



EMPLOYEE HANDBOOK

2024

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PREFACE

Mission of the College

The Nebraska Indian Community College provides quality higher education and opportunities for life-long learning to the Umoⁿhoⁿ (Omaha) and I'santi (Santee Dakota) people and all students.

Vision

Nebraska Indian Community College is envisioned as a comprehensive Tribal College which values service through high quality education. The college is distinctive in serving the diverse people of the Umoⁿhoⁿ (Omaha) and Isanti (Santee Dakota) Nations. It features an enriched living and learning environment and year-round operation. The identity of the college is framed by a substantive commitment to multicultural learning.

Institutional programs value and cultivate the creative and productive talents of learners, faculty, and staff, and seek ways to contribute to the self-sufficiency of the Nations served, the well-being of our communities, and the quality of life and development of its learners, faculty, and service areas.

The overall goals of NICC are:

- **Goal 1:** To preserve, cultivate, foster Umoⁿhoⁿ and Isanti languages and cultures
- **Goal 2:** To create an environment to assist Tribal Nation building through educational opportunities so that individuals become effective leaders, members, and citizens within local, tribal, national, and global communities
- **Goal 3:** To strengthen the college through open communication, transparency, future planning, shared governance, and sound fiscal and institutional practices
- **Goal 4:** To enhance academics through stronger and expanded academic and community educational programs that meet the social, cultural, and economic aspirations, needs and values

Core Beliefs and Values

The College is committed to the following Core Beliefs:

- We believe in empowering our students with tools for Tribal Nation building, so that our communities can achieve a higher level of sovereignty and self-determination.
- We believe in the cultural preservation, continuity, and revitalization consistent with the Umoⁿhoⁿ (Omaha) and Isanti (Santee Dakota) peoples' needs, including languages and Tribal knowledge.-
- We believe that learning is a life-long process, and the learner-centered atmosphere is of the utmost importance.
- We believe in a safe and healthy working and learning environment that promotes free expression and the exchange of ideas, so learners will be challenged to think holistically, and be able to live responsibly and productively in a Tribal and global society.

In addition, the College is committed to the following Core Values:

Umoⁿhoⁿ Core Value	Literal English Translation	NICC English Core Value	Literal English Translation	Dakota Core Value
o ⁿ wo ⁿ ghe see thay no ⁿ o ⁿ wó ⁿ gisithe nó ⁿ	we think about them / keep them in our mind	<i>student- centered</i>	they (the students) stand at the center of the camp circle	wó'u ⁿ spe khuwápi čhokáta énažij
wee ⁿ kay xte wí ⁿ k ^h e xti	telling the real truth	<i>honesty</i>	truth, sincerity	wówičakhe
ou kgee kga ⁿ ukíko ⁿ geo ⁿ thah bah zhe kió ⁿ tha bazhi	helping each other staying by each other / not abandoning one another	<i>loyalty</i>	stay with one other	wónakičiziŋ
ou shkou da ⁿ úshko ⁿ údo ⁿ	good ways	<i>generosity</i>	to place something or somebody within your heart	wačháŋtohnake
ou thou dom bay uthúdo ⁿ be	consideration / restraint / thoughtfulness	<i>humility</i>	to humble oneself	wo'únšic'iyē
o ⁿ thay ee yay	speaking softly			

ó ⁿ the íye				
thah 'ay kee thah	being kind to each other			
tha'é kitha				
wah no ⁿ day hee day	showing concern for others	<i>compassion</i>	to be compassionate	wó'uŋšida
wanó ⁿ dehide				
thah 'ay wah thay	kindness / pity			
tha'é wathe				
ay kee ga ⁿ	alike	<i>equality</i>	alike, working together for same goal	iyúha ówaŋžina na'úŋžipi
ék ⁿ igo ⁿ				
ee hou thay	getting permission in the right way	<i>respect</i>	respectful or polite	wóyu'onihan
íhutte				
ghe g'thee yay zhou bah	self-respect		self-respect	íhdu'onihan
kighíezhuba				
o ⁿ xte	honored / important	<i>honor</i>	to honor somebody by words of praise	wayu'onihan
ó ⁿ xti				
ou thou nah zhe	to depend on somebody	<i>trust</i>	trusting someone	wachínŋyanpi
uthúno ⁿ zhi ⁿ				
ay thay éthe	kin	<i>kinship</i>	family group	wótakuye
wah zhee ⁿ skah	wise / mindful			
wazhí ⁿ ska		<i>wisdom</i>	wisdom	wöksape
Wah kgo ⁿ dah wah thah ha ⁿ no ⁿ	prayerful	<i>spirituality</i>	Dakota spirituality	Dakhód wóchekiye
Wakó ⁿ da wathaho ⁿ nó ⁿ				

Note These core values have been prepared for the spring 2018 update to the College's Mission Statement and other materials and approved by official College bodies. Tribal elders Hawatay (Winona Caramony) and Theumba Ghegtha (Thióⁿba Gigthé/ Joseph Harlan) authorized these translations into Umóⁿhoⁿ on Friday the 20th and Monday the 23rd of April 2018. It was decided to make the list of values Umóⁿhoⁿ-centric by putting the core values in Umóⁿhoⁿ first and including some of the most important values from the Elders' teachings. Each Umóⁿhoⁿ word is spelt in Hawatay's preferred Spalding spelling first, and then in standard modified LaFlesche spelling. Similarly, the Dakota language immersion program leader Sid Bad Moccasin III, along with two immersion learners DeWayne Wabasha and Jaylon LaPlante used the list of Umóⁿhoⁿ-centric core values provided to guide their own list of core values in Dakota. The Dakota spelling used here follows the Lakota Language Consortium (LLC) standard orthography. Kristine Sudbeck and Binah Gordon assisted with documentation.

Accreditation

Nebraska Indian Community College is accredited by the Higher Learning Commission of Schools and Colleges. Credits received at NICC are transferable to other institutions.

History of the College

Nebraska Indian Community College began in 1972 as the American Indian Satellite Community College under a grant from the Fund for the Improvement of Post-secondary Education. The grant was administered through Northeast Technical Community College in Norfolk, Nebraska, to provide post-secondary education on the Omaha, Santee Sioux, and Winnebago reservations.

The American Indian Satellite Community College established classrooms and administrative offices in communities on each reservation, with the central office located in Winnebago. In 1979, the schools of the American Indian Higher Education Consortium, of which the Nebraska Indian Community College is a member, succeeded in persuading Congress to pass and fund Public Law 95-471, the Tribally Controlled Community College Act. Nebraska Indian Community College and other tribally controlled community colleges thus became eligible for direct funding from the Federal government. With this newly available financial resource, the institution established itself as a fully independent two-year college. Nebraska Indian Community College was granted a charter by the governments of each of the three Nebraska Indian tribes, the Omaha, Santee, and Winnebago Nations.

In serving its clientele, Nebraska Indian Community College has had a substantial impact by making a variety of cultural, educational, and social resources available in isolated and economically underdeveloped areas. The college libraries at Omaha Nation and Santee Nation campuses are developing collections of resources important to the history and culture of each tribe, and the nations. In June of 1981, the North Central Association of Schools and Colleges (NCA, currently the Higher Learning Commission) approved the college for accreditation at the associate degree granting level. A Board of Trustees comprised of three members from each tribe was appointed by the individual Tribal Councils to govern the college. To reflect its independent status, the Board renamed the institution the Nebraska Indian Community College.

Today Nebraska Indian Community College serves the Omaha Nation, Santee Sioux Nation, and other students at three campus sites. The governance structure has been changed to a single board structure. The Board of Directors is the main policy maker for the college.

Administration

Employment:

The Nebraska Indian Community College's President reserves the right to review and make decisions relevant to the employment of all employees of the college. This includes placement of individuals for temporary work, work study, volunteer

work and contract work.

Organizational Structure:

The Nebraska Indian Community College's administration is organized in two distinct, yet interrelated structures. One is the 'line' structure of direct authority and administrative responsibility (*see Organizational Chart on Paylocity*).

The other is the 'channel' of communications structure under which the students and faculty participate through committees in the decision-making process of the college (*see NICC Committee Flow Chart on Canvas Employee Orientation page*).

Personnel Policy

This handbook is comprised of selected official Board of Directors' policies and procedures compiled by the President's Office. The intent is to provide all college personnel with operating guidelines in order to enhance communication and maintain efficient operations. This handbook is to be distributed to all employees of the Nebraska Indian Community College.

Efforts to evaluate and improve this handbook are continuous and a cooperative nature among the board, staff, faculty, the students and the various committees. Suggestions for modification should be submitted to the be submitted through the committee structures and the President's Office. The Board of Directors reserve the right to make changes as needed.

It is the intent of the Nebraska Indian Community College to ensure its employees are treated in a manner that will enhance their productivity and service to the college. The procedures outlined in the Employee Handbook are designed to reflect that intent.

The policy and procedures contained herein shall supersede all other policies and procedures. The Nebraska Indian Community College is an Equal Opportunity Employer.

ARTICLE I. PURPOSE, COVERAGE & RESPONSIBILITIES

Section 1.01 Purpose

The Nebraska Indian Community College Employee Handbook has been developed to provide comprehensive personnel management for the Nebraska Indian Community College, hereinafter referred to as the College, to outline employer and employee rights and responsibilities, and to ensure that those rights and responsibilities are administered in a manner consistent with the goals and objectives of the organization.

- (a) The College's Board of Directors has the responsibility to review and approve this handbook and amendments to this handbook. Upon approval, the President will assume overall authority for implementation and compliance of the procedures contained herein.
- (b) The President has the responsibility to ensure that the procedures contained herein are enforced, periodically reviewed, and updated to address new situations and conform with modifications to applicable laws, rules or regulations.
- (c) The procedures contained herein are subject to change at any time without notice by the College.

Section 1.02 Coverage

This handbook covers any individual performing work on the behalf of the Nebraska Indian Community College to include all full-time employees, part-time employees, temporary workers, work study students and volunteers of the College unless otherwise specified.

Section 1.03 At-Will Employment

- (a) All employees who do not have a written employment contract for a specific, fixed term of employment are employed "at the will" of the College for an indefinite period. Such employees are subject to termination at any time, for any reason, with or without cause, or notice. At the same time, such employees may terminate their employment at any time and for any reason.
- (b) No representative of the College is authorized to modify these procedures for any employee, or enter into any agreement, oral or written, to the contrary. Statements made during recruitment discussions, interviews, or in any written materials will not modify the at-will nature of employment, nor imply that termination will only occur for cause. Changes in employment status, including completion of the 90-day probationary period will not alter the at-will nature of employment.
- (c) This document does not imply that an employee has a contract to work for the College and should not be interpreted as such.

Section 1.04 Applicable Federal Laws

The College will abide by the requirements set forth in its various contracts and grants with the Federal government.

Section 1.05 Functions of Human Resource Management

To develop and maintain comprehensive personnel management for the College. This includes the following areas:

- (a) Planning and formulating personnel procedures.
- (b) Ensuring compliance with applicable laws and regulations.
- (c) Coordinating staffing, recruitment, selection and orientation of college employees.
- (d) Implementing educational assistance measures.
- (e) Coordinating employee performance evaluations, promotions, demotions, transfers, and terminations.
- (f) Administering classification and compensation programs.
- (g) Administering employee benefit plans and programs.
- (h) Implementing and monitoring appropriate disciplinary and grievance procedures.
- (i) Maintaining personnel records.
- (j) Evaluating personnel programs and procedures.
- (k) Ensuring compliance with confidentiality guidelines and the Privacy Act of 1974.
- (l) Making recommendations/amendments for the Employee Handbook to the President.

Section 1.06 Dissemination

Each employee will receive a copy of this handbook and will be required to sign an acknowledgement of receipt to be placed in the employee's file.

Section 1.07 Shared Governance

The college believes in shared governance. The main method that the college uses for shared governance is through our committee structures. The normal flow of policy change is as follows:

- 1) There is a need or want for a policy change
- 2) An individual will need to complete a policy change form and champion it through the Academic and Administrative Councils.
- 3) Once the policy change is approved through the Academic and Administrative Councils, the Executive Council will review and send to the President for review.
- 4) If the President approves the change, it is then forwarded to the Board of Directors.
- 5) The President reserves the right to 1) ask for clarification; 2) deny to move a policy to the board with justification; and 3) create policy and forward to the board directly.

Section 1.08 Updates and Revisions

When there are updates to this handbook, addendums and/or replacement pages will be posted electronically.

ARTICLE II. RECRUITMENT & SELECTION

Section 2.01 Purpose

The selection process allows the College to fill vacancies and new positions in a consistent manner to ensure the College's needs and requirements are being met.

Section 2.02 Indian Preference

The College recognizes the need for enrolled members of Federally Recognized Indian Tribes to be employed as service providers to Federally Recognized Indian Tribes. Therefore, the College will grant preference for training and employment opportunities to enrolled members of Federally Recognized Indian Tribes whenever possible. Furthermore, the college recognizes the Omaha and Santee Sioux tribes have or may have in the future procedures and regulations that provide for the due consideration of Native American qualified candidates for any vacant position of employment.

Section 2.03 Process

Each supervisor will submit a plan to fill vacancies or new positions at least 10 working days prior to advertising, to the President. The plan shall include: position title, proposed salary, how the position will be funded, a job description and a brief justification for the position. This applies to permanent and temporary positions.

Section 2.04 Advertising

Job Announcements for employment vacancies will be posted in the Tribal Community for no less than 10 working days. Advertisements will be placed on the internet and in local and regional newspapers for positions requiring specialized skills. All advertisements will be reviewed and approved by the President before being posted or placed for advertisement. All job postings will be publicly posted in all campus locations as well as transmitted to the Human Resources Departments of both the Omaha and Santee Sioux Tribes, posted at the clinic, Tribal Court and Tribal Administration Building for each tribe and at the Four Directions Center in Sioux City, Iowa. Job announcements or postings will be on letterhead, advertisements will include the College logo and both will include the following:

- (a) Position Title
- (b) Duties & Responsibilities
- (c) Qualifications
- (d) Hours
- (e) How to Apply
- (f) Application Deadline Date
- (g) Location

Section 2.05 Application

In order to be considered for employment with the College, applicants will submit an employment application on the prescribed form and any other information requested in the posting to Human Resources by the closing date specified on the job announcement.

Section 2.06 Applicant Consideration

Each applicant's education and experience will be reviewed for compatibility with the requirements of the position to be filled. The College will give preference to applicants in the following order:

- (a) Current employees who are enrolled members of Federally Recognized Indian Tribes who have been honorably discharged from the United States Armed Services;
- (b) Current employees who are enrolled members of Federally Recognized Indian Tribes;
- (c) Applicants who are enrolled members of Federally Recognized Indian Tribes who have been honorably discharged from the United States Armed Services;
- (d) Applicants who are enrolled members of Federally Recognized Indian Tribes;
- (e) Current employees who have been honorably discharged from the United States Armed Services;
- (f) Current employees;
- (g) Applicants who have been honorably discharged from the United States Armed Services;
- (h) All other applicants

Section 2.07 Selections

Selections for the position will be based upon recommendations from the supervisor and verification by Human Resources that the applicant meets the minimum advertised job qualifications. The recommendation(s) for applicants to be interviewed will be subject to approval by the Selection Committee.

- (a) **Interviews:** Interviews by a Selection Committee (at least 3 members) will be utilized as part of the selection process, which shall be comprised of employees, a majority of whom are enrolled members of Federally Recognized Indian Tribes.
 - i. Each Selection Committee shall endeavor to include at least one employee from the Department for which the position is being hired, and at least one employee representative from each campus.
 - ii. All Selection Committee members will utilize a consistent form to score and rank candidates.
 - iii. Interview documents will be confidential
 - iv. Each member of the Selection Committee must interview all selected candidates for the position.
- (b) **Reference Checks:** Reference checks may be utilized as part of the selection process. A standard set of questions for the reference checks will be utilized.

- (c) **Examinations:** Applicants may be required to take examinations for selected positions. The examination shall test the ability of the applicant to perform the required duties of the job.
- (d) **Background Checks:** Employment will be contingent on a background check to help prevent negligent hiring, discover false or inflated information, or to abide by Tribal, State, or Federal laws. Background checks are a mandatory part of the hiring process.
- (e) **Recommendations for Hire:** The Selection Committee will interview all selected candidates and meet to discuss their recommendation. Recommendations for hire will be made in writing by the Supervisor and are subject to final approval by the President. The recommendation will include job- related justification for employment and desired rate of pay.

Section 2.08 Nepotism

The following guidelines will be observed:

- (a) An employee will not be placed under the direct supervision of an immediate family member.
- (b) The College's hiring supervisor will abstain from participating in the hiring process and any employment action involving an immediate family member.
- (c) Anyone serving on the Selection Committee must excuse themselves from the interviews if he/she is related to any one of the selected candidates for the interview process.

Section 2.09 Ineligible Applicants

The following conditions will result in persons being disqualified from consideration for employment with the College, and shall be notified in writing that they will not be considered for an interview as they do not meet the minimum qualifications:

- (a) Applicants who do not meet the minimum qualifications, unless otherwise approved by the President.
- (b) False statements of material fact on the employment application or materials related to the application.
- (c) Active membership or known participation in organizations that may interfere with the performance of job duties or may have a negative reflection on the College.
- (d) Failure to submit the employment application or requested materials related to the application within the prescribed time limit.
- (e) Current Tribal Council member. (See P.L. 95-471 and the Higher Education Act of 1965)
- (f) Conviction of a felony within the last seven years.
- (g) More than one conviction of any crime of domestic violence within the last five years.
- (h) More than one conviction for any crime of violence within the last five years.
- (i) Failure to pass a pre-employment drug screening.

- (j) Prior employee who was terminated “for cause” within the last six months.
- (k) Convicted as a sex offender.
- (l) Convicted of a felony in regards to embezzlement, robbery, or forgery at any time for a position with financial responsibilities.
- (m) Bankruptcy within the last 7 years if they are applying for a position with financial responsibilities.

Section 2.10 Reinstatement

Former employees who left in good standing will be accorded due consideration for re-employment with the College.

Section 2.11 Notice of Appointment

Applicants selected for positions will be notified in writing using the appropriate form signed by Human Resources. The notice will include the following information: position, effective date, reporting time and date (if already determined), supervisor’s name and title, hours, location, and salary.

Section 2.12 Notification of Non-selection

Applicants who interviewed for a position, but were not selected, shall be notified in writing by Human Resources that the position was filled, and they were not selected.

ARTICLE III. EMPLOYMENT

Section 3.01 Types of Employment

Employees are classified into 5 different categories as follows:

- (a) **Full-Time** – Employees who work at least 40 hours per week and maintain continuous employment.
- (b) **Part-Time** – Employees who work less than 40 hours per week and maintain continuous employment.
- (c) **Temporary** – Employees who work on a non-continuous or “as needed” basis, with varied hours.
- (d) **Probationary** – Newly hired employees or existing employees in a new position within the College who have not completed 90 days.
- (e) **Work Study** – This includes students hired to help offset the cost of attendance, as regulated by Federal financial aid guidelines.

Exempt and Non-exempt Employees

Exempt – These positions include a high degree of independent judgment and fewer routine tasks. These workers are not covered by the overtime requirements of the Fair Labor Standards Act but are expected to work at least 80 hours per pay period.

Non-exempt – These positions include a lower degree of independent judgment and perform more routine tasks. These workers are covered by the overtime requirements of the Fair Labor Standards Act.

Section 3.02 Employee Orientation

During the first few days of employment, newly hired employees will receive an orientation following the prescribed form. Included in the orientation, at a minimum, will be the employee’s job description, the Employee Handbook, required paperwork including policy and procedure documents and a program-specific policies and procedures manual (if applicable). Human Resources will be responsible for overseeing the orientation process. The employee’s supervisor will be responsible for the orientation to the building, other employees, and job responsibilities. For more information, please see our Online Employee Orientation by clicking this link: <https://thenicc.instructure.com/courses/240>

Because forms may be updated/revised periodically please make sure you are using the most current version which can be found online at www.thenicc.edu under Employee Forms. See Human Resources with any questions.

Section 3.03 Job Descriptions

Job descriptions will be developed for each position and will be updated as necessary. A copy of an employee’s job description must be given to the employee upon hiring and be placed in the employee’s personnel file and maintained. If any

adjustments or changes are made to a job description, the employee will be consulted with the opportunity for discussion. The job description should contain at least 80% of the specific duties. Additional assistance may be required due to NICC events and activities. The job description will also include the following:

- a. Position Title
- b. Duties and Responsibilities
- c. Qualifications
- d. Supervisor
- e. Other duties as assigned.

Section 3.04 Performance Evaluations

Performance evaluations indicate employee's performance based on job descriptions, regular attendance, job productivity, and work ethic.

Performance evaluations will be completed by the supervisor at the conclusion of an employee's 90-day probationary period and on an annual basis.

The supervisor will then schedule a time to discuss the evaluation with the employee. Once the evaluation has been discussed and the employee has had an opportunity to comment and sign the evaluation, a copy will be placed in the employee's personnel file and a copy given to the employee.

- a. A rating of "unsatisfactory" shall be grounds for termination.
- b. The probationary period may be extended due to approved medical reasons or other unusual circumstances. However, such extension shall not exceed the number of workdays the employee was absent. The immediate supervisor shall submit a written request to the President and Human Resources to be approved based upon adequate justification.

Section 3.05 Career Development and Continuing Education

The College encourages its employees to seek additional training and education that will improve their knowledge, skills and result in improved performance. The College offers six (6) hours for additional training and education per week.

- (a) Employees who want to attend workshops or seminars should submit requests on the appropriate form to their supervisor at least 15 working days prior to the training date. The supervisor will determine whether the training is appropriate. If the training is deemed appropriate, the supervisor will forward the request to the President. If the supervisor determines that the request is not appropriate, the request will be returned to the employee for further justification.
- (b) Employees who are requesting assistance in pursuing a degree or certification should submit requests to the supervisor who will determine whether the request is appropriate. If the request is deemed appropriate, the supervisor will forward the request to the President. If the supervisor determines that the request is not appropriate, the request will be returned to the employee for further justification.
- (c) Employees are required to complete and submit a narrative report to their supervisor within 5 working days upon return from any training, seminar, conference or workshop to Human Resources.
- (d) Employees are required to complete and submit to the Business Office a

- i. Travel Report form with an Expense Voucher, including receipts.

Section 3.06 Hours of Operation

- (a) Full-time permanent employees will work 40 hours per week. They are normally scheduled to work Monday through Friday from 8:30 a.m. to 5:00 p.m. Exempt employees are expected to attend to their responsibilities irrespective of the 40-hour work week.
- (b) Part-time employees will work the hours agreed upon between employee and supervisor.
- (c) Schedules will be approved by the employee's supervisor and subject to change based on individual campus or job-related needs.

Section 3.07 Lunch and Breaks

All full-time employees are entitled to a half-hour lunch period, and two 15-minute rest periods during a normal eight-hour work day. Employees working less than eight hours per day are entitled to one 15-minute rest period each day.

Section 3.08 Drug/Alcohol Screening

Reasonable suspicion

Employees are subject to testing based on (but not limited to) observations by the supervision of apparent workplace use, possession, or impairment. Human Resources or the President of the College should be consulted before sending an employee for testing. All levels of supervision making this decision must use the [Observation Checklist](#) to document specific observations and behaviors that create a reasonable suspicion that the person is under the influence of illegal drugs or alcohol. If the results of the Observation Checklist indicate further action is justified, the manager or supervisor should confront the employee with the documentation. The party under suspicion may bring an advocate to this meeting. *Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of supervision/management if appropriate must escort the employee; the supervisor/manager will make arrangements for the employee to be transported home.*

Post-accident

Employees are subject to testing when they cause or contribute to accidents that seriously damage a College vehicle, machinery, equipment or property or result in an injury to themselves or another employee requiring offsite medical attention in which there is a reasonable basis for concluding that drug use could have contributed to the incident. A circumstance that constitutes probable belief will be presumed to arise in any instance involving a work-related accident or injury in which an employee who was operating a motorized vehicle (including a NICC lawn equipment, fork-lift, pickup truck, overhead cranes and aerial/man-lifts) is found to be responsible for causing the accident. In any of these instances, the investigation and subsequent testing must take place within two hours following the accident, if not sooner. *Under no circumstances will the employee be allowed to drive himself or herself to the testing facility.*

Enforcement

When there is a reasonable possibility that drug use by the reporting employee was a contributing factor, an employee who refuses to consent and submit to a test when requested will be subject to disciplinary action, including termination, pursuant to the company's discipline and dismissal procedures. Refusal to submit includes failure to provide adequate breath for testing without a valid medical explanation after receiving notice of the requirement for breath testing, failure to provide adequate urine for controlled substances testing without a valid medical explanation after receiving notice of the requirement for urine testing, engaging in conduct that clearly obstructs the testing process, and leaving the scene of an on-the-job accident.

Confidentiality

All information from an employee's drug and alcohol tests will be confidential to the extent required by law.

ARTICLE IV. EMPLOYEE RESPONSIBILITIES

Section 4.01 Attendance

Timely and regular attendance is an expectation of performance for all NICC employees. To ensure adequate staffing, positive employee morale, and to meet expected productivity standards throughout the college, employees will be held accountable for adhering to their workplace schedule.

- a) The employees' work schedule is set-up and approved by their supervisor and or manager.
- b) The typical work week for nonexempt (Hourly) full-time employees are normally scheduled to work 40 hours per week.
- c) The typical work schedule for exempt (Salary) full-time employees must average at least 40 hours per week, but it is anticipated these employees may work more than 40 hours per week.
- d) In the event an employee is unable to meet their expectation of 40 hours per week he/she can get approval from their supervisor/manager to use compensatory time or paid time off (PTO) for their shortage.
- e) Being repeatedly absent from work or tardy to work without good reason could jeopardize an employee's performance evaluation and may present grounds for termination.

Section 4.02 Absence Notification

Any employee who will not be able to report to their work location at the specified starting time is required to personally notify their direct supervisor and campus coordinator within a half hour of their scheduled work time. If the direct supervisor is not available, the employee must talk with the person specified at the next level of supervision or Human Resources.

- (a) Excessive unreliable attendance will result in disciplinary action up to and including termination.
- (b) If an employee is absent for the entire day and fails to follow the notification process, this is considered a no call no show (NCNS). NCNS are unprofessional and will result in disciplinary action up to and including termination. Two NCNS's on consecutive days will constitute a voluntary resignation. More than two NCNS's in any period over the course of a twelve-month period will constitute a voluntary resignation.
- (c) Notification to the supervisor by use of the NICC electronic mail system is considered proper notification and is encouraged.
- (d) It is the joint responsibility of the employee and the supervisor to make arrangements for job responsibilities to be completed during the employee's absence.

- (e) If an employee is absent for at least three (3) consecutive days due to injury or illness, prior to returning to work, the employee must provide a doctor's statement that releases them to return to work and identifies restrictions, if any.
- (f) If an employee is seen in the Emergency Room or in the hospital for any reason, prior to returning to work, the employee must provide a doctor's statement that releases them to return to work and identifies restrictions, if any.

Section 4.03 Time Tracking

All employees must punch in when they start work and out when they leave (to include lunch breaks). Anyone found falsifying his/her time, shall be subject to discipline up to immediate termination.

- Employees are responsible for recording or reporting their missed time punches by Saturday at 11:59 pm of week 2 when the pay period ends.
- If times are not reported, supervisors have the authority to use comp time, PTO or deduct pay for the employee for that pay period.
- For exempt employees who have no remaining leave AND do not earned 80 hours within the pay period may be changed to hourly. Two pay periods of not enough earned time will automatically change the status from exempt to non-exempt.

Section 4.04 Personal Attire

All employees will be groomed and dressed in a manner appropriate to their job duties and specific responsibilities. Employees who meet with the public and/or business representatives will dress in a manner that will reflect positively on the College.

Acceptable attire would include business casual dress, jeans, polos, dress shirts, tank tops (cover the shoulder), capris and nice t-shirts. Unacceptable attire would include miniskirts, short shorts, shirts that do not cover the midriff, jeans or shirts with holes, spaghetti strap tank tops. If you have a question on appropriate attire, please ask your supervisor or Human Resources for clarification.

Section 4.05 Employee Code of Conduct

All employees are expected to perform their duties ethically, respectfully and cooperatively with co-workers and other outside business representatives. Conduct that is unethical, disrespectful or uncooperative will not be tolerated and may lead to disciplinary action.

The following rules of conduct, although not all encompassing, have been created as a means to communicate to employees what is considered to be inappropriate workplace behavior:

- (a) Dishonesty; falsification or misrepresentation on the application for

- employment or other work records; falsifying other data requested by the College; fraud in securing job appointment; falsification of college documentation (including time and attendance)
- (b) Incompetence
 - (c) Inefficiency, neglect of duty or poor work performance
 - (d) Insubordination or willful misconduct
 - (e) Intoxication or under the influence of drugs other than those prescribed by your physician while at work
 - (f) Conviction of a felony either in performance of job duties, or in private affairs
 - (g) Conviction of any crime of violence.
 - (h) Engaging in conduct outside of working hours which tends to bring discredit to or reflects poorly on the institution.
 - (i) Failure, or refusal to submit to, any drug test requested or required, whether a pre-employment, random, particularized suspicion or post- accident test.
 - (j) Negligence or willful damage to College property
 - (k) Willful violation of any college rule or any deliberate action that is detrimental to the College
 - (l) Negligence or any careless action which endangers the life or safety of another person
 - (m) Possession of firearms, weapons, or explosives on the property of the College
 - (n) Engaging in criminal conduct or acts of violence, or making threats of violence toward anyone on the College's premises or when representing the College
 - (o) Threatening, intimidating or coercing fellow employees on or off the College premises at any time, malicious gossip and/or spreading rumors; engaging in behavior designed to create discord and lack of harmony; interfering with another employee on the job
 - (p) Unreliable attendance or failure to follow notification procedures for an absence (For more information, see [Section 8.02 Requests for Leave](#) and [Section 4.02 Absence Notification](#))
 - (q) Unauthorized disclosure of confidential information; including violations under the Family Educational Rights and Privacy Act (FERPA)
<https://www2.ed.gov/policy/gen/reg/ferpa/index.html>
 - (r) Refusal to terminate activities, which constitute a conflict of interest
 - (s) Theft of College property or property of another employee

Section 4.06 Secondary Employment

If any employee seeks secondary employment, the direct supervisor must be notified in writing prior to beginning work. The supervisor will then consult with

the President. It will be determined whether the secondary employment will interfere with the employee's current duties or will cause a conflict of interest. The employee will be notified in writing of the determination.

Section 4.07 Conflict of Interest

As an employee of the College, it is imperative that the interest of the College be considered the primary focus of its employees. The following will apply:

- (a) Employee's participation in activities or secondary employment that could result in a conflict of the College's best interests will be subject to review. If it is determined that such participation or employment is seen as conflicting with the College's best interests, the employee will be asked to discontinue such activities or employment.
- (b) Employees will not accept gifts, monetary or otherwise, from business representatives who want to secure or maintain business relationships with the College or its enterprises.
- (c) Employees of the College will not utilize College resources for personal affairs or gain.

Section 4.08 Media Contacts

Employees shall not speak with members of the media (TV, radio, newspaper, magazine, etc.) as a representative of the College without written authorization from the President of the College, or his/her authorized agent.

Section 4.09 Public Information

Employees shall not discuss any information that is confidential, involves personnel matters, or pending litigation with any other staff, persons, or entities, within or outside the College, that are not directly involved in a particular issue or project. If a prospective employer or other entity is requesting a reference or employment verification on a current or past College employee refer them immediately to Human Resources. Human Resources will ensure proper documentation is in hand prior to releasing requested information.

Section 4.10 Policies

Employees are expected to adhere to the College policies that govern employee conduct including but not limited to:

- (a) **Alcohol and Drug Policy** - Nebraska Indian Community College is a drug-free and alcohol-free workplace. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited. Any employee who violates these conditions is subject to disciplinary action.

- (b) **Smoke-Free Policy** - Smoking is prohibited inside any of the College's facilities or vehicles.
- (c) **Violence-Free Policy** – The Nebraska Indian Community College has zero tolerance for physical or verbal violence of any kind. Anyone causing a situation which seriously threatens the physical or emotional well-being of any student, staff, faculty or persons doing business with the College will be removed or barred from the campus. Law enforcement will be summoned if the problem becomes persistent or if there appears to be an immediate threat.
- (d) **Sexual and Gender Harassment Policy** –NICC is pledged to maintain a safe working and learning environment because sexual harassment can interfere with a student's academic performance and emotional and physical well-being, and that preventing and remedying sexual harassment in schools is essential to ensure nondiscriminatory, safe environments in which students can learn.

Current laws define various violent and/or non-consensual sexual acts as crimes. Additionally, Nebraska Indian Community College has a defined category of sexual misconduct for which action under this policy may be imposed. Generally speaking, NICC considers sexual intimidation or exploitation violations to be the most serious, and therefore typically imposes the most severe sanctions, including suspension or expulsion for students and termination for employees. However, NICC reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any act of sexual misconduct or other gender-based offenses, including intimate partner or relationship violence, nonconsensual sexual contact, and stalking based on the facts and circumstances of the grievance. Complaints regarding sexual and gender harassment will be directed to the Human Resource Manager and/or Academic Dean.

- (e) **Acceptable Use Policy for Computing and Networking Resources** – All users have the responsibility to make use of these resources in an efficient, ethical, and legal manner. For more information on what is ethical and legal please contact the Information Technology Department.
- (f) **Social Media Policy** - This Social Media Policy is applicable to every staff member associated with Nebraska Indian Community College (“NICC” or “College”), including full-time, part-time, or temporary employees, all volunteers, all who provide contract services, and all officers, directors, and board members. The procedures for implementation of this Policy shall include a grievance process consistent with the NICC Employee

Handbook. Social media channels may include, but are not limited to blogs, or networks such as Facebook, Twitter, YouTube, LinkedIn, Instagram, Tumblr, Pinterest, Snapchat, or similar sites. The guidelines in this policy will create consistent communication on behalf of the College and maintain the integrity of communication between the College and prospective and current students, faculty, staff, alumni, and the community. NICC staff are expected to use good judgment if interacting with students or colleagues via social networking websites, and if posting information about the College or their employment on such sites or blogs. NICC staff who manage social media as representatives of NICC are responsible for following all normal expectations for professional behavior as representatives of the College. The College is committed to fostering an educational environment that allows for freedoms of speech and expression in accordance with the First Amendment to the U.S. Constitution. However, the College will not tolerate any activity or posting on an official College social media site or personal social media site that loses First Amendment protection such as any unlawful, defamatory, or obscene activity or posting. The College reserves the right to remove any such posting without notice. The College also reserves the right to refer social media activity to the applicable social media platform and/or appropriate authorities for appropriate action.

If your social media presence is representing your NICC department, group, organization or activity, you are also representing your own professional reputation and the College. Even on your personal site, if you indicate that you are an NICC faculty or staff member, visitors to the site may perceive that you are speaking for your department or the College. By invoking your professional affiliation with NICC, it may be hard to contend otherwise if you are not explicit about that fact. With this in mind, employees should not post messages on behalf of NICC unless doing so is within the scope of their job duties.

The “Appropriate Use Guidelines” listed below provides suggestions on how to use social media in ways that can prevent you from inadvertently affecting your professional reputation or how the College is perceived.

Appropriate Use Guidelines

- 1. Be aware of liability.** You are legally liable for what you post on your own site and on the sites of others. Individual bloggers have been held liable for commentary deemed to be proprietary, copyrighted, defamatory, libelous or obscene (as defined by the courts). Employers are increasingly conducting Web searches on job candidates before extending offers. Be sure that what you post today will not come back to haunt you.

- 2. Be transparent about your role at NICC.** If you participate in or maintain a social media site on behalf of the College, clearly state your role and goals. Strive for accuracy and correct errors quickly. If you have questions about whether it is appropriate to write about certain material, ask your supervisor first. All College social media sites must adhere to state and federal laws and regulations, and College policy.
- 3. Be Respectful.** Be professional and respectful always. Anything you post on a social media site in your role as a NICC faculty or staff member reflects on you and the College. As such, be careful with your comments and avoid engaging in non-academic arguments or extensive non-academic debates with critics. If a negative post or comment is found online about NICC or yourself, do not counter with another negative post. Instead, publicly offer to remedy the situation through positive action. Contact your supervisor for assistance with this issue.
- 4. Maintain Confidentiality.** Do not post confidential or proprietary information about NICC, its students, its alumni, your fellow employees or yourself. Use good ethical judgment and follow all local, state and federal regulations, such as FERPA and HIPAA and college policies. Employees are not allowed to disclose information that are financial, operational and legal in nature, as well as any information that pertains to clients and customers. Media sites must not contain sensitive information or other confidential information that violates another's rights under FERPA, HIPAA or any other applicable law pertaining to privacy or confidentiality. Any sensitive personal information or other confidential information posted on office social media site or personal site must be removed as soon as practically possible.
- 5. Refrain from posting derogatory remarks.** Employees are to refrain from posting derogatory, false, inflammatory or harassing comments about students, colleagues or former colleagues, alumni, donors, and trustees. Employees may not utilize social media to post dishonorable content such as racial, ethnic, sexual, religious, and physical disability slurs.
- 6. Consider your audiences.** Social media often span traditional boundaries between professional and personal relationships. Use privacy settings to restrict personal information on otherwise public sites. Choose profile photos and avatars carefully. Be thoughtful about the type of photos you upload.

7. **Protect your identity.** Don't provide personal information about yourself or others that scam artists and identity thieves might steal. This includes telephone numbers, mailing addresses, email addresses and copies of personal documents.
 8. **Respect college time and property.** Academic or administrative use of NICC IT Resources always takes precedence over recreational and non-institutional use. The College computers and your work time are to be used for College-related educational and business purposes. It's appropriate to post at work if your comments are directly related to accomplishing work goals, such as seeking sources for information or working with others to resolve a problem. Limited personal use of computing resources is acceptable as long as it doesn't violate any policies, but for the most part, you should maintain your personal social media sites on your own time. Staff & faculty, students, and guests should understand that their use of the College's network and computer equipment is not private. Although employees have passwords that restrict access to their voice mail, computers and websites, NICC reserves the right to access any person's files, voice mail, or e-mail. NICC also reserves the right to monitor on-line activities.
 9. **Think before you post.** Whether it's your personal or a NICC social networking site, remember that nothing is truly private in social media. Think about your comments, photos or other content before posting. Remember that anything you share, even within closed networks, becomes publicly available information. Your content can be stored and shared globally instantly. If it's not something that you would share with the mainstream media, don't post it on your site. You must ensure that your use of social media does not harm or otherwise injure the college, its faculty, its students, its alumni, or its employees.
- (g) **Statement of Confidentiality on use of Student Records** – Student records are confidential. They may be disclosed to a third party only with the student's advance written permission. Unless written permission is obtained, the discussion, use, or access of student records is limited to job-related, legitimate educational interests.
- (h) **Code of Conduct** – All employees must conform to ethical and legal standards to abide by the law and to preserve the integrity and reputation of the College. Employees have a duty to warn their supervisor or Human Resources if they are aware of or suspect any problematic workplace activity, situations, or incidents that involve other employees, students or visitors. Refer to Section 4.05 for more information on Employee Conduct.

- (i) **Disciplinary Action** – It is the policy of Nebraska Indian Community College to attempt to treat all employees equitably, and to administer all policies, procedures, rules and regulations consistently, when an employee’s performance is unsatisfactory, or when an employee
 - i. violates the rules and regulations of the College. However appropriate disciplinary action may have to be taken. The College has a progressive disciplinary policy but may use any level of discipline depending upon the seriousness of the offense. Refer to Article X for more information.
- (j) **Use of College Vehicles** – College vehicles should be used only for College business and not personal use. You must have a valid/current driver’s license and provide proof of your own insurance in order to drive College vehicles. All laws must be followed while on College business. Any fines or tickets received while on College business will be responsibility of the employee. Employees should not expect to be reimbursed for College business travel in their personal vehicle unless approved in advance. (For more information, please view ARTICLE XV: COLLEGE TRAVEL).

ARTICLE V. SUPERVISOR RESPONSIBILITIES

Section 5.01 General

Supervisors are expected to direct and oversee tasks to be performed by employees and ensure that employees have access to the necessary training and tools to perform those tasks.

Section 5.02 Availability

Supervisors are expected to be available to address questions and concerns expressed by employees being supervised. This includes ensuring that employees are aware of what to do in the supervisor’s absence.

Section 5.03 Signature Authority

Supervisors are required to review time sheets and leave requests verifying time worked in the electronic system. When the time sheets are completed, they will be approved to send to the Payroll Clerk. If the supervisor is not available to authorize, it is his or her responsibility to designate the proxy approver and inform all relevant parties of the designation.

Section 5.04 Mentoring

It is the supervisor's responsibility to provide mentoring to employees in the event concerns about performance of job duties or attendance arise.

Section 5.05 Performance Evaluation

It is the supervisor's responsibility to complete performance evaluations at the scheduled intervals (at minimum once a year) for all employees under the supervisor's direction and return them to Human Resources in a timely manner.

Section 5.06 Filling Vacancies or New Positions

It is the supervisor's responsibility to inform the appropriate level of administration on the organizational chart and Human Resources of the need to fill any position before proceeding with the advertising, application or hiring process. See section 2.03 for more information.

Section 5.07 Changes in Employee Status

It is the supervisor's responsibility to inform the appropriate level of administration on the organizational chart and Human Resources in writing of any change in an employee's status. Human Resources will not process any changes without a completed Employee Action Notice and related documentation.

Section 5.08 Timely Submittal

It is the supervisor's responsibility to ensure their employees complete and turn in required paperwork in a timely manner as required or requested.

Section 5.09 Time Tracking

It is the supervisor's responsibility to ensure that their employee's hours are accurately reported to Human Resources and meet the requirements of their employment status (See [Section 3.01 Types of Employment](#)). Supervisors will adjust time sheets to meet the minimum requirement. For example:

- *Scenario 1:* Salaried person worked 75 hours but has down that they will take 8 hours of PTO –supervisor and/or payroll clerk will reduce the PTO to only 5 hours to make them just 80 hours worked.
- *Scenario 2:* Salaried person worked 75 hours, has PTO and/or Comp time available but did not report this on timecard - supervisor and/or payroll clerk will add comp time or PTO time to fill the remaining 5 hours.

ARTICLE VI. FACULTY

Section 6.01 Types of Faculty Members

NICC does not offer tenure-track faculty positions; however, faculty members are categorized into four types:

1. Division Head

- a. Develop and assess courses, degree/certificate programs in division
- b. Oversee adjunct faculty, teaching assistants and tutors in division
- c. (See Full-Time Faculty for additional responsibilities)

2. Full-Time Faculty

- a. Full-Time Faculty have a 12-month contract with a minimum of 40 hours per week. This includes activities in three general areas: teaching, service and research.
 - i. Teaching (*70% or approximately 28 hours per week*)
 - 1. Course instruction, office hours, class preparation, grading, faculty advising, intercampus travel
 - ii. Service (*20% or approximately 8 hours per week*)
 - 1. Committees, workshops, community outreach
 - iii. Research (*10% or approximately 4 hours per week*)
 - 1. Three levels of assessment in academics (i.e., course, program and institutional), grants, supervision of student research and/or service-learning project, independent research
 - iv. Other duties as assigned

3. Part-Time Faculty

- a. Part-Time Faculty are contracted for less than 40 hours per week.
- b. Activities in the three general areas of teaching, service and research (see above) will be outlined in the individual contract.

4. Adjunct Faculty

- a. Adjunct faculty will teach a maximum of nine (9) credit hours per term (Additional credit hours may be assigned through specific approval of the Academic Dean)
- b. Since adjunct faculty are contracted for specific course(s) in a term, re-employment shall not be considered automatic and shall terminate as stated in the contract.

Section 6.02 Expectations for Division Heads and Full-Time Faculty

Teaching

1) **Classroom Instruction:** The instructor must deliver no less than 180 credits throughout the length of a yearly contract. The term “credit” refers to the number of college credits a course is worth multiplied by the number of students enrolled in each course. In general, this means that the faculty member will be responsible for teaching 12-18 course credits in fall and spring terms (4-6 courses), and 4-6 course credits during the summer term (1-2 courses). *Formula: number of course credits x number of students enrolled*

Sample Term

Course	Credits	# of Students	Total Credits Awarded
BSAD 1050	3	7	21
EDUC 1010	2	9	18
MATH 1110	4	6	24
ENGL 0900	3	6	18
HLTH 1020	1	11	11
			92

a) If the 180 credit hours is met during the fall and spring terms, faculty may request a course release form for the summer term. This form must be approved by the Academic Dean and the President.

b) It is expected that faculty who do not reach 180 or additional credits will either be 1) reduced in pay based on the credits offered; or 2) must before the end of the third week of classes, work with the Academic Dean to complete a contract addendum to determine the alternative duties to be completed. If arrangements cannot be made during the term of the semester, approval of the President must be sought for the extension.

c) Other faculty course load exceptions must be approved by the Academic Dean and President using the faculty course release form.

d) **Syllabi**

i) The Instructor must provide students a syllabus (using the template provided) for each course.

ii) A copy of the course syllabus must be shared with the Academic Dean and Registrar before the first day of class.

	<p>iii) Syllabi must be posted on Canvas in order for students to have access to it at any time.</p> <p>2) Office Hours: It is expected that faculty will provide no fewer than eight (8) posted, on-campus office hours per week plus additional time as required by student and schedule needs.</p> <p>a) Faculty member's class times and office hours are to be posted (on Canvas Student Orientation page and printed outside office door).</p> <p>b) In addition to meeting with students, faculty may use this time for class preparation and grading.</p> <p>3) Faculty Advising: Faculty will meet at least one time each semester with students in their degree programs to discuss degree audit, class registration, scholarships, internship/job opportunities, etc.</p> <p>4) Grade and Attendance Submission:</p> <p>a) Attendance: NICC is an attendance required institution. To remain in compliance, student attendance must be entered weekly on Empower (Student Information System), regardless of the mode of instruction.</p> <p>b) Grades: Mid-term and final grades must be entered on Empower by deadlines as ascribed on the academic calendar.</p> <p>i) Failure to follow this directive may result in disciplinary actions.</p> <p>c) No-Show Reports: If a student has not attended class by Census Date, a no-show report must be emailed to the Registrar, Financial Aid Coordinator, and the Dean of Student Services.</p> <p>5) Faculty Absence: Absence notification should be done in advance through the submission of a leave request. If it is an unforeseen absence (illness or injury) you must notify the Academic Dean at least 2 hours prior to the beginning of your scheduled hours. The following procedure must be followed:</p> <ul style="list-style-type: none"> • If the instructor is unable to attend class, the instructor must notify the Academic Dean, their students, and Student Services at least two hours prior to the regularly scheduled meeting time. • It is the Instructor's responsibility to make arrangements to locate a substitute or provide online instruction (i.e., Canvas) for additional hours missed. • One class day may be missed per academic semester without making arrangements to make up time with students. <p>6) Intercampus Travel: Faculty are expected to be travel to other campuses at least once per month to instruct and meet face to face with their students on the other campuses.</p>
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Service	<ol style="list-style-type: none"> 1. Committees: It is expected that each faculty member will serve on at least 3 ongoing committees, or 2 ongoing and 2 short-term) <ol style="list-style-type: none"> a. Academic Council- All faculty are voting members in Academic Council. Attendance at these meetings is required, unless you have been excused by the Academic Dean prior to the meeting. b. Faculty Senate c. Assessment & Curriculum Committee d. Other NICC committees, as needed e. Committees outside of the college, representing NICC 2. BOD Reports: Full-Time Faculty are required to submit a regular reports to the Academic Dean to be synthesized into an Academics Report to the Board of Directors (BOD) detailing their accomplishments (i.e., teaching, service and research activities), plans for the future, and concerns he/she may have (with proposed solutions). Failure to submit reports in the time specified will result in disciplinary actions. The template for this report can be found on the NICC website or on the NICC Faculty Group page on Canvas. 3. Community Outreach <ol style="list-style-type: none"> a. Leading workshops/professional development within campus communities b. Participating in community events c. Graduation Attendance: Attendance at Graduation is required unless prior approval is granted one week in advance from your supervisor.
Research	<ol style="list-style-type: none"> 1) Assessment: Full-Time Faculty must take part in the three levels of assessment in academics (i.e., course, program and institutional assessment). Failure to complete the assignment upon the due date may result in disciplinary action. 2) Grant administration, grant writing, and/or other related grant program activities as approved. 3) Supervision of student research and/or service-learning projects 4) Independent research <ol style="list-style-type: none"> a. Towards publication and professional presentations b. Keeping up-to-date in your field

ARTICLE VII. COMPENSATION

Section 7.01 Wage Scale and Wage Increases

Wage increases may be available based upon availability of funds. Employees may be eligible for annual increases based upon the performance of duties. A performance evaluation must be completed with satisfactory results before any increases in wage will be granted. The amount of increase will be based upon the supervisor's recommendation and the President's approval. The increases will be implemented on the next pay period.

Section 7.02 Wages

Wage rates for all positions will be set by the President in cooperation with the appropriate supervisor and Human Resources. The College shall attempt to pay equitable wages and salaries based on an employee's classification, relevant experience and education within the boundaries of our established salary administration guidelines and the College's ability to pay. Certain professional positions will not have a designated wage; however, a range will be established as the basis for negotiation. All wages and salaries will be determined by the funding available and the regulations those funding providers require.

Section 7.03 Pay Schedule

All employees are paid on a bi-weekly (once every two weeks) basis. In order for timecards to be processed on time, the employee is responsible for making sure their timesheet is ready to be processed by Saturday at 11:59pm. The pay period runs from Sunday 12 a.m. (week 1) to Saturday 11:59 p.m (week 2).

Section 7.04 Overtime Compensation (for non-exempt employees)

Employees, as defined by the FLSA as eligible to receive overtime pay, shall be eligible for compensation for hours worked in excess of forty (40) hours per week. All overtime must be approved in advance, in writing, by the employee's immediate supervisor.

Section 7.05 Payroll Deductions

Payroll deductions will be withheld according to local, State, and Federal laws. The amounts deducted from gross pay will be listed on the employee's pay stub.

Section 7.06 Direct Deposit

All employees are required to set-up direct deposit for their payroll check. Employees can elect to deposit their funds into a checking and/or savings account of their choice. If you need to make changes, see Human Resources or the Payroll Clerk for a Direct Deposit Form. Employees that do not have direct deposit will receive their payroll via USPS with the address on file with Human

Resources.

Section 7.07 Weather Closures

Full-time employees will receive 8 hours of weather compensation for a full day of campus closure. Part Time employees will receive up to their regularly scheduled time for the day of campus closure. Each employee will receive closure pay for their designated campus according to their job description. Please note, NICC follow the delays and closures of the local K-12 schools. However, the college reserves the right to remain open or close outside of these basic procedures. Please check the local news outlets and make your best decision about road conditions. Further, if two of our three locations have a late start or are closed, all campus locations will start late or close.

ARTICLE VIII. BENEFITS

Section 8.00 Personal Leave

Paid leave is time earned by full-time employees to use at their discretion as vacation, leisure, sick, or personal time based upon the following schedule.

Personal Leave Schedule

Time of Service	Hourly (non- Exempt)	Salaried (Exempt)
0- 6 months	40 hours	40 hours
7 months – 12 months	40 hours	40 hours
Year 1	80 hours	120 hours
Year 2 - 4	120 hours	160 hours
Year 5 - 9	160 hours	200 hours
Year 10 and above	200 hours	240 hours

- a. Employees in temporary, contract, part-time, or work study status are not eligible for personal leave.
- b. The maximum carry-over from one calendar year to the next shall be 160 hours (20 days) of personal leave. NICC may pay an employee up to 80 hours of personal leave in addition to their regular pay if the following are met:
 - ☐ Employee has taken at least 80 hours of personal leave or comp time within the calendar year,
 - ☐ Employee is rolling over 160 hours of personal leave into the next calendar year,
 - ☐ Employee's funding source can support the pay-out.
- c. The computation date shall be January 1st of each year for employees hired before January 1, 2017. Employees hired on or following January 1, 2017 calculation of months served will be adjusted on their anniversary hire date. Employees who will not be employed for the full year (start or terminate employment mid-year) will have their personal leave pro-rated based on the number of months worked in the year.

- d. When a designated paid holiday or other closure occurs while an employee is on leave, the holiday will not be charged to personal leave.
- e. Personal leave may not be taken in increments larger than 10 consecutive business days, unless approved by the supervisor.
- f. Employees required to work on holidays or other closures for NICC business will receive pay at 1.5 hours for hourly employees. The holiday hours will be counted as worked hours for salaried employees and the employee will receive comp time if they have 80 hours in the pay period (i.e. 8 hours holiday, 6 hours worked on holiday, 32 hours worked the remainder of week = 40 hours and 6 compensatory hours).

Section 8.01 Compensatory Time

The following applies to earned compensatory time:

- a. Compensatory time refers to time an Exempt (salaried) employee would work over and beyond their scheduled work week.
- b. Supervisors need to approve compensatory time hours before the compensatory time is earned.
- c. Compensatory time should be used before personal leave time.
- d. Earned compensatory time should not exceed 80 hours in a 12-month period. Compensatory time must be used in the 12-month allocated period it has been earned. Compensatory time cannot be carried over to the new year based upon anniversary date. Compensatory time will not roll into the next year and employees will not be paid for unused compensatory time.
- e. If an employee resigns or is dismissed, they forfeit their unused compensatory time and will not be paid for unused compensatory time.

Section 8.02 Requests for Leave

Leave requests should be completed in the time tracking system and approved by the employee's supervisor as far in advance as possible to provide the opportunity for arrangements to be made for work scheduling and coverage.

- (a) Requests for leave should be submitted as follows:
 - (i) For less than 8 hours must be submitted at least one full work day in advance.
 - (ii) For 8 – 24 hours must be submitted at least three full work days in advance.
 - (iii) For more than 24 hours must be submitted at least one full work week in advance.
 - (iv) In the event of an immediate or emergency absence (i.e. illness or injury), must be submitted upon return to work.

Section 8.03 Family and Medical Leave

Eligible employees are entitled to up to twelve (12) weeks of unpaid leave during any twelve (12) month period with at least 30 days notice if foreseeable and proper medical certification. Eligible employees may request Family and Medical Leave in the following situations:

- (a) To care for a newborn child or a newly placed adopted or foster child.
- (b) To care for a seriously ill child, spouse or parent.
- (c) Employee's own serious illness.

The following applies to Family and Medical Leave:

- (a) The College is required to continue to provide the current level of health insurance coverage during this period of time. Employees must continue to pay their share of the insurance premiums. If the employee decides not to return to work within the time frame specified, the employer may recover any group health plan premiums paid while the employee was on leave, unless it is beyond the employee's control to return to work.
- (b) Employees may use accumulated personal leave to cover this period.
 - a. Employees will not receive pay for any period not covered by accumulated leave.
- (c) If both spouses are employed by the College, the amount of leave may be limited to a total of 12 weeks. In the event of serious illness, both spouses may be eligible for 12 weeks each.
- (d) Employees may be able to take the leave "intermittently" if it is medically necessary. The employee must make a reasonable effort to schedule all medical treatment in a manner that will not disrupt the employer's operations.
- (e) Employees who take Family and Medical Leave are entitled to return to the same position held before taking leave. If business necessity requires, the position may be permanently refilled. In this case, the employee must be given an equivalent position with the same pay and benefits.
- (f) Certain "key" employees may be denied restoration to the position held prior to taking leave. In this case, the employee must be notified as soon as that determination has been made and given the option to return to work after receiving notice.
- (g) Requests for Family Leave should be submitted in writing to the employee's supervisor and forwarded to Human Resources. The twelve (12) month period for any employee qualified for and taking FMLA will be a rolling twelve (12) months beginning the first day of leave actually taken or assigned.

Section 8.04 Maternity Leave

Full-time employees are eligible for paid maternity leave amounting to a maximum of five (5) weeks. Additional unpaid leave may be granted if extenuating circumstances warrant it.

Section 8.05 Paternity Leave

Full-time employees are eligible for paid paternity leave amounting to a maximum of fifteen (15) days. Additional unpaid leave may be granted if extenuating circumstances warrant it.

Section 8.06 Bereavement and Funeral Leave

Employees who have a death in their immediate family are eligible for four days of paid leave. Immediate family refers to current legal: spouse or domestic partner, children, sister, brother, sister-or brother-in-law, mother, father, mother-or father-in-law, uncles, aunts, nieces, nephews and grandparents and any other direct lineal descendant. If there is a question regarding immediate family, it will be brought to the appropriate supervisor for resolution. All decisions will be final, and the employee will be notified. Documentation may be required for paid funeral leave. Additional unpaid leave may be granted if extenuating circumstances warrant it.

Section 8.07 Educational Leave

- (a) Educational leave (without pay) may be granted up to 1 year if it is to the benefit of the College and includes re-employment with the College. Requests for educational leave should be submitted to the appropriate supervisor. Approval must be obtained from the President.
- (b) All full-time employees are eligible for educational leave up to six hours per week with pay if it is to the benefit of the College. Educational leave may be granted up three hours per week for part-time enrollment. Educational leave may be granted up to six hours per week for full-time enrollment. Educational Requests for educational leave should be submitted to the supervisor and forwarded to Human Resources for review and approval. Education hours are part of a full-time employee's workweek if approved by the employees' supervisor.

Section 8.08 Tuition Waiver

To receive the employee/board member tuition waiver, an individual must be either a full-time employee, a member of the board of directors or a child of a member of the board of directors or full-time employee. Child shall be defined as biological child, or child by adoption whether statutory or traditional. The person receiving the tuition waiver must meet the following standards:

- (a) The person receiving the tuition waiver must maintain a minimum GPA of a 2.0 to be eligible to continue receiving the tuition waiver. If a person drops below a 2.0 GPA, a person may become eligible for the program again after a one semester period.
- (b) The tuition waiver is applicable only to courses offered by the Nebraska Indian Community College.

Section 8.09 Military Leave

Employees who are members of a reserve component of the U.S. Armed Forces will be granted leave without pay for required training or duty. In the event of an emergency requiring active duty, employees will be granted leave without pay. The college will comply with government regulations in regard to employees returning from active duty.

Section 8.10 Jury Duty

Employees may be granted paid leave in the event that they are required to serve as a juror or as a witness who is subpoenaed to testify in court proceedings. If employees receive a stipend for jury duty, the College will pay the portion of work time missed, not covered by the stipend.

Section 8.11 Holidays

Holidays will be granted to employees (excluding temporary employees) as leave with pay. If a scheduled Holiday falls on a Saturday, it will be observed on the Friday preceding the Holiday. If a scheduled Holiday falls on a Sunday, it will be observed on the Monday following the Holiday. In addition to pay, employees who work on a holiday, with prior written approval from their supervisor, will receive compensatory time for every hour worked at a rate of 1 hours per worked hour. If an hourly employee, they will receive 1.5 hours of compensation for every hour. The College employees will observe the following designated holidays:

- (a) New Year's Day – January 1 & 2
- (b) Martin Luther King Jr. Day – third Monday in January
- (c) Spring Recess – Friday before & Monday after Easter
- (d) Memorial Day – last Monday in May
- (e) Juneteenth- June 19th
- (f) U.S. Independence Day – July 4
- (g) Annual Umoⁿhoⁿ and Santee Pow-wow – Friday before & Monday after
- (h) Labor Day- first Monday in September
- (i) Native American Day – As prescribed per the Omaha Nation and the Santee Nation
- (j) Veterans Day – November 11
- (k) Thanksgiving Day – fourth Thursday & Friday in November
- (l) Christmas Holiday – Noon on Dec. 23 through December 31
- (m) Employee's Birthday (Floating Holiday)

Section 8.12 Medical Benefits

Full time, permanent employees are eligible for medical benefits at the discretion

of the College. Benefits will begin the first of the month after completion of the 30-day probationary period. The College will cover a portion of the premium cost under the College sponsored plan for the employee's medical benefits only. The employee is responsible for remainder of the premiums for the benefit(s) they select, which will be deducted from the employee's bi-weekly paycheck. Upon termination, employees are covered through the end of the month in which they terminate. Upon termination, an employee may be eligible for COBRA coverage according to the current Federal and State guidelines, premiums are at the employee's expense. See Human Resources for the current medical benefit availability.

Section 8.13 TIAA-CREF

The College participates in a retirement fund.

- (a) The Nebraska Indian Community College will contribute up to a maximum of six percent (6%) to each full-time staff member's gross salary to a retirement system mutually agreed upon by the Board and the staff at the College's discretion. Currently, the retirement annuity program is administered by TIAA-CREF. The staff members must likewise contribute an equal amount of their gross salary to the same retirement system and work at least 1,000 hours in the Plan year.
- (b) Employees are eligible to contribute to TIAA-CREF any time after initial employment. The college match will commence on the first anniversary date of the employee's employment.
- (c) Employees may not withdraw the Nebraska Indian Community College portion of the contribution to the retirement fund until the age of retirement. However, employees may use the accumulated contributions as collateral for the purposes of seeking a loan from TIAA-CREF according to the guidelines and restrictions of the company.

Section 8.14 Employee Emergency Loan

The college has established an emergency loan program. Loans will only be made to non-probationary, regular employees in financial crisis, who have no other means of obtaining financial assistance in an emergency. The limit on the emergency loan is \$1000, is interest free and will be repaid to fund using payroll deduction. The emergency loan may only be used once in any 12-month period. The process to request a loan is to complete the required form and have it approved by the Business Office Director and the President.

Section 8.15 Whistle Blower Policy

A. Application. This Whistleblower Protection Policy applies to all of the Nebraska Indian Community College's staff, whether full-time, part-time, or temporary employees, to all volunteers, to all who provide contract services, and to all officers and directors, each of whom shall be entitled to protection.

B. Reporting Credible Information. A protected person shall be encouraged to report information relating to illegal practices or violations of policies of the Nebraska Indian Community College's (a "Violation") that such person in good faith has reasonable cause to believe is credible. Information shall be reported to the College President (the "Compliance Officer"), unless the report relates to the Compliance Officer, in which case the report shall be made to the Chair of the Board of Directors which shall be responsible to provide an alternative procedure.

Anyone reporting a Violation must act in good faith and have reasonable grounds for believing that the information shared in the report indicates that a Violation has occurred.

C. Investigating Information. The Compliance Officer shall promptly investigate each such report and prepare a written report to the Board of Directors. In connection with such investigation all persons entitled to protection shall provide the Compliance Officer with credible information. All actions of the Compliance Officer in receiving and investigating the report and additional information shall endeavor to protect the confidentiality of all persons entitled to protection.

D. Confidentiality The college encourages anyone reporting a Violation to identify himself or herself when making a report in order to facilitate the investigation of the Violation. However, reports may be submitted anonymously by typing a form detailing the violation, printing the form and placing it in the mail box for the President or by placing the document on his or her desk. Reports of Violations or suspected Violations will be kept confidential to the extent possible, with the understanding that confidentiality may not be maintained where identification is required by law or in order to enable the college or law enforcement to conduct an adequate investigation.

E. Protection from Retaliation. No person entitled to protection shall be subjected to retaliation, intimidation, harassment, or other adverse action for reporting information in accordance with this Policy. Any person entitled to protection who believes that he or she is the subject of any form of retaliation

for such participation should immediately report the same as a violation of and in accordance with this Policy.

Any individual within the Organization who retaliates against another individual who has reported a Violation in good faith or who, in good faith, has cooperated in the investigation of a Violation is subject to discipline, including termination of employment or volunteer status.

F. Dissemination and Implementation of Policy. This Policy shall be disseminated in writing to all affected constituencies. The Organization shall adopt procedures for implementation of this Policy, which may include:

- (1) documenting reported Violations;
- (2) working with legal counsel to decide whether the reported Violation requires review by the Compliance Officer or should be directed to another person or department;
- (3) keeping the board of directors informed of the progress of the investigation;
- (4) interviewing employees;
- (5) requesting and reviewing relevant documents, and/or requesting that an auditor or counsel investigate the complaint; and
- (6) preparing a written record of the reported violation and its disposition, to be retained for one year.

Section 8.16 Equipment Loan Policy

The college has approved and equipment loan policy. All equipment loan requests must be made in writing to include what piece of equipment is requested to be loaned, for what purpose, for what length of time, and a statement detailing that the college will be held harmless for any potential injury before it is approved. Any individual requesting the equipment loan will provide their own liability insurance as well as statement stating they will be financially liable for any damages to the equipment. All approvals must gain the approval of the Business Officer and the President.

Section 8.17 Travel time

The college is a multi-campus institution and many positions are required to attend other campus locations away from their home locations from time to time. Travel time to and from an “away” campus shall be counted as hours worked.

ARTICLE IX. CULTURAL LEAVE

Section 9.01 Basic

The College recognizes that employees are in a unique employment situation in relation to their participation in religious ceremonies and their traditional beliefs and customs. The College will make every effort to accommodate employees in this matter. Cultural leave such as Sun Dance, Native American Church, etc. will be deducted from personal leave or will be unpaid. All leave must be requested on the appropriate leave request form.

Section 9.02 Death of an Immediate Family Member

In the event that the traditional mourning period is observed, an employee will be granted four (4) consecutive days of paid leave in the event of the death of an immediate family member. Immediate family members are current legal: spouse or domestic partner, children, sister, brother, sister-or brother-in-law, mother, father, mother-or father-in-law, uncles, aunts, nieces, nephews and grandparents. If there is a question regarding immediate family, it will be brought to the appropriate supervisor for resolution. All decisions will be final, and the employee will be notified. Documentation may be required for paid funeral leave.

Section 9.03 Pallbearers and Cooks

Employees who have been selected to serve as pallbearers or cooks in traditional funeral/mourning services will be allowed a reasonable amount of paid leave to fulfill their responsibilities during the four (4) days. Documentation may be required for paid funeral leave.

Section 9.04 Adoption Ceremonies

Leave for adoptions will be as follows:

- (a) Employees who are immediate family members will be granted one day of paid leave for adoption ceremonies if it occurs during the workweek. Immediate family members are current legal: spouse or domestic partner, children, sister, brother, sister-or brother-in-law, mother, father, mother-or father-in-law, uncles, aunts, nieces, nephews and grandparents. If there is a question regarding immediate family, it will be brought to the appropriate supervisor for resolution. All decisions will be final and the employee will be notified.
- (b) Employees who are selected to directly assist in adoption ceremonies, other than immediate family, will be granted a reasonable amount of paid leave, usually one day if it occurs during the workweek. "Directly assist" means those who will be cooking, speaking, singing and sewing.
- (c) Employees who want to attend an adoption during the workweek may request compensatory, personal leave, or leave without pay to cover their

hours missed.

Section 9.05 Feasts

Leave for feasts will be as follows:

- (a) Employees who have been designated to oversee preparations will be allowed a reasonable amount of paid leave to fulfill their responsibilities.
- (b) Employees who have been invited will be required to request personal leave, compensatory leave, or leave without pay to cover their absence.
- (c) Employees who choose to have an individual or family feast during the workweek will be required to request personal, compensatory leave or leave without pay to cover their absence.

ARTICLE X. PERSONNEL ACTIONS

Section 10.01 Employee Action Notice

An employee action notice is required for the following actions:

- (a) Changes in Classification
- (b) New Hires/Re-Hires
- (c) Promotions
- (d) Demotions
- (e) Lay Offs
- (f) Terminations

Section 10.02 Changes in Classification

A change in classification can be defined as a change in salary, job title, job description, budget classification, full time/part time status, etc. The supervisor will present the recommendation and the proper documentation to the President for approval.

Section 10.03 New Hires/Re-Hires

See [Article II Recruitment and Selection](#)

Section 10.04 Promotions

Recommendations for promotions will be submitted to the President with the proper justification documentation. An active employee taking a new position within the college shall be subject to the 90-day probationary period. Should the employee receive an overall “unsatisfactory” rating at the conclusion of the probationary period the employee will be allowed to return to their previous position.

Section 10.05 Demotions

Recommendations for demotions, whether disciplinary or as a result of restructuring will be submitted to the President with the proper justification documentation. An active employee being demoted to a new position within the college shall be subject to the 90-day probationary period. Should the employee receive an overall “unsatisfactory” rating at the conclusion of the probationary period the employee will be terminated.

Section 10.06 Lay-Off

The College reserves the right to lay-off employees at its discretion upon a 2-week notice due to lack of work or lack of funds to continue programs. Layoffs will generally be conducted in the ascending order of the college's organizational chart.

Each college department with more than one employee may determine the least critical position that may be cut. The final decision will be made by the College President. The College President shall make the decision regarding layoffs of personnel in departments or programs with a single employee.

Section 10.07 Terminations

Recommendation for terminations will be submitted by the appropriate supervisor prior to employee being discharged.

- (a) Employees may be terminated for any of the following reasons:
 - a. Unauthorized absence of 3 consecutive days (considered voluntary resignation)
 - b. Disciplinary Action
 - c. At-Will
 - d. A probationary employee who fails to obtain a “Satisfactory” performance rating in any category may be dismissed
- (b) The termination process is as follows:
 - a. The supervisor will notify the employee in writing of the termination, the reason for the termination, and the employee’s right to appeal the termination.
 - b. An employee who is dismissed from employment will receive final pay for hours worked within the usual time frame. Any monies due to the employee for unused personal leave, pro-rated for the number of weeks worked in the current year, not to exceed 160 hours, will be available and paid at the next scheduled pay period.
 - c. In the event the employee owes any monies to the College for advanced pay, use of unearned leave or travel advances, or other circumstances, the amount will be reported on the employee’s W-4 as part of the employee’s wages or deducted from the employee’s final payroll check. In some cases, the College may pursue legal action
 - d. Final pay will be sent via direct deposit.

Section 10.08 Resignations

Employee should submit notification in writing to their immediate supervisor. The College requests at least a two (2) week notice but reserves the right to accept the resignation within a shorter time frame.

Section 10.09 Severance Packages

Employees who leave the college in good standing (all college property returned; accepted resignation; no outstanding reports; etc.) may be eligible for severance pay to include two weeks of salary along with the entirety of all vacation time due, including all time over the 160 hour limitation, in conjunction with a letter to the college stating that the college will be “held harmless” for any and all issues, along

with maintaining confidentiality of all records of a confidential nature, and other legal issues. All severance packages are subject to the approval of the college's president and/or the business office to check the funding limitations and other possible conflicts, such as cases of multiple/methodological hiring and resignations.

ARTICLE XI. DISCIPLINARY ACTIONS

Section 11.01 Reasons

Disciplinary actions may be taken for any violation of any item listed in the Employee Code of Conduct.

- (a) All disciplinary actions are subject to the employee's right to file a
 - a. Grievance pursuant to Chapter XI of this handbook.
- (b) Failure to utilize the Grievance procedures as outlined in Chapter XI, including but not limited to violating the chain of command or publicizing the nature of the Grievance shall cause the employee to forfeit his/her right to a Grievance and may result in additional disciplinary action.

Section 11.02 Actions

The College, in an effort to address unacceptable job performance or behavior adheres to the concept of progressive discipline. Upon being notified that they are subject to disciplinary action the employee shall be advised of the grievance procedure and notified that failure to utilize the grievance procedures or violating the chain of command shall forfeit the employee's right to file a grievance and may subject the employee to additional disciplinary action for insubordination. The following types of action may be taken, not necessarily in the order given, dependent on the severity of the violation(s).

- (a) **Verbal Warning:** The employee is counseled by the supervisor about the employee's performance or conduct following a minor offense in an effort to eliminate possible misunderstandings, improve job performance, or to explain what constitutes proper conduct. A written statement will be placed in the employee's file.
- (b) **Written Warning:** The employee receives a written notice of discipline following continuing poor job performance or repeated minor offenses. Or the employee gets a written reprimand where it has been determined that an offense in the first instance is serious enough to warrant issuing a formal written notice. The purpose of a written reprimand is to make certain that the employee is fully aware of the level of the misconduct that he/she has committed, or of those areas of performance that must be improved. The written warning should also inform the employee what is expected. A copy will be placed in the employee's file.

- (c) **Final Written Warning:** (per violation) The employee receives a final written notice if sufficient progress in job performance has not occurred after prior counseling or written reprimands or following repeated minor offenses or it has been determined that an offense is serious enough to warrant a final written notice. A copy will be placed in the employee's file.
- (d) **Unpaid Suspension** (1-3 days) Suspension without pay occurs when an employee fails to correct performance after repeated warnings, as the result of an accumulation of minor offenses or it has been determined that an offense is serious enough to warrant an unpaid suspension. A copy of documentation will be placed in the employee's file.
- (e) **Paid Suspension, Pending Investigation:** During an investigation it may be required that the employee(s) involved in a said incident not be present on campus. In such cases the employee will be suspended with pay until the investigation is complete and a determination is made. Hours will be recorded in payroll as miscellaneous hours, not as regular hours and will not count towards overtime (if applicable). Such paid suspension shall not exceed 10 working days in length. If further suspension is required, it shall be an unpaid suspension.
- (f) **Corrective Probation** not to exceed 90 days. – An employee may receive an additional probationary period, up to 90 days, should he/she have job performance or related issues that need correction. The supervisor will outline the expectations and provide direction to help make the employee successful. This type of disciplinary action will typically accompany an additional action listed above. Documentation will be placed in the employee's file.
- (g) **Conditional Employment** (specific conditions are identified and documented). An employee will be given conditional employment most typically in circumstances where qualifications or expectations for the position are not being met. The supervisor will outline the expectations and provide direction to help make the employee successful. Documentation will be placed in the employee's file. A supervisor may recommend alcohol or mental health therapy or counseling as a condition of continued employment.
- (h) **Termination** – Termination of employment is the greatest penalty the College can impose. Such action should normally take place under the following circumstances:
 - (a) The College has made an attempt to have an employee correct performance or conduct and the employee has not responded favorably.
 - (b) The employee's misconduct is such a serious consequence that the College has determined it has no other alternative.
 - (c) The employee so terminated shall be notified upon termination that he/she shall not be eligible to reapply for any position of employment at the College, including contractual work, for at least 6 months from the date of termination.

Section 11.03 Process

Supervisors considering disciplinary actions against an employee shall take the following steps:

- (a) **Gather all the facts.** Immediately after a specific incident occurs, or immediately after learning of an incident, the supervisor shall obtain complete and detailed information about the incident by interviewing the employee involved and, privately and separately, each person who saw or heard what occurred (if applicable). Every effort should be made to reconcile conflicting statements and keep information confidential. Supervisors should notify Human Resources to assist in or conduct the investigation. If an offense is so severe in nature that management believes a discharge is warranted, Human Resources or the department head should immediately suspend the employee with pay, pending further investigation and review of the incident. This ensures that the management representatives involved will objectively evaluate the facts and circumstances surrounding the offense before deciding on an appropriate penalty.
- (b) **Prepare a written report.** The supervisor shall next write a complete, accurate, and unbiased report describing the information obtained. Include in the report any other information that is part of the employee's record (past performance appraisals, prior warnings, poor attendance records, etc.) that may provide additional substantiation of disciplinary action that the supervisor is planning to administer. It is imperative that no disciplinary action be taken before the written report is completed. In serious situations where immediate action is required (for example, insubordination), suspension is the maximum action to be taken. In such situations, where it is not possible to prepare the report beforehand, it must be prepared within one workday after such action is taken.
- (c) **Weigh the evidence.** Review and weigh all the evidence obtained and applicable College policy to determine whether the offense is one that warrants the formal disciplinary action proposed. If discipline is called for, consider the following factors before deciding on a penalty:
 - How serious is the problem?
 - What is the employee's past record?
 - Has the employee been disciplined in the past for the same infraction? If so, how recently was the employee disciplined?
 - What is the attitude of the employee?
- (d) **Review details with Human Resources.** After deciding on the appropriate disciplinary action, the management representatives involved should review the details of the incident with Human Resources to ensure that policies and procedures concurs with the type of discipline recommended, before administering the disciplinary action. If the recommended disciplinary action includes unpaid suspension, conditional employment or termination the President must approve it prior to being issued to the employee.

- (e) **Administer disciplinary action.** Disciplinary action shall include the following:
- i. Any disciplinary action, including a verbal warning, shall be administered by the immediate supervisor with appropriate documentation to include right of appeal. Where circumstances dictate it should be delivered, in the presence of Human Resources or the next level of supervision in the department (normally the individual to whom the supervisor reports).
 - ii. A letter of reprimand shall be prepared by the supervisor regardless of the level at which the warning is being given.
 - iii. Warning notices or letters of reprimand shall be signed by the employee (unless a verbal warning is being issued), signed by the supervisor, and Human Resources or the next level of supervision in the department (the supervisor's immediate superior). After issuance of the disciplinary warning notice, the notice should be forwarded to the Human Resources for review and placement in the employee's file.
 - iv. If the employee refuses to sign, the proper notation should be recorded on the letter.
- (f) **Take timely action.** If a specific incident is involved, disciplinary action, to be effective, must be administered as soon as practicable after the incident. To this extent, supervisors should ensure that all the facts are gathered, the written report is completed, all the evidence is weighed, and discipline is decided upon and administered timely. All actions should be completed within 2 working days unless there are unforeseen circumstances that prevent it.

ARTICLE XII. GRIEVANCES

Section 12.01 Basic

The College expects that the resolution of grievances be attempted on an informal basis whenever possible. This process shall also apply to contractual personnel, and all such contracts shall include a provision that these grievance procedures shall apply. However, when a complaint cannot be resolved informally, the college provides for a formal procedure which will seek resolution. To use the informal or formal procedures, the grievant must initiate the process within thirty days of the alleged incident. There shall be no reprisal against an employee because he/she elects to use the procedures established in the Grievances section.

Section 12.02 Process

Grievance Policy and Procedure

- (a) This policy and its accompanying procedures shall serve for the

resolution of job-related grievances. All procedures shall be conducted in a timely and confidential manner to the maximum extent possible.

- (b) The grievance procedures should not be construed as preventing, limiting or delaying the college from taking disciplinary action against any individual, up to and including termination, in circumstances where the college deems disciplinary action appropriate.

Section 12.03 Definitions

- (a) **Definition of Grievance:** A grievance is a dispute where an employee alleges:
 - i. Violation of specific college policy or procedure.
 - ii. Adverse working conditions or relationships including, but not limited to: work environment, disciplinary action, wages, hours, etc.
 - iii. Policy development and business or financial decisions made by the college are not open to grievance.
- (b) **Grievance Committee:** A committee that will meet as deemed necessary. The Grievance Committee consists of 5 members: two members from the Administrative Council; two from the Academic Council; and the grieving party selects one member from the Administrative Council, the Academic Council, or the Student Senate.

Section 12.04 Informal Procedures

- (a) The employee (grievant) should first discuss the issue with her/his supervisor or department chair and give the supervisor or department chair an opportunity to correct the situation or provide an answer to explain the matter. If unresolved at the immediate supervisory level, it is normally expected that the grievant proceed to the next supervisory level.
- (b) There may be situations wherein an employee has good or adequate cause to believe that he/she cannot discuss the matter with his/her immediate supervisor or department chair. In such an instance, the employee may approach a member of the Grievance Committee for assistance and/or advice. Any member of the Administrative Council or the Academic Council should be able to direct the person with an issue to the chair of the grievance committee. This person should attempt to bring the parties together informally for resolution by contacting them within five business days to schedule a meeting. This informal procedure should be completed in a timely manner not to exceed fifteen business days following the initial discussion between the grievant and the person sought as mediator.
- (c) If the grievant is not satisfied with the outcome of the informal procedure, he/she may begin the formal procedure. This formal

procedure must begin within ten business days after the completion of the informal process.

Section 12.05 Formal Procedures

- (a) The following formal procedures will be used for all employees.
- (b) In order to utilize the formal grievance procedure employees must request and complete an official *Petition for a Formal Grievance Hearing*. This form is available on the college website. This form will include the following information:
 - (i) Employee's allegation of the specific college policy/procedure that has been violated or a detailed explanation of the adverse working condition(s).
 - (ii) Employee's explanation of the facts surrounding the case and the actions that have taken place to date
 - (iii) Statement of the remedy sought by the employee
 - (iv) List of witnesses, if applicable
- (c) The Hearing
 - (i) Within two business days following the receipt of the written *Petition for a Formal Grievance Hearing*, the chair of the grievance committee will forward a copy to the other party
 - (ii) A request will be made for the other party to submit a list of witnesses
 - (iii) A request will be made to both parties to select one person from the grievance committee to serve on the hearing committee
 - (iv) The selection of the hearing committee members and submission of the list of witnesses will be forwarded to the grievance committee chair within five (5) business days.
 - (v) The chair of the grievance committee will bring these hearing committee members together, present them with the petition and request that they select a third person from the grievance committee to serve on the hearing committee.
 - (vi) The three members of the hearing committee will then select a chair from among their members who will schedule the formal hearing. This hearing will be scheduled within fifteen (15) business days following the receipt of the formal petition to the chair of the grievance committee at a time mutually convenient to all the parties.
 - (vii) The hearing will be attended by the two parties involved accompanied by legal counsel if they should so choose, and any witnesses previously selected and submitted. Witnesses shall only be present in the hearing room when they are testifying. (Responsibility for payment of legal counsel

- shall be the employee's.)
- (viii) The parties will state their respective positions relative to the grievance, including documentation and identification of witnesses related to the alleged grievance.
 - (ix) The hearing committee may call other individuals deemed necessary. Witnesses and parties involved will be questioned by members of the hearing committee.
 - (x) During the course of the hearing, both parties will have the right to address the hearing committee.
 - (xi) All proceedings shall be confidential to the maximum extent possible and held in closed sessions.
- (d) The Response
- (i) Within five (5) business days following the conclusion of the hearing, the chair of the hearing committee will deliver the written decision concerning the remedy sought to the two parties. The parties will also be informed of their right to appeal the decision.
 - (ii) Written notification will also be given to their respective supervisors and held on file in the Human Resource Office for a period of 7 years after the grievance hearing.

Section 12.06 The Appeal Procedure

If the grievant or the other party finds the decision of the hearing committee unacceptable, notification of this must be given in writing to the college President within 15 business days. The President will review all aspects of the proceedings to date, including but not limited to interviews with all parties and review of relevant documents. The decision of the President, which will be rendered within fifteen (15) business days of the appeal, will be final. If the President is a party to the grievance, the appeal should be submitted to the Board of Directors within 15 days for review. A final decision will be rendered within sixty days.

ARTICLE XIII. PERSONNEL RECORDS

Section 13.01 Maintenance

Human Resources is responsible to develop and maintain a file for each employee containing personnel information through the course of employment and after termination. All employees are responsible for keeping the Human Resources Department informed of their current contact information. The college will not be responsible for errors that occur because of incorrect contact information.

Section 13.02 Contents

The employee file shall consist of the following items:

- (a) Application for Employment, Resume and other application materials

- (b) Letters of Reference and/or Reference forms (if applicable)
- (c) Background check information
- (d) Notice of Appointment (offer letter)
- (e) Employee's Withholding Allowance Certificate (W-4)
- (f) Any required licenses or credentials (i.e. official transcripts)
- (g) Performance Evaluations
- (h) Employee Action Notices for all personnel actions
- (i) Documentation for any disciplinary actions
- (j) Employee Acknowledgement of receipt of Employee Handbook
- (k) Policy Acknowledgements/Sign-offs
- (l) Documents and certificates related to training or seminars
- (m) Other documents and correspondence related to employment

Section 13.03 Purging

Purging of irrelevant or duplicate materials will be performed by Human Resources. Employees may not remove or copy documents or materials from their employee file without express approval by the President.

Section 13.04 Access

Personnel files maintained by the College on employees are the property of the College and therefore confidential. Each employee may review their own file in the Human Resources Office at a time that is convenient for both parties. Supervisors may access employee files for the employees that he or she supervises based on circumstances necessitating the need for a review of the file. The College President may also access an employee file. All files must be reviewed in the Human Resources Office.

Section 13.05 Medical Files

Any medical information will be maintained in a separate employee file for each employee (i.e. health insurance forms, doctor documentation about a medical condition, etc.).

ARTICLE XIV. TITLE IX

Section 14.01 Policy

Nebraska Indian Community College (NICC) will address all incidents of sex discrimination and sexual harassment reported to the NICC Title IX Coordinator and/or their designee(s) in compliance with the Higher Education Opportunity Act, the Clery Act, and Title IX of the Education Amendments of 1972, as amended.

Section 14.02 Purpose

This policy is directed towards any person affiliated with the College, any person physically located on the premises of the College, any person participating in any College program or activity, or any person conducting college business with regards to college policies and procedures regarding sex discrimination and sexual harassment to which all above named groups are expected to adhere to during their time at NICC. In addition, comprehensive information is provided regarding the reporting of sex discrimination and sexual harassment and avenues to seek immediate assistance.

Section 14.03 Procedure

NICC seeks to create a positive educational environment on and off campus through our academic programs, services, activities, policies and procedures aimed at providing protection against sex discrimination and harassment. To that end, NICC condemns sexual discrimination and harassment in its education programs and activities based on sex or gender, sexual orientation, gender identity or expression, sexual harassment, sexual violence, domestic violence, dating violence, and stalking. Please see Sexual Harassment and Discrimination Policy of the College Catalog. Notice of a sex discrimination or sexual harassment incident to the NICC Title IX Coordinator charges NICC with actual knowledge and triggers NICC's response obligations as described in the institutional action section.

Section 14.04 Scope of the Policy

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

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that

could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time, including during non-business hours, by using the contact information listed for the Title IX Coordinator and/or their designee(s).

Individuals are responsible for immediately reporting any knowledge or information concerning sexual harassment to the NICC Title IX Coordinator or their designee(s) identified in this policy which covers unwelcome conduct of a sexual or gender-based nature, whether committed on-campus, or off-campus where NICC has control over the respondent or the context of the harassment.

NICC offers confidential counseling resources through Morningstar Counseling and encourages victims of sexual issues to work with a counselor.

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

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

Section 14.05 Assistance Following an Incident of Sexual Harassment

- **Immediate Assistance:**
Persons who have complaints of sexual harassment may file their complaints with the Title IX Coordinator:

Title IX Coordinator	Phone	Email	Location
Anthony Warrior	402-241-5943	SanAWarrior@thenicc.edu	Santee Campus

Victims of sexual violence should get to a place of safety and call 911 or their nearest police department:

Campus	Police Contacts
Macy, NE	<ul style="list-style-type: none"> Omaha Nation Police Department 402-837-5906 Thurston County Sheriff's Office 402-385-3018 Walthill Police Department 402-846-5685 Winnebago Police Department/BIA 402-878-2245
Santee, NE	<ul style="list-style-type: none"> Santee Police Department 402-857-2527 Knox County Sheriff's Office 402-288-4261 Niobrara Police Department 402-857-2772 Yankton (SD) City Police Department 605-668-5210
South Sioux City, NE	<ul style="list-style-type: none"> South Sioux City (NE) Police Department 402-494-7512 Dakota County Sheriff's Office 402-987-2188 Dakota City (NE) Police Department 402-987-2182 Vermillion (SD) Police Department 605-677-7070 Sioux City (IA) Police Department 712-279-6440 North Sioux City (SD) Police Department 605-232-4301

**Note* These contacts are also helpful for witnesses.*

Obtain necessary medical treatment; time is a critical factor for evidence collection and preservation. An assault should be reported directly to a law enforcement officer, and college officials will aid in facilitating this process. Filing a police report will not obligate the complainant to prosecute, nor will it subject the reporting party to scrutiny or judgmental opinions from officers. Filing a police report will ensure that a complainant of sexual violence receives the necessary medical treatment and tests, at no expense to the complainant to the extent provided for by Nebraska and Oklahoma law, and provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later.

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

Morningstar Counseling (<https://www.morningstar-counseling.com/>) provides free counseling services to all NICC students. They have offices in the following locations:

Macy, NE (on campus)	Santee, NE	Walthill, NE
1111 Hwy 75	110 Visiting Eagle St.	104 S. Cosetello

Telehealth and online services are available for all NICC students and employees free of charge. Contact Dr. Belinda Hinojos at 402-417-3884 or dr.hinojos@morningstar-counseling.com to set up an appointment, or use their website: (<https://www.morningstar-counseling.com/schedule-appointment>).

Campus	Local Support Services
Macy, NE	<p>ONCRT- Walthill www.omahanationcrt.org 312 Main St. Fl. 2 Walthill, NE 402-846-5280</p> <p>Winnebago Tribe Domestic Violence Program Michelle Anderson, Director, Michelle.Andersen@winnebago-tribe.com</p> <p>Omaha Tribe Domestic Violence Program John Penn, Director of Omaha Tribe Family Services, john.penn@theomahatribe.com</p>
Santee, NE	<p>H.E.A.R.T program DTSU (SAFE HOUSE) Ponca Tribe Domestic Violence Program - Andrea Rodriguez, Director, arodriguez@poncatrib-ne.org</p> <p>Santee Sioux Nation Domestic Violence Program - Dana Yunker, Director, yunkerdana0909@gmail.com - Danielle LaPointe, Director of Santee's Social Services Program (the domestic violence program is under this department, danlapointe7@gmail.com</p>
South Sioux City, NE	<p>Ponca Tribe Domestic Violence Resources 712-258-0500 https://www.poncatrib-ne.org/services/domestic-violence/</p> <p>Council on Sexual Assault for Woodbury County 712-635-5244 - Contact: Lisa M. Greely</p> <p>Bright Horizons, https://brighthorizonsne.org/ Haven House, https://havenhousefsc.com/ CSADV, safeplacesiouxland.org</p> <p>Council on Sexual Assault and Domestic Violence Legal Aid of Nebraska- Native American Program</p>

- Contact: Kirby Williams (Domestic Violence Outreach Coordinator)
- 209 S. 19th Street, Suite 200 Omaha, NE 68102
- 402-348-1069 ext. 269 or 888-991-9921 ext. 269

<i>By State</i>	
Nebraska	Oklahoma
<ul style="list-style-type: none"> Nebraska Coalition to End Sexual and Domestic Violence 402-476-6256 www.nebraskacoalition.org 	<ul style="list-style-type: none"> Oklahoma Safeline - 1-800-522-7233 (SAFE) Oklahoma Safeline - Oklahoma City Metro Area - 405-522-7233 (SAFE) Oklahoma Coalition Against Domestic Violence/Sexual Assault 405-524-0700 (M-F/9-5)

<i>National Resources</i>
<ul style="list-style-type: none"> National Domestic Violence Hotline - 1-800-799-7233 (SAFE) Rape, Abuse & Incest National Network Hotline - 1-800-656-4673 (HOPE) Communication Services for the Deaf (TTY) - 1-800-252-1017 (TTY) Communication Services for the Deaf (Voice) - 1-866-845-7445 (Voice) Strong Hearts Native Helpline 1-844-7NATIVE (762-8483) Love is Respect (call or text) 1-866-331-9474

Section 14.06 Title IX Coordinator and Staff

- Title IX Coordinator* has primary responsibility for overseeing the process of coordinating NICC's compliance efforts, receiving complaints, investigations, hearing, sanctions, appeals, and education and training associated with this policy. To file a complaint or submit questions concerning actions governed by this policy contact the Title IX Coordinator, Anthony Warrior (Human Resources Director).

Title IX Coordinator	Phone	Email	Location
Anthony Warrior	402-241-5943	SanAWarrior@thenicc.edu	Santee Campus

- Deputy Title IX Officers* have the secondary responsibility and assist in the duties of the Title IX Coordinator. Deputy Title IX Officers include Dr. Kristine Sudbeck (Dean of Academic Affairs) and Dawne Price (Dean of Student Services).

Deputy Title IX Officers	Phone	Email	Location
Dr. Kristine Sudbeck	402-241-5900	KSudbeck@thenicc.edu	Macy Campus
Dawne Price	402-241-5908	DPrice@thenicc.edu	Macy Campus

- *Title IX Investigators* may include but not be limited to NICC faculty and staff members who serve on the Title IX Team (with at least two trained members at each campus location). The primary responsibility of the investigator is to collect statements and any evidence directly related to any allegations of a Title IX policy violation as directed by the Title IX Coordinator. Investigators will receive appropriate Title IX and trauma informed training.
- *Title IX Hearing Officer* may include an NICC administrator or external legal counsel. The primary responsibility of the hearing officer will be to ensure both parties receive due process in the event allegations of a Title IX policy violation are directed to a hearing by the Title IX Coordinator. Hearing Officers will receive appropriate Title IX and trauma informed training.
- *Title IX Hearing Member* may include NICC faculty or staff members. The primary responsibility of the hearing member is to listen to both sides of the complaint. Each hearing member will evaluate the information being provided by both parties to make a decision whether or not a Title IX policy violation took place. Hearing members will receive appropriate Title IX training.

Section 14.07 Definitions

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

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

- A. *Sex Discrimination*: includes sexual harassment and is defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education, or institutional benefits, on account of sex or

gender (including sexual orientation, gender identity, and gender expression discrimination). It may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

B. *Sexual Harassment*: is unwelcome and discriminatory speech or conduct undertaken because of an individual's gender or is sexual in nature and is so severe, pervasive, or persistent, objectively and subjectively offensive that it has the systematic effect of unreasonably interfering with or depriving someone of educational, institutional, or employment access, benefits, activities, or opportunities. Students, employees, and visitors who are subject to or who witness unwelcome conduct of a sexual nature are encouraged to report the incident(s) to the Title IX Coordinator or any NICC employee. Employees who are subject to unwelcome conduct of a sexual nature are encouraged to report the incident(s) to the Title IX Coordinator or any NICC employee. Employees who witness or receive reports of unwelcome conduct of a sexual nature are required to report the incident(s) or reports received to the Title IX Coordinator.

1. *Hostile Environment*: Sexual Harassment includes conduct that is sufficiently severe, pervasive, or persistent, objectively and subjectively offensive that it alters the conditions of education or employment or institutional benefits of a reasonable person with the same characteristics of the victim of the harassing conduct. Whether conduct is harassing is based upon examining a totality of circumstances, including but not limited to:
 - The frequency of the conduct;
 - The nature and severity of the conduct;
 - Whether the conduct was physically threatening;
 - Whether the conduct was deliberate, repeated humiliation based upon sex;
 - The effect of the conduct on the alleged victim's mental or emotional state from the perspective of a reasonable person;
 - Whether the conduct was directed at more than one person;
 - Whether the conduct arose in the context of other discriminatory conduct;
 - Continued or repeated verbal abuse of a sexual nature, such as gratuitous suggestive comments and sexually explicit jokes; and
 - Whether the speech or conduct deserves constitutional protections.
2. *Quid Pro Quo Sexual Harassment* exists when individuals in positions of authority over the complainant:
 - Make unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
 - Indicate, explicitly or implicitly, that failure to submit to or the rejection of such conduct will result in adverse educational or employment action or where participation in an educational program

or institutional activity or benefit is conditioned upon the complainant's submission to such activity.

Examples of Harassment:

- An instructor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student agrees to the request.
- A student repeatedly sends sexually oriented jokes around in an email list he or she created, even when asked to stop, causing one recipient to avoid the sender on campus and in the dorms in which they both live.
- The instructor probes for explicit details, and demands that students respond to him or her, though they are clearly uncomfortable and hesitant.
- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to his clear discomfort.

C. *Sexual Violence* refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (*e.g.*, due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by school employees, other students, or third parties.

1. *Non-Consensual Sexual Contact* is any intentional touching, however slight, whether clothed or unclothed, of the victim's intimate body parts (primarily genital area, groin, inner thigh, buttock or breast) with any object or body part, without consent and/or by force. It also includes the touching of any part of a victim's body using the perpetrator's genitalia and/or forcing the victim to touch the intimate areas of the perpetrator or any contact in a sexual manner even if not involving contact of or by breasts, buttocks, groin, genitals, mouth or other orifice. This definition includes sexual battery and sexual misconduct.
2. *Non-Consensual Sexual Intercourse* is defined as any sexual intercourse or penetration of the anal, oral, vaginal, genital opening of the victim, including sexual intercourse or penetration by any part of a person's body or by the use of an object, however slight, by one person to another without consent or against the victim's will. This definition includes rape and sexual assault, sexual misconduct, and sexual violence.
 - a) *Rape*: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator. Sexual penetration means the penetration, no matter how slight, of the vagina or anus with any

body part or object, or oral penetration by a sex organ of another person. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.

3. *Sexual Coercion* is the act of using pressure (including physical pressure, verbal pressure or emotional pressure), alcohol, medications, drugs, or force to have sexual contact against someone's will or with someone who has already refused. This includes rape, sexual assault, sexual exploitation and sexual misconduct.
 4. *Dating Violence* is violence between individuals in the following circumstances:
The party is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - The existence of such a relationship shall be determined based on a consideration of the following factors:
 - Length of the relationship
 - Type of relationship
 - Frequency of interaction between the persons involved in the relationship
 5. *Domestic Violence* under NICC policy means violence committed by a current or former spouse of the victim;
 - A person with whom the victim shares a child in common;
 - A person who is cohabitating with or has cohabitated with the victim as a spouse;
 - A person similarly situated to a spouse of the victim under Nebraska or Oklahoma domestic or family violence laws;
 - Any other person against an adult or youth victim who is protected from that person's acts under Nebraska or Oklahoma domestic or family violence laws.
- D. *Advisor*: A person who has agreed to assist a complainant or respondent during the Title IX process. The advisor may be a person of the student's choosing, including but not limited to a NICC faculty or staff member, a friend or an attorney.
- E. *Complainant*: an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- F. *Respondent*: an individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination or sexual harassment.

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

Section 14.08 Consent

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

- A. Consent is informed, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity.
- B. Consent to one form of sexual activity cannot imply consent to other forms of sexual activity.
- C. Previous relationships or consent does not imply consent to future sexual acts.
- D. Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity.
- E. In order to give effective consent, one must be of legal age and have the capacity to consent. Incapacity may result from mental disability, intellectual disability, unconsciousness/sleep, age, or use of alcohol, drugs, medication, and/or other substances. Consent given by someone who one should know to be, or based on the circumstances, reasonably should have known to be, mentally or physically incapacitated, is a policy violation. Incapacitation is a state where someone cannot make rational, reasonable decisions because he or she lacks capacity to give knowing consent. Note: indications of consent are irrelevant if the initiator knows or should reasonably have known of the incapacity of the other person.

Examples of when a person should know the other is incapacitated include, but are not limited to:

- The amount of alcohol, medication or drugs consumed,
- Imbalance or stumbling,
- Slurred speech,
- Lack of consciousness or inability to control bodily functions or movements, or vomiting, or
- Mental disability or incapacity.

F. Use of alcohol, medications, or other drugs will not excuse behavior that violates this policy.

Section 14.09 Reporting

A. *Mandatory Reporting*

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

B. *Confidential Reporting*

The right to have the college maintain and protect: records of conduct, financial information, counseling, or reports, and shall not discuss in any manner off or on the job with any person without legitimate interest or credential. Outside agencies will only be contacted in cases of emergency or with release by the person involved. Resources are available through Morningstar Counseling. Staff, counselors, and victims' advocates at Morningstar Counseling are available to speak with any person who wishes to report an incident and remain anonymous. All forms of sexual harassment should be reported, no matter the severity. In addition, NICC should be made aware of possible threats to the campus community in order to issue timely warnings.

C. *Reporting to the Police*

NICC strongly encourages anyone to report sexual violence and any other criminal offenses to the police. This does not commit a person to prosecution, but will allow the gathering of information and evidence. The information and evidence preserve future options regarding criminal prosecution, College disciplinary actions and/or civil actions against the respondent.

- The incident can be reported to the local law enforcement with jurisdiction in the location where it occurred. Know that the

information you report can be helpful in supporting other reports and/or preventing further incidents.

Campus	Police Contacts
Macy, NE	<ul style="list-style-type: none"> Omaha Nation Police Department 402-837-5906 Thurston County Sheriff's Office 402-385-3018 Walthill Police Department 402-846-5685 Winnebago Police Department/BIA 402-878-2245
Santee, NE	<ul style="list-style-type: none"> Santee Police Department 402-857-2527 Knox County Sheriff's Office 402-288-4261 Niobrara Police Department 402-857-2772 Yankton (SD) City Police Department 605-668-5210
South Sioux City, NE	<ul style="list-style-type: none"> South Sioux City (NE) Police Department 402-494-7512 Dakota County Sheriff's Office 402-987-2188 Dakota City (NE) Police Department 402-987-2182 Vermillion (SD) Police Department 605-677-7070 Sioux City (IA) Police Department 712-279-6440 North Sioux City (SD) Police Department 605-232-4301

- Reporting for Faculty and Staff (Non-Student) Instances: Faculty and staff shall report any instances of sexual harassment by another faculty or staff member to the Title IX Coordinator. As stated above, NICC also strongly encourages reporting any instances to the police.
- Employee Obligation to Report (Student Instances): In compliance with Title IX, employees who become aware of a student instance of sexual harassment shall immediately report such instance to the Title IX Coordinator, including the name of the persons involved.

D. Reporting of Student Instances

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

After receiving a report or notice of an incident, the Title IX Coordinator will promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the

process for filing a formal complaint. A complainant's wishes with respect to whether the NICC investigates should be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.

NICC will promptly take necessary steps to protect the complainant and ensure safety as necessary, including taking interim steps before the final outcome of any investigation once a report or knowledge of sex discrimination or sexual harassment has occurred. Periodic updates on the status of the investigation will be provided to the complainant. If the school determines that the sexual violence occurred, NICC will continue to take these steps to protect the complainant and ensure his or her safety, as necessary. NICC will provide the complainant with any available resources, such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, legal assistance, and assistance in reporting a crime to local law enforcement.

Section 14.10 Written Notice of Complaint

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

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

Section 14.11 Investigation

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

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

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

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

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

Section 14.12 Mandatory or Permissive Dismissal

Mandatory Dismissal must occur when determined in the course of the investigation that allegation in a formal complaint: (1) does not impact anyone who currently participates with NICC's program(s) or activities; (2) did not constitute sexual harassment as defined; and (3) did not occur against a person within the US. Both parties must receive written notice of a mandatory dismissal and reasons.

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

permissive dismissal and reasons.

NICC may still address allegations of misconduct under the Student Code of Conduct.

Section 14.13 Institutional Action

- A. *Mediation* is a method of informal resolution. Informal resolutions are prohibited unless a formal complaint of sexual harassment is filed. Mediation may include conflict resolution or a restorative agreement between the parties with a trained Title IX Officer presiding over the mediation. Participation in mediation is not mandatory, but will only take place with the consent of both parties involved. Mediation may only be used:
1. Prior to a Notice of hearing being issued;
 2. When a trained Title IX Officer determines this is a suitable option for resolving the concern, and both the Complainant and Respondent agree to use the process;
 3. When the complaint does not involve sexual violence as defined in the Title IX Policy.
 4. When both parties acknowledge receipt of written notice of their rights under this policy and both parties provide written, voluntary consent.
 5. Mediation is not available when the complaint alleges a NICC employee harassed a student.

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

B. *Title IX Hearing*

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

The hearing members shall include at least one trauma trained individual in sex discrimination or sexual harassment adjudication to include a trained Title IX Officer as the hearing officer and three members of faculty and staff as hearing members. The selection of the hearing members will be made by

the Title IX Coordinator. Criteria for the hearing committee will include: 1) have received all appropriate training, 2) not a current instructor of either party involved, 3) have no previous substantive or direct knowledge of the incident, and 4) have no other perceived conflict of interest as determined by interview process with the Title IX Coordinator.

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

- Read and understand the Title IX Policy and Procedures, which include the hearing process.
- Read and understand all of the information of the Title IX case provided by the Coordinator prior to the hearing as part of a hearing packet.
- Read and understand the procedures of the Title IX hearing provided by the Coordinator prior to the hearing as part of a hearing packet.
- Have a clear understanding of the incident in question before going into deliberations for a decision.
- Decide the outcome (majority vote) and sanctions if needed based on the information presented, hearing notes, and the NICC Title IX Policy.
- Provide copies of notes, if made, to the hearing officer. The hearing officer will inform the parties of the decision at the hearing and send a letter as described in this policy.

Complainant's Rights:

- Be given a written explanation of the allegations and the hearing process;
- Have access to evidentiary material in advance of the hearing;
- Be present during the entire hearing;
- Be accompanied by an advisor during the hearing. The advisor is limited to advising the student and may not present the case, or make statements during the proceedings. Students must provide NICC with the name and contact information for the student's advisor as soon as practical but at least three (3) days prior to the hearing (if the advisor is an attorney, NICC's attorney will also be present for the hearing);
- Be given a timely hearing;
- Exclude evidence of the victim's past sexual history from discussion during the hearing. The past sexual history of the victim with persons other than the respondent shall be presumed irrelevant;
- Clarifying that evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of sexual harassment;
- Written notification of the outcome of the hearing including any sanctions; remedies/accommodations for the complainant; additional remedies for the school community;

- Written notification of any external counseling services that may be available;
- Written notification of options for changing academic, living, transportation, and work site situations if reasonable;
- Written notification of an avenue for appeal.

Respondent's Rights:

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

The hearing will include opening statements, each party's evidence and witnesses, and closing statements. Students are permitted to be present during the disciplinary hearing (except during deliberations of the panel). Students are permitted to make statements, present witnesses and present evidence during the hearing which has been previously collected and approved during the investigation process. Witnesses and evidence need to be directly related to the incident. The standard of proof used in NICC Title IX Hearings is the preponderance of the evidence, which means the determination to be made, is whether it is more likely than not a violation occurred. This is significantly different than proof beyond a reasonable doubt, which is required for a criminal prosecution. In-person hearings are preferred, but videoconference hearings may be conducted if the hearing officer determines that the health, safety and welfare of all participants is better served by the alternate meeting mode.

Section 14.14 Outcome

If it is determined under the preponderance of evidence standard (more likely than not to have occurred) that the respondent is not responsible for a Sex

Discrimination or Sexual Harassment policy violation the complaint will be dismissed.

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

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

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

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

- *Restriction* – A limitation on a student’s privileges for a period of time and may include but not be limited to the denial of the use of facilities or access to parts of campus, denial of the right to represent NICC.

- *Service Project* – Community service or an education class or project beneficial to the individual and campus or community.
- *Behavioral Change Requirement* – Required activities including but not limited to, seeking academic counseling, substance abuse assessment, decision making class, writing a reflection paper, etc.
- *Probation Level II* – Adds to Level I the stipulation that students are prohibited from participating in any extracurricular activities not directly associated with academics (e.g., intramural sports, attending athletic events, student organizations/clubs/associations, leadership positions within housing or other organizations). Students must apply to get off Conduct Probation Level II by submitting documentation of their significant proactive efforts to become good citizens of the community and engage in responsible, productive behavior.
- *Suspension* – If warranted by the severity of the incident, exclusion from enrollment in classes and other privileges or activities for a definite period of time not to exceed three years and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended from NICC are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise directed by the Dean of Student Affairs. Conditions to conclude a suspension and reinstatement process will be stated in the written notification. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record. Any refund of tuition or fees will be subject to NICC's normal withdrawal policy.
- *Expulsion* – Termination of student status for an indefinite period. The conditions for readmission, if any, shall be stated in the hearing outcome letter. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record. Any refund of tuition or fees will be subject to NICC's normal withdrawal policy. Expulsion should be reserved and used only in cases involving the most severe instances of misconduct.

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

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

Both parties will be notified of the outcome in writing by certified mail or other agreed upon form of notice within five business days after the hearing at the same time. Both parties have the right to appeal the decision reached through the hearing proceedings within five days after the hearing.

Section 14.15 Appeal Procedures

An appeal is not a new hearing, but is a review of the record of the original hearing. It serves as a procedural safeguard for the student. The burden of proof shifts from NICC to the student(s) found responsible for the policy violation. The student must show one or more of the listed grounds for an appeal.

- A. Appeals must be submitted in writing to the President within five (5) working/school days of receiving the decision. Failure to file an appeal within the prescribed time constitutes a waiver of any right to an appeal.
- B. The appeal must cite at least one of the following criteria as the reason for appeal and include supporting argument(s):
 1. The original hearing was not conducted in conformity with prescribed procedures and substantial prejudice to the complainant or the respondent resulted.
 2. The evidence presented at the previous hearing was not “sufficient” to justify a decision against the student or group.
 3. New evidence which could have substantially affected the outcome of the hearing has been discovered since the hearing. The evidence must not have been available at the time of the original hearing. Failure to present information that was available is not grounds for an appeal.
 4. The sanction is not appropriate for the violation. This provision is intended to be utilized when a determined sanction is inherently inconsistent with NICC procedures or precedent. Simple dissatisfaction with a sanction is not grounds for overturning a sanction under this provision.
- C. The President will review the record of the original hearing, including documentary evidence. It is the President’s discretion to convert any sanction imposed to a lesser sanction, to rescind any previous sanction, or to return a recommended sanction to the original hearing committee for review/or reconsideration. If there is new evidence (unavailable at the time of the hearing through no fault of the parties) which is believed to substantially affect the outcome, or evidence presented at the previous hearing(s) was “insufficient” to justify a decision against the student or group, or a finding that a substantial procedural error resulting in prejudice occurred, the matter may be remanded to either a rehearing of the entire matter or reconsideration of specific issues. If remanded to the original hearing committee, either or both students may appeal the committee’s decision to the President and the procedures set out above shall control the appeal.
- D. The final decision will be communicated in writing by the President to the appealing student(s). The decision will be communicated within ten (10) working/school days of receiving the written recommendation. Both parties will be notified of the final outcome of the appeal.

E. The decision of the President on appeal shall be final.

Section 14.16 NICC Officers and Designees

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

Section 14.17 Recordkeeping Protocol

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

Section 14.18 Prevention and Education

Education

NICC requires all employees to take the following educational- training courses on an annual basis. Employees may be required to be recertified on demand. Failure to have a certification of this required training may result in appropriate disciplinary action. Additional in-person trainings are also offered periodically and on request.

A. Bystander Intervention

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

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

B. *Risk Reduction Tips*

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

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

C. *Potential Aggressor*

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

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- DON'T MAKE ASSUMPTIONS about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go; or about whether they are physically and/or mentally able to consent.
- If there are any questions or ambiguity, then you DO NOT have consent.

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

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

Section 14.19 Training

Training on sexual misconduct: discrimination, harassment, and violence is

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included in NICC's education program.

In-person training for student groups and students will be conducted through a variety of presentations, student orientation, and other meetings. In-person training for Active Bystander Intervention skills may include: On-going campus campaigns and information at a variety of events concerning the policy and appropriate behaviors, including Bystander Intervention. Informational website and brochures devoted to educating students will be presented at prevention workshops. When in-person training is neither practical nor safe, alternative modes of training shall be utilized.

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

Section 14.20 Retaliation

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

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

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

- *Suspension* – Exclusion from enrollment in classes and other privileges or activities for a definite period of time not to exceed three years and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended from NICC are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise directed by the Dean of Student Affairs. Conditions to conclude a suspension and reinstatement process will be stated in the written notification. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record. Any refund of tuition or fees will be subject to NICC's normal withdrawal policy.

Section 14.21 Free Speech and Academic Freedom

Members of the NICC community enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution. This policy is intended to protect members of the NICC community from discrimination and is not designed to regulate protected speech. No provision of this policy shall be interpreted to prohibit conduct that is legitimately related to course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic or literary expression of students in classrooms and public forums. However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or state anti-discrimination laws.

Section 14.22 Availability of other Complaint Procedures

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

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

Office of Civil Rights:
Kansas City Field Office: OCR.KansasCity@ed.gov, (816) 268-0550;
Washington D.C.: OCR@ed.gov 1-800-421-3481

Equal Employment Opportunity Commission:
Oklahoma City Field Office: 1-800-669-4000;
Washington D.C.: 1-800-669-4000, Eeoc.gov/contact/

ARTICLE XV: COLLEGE TRAVEL

Section 15.01 Purpose

Procedures for handling travel requests and to set up the method to calculate travel requests by college employees or individuals on behalf of the college.

Section 15.02 Contents

The travel request shall be completed prior to travel on the approved form which contains all of the pertinent information in relation to the travel. The approved form contains the name, title, name of the requested travel, dates of travel, sponsoring fund, benefit, estimated budget (including all costs), a table detailing what checks need to be created, and the applicant's, the supervisor's and the President's signature. An agenda of the event should be included when available.

Section 15.03 College Vehicle Use

It is expected that every effort will be made to utilize college vehicles whenever possible. The college is committed to utilizing its own vehicles for travel.

- (a) The college will reimburse fuel receipts when utilizing college vehicles with appropriate documentation including a completed and verified travel log.
- (b) College vehicles are to be operated and used only by approved College employees or individuals (full or part-time), contractual personnel or Board of Directors. Approved drivers herein referred to as individual(s).
- (c) College vehicles are to be utilized only for official college use.
- (d) Official college use shall be defined as on the clock time traveling for specific college use but shall not be for transportation to and from home and work site.
- (e) It is the responsibility of the employee or individuals to make arrangements to utilize college vehicles.
- (f) Employees or individuals driving college vehicles must have their driver's license and insurance card on file with Human Resources.
- (g) Employees or individuals approved to drive on college business are required to inform Human Resources of any changes that may affect either their legal or physical ability to drive or their continued insurability.
- (h) It is the employee's or individual's responsibility to ensure appropriate fuel level and cleanliness of the vehicle upon return.

Section 15.04 Vehicle Rental

The College only utilizes rental vehicles in extreme circumstances. The employee requesting a rental vehicle must detail how utilizing a rental vehicle will be a cost savings to the college. Rental vehicles must be returned with the same fuel level as when it was received.

Section 15.05 Ground Travel

Ground travel is identified as mileage or other ground travel fees, such as taxis or shuttles. The college utilizes the Federal Mileage rate for the purposes of a per mile reimbursement to employees. The mileage rate shall be determined utilizing www.gsa.gov. Please utilize the chart for determining the appropriate amount for the mileage rate. On certain, rare occasions, the full mileage rate may be paid to an individual for private vehicle use at the full mileage rate, but these occasions must fully document that no college vehicle was available, or the increased need to utilize a personal vehicle would be a cost savings to the college. It is expected that all college employees will utilize a college owned vehicle for business travel unless it is pre-approved otherwise. Employees using personal vehicles will be subject to the GSA approved reduced mileage rate.

Section 15.06 Per Diem

The College offers per diem for travel. The method that the per diem is calculated is by going to www.gsa.gov and selecting the appropriate destination and utilizing the rate specified under M & IE rate. Please make a special note that during the first and last days of your travel, i.e. Travel Days, the per diem rate .75 of the total rate. An additional note includes that if meals are provided with your registration or the meeting, each meal should be deducted from the per diem rate at .25 per meal. The per diem rates are established for travels of more than one day.

Section 15.07 Receipts Required

Receipts are required for all college expenditures. These receipts include parking, taxi, shuttle, fuel receipts, registration, hotel and any other items purchased with college funds. Business expenses that need to be reimbursed should be detailed on the approved form and submitted for approval within 5 working days. Expenses not submitted and approved in a timely manner will be withheld from the employee's next paycheck, or not reimbursed as appropriate.

Section 15.08 Mode of Transportation

The College assumes that each employee will take the lowest cost form of transportation when dealing with mileage or airfare. When determining whether to drive or to fly to a destination, calculate the mileage, per diem, time and lodging versus the cost of a flight, parking and the estimate of the taxi or shuttle service. The lowest prevailing cost will be the cost that the college will provide for employee travel.

Section 15.09 Lodging

Lodging should be selected based upon the most economical hotel accommodations available, with some priority given the hotel hosting the event. Incidental charges are the employee's responsibility.

Section 15.10 Vacation in Conjunction with Business Travel

In cases where vacation time is added to a business trip, any cost variance in airfare, car rental and/or lodging must be clearly identified on the travel request form. The college will not prepay or reimburse any personal expenses.



NEBRASKA INDIAN COMMUNITY COLLEGE

EMPLOYEE HANDBOOK ACKNOWLEDGMENT

I, _____ have received a copy of the Nebraska Indian Community College Employee Handbook. I pledge to thoroughly read the Employee Handbook within 72 hours of receiving it in order to understand the policies, procedures, and expectations outlined. If I have any questions I will talk with Human Resources. I pledge to abide by the policies, procedures, and expectations outlined in the NICC Employee Handbook.

Employee Signature

Date

Human Resources Signature

Date