: Performance of some job requirements is unacceptable and does not achieve results expected by the department. Incidents of problem work performance are not typical in the class of work performed and improvement is required.</p>	
<p>UNSATISFACTORY: Performance of some job requirements is consistently unacceptable. Counseling and training has not resulted in improved work performance.</p>	
PERFORMANCE FACTORS	
<p>1. Mission Statement:</p> <p>Assess adherence to and integration of mission and goals.</p> <p>Comments:</p> <div style="border: 1px solid black; height: 100px; margin-top: 5px;"></div>	<div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;"> <input type="checkbox"/> Superior <input type="checkbox"/> Exceeds Requirements <input type="checkbox"/> Competent <input type="checkbox"/> Requires Improvement <input type="checkbox"/> Unsatisfactory </div> <div style="margin-top: 20px;"> <input type="checkbox"/> Factor Not Applicable </div> </div>

2. Job Knowledge: Assess understanding of job and demonstrate skill level to do job effectively. Comments: 	<input type="checkbox"/> Superior <input type="checkbox"/> Exceeds Requirements <input type="checkbox"/> Competent <input type="checkbox"/> Requires Improvement <input type="checkbox"/> Unsatisfactory Factor Not Applicable <input type="checkbox"/>
3. Cooperation with Co-workers: Assess effectiveness of working relationships (communications, cooperatives, and teamwork). Comments: 	<input type="checkbox"/> Superior <input type="checkbox"/> Exceeds Requirements <input type="checkbox"/> Competent <input type="checkbox"/> Requires Improvement <input type="checkbox"/> Unsatisfactory Factor Not Applicable <input type="checkbox"/>
4. Responsibility Assess accountability assumed for effective job completion (accuracy, timeliness, and implementation). Comments: 	<input type="checkbox"/> Superior <input type="checkbox"/> Exceeds Requirements <input type="checkbox"/> Competent <input type="checkbox"/> Requires Improvement <input type="checkbox"/> Unsatisfactory Factor Not Applicable <input type="checkbox"/>
5. Organization: Assess coordination and arrangement of work for effective completion. Comments: 	<input type="checkbox"/> Superior <input type="checkbox"/> Exceeds Requirements <input type="checkbox"/> Competent <input type="checkbox"/> Requires Improvement <input type="checkbox"/> Unsatisfactory Factor Not Applicable <input type="checkbox"/>
6. Attendance: Assess work attendance record (use of leave time, reporting and leaving work). Comments: 	<input type="checkbox"/> Superior <input type="checkbox"/> Exceeds Requirements <input type="checkbox"/> Competent <input type="checkbox"/> Requires Improvement <input type="checkbox"/> Unsatisfactory Factor Not Applicable <input type="checkbox"/>

⁶¹ *APPENDIX A5-12 SELF-EVALUATION FORM CONT.*

7. Acceptance of Supervision and Organizational Procedures: Assess observance of work directions/instructions, procedures, work rules, and College policies. Comments: 	<input type="checkbox"/> Superior <input type="checkbox"/> Exceeds Requirements <input type="checkbox"/> Competent <input type="checkbox"/> Requires Improvement <input type="checkbox"/> Unsatisfactory Factor Not Applicable <input type="checkbox"/>
8. Judgment and Comprehension: Assess understanding and resolution of work problems and decisions (practical and and common sense). Comments: 	<input type="checkbox"/> Superior <input type="checkbox"/> Exceeds Requirements <input type="checkbox"/> Competent <input type="checkbox"/> Requires Improvement <input type="checkbox"/> Unsatisfactory Factor Not Applicable <input type="checkbox"/>
9. Work Habits: Assess effectiveness of work behavior (attention to work requirements and proper use of equipment). Comments: 	<input type="checkbox"/> Superior <input type="checkbox"/> Exceeds Requirements <input type="checkbox"/> Competent <input type="checkbox"/> Requires Improvement <input type="checkbox"/> Unsatisfactory Factor Not Applicable <input type="checkbox"/>
10. Safety: Assess effectiveness of safety behavior and observance of safety rules. Comments: 	<input type="checkbox"/> Superior <input type="checkbox"/> Exceeds Requirements <input type="checkbox"/> Competent <input type="checkbox"/> Requires Improvement <input type="checkbox"/> Unsatisfactory Factor Not Applicable <input type="checkbox"/>
11. Customer Service: Assess effectiveness in working with the public (tact and cooperativeness). Comments: 	<input type="checkbox"/> Superior <input type="checkbox"/> Exceeds Requirements <input type="checkbox"/> Competent <input type="checkbox"/> Requires Improvement <input type="checkbox"/> Unsatisfactory Factor Not Applicable <input type="checkbox"/>

⁶² *APPENDIX A5-12 SELF-EVALUATION FORM CONT.*

12. Overall employee rating:		<input type="checkbox"/> Superior <input type="checkbox"/> Exceeds Requirements <input type="checkbox"/> Competent <input type="checkbox"/> Requires Improvement <input type="checkbox"/> Unsatisfactory
Comments:		
		Factor Not Applicable <input type="checkbox"/>
Complete the following factors for supervisory personnel.		
13. Supervision:		<input type="checkbox"/> Superior <input type="checkbox"/> Exceeds Requirements <input type="checkbox"/> Competent <input type="checkbox"/> Requires Improvement <input type="checkbox"/> Unsatisfactory
Assess effectiveness of direction, coordination, discipline, and leadership of staff.		
Comments:		
		Factor Not Applicable <input type="checkbox"/>
OVERALL EMPLOYEE RATING		
	SUPERIOR: Performance of job requirements noticeably exceed established expectations and standards for quality, quantity and timeliness; outcomes are well above fully competent performance; performs more than asked, explores improved methods of accomplishing tasks; small room for improvement.	
	EXCEEDS REQUIREMENTS: Performance of job requirements exceeds established expectations or requirements for quality, quantity and timeliness; while performance at this level can still be improved, an employee at this level exceeds the performance expected of a fully capable employee in most aspects of job performance.	
	COMPETENT: Performance of job requirements achieves acceptable and standard results expected by the department. Periodic incidents of outstanding or problem work performance are typical in the class of work performed.	
	REQUIRES IMPROVEMENT: Performance of some job requirements is unacceptable and does not achieve results expected by the department. Incidents of problem work performance are not typical in the class of work performed and improvement is required.	
	UNSATISFACTORY: Performance of job requirements is consistently unacceptable. Counseling and training has not resulted in improved work performance.	

⁶³ *APPENDIX A5-12 SELF-EVALUATION FORM CONT.*

EMPLOYEE'S COMMENTS	
(Attach additional sheets as necessary)	
Please provide any additional information you feel is important in understanding our current performance.	
My signature below certifies that the information contained within this self-evaluation is true, accurate, and complete to the best of my knowledge.	
Employee's Signature:	Date:
My signature below certifies only that I have received this document.	
Supervisors Signature:	Date

APPENDIX A5-13 INDIVIDUAL PERFORMANCE and DEVELOPMENT PLAN FORM

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INDIVIDUAL PERFORMANCE & DEVELOPMENT PLAN	
(Attach additional sheets as necessary)	
Employee's Signature:	Date:
Supervisors Signature:	Date:

⁶⁴ APPENDIX A5-12 SELF-EVALUATION FORM CONT.

⁶⁵ APPENDIX A5-13 INDIVIDUAL PERFORMANCE and DEVELOPMENT PLAN FORM

⁶⁶APPENDIX A5-14 MASTER’S DEGREE SCALE**Placement on the Master’s Degree Scale (Effective July 1, 2004)**

<p style="text-align: center;">TMCC NEW FULL-TIME FACULTY MASTER’S SCALE New Faculty <u>For initial Placement only</u> Salary Scale (Based on 9 months) Based on 1 year of experience to a maximum cap of 5 years prior experience</p> <ol style="list-style-type: none"> 1. 32,500 2. 33,300 3. 34,100 4. 34,900 5. 35,700 <p>Note: All raises subsequent to initial placement will be based on board action.</p>
--

New full-time hires that come into the institution with a master’s degree and prior post-secondary full-time annual academic master’s degree teaching contract experience will be given **100%** credit for placement on the salary scale, with a maximum cap of five years, step four on the master’s salary scale.

New full-time faculty who has had officially issued full-time high school teaching contracts while holding a master’s degree will receive **25%** credit for placement on the master’s scale. For example, new faculty with four years prior teaching experience in a high school will be placed at year one on the master’s scale with a maximum cap of five years, which is step four on the salary scale.

New full-time faculty who has had officially issued full-time elementary education teaching contracts while holding a master’s degree will receive **25%** credit for

placement on the master’s scale. Provided they are former TMCC elementary education graduates. Maximum cap of five years, which is step four on the salary scale.

Current and new faculty without a master’s degree but who are in a *specialized area of expertise* with certification in Ojibwa Language from the Education Standards and Practice Board will be placed at the first level on the master’s scale provide they have administrative approval.

Current and new faculty without a master’s degree but who possess exceptional expertise in a particular area will be placed on the master’s scale provided they have administrative approval.

⁶⁶ **APPENDIX A5-14 MASTER’S DEGREE SCALE**

Placement on Faculty Professional Status Scale (Effective, July 1, 2004)⁶⁷

The following scale is for placement of current faculty only.

Instructor/Lecturer - current faculty with 0-9 years of teaching experience at TMCC

Assistant Professor - current faculty with 10-15 years teaching experience

Associate Professor - current faculty with 15+ years of teaching experience at TMCC

Individual Professional Development Plan (IPDP's)

NOTE: After initial placement of current full-time faculty, the years of experience will no longer be utilized for placement. All subsequent movement will be obtained by successfully meeting all requirements stated in the faculty five-year Individual Professional Development Plan.

Each current and new faculty will be responsible for development of a five-year IPDP, which essentially will be a roadmap or strategic plan as to what the faculty member will do to develop in his/her areas of instruction. The IPDP's must contribute to the vision, mission and strategic plan of the institution.

The following are the requirements for the Individual Professional Development Plan (IPDP's)

Five-year plan of action First year development of procedures manual to guide IPDP's:

Fall -Develop a plan for IPDP's

January -Midterm Update on progress of IPDP's

May -Plan must be submitted by end of academic year

Second year-Development of electronic portfolios for IPDP's

Annual evaluation of IPDP's through peers, department chairs, and Dean of Academics;

The process has three stages and is as follows:

Discussion and recommendations of IPDP progress with faculty member

Follow –up on recommendations, and if objectives are not being met, a warning of non-renewal

Non-renewal of employment will be issued by the Dean of Instruction if five year plan by faculty member has not fulfilled the objectives and goals outlined in the IPDP.

Faculty Noncompliance: Faculty who do not meet the IPDP objectives will be subject to non-renewal.⁶⁸

67 APPENDIX A5-14 MASTER'S DEGREE SCALE

⁶⁸ APPENDIX A5-14 MASTER'S DEGREE SCALE CONT.

Full-time faculty who receive prior administrative approval for CEU's or academic credit for training or professional development will receive an incentive compensation of \$750 for every nine credits generated. A cap of one incentive compensation per term/semester will be honored. Any changes or increases will be determined by administrative action.

APPENDIX A5-15 DOCTORAL DEGREE SCALE⁶⁹**Placement of faculty on the Doctoral Degree Scale (Effective July 1, 2004)**

TMCC NEW FULL-TIME FACULTY
DOCTORAL SCALE
New Faculty
For initial Placement only
Salary Scale (Based on 9 months)

Based on **1** year of experience to a maximum cap of **5** years prior experience

1. 38,500
2. 39,300
3. 40,100
4. 40,900
5. 41,700

Note: All raises subsequent to initial placement will be based on board action.

New full-time hires that come into the institution with a doctoral degree and prior post-secondary full-time annual academic doctoral degree teaching contract experience will be given **100%** credit for placement on the salary scale, with a maximum cap of five years, step four on the doctoral salary scale.

New full-time faculty who has had officially issued full-time teaching contracts while holding a doctoral degree will receive **25** credit for placement on the doctoral scale. For example, new faculty with four years prior teaching experience in will be placed at year one on the doctoral scale with a maximum cap of five years, which is step four on the salary scale.

⁶⁹ APPENDIX A5-15 DOCTORAL DEGREE SCALE

Placement of Current Doctoral Faculty on Professional Status Scale (Effective, July 1, 2004)⁷⁰

Assistant Professor- doctoral instructors will be placed at the Assistant Professor status. In order to move to the Associate Professor status, doctoral instructors must follow the same criteria and IPDP as required as the Masters criteria.

Individual Professional Development Plan (IPDP's)

NOTE: After initial placement of current fulltime faculty status, the years of experience will no longer be utilized for placement. All subsequent movement will be obtained by successfully meeting all requirements stated in the faculty five-year Individual Professional Development Plan.

Each current and new faculty will be responsible for development of a five-year IPDP, which essentially will be a roadmap or strategic plan as to what the faculty member will do to develop in his/her areas of instruction. The IPDP's must contribute to the vision, mission and strategic plan of the institution.

The following are the requirements for the Individual Professional Development Plan (IPDP's)

Five-year plan of action

First year development of procedures manual to guide IPDP's:

Fall -Develop a plan for IPDP's

January -Midterm Update on progress of IPDP's

May -Plan must be submitted by end of academic year

Second year-Development of electronic portfolios for IPDP's

Annual evaluation of IPDP's through peers, department chairs, and Dean of Academics

The process has three stages and is as follows:

Discussion and recommendations of IPDP progress with faculty member

Follow-up on recommendations, and if objectives are not being met, a warning of non-renewal

Non-renewal of employment will be issued by the Dean of Instruction if five year plan by faculty member has not fulfilled the objectives and goals outlined in the IPDP.

Faculty Noncompliance: Faculty who do not meet the IPDP objectives will be subject to non-renewal

Full-time faculty who receive prior administrative approval for CEU's or academic credit for training or professional development will receive an incentive compensation of \$750 for every nine credits generated. A cap of one incentive compensation per term/semester will be honored. Any changes or increases will be determined by administrative action.

⁷⁰ APPENDIX A5-15 DOCTORAL DEGREE SCALE CONT.

APPENDIX A5-16 CAREER and TECHNICAL EDUCATION SCALE⁷¹**CAREER and TECHNICAL EDUCATION SCALE**

for

Placement of Current Career and Technical Education Faculty

	PRIOR YEARS OF EXPERIENCE/EDUCATION						
	0	1	2	3	4	5	6
Entry	26,500	27,500	28,500	29,500	30,500	31,500	32,500

This scale is designed for instructional staff with specific education and work experience. Prior experience is particularly important in Career and Technical Education where the emphasis is on industry certification and/or content specific certification. Five years prior experience/education combination will be credited.

***** All raises subsequent to initial placement will be based on board action. *****

Note: Instructors considered at level 6 must have Content Certification that is required by the State of North Dakota to teach specific courses.

- Current and new faculty who possess exceptional expertise in a particular area will be placed on the CTE scale provided they have administrative approval.
- Individuals who enter with a Bachelor's degree and no experience should receive placement at the 4th step.
- This wage scale is calculated for a nine month academic year contract. An adjustment for CTE faculty who work 12 months will be negotiated.

NEW HIRES

The entry level scale for new CTE instructors would be as follows:

Step 0 –Instructor Certification or industry certification with no experience	\$26,500
Step 1 – Associate Degree or industry certification with 3 experience	\$27,500

⁷¹ **APPENDIX A5-16 CAREER and TECHNICAL EDUCATION SCALE**

Step 2 –Combination of education/training ⁷² and experience equal to 4 years	\$28,500
Step 3 -- Combination of education/training and experience equal to 5 years	\$29,500
Step 4 -- Combination of education/training and experience equal to 6 years	\$30,500
Step 5 -- Combination of education/training and experience equal to 7 years	\$31,500
Step 6 -- Combination of education/training and experience equal to 8 years	\$32,500

Note: New hires with a Masters would be placed on the TMCC Masters Scale.

Individual Professional Development Plan (IPDP's)

After initial placement of current fulltime faculty status, the years of experience will no longer be utilized for placement. All subsequent movement will be obtained by successfully meeting all requirements stated in the faculty five-year Individual Professional Development Plan.

Each current and new faculty will be responsible for development of a five-year IPDP, which essentially will be a roadmap or strategic plan as to what the faculty member will do to develop in his/her areas of instruction. The IPDP's must contribute to the vision, mission and strategic plan of the institution.

To maintain quality instruction, career and technical education instructors would complete an IPDP specific to the ND CTE certification standards as applies to their specific area of instruction. The ND CTE standards apply to institutions who accept Perkins vocational funding.

The following are the requirements for the Individual Professional Development Plan (IPDP's)

- Five-year plan of action
- First year development of procedures manual to guide IPDP's
- Fall -Develop a plan for IPDP's
- January -Midterm Update on progress of IPDP's
- May -Plan must be submitted by end of academic year
- Second year-Development of electronic portfolios for IPDP's
- Annual evaluation of IPDP's through peers, department chairs, and Dean of Academics;
- The process has three stages and is as follows:
- Discussion and recommendations of IPDP progress with faculty member
- Follow –up on recommendations, and if objectives are not being met , a warning of non-renewal

⁷² APPENDIX A5-16 CAREER and TECHNICAL EDUCATION SCALE CONT.

- Non-renewal of employment will be issued by the Dean of Instruction if five year plan by faculty member has not fulfilled the objectives and goals outlined in the IPDP.⁷³

Faculty Noncompliance: Faculty who do not meet the IPDP objectives will be subject to nonrenewal

Full-time faculty who receive prior administrative approval for CEU's or academic credit for training or professional development will receive an incentive compensation of \$750 for every nine credits generated. A cap of one incentive compensation per term/semester will be honored. Any changes or increases will be determined by administrative action.

⁷³ APPENDIX A5-16 CAREER and TECHNICAL EDUCATION SCALE CONT.

APPENDIX A5-17 TIME SHEET⁷⁴

Turtle Mountain Community College
P.O. Box 340
Belcourt, North Dakota 58316
Telephone: (701)477-7862
Fax: (701)477-7807

BEGINNING DATE: **July 11, 2011**
ENDING DATE: **July 22, 2011**

TIME SHEET

NAME: _____
DEPARTMENT: _____
PAY PERIOD: **15**

Day	Date	Funding Source 1 Hours Worked	Funding Source 2 Hours Worked If Applicable	Funding Source 3 Hours Worked If Applicable	Total
MONDAY	07/11/11				0.00
TUESDAY	07/12/11				0.00
WEDNESDAY	07/13/11				0.00
THURSDAY	07/14/11				0.00
FRIDAY	07/15/11				0.00
TOTAL HOURS		0.00	0.00	0.00	0.00

Day	Date	Funding Source 1 Hours Worked	Funding Source 2 Hours Worked If Applicable	Funding Source 3 Hours Worked If Applicable	Total
MONDAY	07/18/11				0.00
TUESDAY	07/19/11				0.00
WEDNESDAY	07/20/11				0.00
THURSDAY	07/21/11				0.00
FRIDAY	07/22/11				0.00
TOTAL HOURS		0.00	0.00	0.00	0.00

GRANT NAME	Percent of Time
Funding Source 1	#DIV/0!
Funding Source 2	#DIV/0!
Funding Source 3	#DIV/0!

Time and Effort Description-Please provide a brief description of the duties performed

I hereby certify that the hours worked on each funding source is true and accurate to the best of my knowledge.

Signature of Employee

Date

Supervisor Signature

Date

TURTLE MOUNTAIN COMMUNITY COLLEGE IS AN EQUAL OPPORTUNITY EMPLOYER

Revised 7-5-11

APPENDIX A5-18 PAYROLL SCHEDULE⁷⁵

FY 2011	13	June 14, 2010 - June 25, 2010	06/28/10	July 1, 2010
	14	June 28, 2010 - July 9, 2010	07/12/10	July 15, 2010
	15	July 12, 2010 - July 23, 2010	07/26/10	July 29, 2010
	16	July 26, 2010 - August 6, 2010	08/09/10	August 12, 2010
	17	August 9, 2010 - August 20, 2010	08/23/10	August 26, 2010
	18	August 23, 2010 - September 3, 2010	09/06/10	September 9, 2010
	19	September 6, 2010 - September 17, 2010	09/20/10	September 23, 2010
	20	September 20, 2010 - October 1, 2010	10/04/10	October 7, 2010
	21	October 4, 2010 - October 15, 2010	10/18/10	October 21, 2010
	22	October 18, 2010 - October 29, 2010	11/01/10	November 4, 2010
	23	November 1, 2010 - November 12, 2010	11/15/10	November 18, 2010
	24	November 15, 2010 - November 26, 2010	11/29/10	December 2, 2010
	25	November 29, 2010 - December 10, 2010	12/13/10	December 16, 2010
	26	December 13, 2010 - December 24, 2010	12/27/10	December 30, 2010
	1	December 27, 2010 - January 7, 2011	01/10/11	January 13, 2011
	2	January 10, 2011 - January 21, 2011	01/24/11	January 27, 2011
	3	January 24, 2011 - February 4, 2011	02/07/11	February 10, 2011
	4	February 7, 2011 - February 18, 2011	02/21/11	February 24, 2011
	5	February 21, 2011 - March 4, 2011	03/07/11	March 10, 2011
	6	March 7, 2011 - March 18, 2011	03/21/11	March 24, 2011
	7	March 21, 2011 - April 1, 2011	04/04/11	April 7, 2011
	8	April 4, 2011 - April 15, 2011	04/18/11	April 21, 2011
	9	April 18, 2011 - April 29, 2011	05/02/11	May 5, 2011
	10	May 2, 2011 - May 13, 2011	05/16/11	May 19, 2011
	11	May 16, 2011 - May 27, 2011	05/30/11	June 2, 2011
	12	May 30, 2011 - June 10, 2011	06/13/11	June 16, 2011
	13	June 13, 2011 - June 24, 2011	06/27/11	June 30, 2011
FY 2012	14	June 27, 2011 - July 8, 2011	07/11/11	July 14, 2011
	15	July 11, 2011 - July 22, 2011	07/25/11	July 28, 2011
	16	July 25, 2011 - August 5, 2011	08/08/11	August 11, 2011
	17	August 8, 2011 - August 19, 2011	08/22/11	August 25, 2011
	18	August 22, 2011 - September 2, 2011	09/05/11	September 8, 2011
	19	September 5, 2011 - September 16, 2011	09/19/11	September 22, 2011
	20	September 19, 2011 - September 30, 2011	10/03/11	October 6, 2011
	21	October 3, 2011 - October 14, 2011	10/17/11	October 20, 2011
	22	October 17, 2011 - October 28, 2011	10/31/11	November 3, 2011
	23	October 31, 2011 - November 11, 2011	11/14/11	November 17, 2011
	24	November 14, 2011 - November 25, 2011	11/28/11	December 1, 2011
	25	November 28, 2011 - December 9, 2011	12/12/11	December 15, 2011
	26	December 12, 2011 - December 23, 2011	12/26/11	December 29, 2011
	1	December 26, 2011 - January 6, 2012	01/09/12	January 12, 2012
	2	January 9, 2012 - January 20, 2012	01/23/12	January 26, 2012
	3	January 23, 2012 - February 3, 2012	02/06/12	February 9, 2012
	4	February 6, 2012 - February 17, 2012	02/20/12	February 23, 2012
	5	February 20, 2012 - March 2, 2012	03/05/12	March 8, 2012
	6	March 5, 2012 - March 16, 2012	03/19/12	March 22, 2012
	7	March 19, 2012 - March 30, 2012	04/02/12	April 5, 2012
	8	April 2, 2012 - April 13, 2012	04/16/12	April 19, 2012
	9	April 16, 2012 - April 27, 2012	04/30/12	May 3, 2012
	10	April 30, 2012 - May 11, 2012	05/14/12	May 17, 2012
	11	May 14, 2012 - May 25, 2012	05/28/12	May 31, 2012
	12	May 28, 2012 - June 8, 2012	06/11/12	June 14, 2012
	13	June 11, 2012 - June 22, 2012	06/25/12	June 28, 2012

APPENDIX A5-19 SUPERVISOR APPROVE TIME/EFFORT and ATTENDANCE REPORT⁷⁶

FOR OFFICE USE ONLY - DO NOT TYPE IN THIS AREA	
Pay Period:	15
Dates:	07/12/10 07/23/10
Leave Used	
Annual:	0
Sick:	0

BEGINNING DATE: July 12, 2010
ENDING DATE: July 23, 2010

<p>Turtle Mountain Community College P O Box 340 Belcourt, North Dakota 58316 Telephone: (701)477-7862 Fax: (701)477-7807</p>		<p>OTHER TYPE OF ABSENCE CODES T = TRAVEL FOR THE COLLEGE H = HOLIDAY BL = BEREAVEMENT LEAVE FL = FUNERAL LEAVE MAT = MATERNITY LEAVE JD = JURY DUTY MIL = MILITARY LEAVE LWOP = LEAVE WITHOUT PAY CS = COMMUNITY SERVICE</p>
PAYROLL ID#	15	
NAME:		
DEPARTMENT		
PAY PERIOD:	15	



SUPERVISOR APPROVED TIME/EFFORT & ATTENDANCE REPORT

Day	Date	Funding Source 1 Hours Worked	Funding Source 2 Hours Worked IE Applicable	Funding Source 3 Hours Worked IE Applicable	Sub-Total	Annual Leave	Sick Leave	Other Absence	Other Type of Absence	Total	
MONDAY	07/12/10				0.00					0.00	OK
TUESDAY	07/13/10				0.00					0.00	OK
WEDNESDAY	07/14/10				0.00					0.00	OK
THURSDAY	07/15/10				0.00					0.00	OK
FRIDAY	07/16/10				0.00					0.00	OK
TOTAL HOURS		0.00	0.00	0.00	0.00	0	0	0		0.00	

Day	Date	Funding Source 1 Hours Worked	Funding Source 2 Hours Worked IE Applicable	Funding Source 3 Hours Worked IE Applicable	Sub-Total	Annual Leave	Sick Leave	Other Absence	Other Type of Absence	Total	
MONDAY	07/19/10				0.00					0.00	OK
TUESDAY	07/20/10				0.00					0.00	OK
WEDNESDAY	07/21/10				0.00					0.00	OK
THURSDAY	07/22/10				0.00					0.00	OK
FRIDAY	07/23/10				0.00					0.00	OK
TOTAL HOURS		0.00	0.00	0.00	0.00	0	0	0		0.00	

GRANT NAME		Percent of Time		Time and Effort Description-Please provide a brief description of the duties performed	
Funding Source 1		#DIV/0!			
Funding Source 2		#DIV/0!			
Funding Source 3		#DIV/0!			
Signature of Employee		Date			
Supervisor Signature		Date			
<p>I hereby certify that the hours worked on each funding source is true and accurate. The number and hours of LEAVE listed by type above are the hours and type of leave for which the named employee is to be charged. They are true and accurate to the best of my knowledge.</p>					
<p>TURTLE MOUNTAIN COMMUNITY COLLEGE IS AN EQUAL OPPORTUNITY EMPLOYER</p>					
Revised 5/23/11					

⁷⁶ APPENDIX A5-19 SUPERVISOR APPROVE TIME/EFFORT and ATTENDANCE REPORT



Turtle Mountain Community College

P.O. Box 340
Belcourt, North Dakota 58316
Telephone: (701)477-7862
Fax: (701)477-7807

Turtle Mountain Band
Of
Chippewa Indians
•
Charter Member
American Indian
Higher Education
Consortium

ABSENCE REPORT

Name: _____ Dates Leave Taken: _____
Department: _____ Will Return: _____
Person Reporting: _____ Reported to: _____

☐
By Messenger

☐
By Phone

☐
In Person

REASON FOR ABSENCE

Type of Leave	Hours	Type of Leave	Hours
Sick/Self		Funeral	
Sick/Immediate Family Member*		Community Service**	
Annual (Advance)		Leave Without Pay	
Administrative		Unexcused	
Court		Other:	

SICK LEAVE

Name of Hospital: _____ Name of Doctor: _____
Reason for Absence (Explain as Required): _____

APPROVAL

Human Resource Director Signature

Date

Supervisor Signature

Date

President of Designee Signature

Date

*Immediate family member as defined in policy manual V.11.0010 (includes husband, wife, father, mother, brother, sister, son and daughter of the employee). Only 60 hours of Sick Leave may be used for medical appointments and illnesses of the employee's immediate family – see policy manual V.8.0010.09

**Community Service Report needs to be attached

SEE OUR WEB PAGE AT: <http://www.tmc.edu>

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30 North LaSalle, Suite 2400, Chicago IL 60602

TURTLE MOUNTAIN COMMUNITY COLLEGE IS AN EQUAL OPPORTUNITY EMPLOYER

Revised 4-4-06

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REQUEST FOR ANNUAL LEAVE

PLEASE COMPLETE THIS FORM. SIGNATURES TO BE REQUESTED IN THE FOLLOWING
PRESCRIBED ORDER: (1) HUMAN RESOURCE DIRECTOR (2) SUPERVISOR (3) COLLEGE PRESIDENT.

PERSONNEL POLICY 9.1 – REQUIRES TWO WEEK ADVANCE NOTICE FOR
EXTENDED VACATION REQUEST.

NAME: _____ DATE: _____

DEPARTMENT: _____

LEAVE DATES REQUESTED: _____

EMPLOYEE SIGNATURE

APPROVED

DISAPPROVED

HUMAN RESOURCE DIRECTOR

HUMAN RESOURCE DIRECTOR

SUPERVISOR

SUPERVISOR

T.M.C.C. PRESIDENT

T.M.C.C. PRESIDENT

REASON FOR DISAPPROVAL:

SEE OUR WEB PAGE AT: <http://www.tm.edu>

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TURTLE MOUNTAIN COMMUNITY COLLEGE IS AN EQUAL OPPORTUNITY EMPLOYER

Revised 4-4-06

APPENDIX A5-20 COMMUNITY SERVICE REPORT⁷⁹

Turtle Mountain Community College

P.O. Box 340
Belcourt, North Dakota 58316Telephone: (701)477-7862
Fax: (701)477-7807Turtle Mountain Band
Of
Chippewa Indians
•
Charter Member
American Indian
Higher Education
Consortium**COMMUNITY SERVICE REPORT****EMPLOYEE NAME:** _____**ORGANIZATION TO WHICH YOU BELONG:** _____**YOUR ROLE IN THE ORGANIZATION:** _____**DATE REQUESTED:** _____ **HOURS REQUESTED** _____**EMPLOYEE SIGNATURE:** _____ **DATE** _____**APPROVED BY:** _____ **DATE** _____**SUPERVISOR'S SIGNATURE:** _____ **DATE** _____**PRESIDENT'S SIGNATURE:** _____ **DATE** _____**FILED BY:** _____ **DATE** _____**HUMAN RESOURCE DIRECTOR SIGNATURE:** _____ **DATE** _____**BRIEF SUMMARY OF COMMUNITY SERVICE ACTIVITIES**

THIS FORM MUST BE APPROVED AND FILED BEFORE YOU LEAVE THE COLLEGE FOR ANY TYPE OF COMMUNITY SERVICE. FAILURE TO DO SO WILL RESULT IN AUTOMATIC DEDUCTIONS FROM YOUR REGULAR EARNINGS FOR THE NUMBER OF HOURS WHICH YOU WERE ABSENT.

SEE OUR WEB PAGE AT: <http://www.tm.edu>Accredited by North Central Association of Colleges and Schools Commission on Institutions of Higher Education
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Turtle Mountain Community College is an Equal Opportunity Employer

Revised 4-4-06

⁷⁹ APPENDIX A5-20 COMMUNITY SERVICE REPORT

APPENDIX A5-21 EXIT CHECKOUT SHEET

*Turtle Mountain Community College**EXIT CHECKOUT SHEET*

_____ will be terminating his/her employment at Turtle Mountain Community College on _____.

Following is a check list which must be completed before this employee receives his/her final paycheck.

Library materials have been returned

S/ _____
Librarian Date

Leave is up-dated/Personnel file is completed

S/ _____
Human Resource Director Date

All TMCC equipment is returned

S/ _____
Inventory Central Date

All travel/computer purchases have been settled with the Business Office/Cobra Forms have been completed

S/ _____
Business Office/Debbie Peltier Date

All keys and swipe cards have been returned

S/ _____
Comptroller Date

All Technology items that were checked out have been returned

S/ _____
Technology Date

All reports, current assignments, time & effort reports and requested exit paperwork have been submitted

S/ _____
Immediate Supervisor Date Sponsored Programs Date

All Books have been returned to the Bookstore

S/ _____
Bookstore Date

Grades submitted to include Incompletes (Faculty Only)

S/ _____
Registrar Date

CONCUR:

Comptroller Date

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Revised 5-2-08

APPENDIX A5-22 LAY-OFF/REDUCTION IN FORCE PROCEDURE⁸¹

Lay-off/Reduction in Force Procedure

The procedure for a RIF includes, in addition to or in lieu of other factors, the following criteria:

- 1) Determination of the number of positions which must be deleted to meet an established goal.
- 2) The feasibility of eliminating entire programs or parts of programs.
- 3) Identification of areas where the number of positions must be reduced or eliminated.
- 4) Identification of the classification of positions to be eliminated to determine whether personnel can be interchanged with other work units. Before deletion, attention will be given to using vacant positions to retain employees who would otherwise be separated.
- 5) Exploration of all measures which would avoid the involuntary separation from employment.
- 6) Evaluation of employees subject to RIF by using the following criteria, where possible, and others where appropriate:
 - Needs of College to deliver services,
 - Relative skills, knowledge, productivity, and value of employees,
 - Length of service of employees, and
 - Veterans Preferences.
- 7) Documentation of steps followed in RIF.
- 8) An impact analysis of proposed RIF on the College's workforce demographics.
- 9) Notification of a RIF will be in letter form from the College President.

81 APPENDIX A5-22 LAY-OFF/REDUCTION IN FORCE PROCEDURE

APPENDIX A5-23 GRIEVANCE FORM⁸²GRIEVANCE FORMPART I: INITIATING INFORMAL GRIEVANCE

TO: (Immediate Supervisor) _____

FROM: (Employee ('s)) _____

SUBJECT: Grievance – Stage 1

1. This initiates a grievance under the Turtle Mountain Community College's Personnel Policy Manual, Section 5.25.00000
2. See item checked:
☐ My presentation is oral

☐ My presentation is written, as indicated below on attached sheet #1.

(ADD ATTACHMENT)

3. The specific personal relief I seek is: (Add attachment #2)

Employee's Signature

Date

82 APPENDIX A5-23 GRIEVANCE FORM

APPENDIX A5-24 DRUG AND ALCOHOL POLICY⁸³

Turtle Mountain Community College

P.O. Box 340

Belcourt, North Dakota 58316

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, will subject that employee to disciplinary action including termination.

While the Turtle Mountain Community College does not wish to intrude 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.

⁸³ **APPENDIX A5-24 DRUG AND ALCOHOL POLICY**

The intention of this policy is to clarify the standard of conduct expected of all employees in the⁸⁴ 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 Family and Medical Leave Act (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 employment of the employee automatically terminates, without any further action.

Upon a timely return from the leave, the employee who has complied with this policy will be reinstated to the position which they 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 will implement and maintain an Alcohol and Drug Free Awareness Program to inform employees about;

⁸⁴ APPENDIX A5-24 DRUG AND ALCOHOL POLICY CONT.

- The dangers of alcohol and drug use in the workplace.
- 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.⁸⁵

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 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

⁸⁵ APPENDIX A5-24 DRUG AND ALCOHOL POLICY CONT.

fluid essence or pure spirit obtained by distillation. The spirituous or intoxicating element of 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 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 place 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, they are required to submit evidence of the prescription 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.⁸⁶

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 will not be eligible to apply 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. Violation of this may jeopardize employment.

Reasonable Suspicion Testing

⁸⁶ 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 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 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 be sent to the Drug Check Lab for further analysis. If the employee is on a prescription medication, they 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 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 will 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 will 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 will 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 will 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 will 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 will 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 a direct observation of alcohol or drug use and/or the physical symptoms of being under the influence; a pattern of abnormal 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 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. 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 will 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 will use reasonable precaution to ensure and maintain accuracy and confidentiality of the test results. Only persons authorized by the Chain of Command will 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, will 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 return 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: _____



Turtle Mountain Community College

P.O. Box 340

Belcourt, North Dakota 58316-340⁸⁷

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 as 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 to be tested 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 trained drug tester will conduct 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, they 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 submitted. 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



Turtle Mountain Community College

P.O. Box 340

Belcourt, North Dakota 58316-340⁸⁸

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, step three will be followed. If you deny the findings of the test, the results will be sent to the Drug Check Lab for further analysis, along with any prescriptions you have been prescribed. 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 return 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 confirmed 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 confirmed 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



Turtle Mountain Community College

P.O. Box 340

Belcourt, North Dakota 58316-340⁸⁹

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.



Turtle Mountain Community College

P.O. Box 340

Belcourt, North Dakota 58316-340⁹⁰

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 assistance from 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 upon 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: _____

APPENDIX A5-24 DRUG AND ALCOHOL POLICY CONT.

APPENDIX A5-25 CERTIFICATION REGARDING ALCOHOL and OTHER DRUG FREE WORKPLACE⁹¹

Turtle Mountain Community College

P.O. Box 340
Belcourt, North Dakota 58316
Telephone: (701) 477-7862
Fax: (701) 477-7807

Turtle Mountain Band
Of
Chippewa Indians
•
Charter Member
American Indian
Higher Education
Consortium

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

⁹¹ **APPENDIX A5-25 CERTIFICATION REGARDING ALCOHOL and OTHER DRUG FREE WORKPLACE**

APPENDIX A5-27 FACILITIES AND GROUNDS USE PROCEDURE⁹²

PROCEDURES

1. Application for Use

- a. Requests for facilities or grounds use must be submitted to the Switchboard Operator/Administrative Assistant. The request must be submitted by the individual or group requesting permission.
- b. A decision on a fully completed application will ordinarily be made within two business days, additional review time may be necessary if an application involves a large-scale or unusual event.
- c. The decision on the application, including applicable permit conditions, will be communicated to the applicant in writing by electronic or other appropriate means of communication. If an application is denied, the applicant will be provided a brief written explanation of the basis of the decision. Appeal of permit conditions or the denial of an application may be taken as specified in this policy.

2. Space Rental, Services, and Equipment Fees

- a. The Business Office will maintain a **Facilities Rental Fee Agreement** detailing current rental fee charges (as well as criteria and procedures that may apply to requests for reduced or waived charges); a **Services Fee Agreement** detailing the types of services that may be required as a condition of use approval, and the cost for such services (as well as criteria and procedures that may apply to requests for waiver of charges); and information regarding rental of **College equipment** such as tables, chairs, staging, lights, public address systems, and audio-visual equipment (both fixed and portable), all of which may when available, be requisitioned for use at on-campus events.
- b. The College reserves the right to have, at its sole discretion and at the expense of the Sponsor or Host, its own security services, parking staff, event coordinators, physical plant staff, or other College personnel present at any meeting, conference, event, or activity covered by this policy. Preparation costs incurred by the College will be billed to the unit, group, organization, or entity if the activity is cancelled.

3. General Conditions of Use

- a. **Priority of Use:** Organized instruction and official College events shall have priority for use of College facilities, grounds, and equipment. Other events will generally be scheduled on a first-come, first-serve basis; subject to priority given to College recognized groups and organizations if a scheduling conflict arises. Although sponsors, hosts, groups, and organizations may request use of a

⁹² APPENDIX A5-27 FACILITIES AND GROUNDS USE PROCEDURE

specific room, facility, or other location; the College shall make final space⁹³ assignment decisions.

- b. **Non-Discrimination:** The College will not deny use of its facilities on the basis of the viewpoint of the person or entity seeking their use, unless otherwise required by law; all persons and entities using College facilities must allow access to their events on a non-discriminatory basis if attendance is not limited to their own members. Additionally, a person or entity may not offer educational or employment opportunities associated with its campus presence on an unlawfully discriminatory basis if the College is a sponsor of the person or entity, or the person or entity is a College contractor or subcontractor.
- c. **Conduct:** Any person or entity using College facilities or grounds must during the period of use adhere to applicable College policies and procedures, and to federal, state, and tribal statutes, regulations, and ordinances. The College reserves the right to suspend eligibility or deny applications for facilities or grounds use if the prior conduct of a group or entity did not comply with these requirements. Failure to adhere to conditions of a use permit, including without limitation payment of space rental, services, and equipment fees, or event promotion and advertising restrictions, may result in suspension or termination of eligibility for facilities or grounds use.
- d. **Event Promotion and Publicity:** College academic and administrative units, and College-recognized groups or organizations, may advertise that an event is being sponsored by, or is a function of the particular unit or entity. Non-College event promoters may only use the College's name with the written permission of the College obtained through the Administration; however, they may use the name of the College in advertising the location of an event as long as the use is not misleading with regard to sponsorship. At the request of the College, the event sponsor or promoter may be required to place a disclaimer on all advertising that explains that the event is not sponsored or endorsed by the College.
- e. **Occupancy:** Due to personal safety and regulatory compliance considerations, overnight occupancy of temporary structures is permitted only with prior College approval and subject to permit conditions. An occupancy permit generally will not exceed three consecutive nights.

4. Commonly Requested and Permitted Uses/Conditions of Use

- a. **Use for Organized Instruction:** The presentation of organized credit instruction is the primary function of the College. Space scheduling for credit instruction is handled by the Academic Dean's Office. Non-College-recognized groups and organizations will not be allowed to use College facilities for this type of activity unless the activity is approved through

⁹³ APPENDIX A5-27 FACILITIES AND GROUNDS USE PROCEDURE CONT.

Continuing Education and coordinated through the Academic Dean and facilities.

- b. **Use by Administrative and Academic Units:** College academic and⁹⁴ administrative units may use College facilities and grounds for events approved through normal channels whose purposes are complementary to the mission of the unit. No College facility rental fee will be charged for official meetings, conferences, or events involving faculty, staff, students, or alumni. However, the unit will be held responsible for all expenses the College incurs as a result of services provided (such as event coordination, custodial, parking, and security services). All service charges must be billed to a College budget. Facility rental fees will be charged for events (including fund-raisers) hosted or sponsored by College academic and administrative units for non-College entities. The non-College entity and the College host or sponsor will be jointly responsible for all rental fees and service charges incurred.
- c. **Use by College-Recognized Groups or Organizations:** College-recognized groups or organizations may utilize College facilities and grounds for purposes complementary to the purpose of the organization. No facility rental fee will be charged for events involving faculty, staff, students, or alumni. The group or organization will be held responsible for all service charges. College-recognized groups or organizations may not sponsor or host an event planned by a non-recognized group or organization to enable the latter to avoid paying otherwise applicable rental or service charges.
- d. **Use by Non-recognized Student Groups or Organizations:** Events held by or for College student groups or organizations not recognized by the Student Government must be hosted or sponsored by a recognized student group/organization, College department, or organization.
- e. **Use for Conferences and Non-Course Credit Activities:** Non-course credit conferences, seminars, workshops, presentations, and similar events of an educational nature in which external participants are registered or enrolled must be sponsored or hosted by College academic or administrative units and coordinated through Adult Education. Event coordination fees, room rental, and service fees will be charged.
- f. **Use by Non-Profit Organizations:** Non-profit organizations recognized as such under federal law may, on a space-available basis with priority given to College needs, request and be granted use of College facilities and grounds for events complementary to their charitable purposes, including fundraising. These organizations will be responsible for room rental fees and service fees, and the events must be approved and coordinated through the Facility Manager.
- g. **Use by For-Profit Entity:** On a space-available basis and with priority given to College needs, for-profit entities may request and be granted use of College facilities or grounds for private events. These entities will be responsible for

⁹⁴ APPENDIX A5-27 FACILITIES AND GROUNDS USE PROCEDURE CONT.

payment of market-rate room rental and service fees, and the terms and conditions of this policy as applicable. In addition, an event hosted or sponsored by the College or a non-profit entity may include a for-profit enterprise as a part⁹⁵ of the activity (*e.g.*, concerts, activities fair, etc.). Under the latter circumstances, no rental fee will be charged if the activity primarily serves the College community; otherwise, the College sponsor/host or for-profit entity will be responsible for market-rate rental and service fees.

- h. **Use by Political Candidates or Organizations:** Use of College facilities, grounds, or resources for political activities must conform to legal requirements governing political activities by tax-exempt organizations. No posters, materials, cards, or signs of a political nature will not be allowed on College property.
- i. **Memorial Services:** Memorial services may be held in appropriate College facilities on a date and space-available basis. Interested persons should contact the Facilities Manager to inquire about site suitability and availability.

5. **APPEAL PROCEDURE OF FACILITY USE DENIAL**

Appeals of a denial of a use request as determined by the College may be made in writing within five business days of the denial. Such appeals may address a denial of an application for use or the specified conditions of approval. The appeal will be reviewed by the President or his/her designee and a final decision will be made.

6. **CONSEQUENCES OF UNAUTHORIZED USE**

Unauthorized use of institutional grounds, facilities, and other resources may violate this policy, other applicable College policies, and the Tribal, state and federal civil and criminal laws. A demonstrated violation of policy or law may result in disciplinary or legal action against violators. In addition, the College reserves the right to promptly discontinue unauthorized uses, with possible charges of coordination fees, rental fees, and service fees.

7. **Forms**

Request forms from the Switchboard Operator/Administrative Assistant or go online to: www.tm.edu

8. **Posting of Materials**

All classified ads, postings, or listings must comply with the following rules and regulations of the College.

- 1. Postings are allowed only in designated areas identified throughout the institution. Any posting outside of the area will be discarded.
- 2. Postings must be dated and are allowed for two week time periods only, unless otherwise approved for longer periods by administration.

⁹⁵ APPENDIX A5-27 FACILITIES AND GROUNDS USE PROCEDURE CONT.

3. You may not include any content or images in your listing or advertising ad that are obscene, offensive, harmful to minors, an invasion of privacy, or otherwise inappropriate.
4. Listings that exhibit any aspect of hatred, violence, racism, or intolerance are not⁹⁶ permitted
5. You may not use or manipulate this service for any fraudulent activity or purpose.
6. Your classified ad must be in English, however it may contain words in another language, if necessary, in order to describe the item or service for sale.
7. All items posted, including temporary structures, must be professionally developed and designed.
8. No postings of events at alcohol establishments.
9. All postings of materials must be approved by the Facility Manager.

⁹⁶ APPENDIX A5-27 FACILITIES AND GROUNDS USE PROCEDURE CONT.

Turtle Mountain Community College⁹⁷
Information Technology Appropriate Use Policy

Scope

This policy applies to all users of IT systems, including but not limited to students, faculty, and staff. It applies to the use of all IT systems. These include systems, networks, and facilities administered by the IT Department, as well as those administered by individual departments, laboratories, and other college-based entities.

Policy Statement

The purpose of this policy is to ensure an information technology infrastructure that promotes the basic mission of the college in teaching, learning, research, and administration. In particular, this policy aims to promote the following goals:

- To ensure the integrity, reliability, availability, and superior performance of IT systems.
- To ensure that IT systems are used for their intended purposes.
- To establish processes for addressing policy violations and sanctions for violators.

Policies and Guidelines**Unacceptable Use:****Definition:**

Use of institutional computers, network, and internet services is a privilege, not a right. All users are required to comply with this policy and the accompanying rules.

Policy Statement:

The following rules are intended to provide general guidelines and examples of prohibited use. Failure to comply with these rules may result in loss of computer and internet access privileges, disciplinary action, and/or legal action.

- All users shall have no expectation of privacy regarding computer files, email, or internet usage. Turtle Mountain Community College reserves the right to monitor all computer files, email, and internet usage without prior notice.
- All users may not attempt to gain unauthorized access to any other computer system or go beyond their authorized access. This includes attempting to log in through another person's account or access another person's files. These actions are illegal, even if only for the purposes of "browsing."

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- All users will not make deliberate attempts to disrupt the computer system or destroy data by spreading computer viruses or by any other means.⁹⁸
- All users are not allowed to download, copy, or install any games or unauthorized software on college computers. Any unauthorized software and games, if found in the college computers, will be removed by college IT Department.
- All users will not use obscene, profane, lewd, vulgar, rude, inflammatory, threatening, or disrespectful language. Restrictions against inappropriate language apply to public messages, private messages, and material posted on social media sites.
- All users will not post private information about another person.
- All users will not engage in personal attacks, including prejudicial or discriminatory attacks.
- All users will not knowingly or recklessly post false or defamatory information about a person or organization.

Email Policy:

Definition:

Use of email by staff, faculty, and students is permitted and encouraged where such use supports the goals and objectives of the institution.

Policy Statement:

Users of TMCC's email services are expected to act in accordance with the following policies and with professional and personal courtesy and conduct.

- Email is an official means of communication at TMCC. The institution may send communications to users by e-mail and has the right to expect that those communications will be received and read in a timely fashion. Information sent via e-mail has the same importance and needs to be responded to in the same manner as information sent in other ways.
- The Information Technology personnel will assign all users an official institution e-mail address. It is to this address that the institution will send all official e-mail communications.
- Any emails that discriminate against employees by virtue of any protected classification including race, color, gender, religion, national origin, sexual orientation, age, or disabilities, will be dealt with according to the harassment policy.
- All users are expected to read and properly dispose of e-mail promptly. Prompt disposal of e-mail is necessary to manage storage space on the institutional e-mail system. Disposal may include deletion, filing into alternate folders on the institutional servers, or moving the e-mail onto the user's own computer. The institution reserves the right to purge mail from accounts. Prior notification will be given if that notification is feasible and practical to allow users time to save messages.
- All users of electronic communication, including e-mail, need to realize that communication of this type usually leaves traces as to its origin and destination as well as

⁹⁸ A5-28 Acceptable use policy

its content. The simple deletion of e-mail or other electronic files does not remove these traces and the file or e-mail is often recoverable for some time after deletion. Further, users need to realize that the institution makes regular archival copies of all e-mail to ensure the system's integrity and that these archives exist for some time. Therefore, although TMCC's e-mail system and governing policies may grant some privacy to users e-mail, users should treat all e-mail as if they were public documents.

- In some cases a user may wish to configure his or her TMCC account to forward e-mail to another address. The user takes full responsibility for the correct configuration of that forwarding. The institution takes no responsibility for the handling of e-mail in this fashion. The use of automatic e-mail forwarding does not absolve the user from the responsibilities associated with e-mail sent to the user's official e-mail address. The institution may forbid the automatic forwarding of e-mail in cases where it is found to be problematic. Additionally, the institution may delete e-mail forwarding or other automated e-mail handling rules that cause system problems without prior notification.
- Send or attempt to send spam of any kind.⁹⁹
- The institution uses spam filtering tools to help control unwanted email. The institution will continue to stay up-to-date with the latest spam filtering techniques and will adjust its own processes when warranted. However, no current spam filtering technique is completely effective and will let mail through that should be blocked and occasionally block e-mail that should be delivered. Moreover, each person's definition of spam is unique. Given that, users should expect that on rare occasions, legitimate e-mail may be blocked from delivery. If this happens please contact the IT Department for further assistance.
- Once an employee has resigned or been terminated; or a student has withdrawn or graduated, they will have two weeks to save any email. After the two weeks the account will be deleted.
- Sending mass email that is unrelated to an individual's administrative or academic activity is completely prohibited. Mass e-mails are defined as messages sent to all students, all staff, all faculty, or when individual recipient addressees are not defined. IT manages e-mail distribution lists of current staff, faculty, and students. There is no opt-out provision for these lists. If you need to attach a large file please contact the IT Department for alternate methods of distribution.
- Keep in mind that the TMCC owns any communication sent via email or that is stored on institutional equipment. Administration and other authorized staff have the right to access any material in your email or on your computer at any time. Please do not consider your electronic communication, storage or access to be private if it is created or stored at work.
- Users that sign a contract to use TMCC equipment including but not limited to laptops, tablets and other electronic devices are responsible for the replacement of damaged, lost or stolen equipment.

Network Privileges Policy

⁹⁹ A5-28 Acceptable use policy

Definition:

Individuals who are eligible to receive access to network services.

Policy Statement:

The following users are identified as eligible to receive network services from TMCC. Any applicant for network not described below should be referred to the IT Department, who will coordinate a decision on that particular case.

- **Students:** All full-time and part-time students may receive network privileges without restriction.
- **Faculty:** All full-time faculty without restriction. Part-time faculty, faculty with temporary or cyclical appointments, and visiting faculty may receive limited network privileges.
- **Full-time regular part-time staff:** All regular, non-faculty, college employees may receive network privileges without limitations.
- **Temporary employees, visitors:** Temporary employees and visitors may receive network privileges at the request of the employing department and the assistance of the Information Technology Department.

Password Policy**Definition:**

Passwords are an important aspect of computer security. They are the front line of protection for user accounts. A poorly chosen password may result in the compromise of TMCC's entire network. As such, all TMCC staff, faculty, and students are responsible for taking the appropriate steps, as outlined below, to select and secure their passwords.

Policy Statement:

The purpose of this policy is to establish a standard for creation of strong passwords, the protection of those passwords, and the frequency of change.

- All system-level passwords must be changed on at least a 120 day basis.
- All production system-level passwords must be changed on at least a 120 day basis.
- All user-level passwords must be changed at every 6 months.
- Passwords must not be inserted into email messages or other forms of electronic communication.
- All user-level and system-level passwords must conform to the guidelines described below.

Guidelines:

- It must be at least eight characters in length.

- It must contain at least one alphabetic and one numeric character.¹⁰⁰
- It must be significantly different from previous passwords.
- It cannot be the same as the user ID
- It cannot include the first, middle, or last name of the person issued the user ID.
- It should not be information easily obtainable about you. This includes license plate, social security, telephone numbers, or street address.

Wireless Policy

Definition:

The purpose of this policy is to provide reliable and secure wireless network access.

Policy Statement:

This policy applies to all wireless network users at Turtle Mountain Community College.

- TMCC is solely responsible for providing wireless networking services on campus. No other department may deploy wireless network access points or other wireless service on campus. Private wireless access points in the departments or offices are strictly prohibited.
- TMCC is responsible for maintaining a secure network and will deploy adequate security procedures to support wireless networking on campus.
- TMCC will develop a procedure for the temporary use of a wireless access point to support campus events.

Consideration:

Wireless networking has bandwidth limitations compared to the wired network. The wireless network should be viewed as augmenting the wired network, to provide more flexible network use. Applications that require large amounts of bandwidth, or are sensitive to changes in signal quality and strength may not be appropriate for wireless access.

Enforcement

Users who violate these policies may be denied access to institution computing resources and may be subject to other penalties and disciplinary action, including possible expulsion or dismissal. Alleged violations will be handled through the institution disciplinary procedures applicable to the user. The institution may suspend, block, or restrict access to an account, independent of such procedures, when it reasonably appears necessary to do so in order to protect the integrity, security, or functionality of institution or other computing resources or to protect the institution from liability. The institution may also refer suspected violations of applicable law to appropriate law enforcement agencies.

¹⁰⁰ A5-28 Acceptable use policy

I acknowledge that I have received, read, and understand the Information Technology Appropriate Use Policy and agree to comply with said policy.¹⁰¹

Printed Name: _____ Role: Student or Staff (Circle One)

Signature: _____ Date: _____

Supervisor: _____ Date: _____

IT Approval: _____ Date: _____

¹⁰¹ A5-28 Acceptable use policy